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110 N. Poplar Street • PO Box 218 • West Branch, Iowa 52358  
(319) 643-5888 • Fax (319) 643-2305 • [www.westbranchiowa.org](http://www.westbranchiowa.org) • [city@westbranchiowa.org](mailto:city@westbranchiowa.org)

**SPECIAL**  
**PLANNING AND ZONING COMMISSION MEETING**  
**Tuesday, May 01, 2018 • 7:00 p.m.**  
**West Branch City Council Chambers, 110 N. Poplar St.**  
*Council Quorum May Be Present*

1. Call to Order
2. Roll Call
3. Approve Agenda/Consent Agenda/Move to action.
  - a. Approve minutes from the March 27, 2018 Planning and Zoning Commission Meeting./Move to action.
4. Public Hearing/Non-Consent Agenda./Move to action.
  - a. Discuss and approve a request for rezoning a parcel of land for CB-1 to RB-1 and set a date for a Public Hearing.
  - b. Discuss the Planned Unit Development Ordinance
  - c. Discuss Comprehensive Plan progress
5. City Staff Reports
6. Comments from Chair and Commission Members
7. The next regularly-scheduled Planning and Zoning Commission Meeting – May 22, 2018 at 7:00 p.m.
8. Adjourn

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**Planning & Zoning Commission Members:** Chair John Fuller, Vice Chair Ryan Bowers, Sally Peck, Gary Slach, Emilie Walsh, Tom Dean, Vacant • **Zoning Administrator:** Terry Goerdt • **Deputy City Clerk:** Leslie Brick  
**Mayor:** Roger Laughlin • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Nick Goodweiler, Jodee Stoolman  
**City Administrator/Clerk:** Redmond Jones II • **Fire Chief:** Kevin Stoolman • **Library Director:** Nick Shimmin  
**Parks & Rec Director:** Melissa Russell • **Police Chief:** Mike Horihan • **Public Works Director:** Matt Goodale

*(These minutes are not approved until the next Commission meeting.)*

**City of West Branch Planning & Zoning Commission Meeting**  
**March 27, 2018**  
**West Branch City Council Chambers, 110 North Poplar Street**

Chairperson John Fuller opened the meeting of the Planning & Zoning Commission at 7:02 p.m. welcoming the audience and following City Staff, Deputy City Clerk Leslie Brick, Public Works Director Matt Goodale, Zoning Administrator Terry Goerdt and Mayor Roger Laughlin. Commission Members Ryan Bowers, Gary Slach and Tom Dean were present. Absent: Peck, Walsh and Stevenson.

**Approve Agenda/Consent Agenda/Move to action.**

Approve the March 27, 2018 agenda.

Motion by Bowers, second by Slach to approve the agenda. Motion carried on a voice vote.

Approve the minutes from the January 23, 2018 Planning and Zoning Commission Meeting.

Motion by Dean, second by Bowers to approve the minutes. Motion carried on a voice vote.

**Public Hearing/Non-Consent Agenda**

Discussion- Concept Plan for Cedar's Edge Golf Course – Jerry Sexton

Sexton presented a concept plan for Cedar's Edge Golf Course which includes a new clubhouse and wedding venue center, additional parking, 17 lots zoned R-1, 9 lots zoned R-2 and 1 commercial lot at the northwest side of the property. Sexton said the commercial lot would be used primarily for golf cart and maintenance sheds and possibly commercial storage. Sexton asked the commission for their feedback as he is working with design engineers on finalizing plans. Fuller questioned the type of storage facility Sexton was planning and Sexton replied that it would be similar to Lynch Storage on N. 4<sup>th</sup> Street. Fuller also asked why the streets were drawn as private streets. Fuller said his preference was that the streets be city streets rather than private to eliminate future maintenance issues. Goerdt and Schechinger agreed that the streets should be built to city standards. Fuller also expressed concern with lots 11 through 17 being only accessible from Cedar Johnson Road. He felt it would be more desirable to have those residences access the street on the east. Fuller also commented that rezoning would be required for the concept plan in order to accommodate Sexton's request. After further discussions, the commission agreed they were satisfied with the plan with the following changes; building all streets to city code then dedicating them to the city (up to the access point of the golf course entrance), clarifying street widths, making a few changes to the commercial lot, and consider changing the residential access for lot 11 and 17.

Discussion – Potential Retail Space – Dollar General

Deputy Clerk Brick advised the commission that a representative from Dollar General had been searching for land to purchase and build a store in West Branch. The representative has looked at a few lots within the city, but has been unable to secure property at this time. Brick asked the commission if they had any specific issues with this venture. The consensus of the commission was that they were not a fan of the typical architecture of the standard Dollar General Store and would have concerns if the aesthetics were not addressed to match the current historic nature of West Branch depending on location. The commission felt that the store would be best suited on the south side of Interstate 80.

Discussion – Cluster Box Units for new developments

Deputy Clerk Brick brought the issue of cluster mailboxes to the attention of the commission due to a recent situation with a developer. The developer was upset saying they were unaware of the post office's requirement for cluster boxes and the additional expense they would incur. Brick said she was notified last fall that the post office now requires all new subdivisions to install cluster box units for mail delivery, curbside delivery is being phased out. Brick suggested that this item be added to the site plan checklist to alert developers of the postal requirements. Fuller asked Brick to follow-up on the post office requirements and report back to the commission on her findings.

#### Review of draft Ordinance change to Chapter 170

Fuller suggested a couple of minor wording changes to the ordinance but overall the commission was fine with the changes. Bowers made a motion to accept the revised ordinance and delete the old language as shown. Slach seconded the motion. Fuller called for a commission vote on the approval of (Ordinance 749).

Motion by Bowers, second by Slach. AYES: Bowers, Slach, Fuller and Dean. NAYS: None. Motion carried.

#### Review Planned Unit Development (PUD) draft ordinance

Fuller presented a revised PUD draft ordinance and asked the commission to review his changes. He asked Brick to forward to the city attorney for his review. Fuller said this item would be brought back to the next meeting for discussion and/or approval.

#### Discussion – Transportation Chapter

Fuller said he was not able to provide an update on this subject at this time.

### **COMMENTS FROM CHAIR AND COMMISSION MEMBERS**

Fuller shared information on a bike sharing program taking place in Iowa City as well as information on a Bi-State Alternative Fuels Vehicle Summit taking place on April 3, 2018. Fuller invited the mayor and Goodale to attend.

Slach said he was asked by a resident about erosion control at the Hilltop condo development site and who was responsible for enforcing it. Schechinger said that erosion control is required per the site plan and will have Goodale contact the developer to get it installed as soon as possible before any issues arise.

Laughlin reported on Alliant Energy vehicle charging stations and said that a location was chosen at the Water Street parking lot. Laughlin said he would work with Superintendent Pete Swisher on the subject. He also said he had received the final report from USGS on the flood inundation model and the report shows that a main issue for flooding is due to a downstream outflow issue near Beranek Park. Laughlin said he would be sharing the information with the City Council and work on addressing the issue. He also mentioned that a committee has been created called Solarized Johnson County which will include West Branch. The purpose of this committee is to inform residents on the benefits of solar energy. Solar Power Hour meetings will be held at the West Branch Public Library on May 3<sup>rd</sup> and June 27<sup>th</sup>.

#### Adjourn

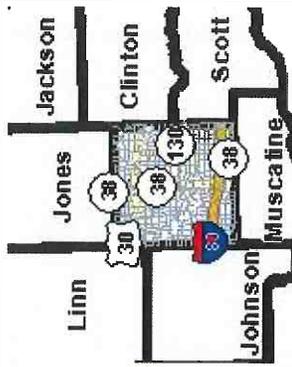
Motion by Dean, second by Bowers to adjourn the Planning & Zoning Commission Meeting. Motion approved on a voice vote. Meeting adjourned at 8:31 p.m.

Submitted by:

Leslie Brick

Deputy City Clerk

# Cedar County, IA



### Legend

Road	<all other values>
Interstate	
US Highway	
State Numbered Highway	
Railroad	
Address Point	
Parcel	
Parcel Number/Acres	
Leased Land	
Corporate Limit Line	
Land Hook	
Park	
Section	
County Boundary	

### Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

April 15, 2018

City of West Branch  
PO Box 218  
West Branch, IA 52358

City of West Branch Planning and Zoning Commission:

The city of West Branch has a need for additional rental housing; and Kami and David Poppen have identified a property that could create new housing. Our proposal is to convert the building located at 116 N 1st Street into a duplex. This property is located in the downtown area and will require a zoning change in order to proceed with this proposal.

