

City Council Agenda Summary Sheet (Non Purchases)

Agenda No: 2004-0052 Papa Joe's Final Planned Unit Development Agreement
Date: February 3, 2004
Prepared By: Derek Delacourt, Planning & Development Department, ext. 2573
City File No: 02-004

Meeting Date: February 11, 2004

PURPOSE:

A request for review and approval of the proposed Papa Joe's Planned Unit Development Agreement by City Council.

DISCUSSION:

The subject site is located on the northwest corner of Rochester and Tienken Roads. The site is comprised of multiple properties approximately 15 acres in size and in various states of development. The project includes the gas station located directly on the corner, Lino's restaurant and the bank to the west and the vacant industrial parcels to the north.

The applicant is proposing the development of a mixed use/commercial center to be anchored by a Papa Joe's Market. The project will include the knockdown and rebuild of the existing bank and gas station fronting Tienken Road. The proposed center will also include small specialty retail and small office suites. Also, two out-buildings are being proposed for the site. The final combinations of permitted and prohibited uses are included in this PUD agreement.

The applicant is requesting approval from City Council on the PUD agreement and attached exhibits. They are not seeking approval of the Final Site Plans at this time. Approval of the Final PUD Agreement obligates the applicant to develop the site in accordance with the Agreement. Also, it provides the applicant with the assurance that the City will approve the site as long as the Final Site Plans are consistent with the agreement and exhibits included in the Final PUD document. The City's PUD Ordinance allows for the Final Site Plans to be approved by Staff administratively if they are consistent with those included in the agreement. However, in this instance, Staff's opinion is that any Final PUD agreement should include a condition that the Final Site Plans shall require review by the Planning Commission and a recommendation made to the City Council regarding final approval. It is Staff's Opinion that there are too many outstanding issues to be addressed prior to Final Site Plan Approval not to have the resolutions to those issues reviewed and approved by the Planning Commission and City Council. Also, Staff's opinion is that the plans as presented in the Final PUD Agreement are acceptable to be approved with the conditions identified in the included motion.

Based on discussions with the Planning Commission, the applicant has included a revised Site Plan in the PUD Agreement in an attempt to provide the total amount of required parking. It does appear to Staff that the applicant is close to providing the appropriate amount of parking. Staff did not have the opportunity to review the proposed changes for technical compliance and therefore recommends that the condition of approval related to parking remain as part of any

possible approval. Also, the applicant completed some of the requested language changes requested by staff and the Planning Commission. Again, although the changes appear to meet the required conditions, Staff recommends that all of the conditions included in the recommendation from the Planning Commission remain as part of any approval, until such time as Staff and the City Attorney are able to verify them or until review and approval of the Final Site Plans by Council.

FISCAL INFORMATION:

[Click [here](#) and type budget and staff impact]

RECOMMENDATION:

The Planning Commission, subject to conditions, recommends approval of the rezoning of the underlying zoning districts for the subject site, the rezoning of the entire site to a PUD Overlay District and the approval of the Final PUD Agreement.

ATTACHMENTS:

Minutes pa 20040113
Report Staff FinalPUD
PUD Agreement and Exhibits

Department Authorization: Ed Anzek, Director of Planning and Development

Reviewed by:

Fiscal: *Jean Farris*

Clerks: *Susan Koliba-Galeczka*

Approved by: *Pat Somerville*

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA