

**CITY OF ST. AUGUSTA  
STEARNS COUNTY, MINNESOTA  
ORDINANCE NO. 2011-05**

**AN ORDINANCE CREATING THE 2011-1 PLANNED UNIT DEVELOPMENT (PUD)  
ZONING DISTRICT  
AND  
AMENDING THE ZONING ORDINANCE OF THE CITY OF ST. AUGUSTA,  
MINNESOTA  
AND  
REZONING PROPERTY FROM B-W DISTRICT TO PUD  
AND  
APPROVING PRELIMINARY AND FINAL PUD PLAN / SITE PLAN ASSOCIATED  
WITH A HIGH DENSITY RESIDENTIAL DEVELOPMENT PROPOSED BY ALLIANCE  
BUILDING CORPORATION WITHIN THE CITY OF ST. AUGUSTA**

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**WHEREAS**, the Applicant, Alliance Building Corporation filed an application with the City of St. Augusta on September 28, 2011 requesting a rezoning of a parcel of land from B-W Business / Warehouse District to PUD – Planned Unit Development, for the property commonly known as 24908 County Road 7 and legally described below.

**WHEREAS**, the Planning Commission, after a public hearing duly called and held on October 10, 2011, as required by law, and due deliberation and consideration at the continued meeting held on October 24, 2011, has forwarded a recommendation in writing by a vote of 5-2 to the City Council that a certain boundary change be made on the official Zoning Map of the city; and

**WHEREAS**, the City Council, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and finds the general welfare will be best served by approving said recommendation of the Planning Commission; and

**THE CITY COUNCIL OF THE CITY OF ST. AUGUSTA, MINNESOTA, HEREBY ORDAINS:**

**Section 1. Creation of the 2011-1 PUD Zoning District.** The 2011-1 PUD Zoning District is hereby created which provides as follows:

**2011-1 PUD ZONING DISTRICT**

- A. Intent. The intent of the 2011-1 PUD Zoning District is to create a new zoning district for the proposed St. Augusta Apartment proposed 94-unit residential apartment development proposed by Alliance Building Corporation. In accordance with the Comprehensive Plan, this development will provide Residential Medium / High Density, multi-family residential units. This

development will be characterized by site planning and architecture that is compatible with surrounding residential and commercial neighborhoods.

B. Permitted Uses, Uses Permitted by Administrative Permit, Accessory Uses, and Conditional Uses. The permitted uses, uses permitted by administrative permit, accessory uses, and conditional uses of the 2011-1 PUD Zoning District shall be those permitted, conditional, accessory uses, and uses permitted by administrative permit as listed below:

1. Permitted Uses. Subject to applicable provisions of the Zoning Ordinance, the following are permitted uses in the 2011-1 PUD District:
  - a. Essential services.
  - b. Multiple family dwellings not exceeding 47 units per structure.
  - c. Personal wireless service antennas located upon a public structure, as regulated by Section 29 of the Zoning Ordinance.
  - d. Public parks, playgrounds, and recreational uses.
  - e. Temporary mobile towers as regulated by Section 29 of the Zoning Ordinance.
2. Uses by Administrative Permit. Subject to applicable provisions and performance standards of the Zoning Ordinance, and processing requirements of Section 6 of the Zoning Ordinance, the following are uses allowed in the 2011-1 PUD District by administrative permit as may be issued by the Zoning Administrator:
  - a. Model homes (units), temporary, as regulated by Section 19 of the Zoning Ordinance.
  - b. Real estate offices, temporary, as regulated by Section 19 of the Zoning Ordinance.
3. Accessory Uses. Subject to applicable provisions of the Zoning Ordinance, the following are permitted accessory uses in the 2011-1 PUD District:
  - a. Accessory uses incidental and customary to the uses permitted in Section a., b., and d. of this Ordinance.
  - b. Fences as regulated by Section 15.06 of the Zoning Ordinance.
  - c. Home occupations and home offices as regulated by Section 25 of the Zoning Ordinance.
  - d. Television receiving antennas necessary for the operation of household electronic equipment.
  - e. Signs as regulated by Section 31 of the Zoning Ordinance.
4. Conditional Uses. Subject to applicable provisions of the Zoning Ordinance, the following are conditional uses in the 2011-1 PUD District. (Requires a conditional use permit based upon procedures set forth and regulated by Section 4.02 and 4.04 of the Zoning Ordinance):

