



CITY OF EDEN PRAIRIE

Development Agreement Amendment Application 2024

Email completed application form to planning@edenprairie.org to begin process

PROJECT NAME AND LOCATION	Name: _____			
	Location: _____			
APPLICANT/FEE OWNER INFORMATION **Applicant information will be used as the main point of contact in ProjectDox**	Applicant: _____			
	Address: _____			
	City/State/Zip: _____			
	Phone: _____			
	E-Mail: _____			
	Fee Owner: _____			
	Address: _____			
	City/State/Zip: _____			
	Phone: _____			
	E-Mail: _____			
FEES	Application Fee	\$ 560.00	TOTAL AMOUNT DUE	\$
	Development Deposit	\$5,300.00		
REQUIRED SIGNATURES	_____		_____	
	Applicant		Date	
	_____		_____	
Fee Owner		Date		

INSTRUCTIONS

All Development Agreement Amendments inclusive of Planned Unit Developments (PUD) require a City Council review process. The review process takes approximately 90 to 120 days but can vary depending upon the complexity of the request. A **complete** Development Agreement Amendment application package allows a timely review of a development proposal.

1. Call City Center if you have questions at 952-949-8485 or email Planning@edenprairie.org and ask for a Planner.
2. **Provide complete information according to the enclosed submission checklist.**
3. Work with staff to resolve issues early in the process.
4. **120 Day Review Period** – State law allows cities a 60-day review period for zoning review. This review period can be extended by the City to a 120-day review period, provided a written notice is given to the applicant. Any extensions beyond 120 days, requested by the applicant, must be submitted to the City in writing no later than 30 calendar days prior to the end of the 120-day review period. The written request for extension shall be no less than 60 days and specify the date that the extended review period will expire. **If the applicant requests a continuance, that written request must also include an extension of the review period.**

REVIEW PROCESS

All Development Agreement Amendment request are reviewed according to the following sequence of events:

1. Meet with Community Development staff.
2. Potentially meet with City Departments and other agencies.
3. Submit a complete Development Agreement Amendment Application package via ProjectDox.
4. Development Review Committee evaluates the application.
5. City legal team prepares amendment.
6. City Council – Public Hearing (if amending a Planned Unit Development – PUD.)
7. City Council – Consent Agenda (Development Agreement signed.)

1. MEETING WITH COMMUNITY DEVELOPMENT STAFF

An important step in the review process is the initial meeting with City staff to discuss the requested amendments to the existing Developer's Agreement. This meeting will also help determine if the request involves any significant issues that would require additional research or City process. Before meeting with City staff, you should do the following:

- A. Review Chapters 11 and 12 of the City Code specifying development standards.
- B. Prepare conceptual amendment.
- C. Pre-meeting preparation facilitates a more productive meeting. At the meeting, City staff will help you become more familiar with the review process, answer questions regarding the Development Agreement Application package and give general direction on request. Incorporating staff suggestions regarding City policies and issues into further refinement of the request will help minimize potential delays and problems later in the review process. Staff will assist in determining if other City Department or outside agencies would have input on the request.

2. SUBMITTAL OF DEVELOPMENT AGREEMENT APPLICATION

A **complete** Development Amendment application package allows a timely review of a development proposal. The following information must be submitted via ProjectDox at least 5 weeks prior to any City Council meeting:

- A. The Development Agreement Amendment Application form and applicable fees.
- B. The Development Deposit Agreement and applicable deposit fee.
- C. The Development Agreement to be amended.
- D. If amendment proposed affects plan sheets, affected plan sheets must be included in submission materials.

The five (5) week submittal requirement is necessary to allow for:

- If required adequate time for public hearing publication and mailed notification to surrounding property owners as required by City Code and State Statute. (Only if a public hearing is required for the amendment.)
- Agreement distribution to other departments and agencies for their comments and analysis.
- Staff Report preparation.

3. DEVELOPMENT REVIEW COMMITTEE (DRC)

Once submitted, your Development Agreement Amendment application package will be scheduled for a Staff Development Review Committee meeting. This is an internal meeting for reviewing the proposal by the City departments. The Committee will determine the completeness of the application package, identify major issues, recommend potential changes, and request any additional information. Comments from this meeting will be forwarded to you in writing.

4. AGREEMENT PREPARATION

The preparation of the Agreement will be prepared by the City.

5. CITY COUNCIL – PUBLIC HEARING (PUD ONLY)

If the Developer's Agreement Amendment is a PUD, a Public Hearing at the City Council is required. The City Council meets on the first and third Tuesdays of the month.

The applicant and the current owners (if these are different entities) must provide one (1) signed and notarized copy of the Agreement to the Community Development Department six (6) working days prior to the scheduled City Council public hearing meeting. The Developer must initiate an action on the Development Agreement within six (6) months of the City Council's first reading. If the Development Agreement is not signed during this period, the City Council has the option to take a negative action for the requested Development Agreement Amendment.