**Property description:**

116 N 1st Street is a 2 story building. The lower level is currently vacant and has been vacant for several years, but it was last used as a doctor's office. The building also has an apartment on the 2<sup>nd</sup> level. Figures 1 and 2 show a photo of the building and the land.



Figure 1: Photo of the front of the building

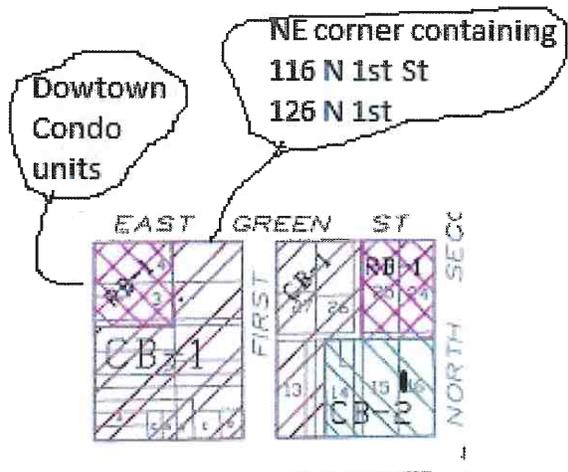
Figure 2: Aerial shot of 116 and 126 N First Street

**Zoning Change request**

The property is currently zoned as CB-1 which does not allow multi-family units. Thus we are requesting the city change the zoning to RB-1 (figure 3) to allow for multi-family units or business use on the property.

RB-1 is also the zoning for the downtown condo units in the NW corner of the block. Changing the zoning for the two properties in the NE corner, 116 N 1<sup>st</sup> and 126 N 1<sup>st</sup>, would make the entire North half of the block RB-1.

Figure 3 below showing the zoning for the corner of N Downey and E Green streets and Zoning for the corner of E Green and N 1<sup>st</sup> Streets.



**Future Plans:**

We have a long-term interest in acquiring additional property on the block, and if that were to happen we would be interested in combining the parcels and building additional multi-family units.

Figure 4 below shows the area for potential construction in the future if the area is rezoned to RB-1.



Please feel free to reach out to me at 319-471-3723 or [DKpoppen@hotmail.com](mailto:DKpoppen@hotmail.com) if you have any additional questions regarding our zoning change request.

Kind Regards,  


David Poppen

## Alternative PUD Ordinance for West Branch

### Discussion Item for 3-27-18 Planning & Zoning Meeting

**Introduction:** Our Commission has been considering a new city ordinance to allow suitable redevelopment of the Kroll Cement plant site. Our city attorney has provided a potential ordinance, based on that of Cedar Rapids. Based on additional investigation of Planned Unit Development (PUD) ordinances in a number of Iowa cities and elsewhere we believe a different ordinance from that of Cedar Rapids is appropriate and should be discussed.

### PUD Description

A planned unit development (or PUD) is an exception to the requirement of Iowa Code section 414.2 that there be general uniformity of regulations within a zoning district. Municipal planning authorities recognize that traditional zoning ordinance regulations that dictate specific uses, building lines and minimum-area requirements can be relaxed and made more flexible under appropriate circumstances.

PUD regulations can be incorporated into zoning ordinances in a number of different ways that will be described. These regulations typically merge zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, with the design flexibility to mix land uses, building types and densities.<sup>1</sup> This allows flexibility in zoning regulations for projects that are beneficial to the community and that support and further the goals of a Comprehensive Plan. The proposed PUD directly supports the Comprehensive Plan goal to “encourage redevelopment opportunities to revitalize unused property” (in the revised Comp. Plan p. 78) as well as supports the goals emerging in the updated Comp Plan in several areas, such as economic development, housing, transportation, and environmental stewardship, among others.

### Purpose of the PUD

The purpose of a PUD is to allow innovative, creative, and flexible development that is sensitive to economic, environmental, and cultural considerations in partnership with public values as outlined in the comprehensive plan. Approval of a planned unit development shall result in a change in a zoning district with specific requirements and standards that are unique to the planned unit development.<sup>2</sup>

The PUD is a negotiated private/public contract for land development rather than typical development following a set of minimum requirements.<sup>3</sup> The PUD is a binding development plan created under a permit review process and has the following additional purposes:

1. To permit greater flexibility and consequently more creative and imaginative design for the development of residential and business uses than is generally possible under conventional zoning regulations including alteration of bulk and scale requirements as may be included in the underlying zoning district;<sup>4</sup>

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<sup>1</sup> (American Planning Association)

<sup>2</sup> (Blaine WA Municipal Code)

<sup>3</sup> (Burlington IA City Code)

<sup>4</sup> (Blaine WA Municipal Code)

2. To promote more economical and efficient use of the land while providing a variety of housing choices, a higher level of city attractiveness and quality, and preservation or implementation of scenic open space;<sup>5</sup>
3. To promote infill development within established neighborhoods, and promote a higher density housing pattern with smaller-scale neighborhood retail and service uses that work to encourage non-vehicular trips;<sup>6</sup>
4. To promote the development of housing and mixed housing/commercial developments that generally emulate a traditional village setting that blends Main Street and residential zones in the City, and/or provides a truly unique development style that is not otherwise commonly available through other development entitlements;<sup>7</sup>
5. To provide incentive for cluster development to increase open space, avoid development within environmentally sensitive areas, and encourage remediation of brownfield sites;<sup>8</sup>
6. To increase the public benefit to the community and provide benefits to the developer that cannot be achieved through the standard subdivision or site development process.<sup>9</sup>
7. To correlate comprehensively the provisions of this title and all applicable plans; to encourage developments which will provide a desirable, attractive, and stable environment in harmony with that of the surrounding area.<sup>10</sup>
8. To implement goals identified within the Comprehensive Plan, especially goals relating to transportation, housing, commercial, land use/zoning, and public facilities. While not exhaustive, the following list provides examples:
  1. Support the Public Infrastructure goal to adopt the Complete Streets Policy by increasing walkability and pedestrian friendly transport (Comp. Plan p. 10)
  2. Support the vision of the Complete Streets policy to “provide safe and comfortable routes for walking, bicycling, and, in the future when practicable, public transportation” (revised Transportation Chapter 9, p. 5).
  3. Support the housing goals to provide a variety of housing types and costs as well as encouraging a range of affordable, accessible, decent, safe and sanitary rental housing options (Comp. Plan, p. 72); promote preservation, rehabilitation, and investment in the city housing stock and neighborhoods to improve housing opportunities (Comp. Plan, p. 8); and, address affordable housing needs by increasing aging-in-place ownership, rental options and inclusionary zoning (revised Housing Chapter 6, p. 4).
  4. Support the Economic Development goal to reuse, revitalize, and redevelop underutilized commercial properties (revised Ec. Dev. Chapter 7, p. 2); improve the local shopping atmosphere (revised Ec. Dev. Chapter 7, p. 2); retain and expand existing local businesses (Comp. Plan, p. 6); and, increase number of entrepreneurial firms (Comp. Plan, p. 7).
  5. Support the Administrative goal to provide opportunities for recreation activities (Comp. Plan, p. 11); connect to the Hoover Bike Trail, and syncing with the Community Trails Plan (Comp. Plan, p. 11).
  6. Support the Land Use and Zoning goal to encourage redevelopment opportunities to revitalize unused property, such as reuse of vacant or underutilized buildings and sites or undertaking infill development (Comp. Plan, p. 12).
  7. Support the Smart Planning principles in the “Iowa Smart Planning Act” to incorporate clean, renewable and efficient principals into design standards; facilitate the redevelopment and/or

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<sup>5</sup> (Blaine WA Municipal Code)

<sup>6</sup> (Blaine WA Municipal Code)

<sup>7</sup> (Blaine WA Municipal Code)

<sup>8</sup> (Blaine WA Municipal Code)

<sup>9</sup> (Blaine WA Municipal Code)

<sup>10</sup> (West Linn OR Municipal Code)

reuse of established town centers and revitalize existing sites; and, promote developments, buildings and infrastructure that utilize green design and construction practices (Comp. Plan, p. 14).