- a. Elderly (senior housing), provided that:
  - 1. Not more than ten (10) percent of the occupants may be persons sixty (60) years of age or under.
  - 2. To continue to qualify for the elderly housing classification, the owner or agency shall annually file with the Zoning Administrator a certified copy of a monthly resume of occupants or such a multiple dwelling, listing the number of tenants by age and clearly identifying and setting forth the relationship of all occupants sixty (60) years of age or under to qualified tenants, or to the buildings.
  - 3. Elevator service is provided to each floor level above ground floor.
- b. Public or semi-public recreational buildings and neighborhood or community centers.
- c. Swimming pools as an accessory use provided that:
  - 1. The use is fenced in accordance with Section 16 of the Zoning Ordinance.
  - 2. The use shall meet setbacks from principal structures.
  - 3. All necessary City permits are obtained for the use.
- C. Building Location, Area, Height, and Architecture. Building location, area, height, and architecture shall conform to the approved Final Development Plans described in Section 3 of this Ordinance and on file with the City Administrator pursuant to the City of St. Augusta Legislative Code.
- D. Final Development Plan Specifications. Any significant changes to the principal and / or accessory buildings from the approved Final Development Plans shall require an amendment to this Ordinance, as determined by the City Administrator. Minor modifications or amendments may be made and documented administratively by the City Administrator.
- E. Parking, Access, and Circulation. Parking, access, and circulation shall conform to the approved Final Development Plans described in Section 3 of this Ordinance and kept on file with the City Administrator.
- F. Landscaping and Screening. Tree placements, species and types, landscaping, and screening shall conform to the approved Final Development Plans described in Section 3 of this Ordinance and on file with the City Administrator. The City Administrator shall determine if additional landscaping or screening is required once the building and site improvements are constructed. Minor modifications or amendments may be made and documented administratively by the City Administrator.
- G. Site and Building Signage. Site and building signage shall be consistent with the provisions of the Residential Zoning District standards, pursuant to Section 31 of the St. Augusta Zoning Ordinance. Signage shall be coordinated throughout the PUD to promote a unified development. Any future sign (or signage) that does not meet the standards or requirements of the Code shall require an amendment to this Ordinance and the Final PUD Development Plan / Site Plan.

- H. Grading, Drainage, Utilities, Storm Water Management, and Other Performance Characteristics. The grading, drainage, utilities, storm water management, and other performance characteristics of the 2011-1 PUD Zoning District (“Performance Characteristics”) shall conform to the approved Final Development Plans described in Section 3 of this Ordinance and on file with the City Administrator.
- I. Additional Performance Standards of the PUD 2011-1 Zoning District. In addition to the Performance Characteristics set forth above, the following additional performance standards shall apply in the 2011-1 PUD Zoning District:
1. Any and all exterior lighting for the site, either affixed to poles or the building, shall be hooded or shielded to avoid any glare or diffusion of light onto surrounding properties. If requested, the Applicant shall provide a lighting plan with a photometric plan detailing all lighting on this site. No automatic or “motion-detector” style lights shall be allowed.
  2. Trash storage facilities or dumpsters shall be provided for in the underground garage area or within an enclosed accessory structure that matches the exterior of the building. Location and style shall be approved by the City Administrator.
  3. Timing of the Creation of the 2011-1 PUD Zoning District. This 2011-1 PUD Zoning District is created upon the occurrence of both of the following events: 1) the City Council’s approval of the Preliminary and Final PUD Plans and Site Plan for the St. Augusta Apartments 94-unit residential apartment development proposed by Alliance Building Corporation and 2) Execution of the Development Contract between the City and Alliance Building Corporation as approved by the City Attorney. In the future event that the 2011-1 PUD Zoning District is repealed with respect to any part of the development, any existing use and structure permitted by the 2011-1 PUD Zoning Ordinance shall be treated as a pre-existing legal non-conforming use.

**Section 2. Findings for Creation of the 2011-1 PUD Zoning District.** In creating the 2011-1 PUD Zoning District associated with the proposed St. Augusta Apartments development, the City Council of the City of St. Augusta finds the following:

- A. The PUD 2011-1 Zoning District is consistent with the amended Comprehensive Plan.
- B. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than if the proposal were developing using strict standards and land uses allowed in another residential zoning district of the Zoning Ordinance.
- C. The proposal benefits the area surrounding the development to a greater degree than development allowed in another residential zoning district of the Zoning Ordinance.
- D. The proposal provides land use and site design flexibilities while enhancing site or building aesthetics to achieve an overall higher quality of development than

would otherwise occur in another residential zoning district of the Zoning Ordinance.