6. CITY COUNCIL – CONSENT AGENDA

If the Developer's Agreement Amendment is not altering a PUD, a Public Hearing at the City Council is not required. The City Council meets on the first and third Tuesdays of the month.

The applicant and the current owners (if these are different entities) must provide one (1) signed and notarized copy of the Agreement to the Community Development Department six (6) working days prior to the scheduled City Council meeting. The Developer must initiate an action on the Development Agreement within six (6) months of the City Council's first reading. If the Development Agreement is not signed during this period, the City Council has the option to take a negative action for the requested Development Agreement Amendment.

Once you have signed the Development Agreement, your request will be scheduled on the consent agenda at the City Council. **You are not required to attend or make a presentation for consent agenda items.**

CITY OF EDEN PRAIRIE

DEPOSIT AGREEMENT

THIS AGREEMENT is made and entered into on the _____ day of _____, 20____, by _____:

("Applicant") for the benefit of the City of Eden Prairie, a Minnesota Municipal corporation ("City"). **WHEREAS**, Applicant has applied to City for the following approval(s) or action(s)

- a.
- b.
- c.
- d.
- e.

(the "Requested Approval"); and,

WHEREAS, in conjunction with City's review of the Requested Approval, City may incur costs, including administrative, planning, engineering, and other consulting costs, and City requires a guaranty that such costs will be paid by Applicant; and

WHEREAS, Applicant acknowledges the receipt of a benefit from City's review of the Requested Approval and from City's Review Costs;

NOW, THEREFORE, Applicant agrees as follows for the benefit of the City:

1. Deposit. Applicant has made the following deposits required for the Requested Approvals, consistent with Resolution 93-6 (all such deposits hereafter collectively referred to as the "Deposit Funds"):

Requested Approval

Amount

a. _____

a. _____

2. Use of Deposit Funds. City may, at any time, draw upon the Deposit Funds to pay Review Costs for the Requested Approvals. City shall determine the Review Costs based upon the rates listed in the most current fee schedule adopted by the Eden Prairie City Council.

The fee schedule is subject to change by the City Council, without notice to the Applicant.

3. Conditions of Deposit. The following conditions shall apply to the Deposit Funds:

a. Administrative hourly rates for processing applications shall be charged at a flat rate of \$100.00 per hour.

b. Payment shall be made to City consultants, including but not limited to, engineering, legal and planning, in the amounts actually billed, according to the customary consulting rates in effect at that time. Such consulting services or costs shall reasonably and necessarily relate to the subject matter of the Requested Approval, as determined by City in its sole discretion.

c. Payment shall be made to cover costs relating to public hearing mailings.

d. City shall not be responsible for paying any interest on the Deposit Funds.

e. If in the discretion of City, there is deemed to be an inadequate balance in Applicant's deposit account to pay for all the Review Costs incurred or to be incurred by City, City will notify Applicant of the need for additional Deposit Funds. Applicant agrees to make such additional deposits within ten (10) days of mailing of such notice.

f. No Requested Approval will be acted upon or processed by any City personnel until all Deposit Funds due at the time of original submission, or which thereafter become due pursuant to subparagraph 3.d., have been paid in full.

Positive Balances in Account. In the event there is a positive balance in the deposit account and there is (a) completion of the development process, either in the form of final approval or final denial of the Requested Approvals, or (b) an application is withdrawn, in writing, by Applicant, then the balance shall be paid to Applicant within ninety (90) days of receipt by City of a written request by Applicant for payment.

5. Accounting. Upon Request by Applicant, City will provide an accounting of all expenses charged against the account, but in no event more often than once every 30 days. An accounting will be provided when City notifies Applicant of a requirement for additional deposits and when the account is closed.

6. Application Fees. Applicant understands and agrees that the Review Costs and Deposit Funds are in addition to, and not in lieu of, City application fees.
7. Breach. In the event of breach of any terms of this Agreement by Applicant, City may, at its option, cease processing any Requested Approval which has been submitted by Applicant to cease any further development or work on any project to which the Requested Approval relates. Applicant shall be responsible for all costs and expenses, including attorney's and expert's fees and costs, incurred by City to enforce this Agreement or to collect any monies due to City from Applicant pursuant to this Agreement.
8. Validity. If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Agreement.
9. Amendments. No amendment or change of any kind to this Agreement shall be valid unless made in writing and with the consent of the City.
- 10 Binding Agreement. Applicant recognizes and agrees that all terms and conditions of this Agreement shall be binding upon the heirs, successors, administrators, and assigns of Applicant.

IN WITNESS WHEREOF, the Applicant has caused these presents to be executed as of the day and year aforesaid.

APPLICANT

By: _____

Its _____

STATE OF MINNESOTA)

)ss.

COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by
 , the _____ of _____, a Minnesota
 _____, on behalf of the _____.

Notary Public