To be emphasized, the PUD should be developed in support of the 2013 Comprehensive Plan Land Use and Zoning Goal, identified in Chapter 2 “Vision Statement, Goals and Objectives”<sup>11</sup>:

1. Encourage redevelopment opportunities to revitalize unused property.
  - a. Encourage redevelopment or adaptive reuse of vacant or underutilized buildings and sites.
  - b. Promote infill development.
  - c. Promote affordable commercial space for small start-up, new or growing businesses.
  - d. Encourage reinvestment in our existing neighborhoods (i.e., smart growth).
  - e. Consider incentives for smart growth.

The PUD provides the Planning and Zoning Commission with the flexibility to address mixed uses for buildings, vary building setbacks between uses, provide for pedestrian and bicycle safety, ensure environmental protection and complete brownfield remediation within a limited amount of space.

### The West Branch PUD Site

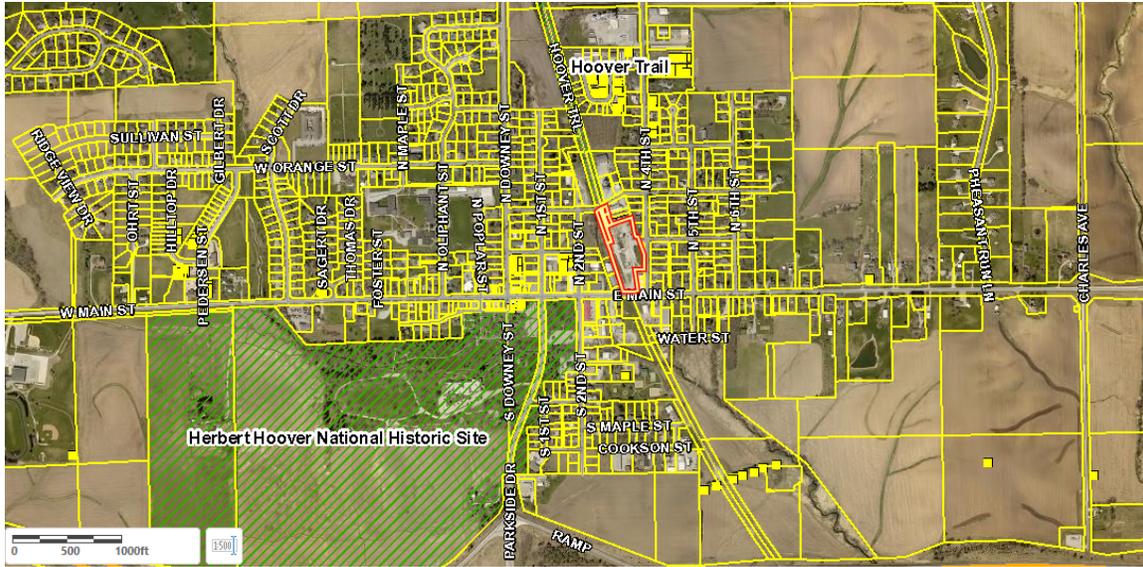
It is recommended to initiate a proactive zoning strategy to promote economic investment in the redevelopment and/or adaptive use of the Kroll site. It is recommended to recognize the former Croel Redi-Mix site at 325 E. Green St. as a PUD district. The P&Z Commission shall determine if the PUD ordinance will be implemented as a floating zone, overlay zone or separate base district.

The nearly four-acre site is near the heart of downtown West Branch. It has access to E. Main Street, E. Green St. and E. College St., as well as the Hoover Bike Trail. To the north of the parcel is additional commercial property, on the north east is residential, on the very southeast corner are three small commercial buildings, directly to the south is commercial, on the southwest corner are three commercial buildings, and to the west/northwest is a 1.6 acre city park. The proposed PUD site is highlighted in red in Image 1 and Image 2 below.

*Image 1*

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<sup>11</sup> (City of West Branch IA)



Brownfield site is outlined in red. The current owner is Croell Redi-Mix Inc.  
 Source: Cedar County Assessor, [www.cedarcounty.org](http://www.cedarcounty.org)

Image 2



Brownfield site is outlined in red. The current owner is Croell Redi-Mix Inc.  
 Source: Cedar County Assessor, [www.cedarcounty.org](http://www.cedarcounty.org)

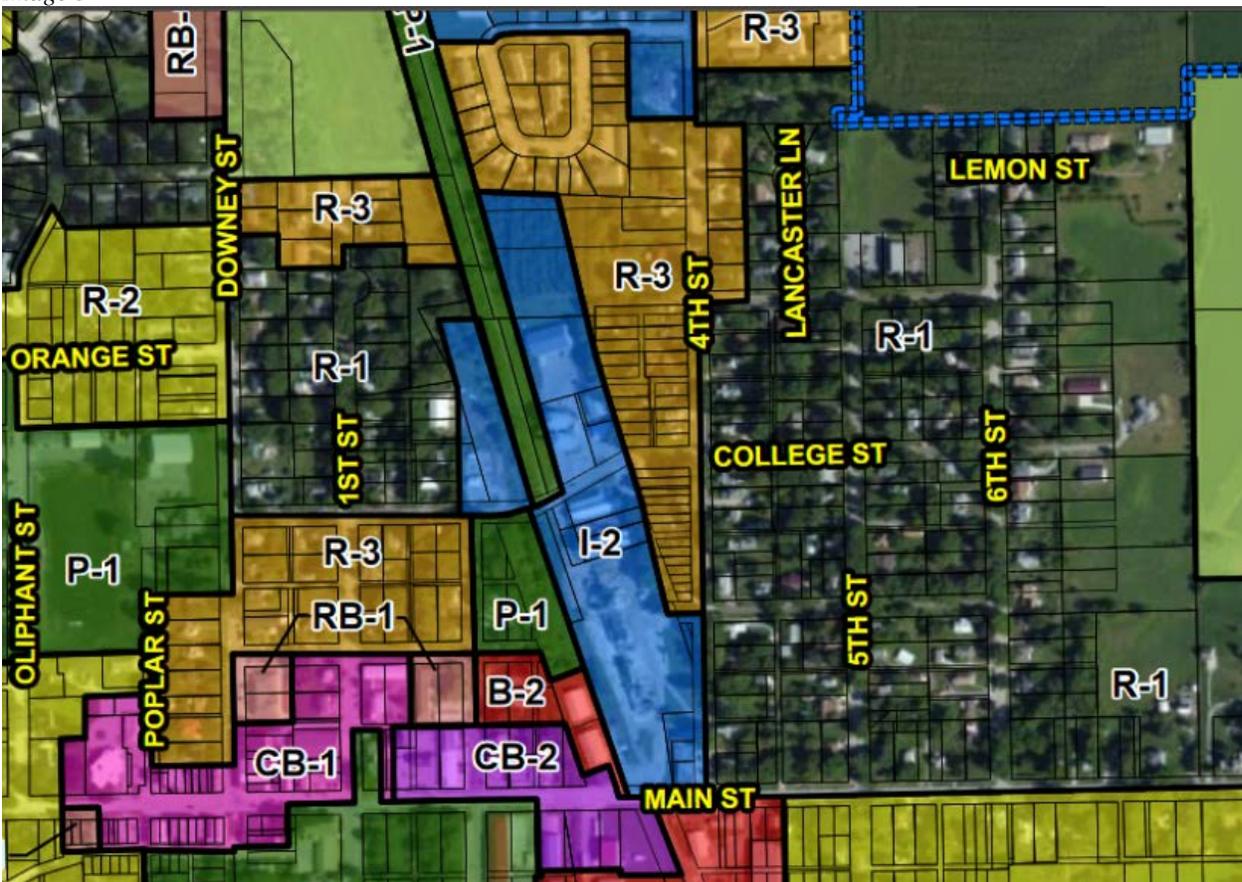
Table 1 below summarizes the four parcels which combine to form the Croell Redi Mix site.

Table 1

Parcel Number	Deed Holder	Class	Acres
0500-13-05-356-003-0	CROELL REDI MIX INC	Commercial	0.29
0500-13-05-361-001-0	CROELL REDI MIX INC	Commercial	0.082
0500-13-05-361-002-0	CROELL REDI MIX INC	Commercial	0.115
0500-13-05-361-007-0	CROELL REDI MIX INC	Commercial	3.45
Total Acres			3.937

Image 3 below is the zoning map for the Croell Redi Mix site and surrounding properties.