- E. The proposal ensures the concentration of open space into more workable or usable areas and preserves the natural resources of the site more so than would otherwise occur in another residential zoning district of the Zoning Ordinance.
- F. The City Council has given due consideration to existing conditions and the conservation of property values.
- G. The provisions of the 2011-1 PUD Zoning District promote building development that is to the best advantage of the entire City and to the uses for which the subject property is being devoted; and
- H. The creation of the 2011-1 PUD Zoning District is required for the public good and is in the best interest of public health, safety, and welfare.

**Section 3. Approval of the Preliminary and Final PUD Plans / Site Plan associated with the Proposed St. Augusta Apartments Development.** The City Council of the City of St. Augusta approves the Preliminary and Final PUD Development Plans and the Site Plan associated with the proposed St. Augusta Apartments development as follows:

- A. Approved Preliminary and Final PUD Development Plans / Site Plan. The subject property shall be developed in substantial conformance with the following plans except as may be modified by the conditions of approval described in Section 3, B of this Ordinance. The Final PUD Development Plan / Site Plan shall be on file with the City Administrator.
  - 1. Sheet AS-101, dated September 27, 2011, prepared by Mahler & Associates Architecture.
  - 2. Sheet AS-102, dated September 27, 2011, prepared by Mahler & Associates Architecture.
  - 3. Sheet A-201, dated September 27, 2011, prepared by Mahler & Associates Architecture.
  - 4. Sheet C1 of 6, dated September 27, 2011, prepared by Schultz Engineering & Site Design, PLLC.
  - 5. Sheet C2 of 6, dated September 27, 2011, prepared by Schultz Engineering & Site Design, PLLC.
  - 6. Sheet C3 of 6, dated September 27, 2011, prepared by Schultz Engineering & Site Design, PLLC.
  - 7. Sheet C4 of 6, dated September 27, 2011, prepared by Schultz Engineering & Site Design, PLLC.
  - 8. Sheet C5 of 6, dated September 27, 2011, prepared by Schultz Engineering & Site Design, PLLC.

9. Sheet C6 of 6, dated September 27, 2011, prepared by Schultz Engineering & Site Design, PLLC.

B. Contingencies to the Approval of the Preliminary and Final PUD Plans / Site Plan. The Final PUD Development Plan / Site Plan shall be deemed approved at such time as all of the following events occur:

1. The plan be amended to show a sidewalk along CSAH 7 on the developer's property and dedicated to the City.
2. The Applicant modifies the Final PUD Development Plan/Site Plan to address, to the satisfaction of the City Administrator, all issues raised by the City Engineer, and in the memorandum from WSB & Associated, Inc. dated October 5, 2011, and October 27, 2011 and regarding the proposed St. Augusta Apartments Development.
3. The Applicant modifies the Final PUD Development Plan/Site Plan to address, to the satisfaction of the City Fire Chief, any issues or conditions established by the City Fire Chief upon his review of this development site; and
4. The Applicant and the City execute a Development Contract in a form and content satisfactory to the City Attorney. The drafting of said Development Contract shall be made by the City Attorney.
5. The Applicant pays all costs incurred by the City in processing all applications related to the St. Augusta Apartments, including all planner, engineer and attorney fees incurred by the City.
6. The Applicant obtaining all necessary approvals and permits from other applicable jurisdictions including Stearns County.
7. The Applicant change that portion of the property planned for "Native Prairie Planting" to a "Seed Mix" that will be mowed and maintained, as approved by the City Administrator.

C. Future Amendments to the Final PUD Development Plan / Site Plan. Minor changes to the Final PUD Development Plan / Site Plan may be made administratively at the discretion of the City Administrator. Changes that would trigger Site Plan review by the Planning Commission and approval by the City Council as described in the City's Zoning Ordinance shall require an amendment to this Ordinance and the Final PUD Development Plan / Site Plan.