Image 3



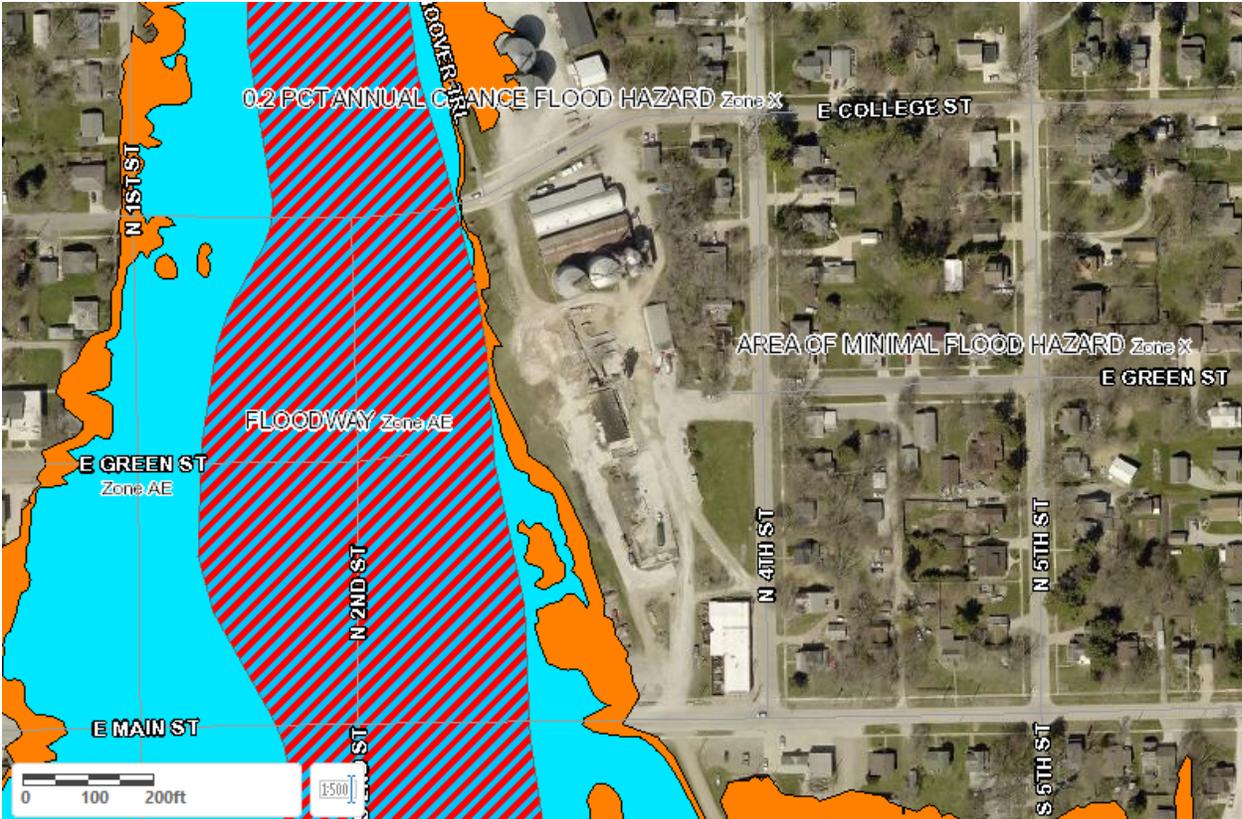
The brownfield site is zoned I-2 - Industrial.

Adjacent zoning is P-1 (Public Use), B-2 (Business), CB-2 (Central Business), R-1 (Single Family Residential), R-3 (Multiple Family Residential).

Source: City of West Branch, [http://westbranchiowa.org/sites/default/files/Zoning\\_3-13-14\\_3.pdf](http://westbranchiowa.org/sites/default/files/Zoning_3-13-14_3.pdf)

Image 4 below is an overlay of the flood plain map with regard to the creek just west of the Croell Redi Mix site.

Image 4



Source: Cedar County Assessor, [www.cedarcounty.org](http://www.cedarcounty.org)

**Applicability**

A PUD application may be submitted for the Creoll Redi-Mix site at 325 E. Green St. and adjacent parcels as presently zoned. Future implementation of the PUD will be on a case by case basis as submitted to the P&Z Commission.

Permissible initiators of a PUD are:

1. The owner of all the property involved, if under one ownership;<sup>12</sup> or
2. All owners having title to the property in the area proposed for the PUD project.<sup>13</sup>

The proposed project incorporates a mix of land uses coexisting within the same development to accommodate demands of the population in type, design, and layout uncharacteristic of traditional or existing land use practices in the community.<sup>14</sup>

**Ownership**

All property to be included within a PUD shall be under unified ownership or control or be subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved PUD development plan and final site and building plan.<sup>15</sup>

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<sup>12</sup> (Blaine WA Municipal Code)  
<sup>13</sup> (Blaine WA Municipal Code)  
<sup>14</sup> (Victoria MN Municipal Code)  
<sup>15</sup> (Victoria MN Municipal Code)

## Compliance

No building or other permit shall be issued for any work on property included within a proposed or approved PUD prior to city council approval, nor shall any work occur unless such work is in compliance with the proposed or approved PUD.<sup>16</sup>

## Termination of PUD

If no substantial development has taken place in an approved PUD in **one year** following approval of the PUD, the city shall have the right to terminate the agreement. The city council may grant an extension of one year to the applicant if deemed appropriate. No development may be granted more than one extension unless so voted by super majority of the city council.<sup>17</sup>

## Permitted Uses

Permitted uses include single-family, duplex, multi-family, attached, renter and owner-occupied housing, commercial, and mixed use. Uses not permitted include agriculture and industrial.

The site is expected to provide neighborhood commercial, retail, and/or residential uses to serve the needs of the City of West Branch.

1. Professional and semi-professional office buildings<sup>18</sup>:
  - a. Abstracting or title business
  - b. Accountants, actuaries, auditors and bookkeeping
  - c. Advertising office (no sign shops)
  - d. Adjusters (insurance)
  - e. Aerial survey and photography
  - f. Appraisers and auctioneers (no auction sale of any type on site)
  - g. Architects, civil engineers, landscape architects and planners
  - h. Attorneys
  - i. Banks and financial institutions
  - j. Business or financial analysts and counselors
  - k. Building contractors, office only (no shops or equipment and material storage)
  - l. Counseling, child guidance and family service
  - m. City, County, State or Federal Government office use only (no shops or equipment and material storage)
  - n. material storage)
  - o. Drafting and printing services
  - p. Engineers, professional
  - q. Insurance and bonds
  - r. Manufacturer's agents
  - s. Market research and marketing agencies
  - t. Model agencies or schools
  - u. Mortgage brokers
  - v. Public libraries
  - w. Real estate sales and management (office only)
  - x. Stock broker exchanges, investment services or brokers

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<sup>16</sup> (Victoria MN Municipal Code)

<sup>17</sup> (Victoria MN Municipal Code)

<sup>18</sup> (Cumming IA City Code)

- y. Tax consultants
  - z. Similar or general office users
2. Medical Doctors and medical practitioners, optometrists, chiropractors and medical services offices, clinics or group medical centers, including dental clinics, but not including animal clinics.<sup>19</sup>
  3. The following neighborhood retail commercial and service establishments and uses are permitted:<sup>20</sup>
    - a. Apparel (specialty) shops
    - b. Bakeries (retail), including baking for sale on premises only
    - c. Beauty shops and barber shops, but not including schools
    - d. Book stores and stationery stores
    - e. Camera and photographic supply stores, including photo finishing services
    - f. Candy, nut, and confectionery stores
    - g. Coffee shops
    - h. Convenience store, provided there is no vehicle washing or repair on site
    - i. Drug stores
    - j. Dry cleaning establishment using nonflammable solvents
    - k. Florists, including potted house plants
    - l. Gift, party supply and souvenir shops
    - m. Grocery and specialty food
    - n. Hobby and game shops
    - o. Home accessories, such as small appliances, cookware, and glassware
    - p. Home video equipment and movie rentals
    - q. Jewelry stores
    - r. Liquor stores
    - s. Optical goods and medical supplies
    - t. Restaurants and cafes, provided there is no drive-through or drive-in facility
    - u. Sewing, needlework, linen and piece goods stores
    - v. Shoe repair and tailor shops, including clothing alteration and repair
  4. Day care center, day nursery or nursery school, licensed in the State of Iowa, provided no building, structure, or accessory use for property so used is located less than twenty-five (25) feet from Parcel 3 and 4 or any other lot in an residential zoning district; and provided there is established and well maintained in connection therewith a completely fenced play lot of no fewer than one thousand (1,000) square feet in area for the first twenty (20) or less children under care, with twenty-five (25) square feet added to such play lot area for each additional designated child capacity of the principal building, or as required by State law.<sup>21</sup>
  5. Any use which is found by the City to be similar to one of the above named uses and determined to conform to the intent of this parcel.<sup>22</sup>

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<sup>19</sup> (Cumming IA City Code)

<sup>20</sup> (Cumming IA City Code)

<sup>21</sup> (Cumming IA City Code)

<sup>22</sup> (Cumming IA City Code)

## Development Standards

1. The use of bio-swales, landscaping and shrubs should be implemented to maximize storm-water management efficiency.
  - a. In accordance with the Complete Streets Policy, the City encourages street trees, landscapes, and planting strips, including native plants where possible, in order to buffer traffic noise and protect and shade pedestrians and bicyclists.
  - b. The development should contribute to the City's long term goal to reduce surface water runoff by reducing the amount of impervious surfaces on the streets, as explained in the Complete Streets Policy.
  - c. Development preferred includes native landscaping, storm water swales, trees, green roofs and rain gardens as they help clean the air, store water, and reduce energy costs by cooling buildings in the summer. Designing with nature will directly improve water quality, reduce stresses on the storm water management system and contribute to cleaner air in the region.<sup>23</sup>
  - d. Support nature-friendly infrastructure, such as green infrastructure, to enhance natural areas and help minimize risks from flooding. Preserve and enhance city habitat corridors which allow for safe and healthy places for resident and migratory wildlife to move throughout or stay within the city.<sup>24</sup>
2. The implementation of LEED energy efficiency standards for all buildings is encouraged.

## Building Design Regulations and Development Standards

The PUD design is expected to be suitably in accord with neighboring districts.

1. *Maximum Height Restrictions*: No principal building shall exceed thirty-five (55) feet in height and no accessory structure shall exceed fifteen (35) feet in height.
2. *Adjacent Buildings in the Same Complex*. If a building is planned to be attached or closely located to adjacent buildings in the same complex or part of a shopping center, the side or sides which are to be attached or closely located to the adjacent building shall be permitted to have a zero (0) side yard setback if construction complies with building and fire codes.<sup>25</sup>
3. *Façade*. Buildings facing public streets must have entrance doors which face public streets.
4. *Lighting*. Lighting shall be provided to illuminate any off-street parking of more than two parking spaces or loading area, and shall be so arranged as to divert the light away from adjoining residential uses or premises, and away from the traveled roadway of public streets. Lighting illumination shall not exceed one (1) foot-candle at the property line. Low-pressure sodium lighting fixtures shall be prohibited.<sup>26</sup> A landscape and lighting plan, identifying the type, size, spacing, and maintenance schedule for all landscaping (including lighting elements) proposed within the required buffer areas, open space areas, and other common areas, shall be developed.<sup>27</sup> All outdoor lighting should be in

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<sup>23</sup> (City of Portland OR 2035)

<sup>24</sup> (City of Portland OR 2035)

<sup>25</sup> (Cumming IA City Code)

<sup>26</sup> (Cumming IA City Code)

<sup>27</sup> (Blaine WA Municipal Code)

accordance with the dark skies objective to limit light pollution as outlined in Chapter 10 “Environmental Stewardship” of the Comprehensive Plan (currently under revision, adoption pending).

5. *Architectural Standards.* As the gateway and the major transportation corridor carrying traffic through West Branch, land development fronting Main Street will have an impact on the community’s image. Any building on the south side of the parcel shall be designed and constructed with architecture, use of materials and exterior colors acceptable to the City and compatible with the residential uses within the neighborhood.<sup>28</sup>
6. *Signs.* Signs requirement shall follow provisions of the adopted sign ordinance for the most closely related zoning district as designated in the approving PUD ordinance. The city shall determine and interpret the number of signs per PUD.<sup>29</sup>
7. *Compatibility.* The design of the PUD shall achieve compatibility with surrounding land uses, both existing and proposed, and shall minimize the potential adverse impacts of the PUD on surrounding land uses.<sup>30</sup>
8. *Construction Phasing.* If development of the PUD is to be completed in phases, each phase of construction will address criteria as outlined in the PUD ordinance and as determined by the city council.<sup>31</sup>
9. *Infrastructure.* Unique qualities of each PUD require that specifications and standards for streets, utilities, public facilities and subdivisions may be subject to modification from the city ordinances ordinarily governing them. The city council may approve streets, utilities, public facilities and land subdivisions which are not in compliance with usual specifications or ordinance requirements if it is found that strict adherence to the usual standards or requirements are not required to meet the intent of this section.<sup>32</sup>

#### Off-Street Parking Area Landscaping, Screening and Open Space Requirements

It is desired that all parking areas be aesthetically improved to reduce obtrusive characteristics which are inherent to their use. Therefore:

1. Wherever practical all new parking areas shall be screened from public street view by incorporating natural landscape and topography with the introduction of permanent earth berms of an adequate height, and additional landscape plantings to accomplish this desire.<sup>33</sup>
2. All parking areas shall include landscape areas and islands within the boundaries of the paved parking area equal to not less than ten percent (10%) of the total paved area. Landscaped islands within the parking area shall have ground cover of grass (i.e. sod), shrubs, or other acceptable plant life, unless an alternate ground cover is specifically approved as part of the site plan review by the City.<sup>34</sup>
3. Landscape islands within the parking area shall not be less than a minimum of eight (8) feet in width from back of curb to back of curb, and a minimum area of two hundred fifty

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<sup>28</sup> (Cumming IA City Code)

<sup>29</sup> (Victoria MN Municipal Code)

<sup>30</sup> (Victoria MN Municipal Code)

<sup>31</sup> (Victoria MN Municipal Code)

<sup>32</sup> (Victoria MN Municipal Code)

<sup>33</sup> (Cumming IA City Code)

<sup>34</sup> (Cumming IA City Code)

(250) square feet, and no parking space shall be greater than seventy-five (75) feet from a landscaped open space.<sup>35</sup>

4. Parking spaces shall be separated from any adjoining roadway by a landscaped island or elevated separation (i.e. sidewalk) of a minimum of nine (9) feet in width, except the roadway or parking bay aisle providing direct access to the parking space.<sup>36</sup>

#### Landscape and Buffer

The use of physical barriers or buffers is considered a necessary requirement to allow for the transition from one land use to another contrasting land use in recognition of neighbor's rights, to lessen the impact of the transition of conflicting land uses and to protect the value of buildings and property.

1. This site shall be developed at a minimum in accordance with City Code Chapter 173 "Site Plan Requirements" Section 06 "Open Space, Landscaping, Parking and Architectural Requirements".
  - a. It is required that the developer install a buffer along the north boundary of the parcel and that part of the west boundary adjacent to the river.
  - b. Any tree or shrub planted as part of the landscape buffer that may die or is diseased shall be replaced by the property owner.<sup>37</sup> The trees described within shall be maintained for 20 years once the finished parcel is recorded by the Office of the County Recorder.

#### Open Space and Landscape

A site plan which amplifies the natural creek feature within the development is encouraged.

1. Minimum tree requirements at the time of planting for any development in: two (2) trees or one (1) tree of the following size per 1,500 square feet of open space that is not part of a landscape buffer area, whichever is greater:<sup>38</sup>
  - a. 40 percent minimum: 1" to 1 1/2" caliper diameter deciduous and/or 6-7-foot height or greater evergreen.
  - b. Balance: 6-foot height deciduous and/or 6-foot height evergreen
2. Minimum shrub requirements at the time of planting for any development: 6 shrubs, or 1 shrub per 1,000 square feet of open space that is not part of a landscape buffer area, whichever is greater. Shrubs shall be a minimum of 18" height or minimum two (2) gallon potted.<sup>39</sup>
3. To reduce erosion, all disturbed open space areas shall have ground cover of grass or native vegetation that is installed as sod, or seeded, fertilized and mulched. However, at a minimum all lots shall be laid with sod from the front of the building to the street pavement.<sup>40</sup> Use of native species and natural landscaping which encourages storm and grey water retention is encouraged.