D. Findings for Approval of the Preliminary and Final PUD Development Plans / Site Plan. The City Council finds that the Plans are consistent with the criteria for approval of the Preliminary and Final PUD Development Plans as described in Section 63.03 of the St. Augusta Zoning Ordinance and that the Plans are consistent with the criteria for Site Plan approval as described in Section 10.05 of the St. Augusta Zoning Ordinance. More specifically the City Council finds the following:

1. The proposed development is consistent with the City's Comprehensive Plan, as amended and approved under separate consideration and action by the City Council;

2. The proposed development presents a complete and unified development within its own boundaries in terms of relationship of structures, patterns of circulation, visual character, interrelationship of utilities and drainage infrastructure, and overall architectural theme.
  3. The proposed layout of land uses within the development will result in compatible land uses with present and planned land uses in the surrounding area.
  4. The development is sufficient unto itself on the basis of size, composition, arrangement, and the provision of municipal utilities.
  5. The impacts of the proposed development on municipal services and facilities have been reviewed and mitigative measures have been identified where needed.
  6. The impacts of the proposed development on environmental quality and the reasonable enjoyment of the surrounding property have been identified, analyzed and mitigative measures identified where needed.
  7. The proposed development reasonably addresses the safety and convenience of vehicular and pedestrian traffic within the site and in relation to access streets.
  8. Any deviations from the standards of the Zoning Ordinance and Subdivision Regulations are justified by the design of the development.
- E. Expiration of Approval of the Preliminary and Final PUD Development Plans / Site Plan. Approval of the Preliminary and Final PUD Development Plans/Site Plan shall expire five years from the date of passage of this Ordinance for any structure and related appurtenances which have not been constructed within five years from the date of approval of this Ordinance.

**Section Four. Rezoning Amendment.** Upon the occurrence of all of the events set out in Section 3.B. as set forth above, the real property associated with the St. Augusta Apartments development, legally described below, shall be deemed rezoned from B-W Business / Warehouse District to 2011-1 PUD Planned Unit Development District:

State of Minnesota, Stearns County

That certain tract or parcel of land lying and being situated in the Northeast Quarter of the Northwest Quarter, Section 12, Township 123 North, Range 28 West, Stearns County, Minnesota, described as follows, to-wit: Beginning at a point on the West line of said Northeast Quarter of Northwest Quarter of said Section 12, 344 feet South of the Northwest corner of the said Northeast Quarter of the Northwest Quarter; thence running South a distance of 290 feet along said West line; thence running East on a line parallel to the South line of said Northeast Quarter of the Northwest Quarter a distance of 657 feet to the right of way of U.S. Highway No. 152; thence running in a Northwesterly direction along the West right of way line of said U.S. Highway No. 152 a distance of 333 feet; thence running West on a line parallel to the North line of said

Northeast Quarter of the Northwest Quarter a distance of 465 feet to the point of beginning and there terminating.

(Abstract Property)

**Section Five. Official Zoning Map.** The official Zoning Maps on file with the St. Augusta City Clerk's office at City Hall, are so changed and shall not be republished to show the aforesaid rezoning, but the City Clerk shall appropriately mark the said Zoning Maps on file in the City Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this Ordinance and all of the notations, references, and other information shown thereon are hereby incorporated by reference and made a part of this Ordinance.

**Section Six. Findings for Rezoning.** In rezoning the above referenced property to 2011-1 PUD Zoning District and related Preliminary and Final PUD Plans, and Site Plan, the City Council has found the following:

- A. The 2011-1 PUD Zoning District is consistent with the Comprehensive Plan and protects the health, safety, and welfare of the residents.
- B. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than if the property were developed using strict standards and land uses allowed within another residential zoning district.
- C. The proposal benefits the area surrounding the development to a greater degree than development allowed within another residential zoning district.
- D. The proposal provides land use and site design flexibilities while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in another residential zoning district.
- E. The proposal ensures the concentration of open space into more workable or usable areas and preserves the natural resources of the site more so than would otherwise occur in another residential zoning district.
- F. The City Council has given due consideration to existing conditions and the conservation of property values;
- G. The direction of building development is to the best advantage of the entire City and to the uses for which the property affected is being devoted at this time; and
- H. The change is required for the public good, is in the interest of public health, safety, and welfare, and is compatible with the City's Comprehensive Plan.

**Section Seven. Severability.** Should any section, paragraph, provision, sentence or lesser part of this Ordinance be found invalid by a Court of competent jurisdiction, then such invalid section, paragraph, provision, sentence or phrase shall be severed from this Ordinance and all remaining portions of this Ordinance shall continue in full force and effect.

**Section Eight. Effective Date.** This Ordinance shall be effective upon passage and publication in the official newspaper as provided by law.



PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

CITY OF ST. AUGUSTA

By: \_\_\_\_\_  
B.J. Kroll, Mayor

ATTEST:

By: \_\_\_\_\_  
William R. McCabe, City Administrator