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<sup>35</sup> (Cumming IA City Code)

<sup>36</sup> (Cumming IA City Code)

<sup>37</sup> (Cumming IA City Code)

<sup>38</sup> (Cumming IA City Code)

<sup>39</sup> (Cumming IA City Code)

<sup>40</sup> (Cumming IA City Code)

4. The proposal shall preserve the existing amenities of the site to the greatest extent possible by relating the type and design of the development to the topography, landscape features, and natural amenities existing on the site and in the vicinity.<sup>41</sup>

#### Street Design Standards

All streets to be constructed within the interior of a PUD site or existing streets fronting on a PUD site shall be improved in accordance with city standards as identified in Chapter 170 “Subdivision Regulations” Section 15 “General Requirements” in the City code. In some instances, streets within a PUD may be private; provided, that the applicant can demonstrate the following:<sup>42</sup>

1. Minimum safety standards for emergency vehicle access are provided within the PUD.<sup>43</sup>
2. Adequate travel way width for the anticipated levels of traffic, including appropriate provisions for off-street and on-street parking, backing, vehicle stacking, pedestrian movements, bicycle movements, truck turning movements and improvements necessary to accommodate public transit, are provided.<sup>44</sup>
3. Street layout within the PUD is consistent with the surrounding street system and shall not preclude remote parcels of property from gaining access to the city street system.<sup>45</sup>
4. Approval of a private street would not negatively impact the traffic circulation in the surrounding neighborhood or area.<sup>46</sup>
5. The comprehensive plan does not identify any through streets extending across the PUD site.<sup>47</sup>
6. The applicant demonstrates the ability to maintain a private street system within the PUD.<sup>48</sup>
7. The final plat documents shall reference any restrictive covenants regarding private streets and shall include an acknowledgment statement indicating city policy to refuse consideration of private streets for dedication unless and until said private streets are improved to meet current minimum city standards.<sup>49</sup>

#### Public Services Availability

Efficient and effective utilities should be achieved by the PUD. This is to promote a more efficient and effective use of streets, utilities, and public facilities to support high-quality development at a lesser cost<sup>50</sup>. The adoption of “green” infrastructure should be promoted as it is a community value explained in Chapter 8 “Public Infrastructure and Utilities” of the Comprehensive Plan.<sup>51</sup>

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<sup>41</sup> (West Linn OR Municipal Code)

<sup>42</sup> (Blaine WA Municipal Code)

<sup>43</sup> (Blaine WA Municipal Code)

<sup>44</sup> (Blaine WA Municipal Code)

<sup>45</sup> (Blaine WA Municipal Code)

<sup>46</sup> (Blaine WA Municipal Code)

<sup>47</sup> (Blaine WA Municipal Code)

<sup>48</sup> (Blaine WA Municipal Code)

<sup>49</sup> (Blaine WA Municipal Code)

<sup>50</sup> (Victoria MN Municipal Code)

<sup>51</sup> (City of West Branch IA)

1. The purpose of this section is to assure that PUD approvals are not granted unless such facilities as water lines, sewer lines and streets exist or are immediately planned in sufficient quantity to service the proposed new development.<sup>52</sup>
2. PUD projects shall be located with respect to arterials and collector streets or other transportation facilities so as to provide direct access without creating substantial traffic along local access streets in residential neighborhoods outside the PUD.<sup>53</sup>
3. PUD projects shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations that neither extension nor enlargement of such systems resulting in higher net public cost or earlier incursion of public cost will be required. Such PUD projects shall be so located with respect to schools, parks, playgrounds and other public facilities and services as to have access in the same degree as would development in a form generally permitted in the area; provided, that a PUD may be approved if, alternatively:<sup>54</sup>
  - a. The developers will provide private utilities, facilities or services approved by the public agencies which would normally provide such utilities, facilities or services as substituting on an equivalent basis, and assure their satisfactory continuing operation and maintenance permanently or until equivalent public utilities, facilities or services are available<sup>55</sup>; or
  - b. The developers will make provision, acceptable to the city, for offsetting any added net public cost or early commitment of public funds necessitated by such development;<sup>56</sup> and
  - c. The city is able to make such determinations through experts acceptable to it and at the cost of the developers, considering the difference in anticipated public installation, operation and maintenance costs, and the difference in anticipated public revenue.<sup>57</sup>

### Density Bonus

Applicants are encouraged to seek density bonus credits under such categories as “site planning and design excellence” below. The permitted number of dwelling units may be increased based on a finding of the Planning and Zoning Commission that the density bonus credits have been satisfied as set forth in the following section.<sup>58</sup>

1. Site planning and design excellence allow additional units up to the maximum indicated on the chart when excellence in site planning and building design is demonstrated with respect to neighborhood compatibility, recreation space, security and crime prevention, and livability of on-site environment, as determined through design review. Examples of quality design features which may be used to address the foregoing include, but are not limited to:<sup>59</sup>

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<sup>52</sup> (Blaine WA Municipal Code)

<sup>53</sup> (Blaine WA Municipal Code)

<sup>54</sup> (Blaine WA Municipal Code)

<sup>55</sup> (Blaine WA Municipal Code)

<sup>56</sup> (Blaine WA Municipal Code)

<sup>57</sup> (Blaine WA Municipal Code)

<sup>58</sup> (West Linn OR Municipal Code)

<sup>59</sup> (West Linn OR Municipal Code)

- a. Maximum retention and integration of natural features into site design in addition to open space areas dedicated to the City.<sup>60</sup>
  - b. Minimize impervious surfaces. Locate parking facilities and garages at the rear of buildings accessed by alleys. De-emphasis of the automobile is encouraged through placement of parking at side or rear of buildings.<sup>61</sup>
  - c. Maximize recreation and open spaces in addition to open space areas dedicated to the City.<sup>62</sup>
  - d. Superior landscape plan in terms of quantity of materials and quality represented by size of plant/tree, variety of plant/tree, and mix to allow seasonal colors. The landscape plan should incorporate available natural site features (e.g., rock outcroppings, creeks, etc.). The landscape plan should relate to or complement on-site buildings, frame views, and show sensitivity to the micro-climate. Other landscape elements may include rockeries, ornamental pools, and pathways.<sup>63</sup>
  - e. Architectural design that emphasizes high quality materials, finish, texture, and craftsmanship. Architectural complexity and richness of detail are sought. Contextual design that draws from the predominant architecture of the area is preferred over contrasting design. Only examples of manifestly outstanding contrasting design would be acceptable alternatives to the contextual approach. The design should accommodate the human scale with multiple light windows, appropriately scaled entryways, and porches. Facades should be broken up into multiple elements, both horizontally and vertically. Variations in the building silhouette and depth are also desirable.<sup>64</sup>
  - f. Integration of various housing types and densities supported by neighborhood commercial uses and basic services.<sup>65</sup>
  - g. Well-articulated pedestrian and bikeway path system and public transit system, if applicable, that unifies the development site and connects with adjacent development and destinations. Transit facilities are important.<sup>66</sup>
2. The City shall encourage and assist in the accumulation of density bonus developments. The final density allowed will depend on the following factors:<sup>67</sup>
- a. The amount of density allowed shall be rounded up to the next figure when any partial figure of one-half or greater results from adding the percentage density increase to the base density.<sup>68</sup>
  - b. The development shall be subject to all applicable development standards of this code. The Planning and Zoning Commission may recommend that the proposed design of the development be modified to ensure that development standards are satisfied. Modifications of design may include, but are not limited to, the following:<sup>69</sup>
    - i. Reduction in building coverage
    - ii. Clustering of buildings.
    - iii. Redesign of parking or street layout.

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<sup>60</sup> (West Linn OR Municipal Code)

<sup>61</sup> (West Linn OR Municipal Code)

<sup>62</sup> (West Linn OR Municipal Code)

<sup>63</sup> (West Linn OR Municipal Code)

<sup>64</sup> (West Linn OR Municipal Code)

<sup>65</sup> (West Linn OR Municipal Code)

<sup>66</sup> (West Linn OR Municipal Code)

<sup>67</sup> (West Linn OR Municipal Code)

<sup>68</sup> (West Linn OR Municipal Code)

<sup>69</sup> (West Linn OR Municipal Code)

iv. Protection of resource areas.

### Criteria for Approval

The city may approve a PUD application only if it finds that the following requirements have been met:<sup>70</sup>

1. *Design.* The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations, and solely on this basis modifications to the use and design standards established by such regulations are warranted.<sup>71</sup>
2. *Meets PUD Requirements.* The PUD meets the requirements for a PUD set forth in this chapter.<sup>72</sup>
3. *Consistent with Comprehensive Plan.* The PUD is generally consistent with the objectives of the city comprehensive plan as viewed in light of any changed conditions since its adoption.<sup>73</sup>
4. *Public Welfare.* The PUD will not be detrimental to the public health, safety, morals, or general welfare.<sup>74</sup>
5. *Compatible with Environs.* Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, substantially impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.<sup>75</sup>
6. *Natural Features.* The design of the PUD is as consistent as practical with the preservation of natural features of the site such as stands of mature trees, steep slopes, natural drainage ways, wetlands, or other areas of sensitive or valuable environmental character.<sup>76</sup>
7. *Circulation.* Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided. They are adequate in location, size, capacity, and design to ensure safe and efficient circulation of pedestrians, automobiles, trucks, bicycles, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.<sup>77</sup>
8. *Open Space and Landscaping.* The quality and quantity of public and common open spaces and landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of total

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<sup>70</sup> (Blaine WA Municipal Code)

<sup>71</sup> (Blaine WA Municipal Code)

<sup>72</sup> (Blaine WA Municipal Code)

<sup>73</sup> (Blaine WA Municipal Code)

<sup>74</sup> (Blaine WA Municipal Code)

<sup>75</sup> (Blaine WA Municipal Code)

<sup>76</sup> (Blaine WA Municipal Code)

<sup>77</sup> (Blaine WA Municipal Code)

public and common open space provided in residential areas render it usable for recreation purposes.<sup>78</sup>

- a. Open space between all buildings is adequate to allow for light and air, for access by fire-fighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.<sup>79</sup>
9. *Covenants*. Where individual parcels or condominiums are to be later sold, adequate provision has been made in the form of deed restrictions, homeowners or condominium associations and bylaws or covenants, conditions, and restrictions all in a form approved by the city, for the preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the city or another public body, including such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan. Such a provision must be binding on all future ownership.<sup>80</sup>
10. *Public Services*. The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the city, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.<sup>81</sup>
11. *Phasing*. Each development phase of the PUD shall, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. The provision and improvement of public or common area improvements, open spaces, and amenities, or the provision of financial sureties guaranteeing their improvement, is phased generally proportionate to the phasing of the number of dwelling units or amount of non-residential floor area.<sup>82</sup>

## Procedure

The procedure to develop a PUD will generally adhere to City Code Chapter 170 “Subdivision Regulations” and Chapter 173 “Site Plan Requirements”. Note Chapter 170 Section 21 “Large Scale Development” allows for the regulations to be modified by the City Council per judgment of the Planning and Zoning Commission to the following process:<sup>83</sup>

1. Step one: Pre-application meeting.
  - a. Meet with city staff to review contemplated project in relation with community development objectives, the comprehensive plan, and this zoning ordinance. The pre-application meeting will determine requirements of the applicant. Comments received at the pre-application meeting shall not be binding.<sup>84</sup>

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<sup>78</sup> (Blaine WA Municipal Code)

<sup>79</sup> (Blaine WA Municipal Code)

<sup>80</sup> (Blaine WA Municipal Code)

<sup>81</sup> (Blaine WA Municipal Code)

<sup>82</sup> (Blaine WA Municipal Code)

<sup>83</sup> (City of West Branch Iowa)

<sup>84</sup> (Victoria MN Municipal Code)

2. Step two: Conceptual development (sketch plat) plan review. A site plan application shall include the following for consideration by city staff, the planning commission, and the city council:
  - a. Submittal of application, signed by the owner of the property with review fees as determined by the fee schedule.<sup>85</sup>
  - b. Erect sign on property identifying name of development, developer, and city meeting dates and times. Said sign shall be placed on the site at least ten days prior to neighborhood meeting.<sup>86</sup> [Note: there is nothing in City Code Chapter 165 or 170 that details signs for such purposes].
  - c. Submit full preliminary plat plan as described in City Code Chapter 170 Section 05 “Requirements of a Preliminary Plat”.
  - d. Submit full final plat plan as described in City Code Chapter 170 Section 11 “Requirements of the Final Plat”.

#### Submission Contents

PUD requests shall be made on forms provided by Planning and Zoning Commission as attached to a RFP for the Croell site. Submittal requirements for a PUD that includes the division of property and creation of building lots shall meet the minimum requirements of a preliminary plat submittal as defined in City code.<sup>87</sup>

In addition to the minimum submittal requirements noted above, a PUD application shall include the following:<sup>88</sup>

1. A draft master plan including the following:<sup>89</sup>
  - a. A conceptual streetscape plan;
  - b. A preliminary landscape plan;
  - c. A preliminary open space amenities and trail plan;
  - d. Conceptual architectural renderings demonstrating the style of all residential and non-residential uses, with thorough detail for multiple-family residential, mixed-use and commercial structures
2. Preliminary covenants, conditions, and restrictions which clearly describe responsibilities for operation and maintenance of commonly owned elements of the PUD and describe design allowances, limits, and requirements;<sup>90</sup>
3. A commercial/retail PUD or a residential PUD with commercial/retail components shall include an economic study analyzing the trade area from which the commercial/retail uses will draw the customer base necessary to support these components;<sup>91</sup>
4. Additional reports as determined by the review authority necessary to understand the physical impacts of the PUD;<sup>92</sup>
5. A written report of the community conference held prior to submittal of the applications.<sup>93</sup>

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<sup>85</sup> (Victoria MN Municipal Code)

<sup>86</sup> (Victoria MN Municipal Code)

<sup>87</sup> (Blaine WA Municipal Code)

<sup>88</sup> (Blaine WA Municipal Code)

<sup>89</sup> (Blaine WA Municipal Code)

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<sup>91</sup> (Blaine WA Municipal Code)

<sup>92</sup> (Blaine WA Municipal Code)

<sup>93</sup> (Blaine WA Municipal Code)

## Community Conference

1. *Purpose.* The community conference is an informal public meeting hosted by the applicant. The purpose of the meeting is to provide early and informal notification to the public, to generate discussion, and make the proponent aware of community concerns relative to the proposed project. It is intended to provide a means by which the applicant, staff, and the public are able to work together in a productive and creative manner. However, options and issues raised may not be all-inclusive and no decisions or guarantees on the project design or outcome are made. Revision of the proposal based on input from the community conference is solely at the discretion of the applicant.<sup>94</sup>
2. *Expectations.* The applicant can expect the following results from the community conference:<sup>95</sup>
  - a. The more information an applicant can provide for a community conference, the more complete the staff's feedback and input will be for the proposal;<sup>96</sup>
  - b. Any information or opinions expressed by staff shall not be binding on the final decision or constitute approval or denial of the proposed project;<sup>97</sup>
  - c. Inconsistency with the comprehensive plan, this code and other applicable policies and regulations will be discussed;<sup>98</sup>
  - d. City staff, the public, and the applicant should discuss creative approaches to address challenging site constraints or potential mitigations;<sup>99</sup>
  - e. Recommended revisions or modifications to the proposal will be discussed;<sup>100</sup> and
  - f. The public will be invited to speak to issues related to the proposal, but their input shall not be considered public testimony in regard to the application when and if submitted.<sup>101</sup>
3. *Process.* The community conference shall be held in a place that is readily available to the public and large enough to accommodate the anticipated number of people who may be present at the meeting, such as the public library, City Hall Council Chambers, or another public or private meeting facility. Notice shall be provided as for a public hearing by the City clerk as set forth in City code 18.05 "Publication" and by mail to all owners of property within 300 feet of the PUD site. All mailing and publishing requirements are the responsibility of the project proponent, and shall be documented by affidavit to the city. City staff shall post the site, post notice at the community development services office, and on the city website.<sup>102</sup>

The applicant shall:

1. Explain the project concept to the audience and solicit input as to the issues which concern them;<sup>103</sup> and

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<sup>94</sup> (Blaine WA Municipal Code)

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<sup>96</sup> (Blaine WA Municipal Code)

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<sup>101</sup> (Blaine WA Municipal Code)

<sup>102</sup> (Blaine WA Municipal Code)

<sup>103</sup> (Blaine WA Municipal Code)

2. Prepare a written report documenting the community meeting, summarizing the issues raised, and describing how the proposed project, as submitted, addresses the issues raised in the project design and/or explains why it does not;<sup>104</sup> and
3. Submit said written report to the city for inclusion with the application materials.<sup>105</sup>

#### Review and Approval Process

1. The proposal shall preserve the existing amenities of the site to the greatest extent possible by relating the type and design of the development to the topography, landscape features, and natural amenities existing on the site and in the vicinity.<sup>106</sup>
2. *Development Agreement.* The city may require the owner and developer of a proposed PUD to execute a development agreement which may include, but not be limited to, all requirements of the final PUD development plan as a condition to approval of a final PUD. The development agreement should include information regarding a potential homeowner's association and outline the HOA maintenance plan as well as development amenities such as landscaping, lighting, and signage.<sup>107</sup>
3. *Letter of Credit.* The development agreement may require the developers to provide an irrevocable letter of credit in favor of the city, performance guarantee or cash escrow. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the city. The city may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in the amount sufficient to ensure the provision or development of improvement called for by the development agreement.<sup>108</sup>
4. Prospective applicants for PUD projects shall schedule a pre-application conference on the conceptual plans with the technical review committee prior to submittal of any applications.<sup>109</sup>
5. After preliminary review by the technical review committee, but prior to submittal of applications, the applicant shall arrange for a community conference (needs defined).<sup>110</sup>
6. Following a PUD approval by the city council, the applicant shall make any required revisions and submit the revised PUD site plan and revised preliminary plat or other land division tool to the city for staff review, approval, and stamping.<sup>111</sup>
7. Following a PUD approval by the city council, the applicant shall prepare a final PUD master plan for review and approval by the planning and zoning commission.<sup>112</sup>

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<sup>104</sup> (Blaine WA Municipal Code)

<sup>105</sup> (Blaine WA Municipal Code)

<sup>106</sup> (West Linn OR Municipal Code)

<sup>107</sup> (Victoria MN Municipal Code)

<sup>108</sup> (Victoria MN Municipal Code)

<sup>109</sup> (Blaine WA Municipal Code)

<sup>110</sup> (Blaine WA Municipal Code)

<sup>111</sup> (Blaine WA Municipal Code)

<sup>112</sup> (Blaine WA Municipal Code)

## Master Plan

1. A master plan shall be developed by the applicant that incorporates additional detail as necessary to clearly convey the intent of the developer and the approval of the city. The master plan shall incorporate the conditions of project approval and the contents of the covenants, conditions, and restrictions in a manner that the master plan becomes the guiding document for development of the overall site, individual phases, building sites and structures, and public and private open space.<sup>113</sup>
2. The master plan shall be submitted for review and approval by the planning commission subsequent to PUD approval by the city council. Such submittal shall occur within 180 calendar days of the issuance of the final decision. A single 90-day extension may be granted by the planning commission upon written request of the applicant. No development, except clearing and grading, shall be authorized in the PUD until the master plan is approved by the planning commission.<sup>114</sup>
3. The planning and zoning commission shall review and take action on the master plan in a regularly scheduled meeting.<sup>115</sup>
4. Failure to complete the master plan in the allotted time shall constitute abandonment of the PUD by the applicant and the approval shall be nullified.<sup>116</sup>
5. Unless otherwise specified within this ordinance, the regulations and standards of the City's Zoning Ordinance, Subdivision Regulations, Building Codes and other applicable City, State and Federal regulations shall apply to any development within the PUD.

## Modifications and Amendments

An approved PUD site plan may be modified or amended upon written request of the property owner(s).<sup>117</sup>

1. Modifications are minor changes to an approved PUD, subject to approval or denial as an administrative decision by the director, which do not:<sup>118</sup>
  - a. Change the residential density more than five percent by increasing or decreasing the number of units in a PUD.<sup>119</sup>
  - b. Change the mix of uses or significantly alter the arrangement of buildings for a commercial or industrial PUD, or increase or decrease the commercial or industrial floor area by more than 10 percent.<sup>120</sup>
  - c. Significantly alter the amount or arrangement of open space or recreational amenities, or the treatment of environmentally sensitive areas that may exist on the site.<sup>121</sup>
  - d. Significantly alter the approved architectural concept of the PUD master plan or PUD site plan.<sup>122</sup>
  - e. Significantly alter the basic layout of the approved project infrastructure.<sup>123</sup>

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<sup>113</sup> (Blaine WA Municipal Code)

<sup>114</sup> (Blaine WA Municipal Code)

<sup>115</sup> (Blaine WA Municipal Code)

<sup>116</sup> (Blaine WA Municipal Code)

<sup>117</sup> (Blaine WA Municipal Code)

<sup>118</sup> (Blaine WA Municipal Code)

<sup>119</sup> (Blaine WA Municipal Code)

<sup>120</sup> (Blaine WA Municipal Code)

<sup>121</sup> (Blaine WA Municipal Code)

<sup>122</sup> (Blaine WA Municipal Code)

<sup>123</sup> (Blaine WA Municipal Code)

- f. Require revision to the approved PUD master plan as determined by the director.<sup>124</sup>
2. Amendments are major changes to an approved PUD that do not qualify as modifications.<sup>125</sup>
3. No amendment or modification may be considered that is more than a ten percent (10%) increase in density or change of uses on the Property without a public hearing as required of a rezoning procedure.<sup>126</sup>
4. Proposed PUD amendments shall be processed in the same manner as a PUD application, including noticed community conference and public hearing, planning and zoning commission review and recommendation, and review and decision by the city council.<sup>127</sup>
5. Amendments to PUDs shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from the tentatively approved PUD plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes.<sup>128</sup>

## Works Cited

American Planning Association. *Planning and Urban Design Standards*. New Jersey: Wiley Publishers, 2006.

Blaine WA Municipal Code. *Blaine Municipal Code*. 2018. February 2018.  
<<http://www.codepublishing.com/WA/Blaine/#!/Blaine17/Blaine1768.html>>.

Burlington IA City Code. *Burlington Iowa Code of Ordinances*. Burlington: City of Burlington Iowa, 2018. February 2018.  
<[https://library.municode.com/ia/burlington/codes/code\\_of\\_ordinances?nodeId=ZONING\\_SUBDIVISION\\_CH170.20DIRE\\_170.20.40PURLUNDE](https://library.municode.com/ia/burlington/codes/code_of_ordinances?nodeId=ZONING_SUBDIVISION_CH170.20DIRE_170.20.40PURLUNDE)>.

City of Portland OR 2035. *2035 Comprehensive Plan*. Portland: City of Portland, 2016. February 2018.  
<<https://www.portlandoregon.gov/bps/2035-comp-plan.pdf>>.

City of West Branch IA. *West Branch Comprehensive Plan*. Comprehensive Plan. West Branch: City of West Branch Iowa, 2013.

City of West Branch Iowa. *City of Ordinances of the City of West Branch, Iowa*. Clear Lake: Iowa Codification, Inc., 1999.

Cumming IA City Code. Cumming, 2016. 18 February 2018. <[http://www.cumming-iowa.com/vertical/sites/%7B68FE8D96-B68B-4F06-86B4-B4297BFA610B%7D/uploads/Great\\_Western\\_Crossing\\_Final\\_PUD.pdf](http://www.cumming-iowa.com/vertical/sites/%7B68FE8D96-B68B-4F06-86B4-B4297BFA610B%7D/uploads/Great_Western_Crossing_Final_PUD.pdf)>.

Nervig, James E. *2014 Zoning Law*. West Des Moines: Brick Gentry P.C., 2014. PDF. 18 February 2018.  
<<http://www.brickgentrylaw.com/support/upload/news/ZoningLaw.pdf>>.

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<sup>124</sup> (Blaine WA Municipal Code)

<sup>125</sup> (Blaine WA Municipal Code)

<sup>126</sup> (Cumming IA City Code)

<sup>127</sup> (Blaine WA Municipal Code)

<sup>128</sup> (West Linn OR Municipal Code)

Victoria MN Municipal Code. *Victoria, MN*. 2018. February 2018.

<[https://library.municode.com/mn/victoria/codes/code\\_of\\_ordinances?nodeId=PTIILADEOR\\_CH109ZOLAUSRE\\_ARTXVIIPLUNDEPU](https://library.municode.com/mn/victoria/codes/code_of_ordinances?nodeId=PTIILADEOR_CH109ZOLAUSRE_ARTXVIIPLUNDEPU)>.

West Linn OR Municipal Code. *West Linn Community Development Code*. West Linn, 2018. February 2018.

<<http://www.codepublishing.com/OR/WestLinn/CDC.html>>.