

DATE: March 12, 2004

TO: Planning Commission

RE: City Place PUD

This memo is intended to provide additional and amended information to the Staff Report regarding the proposed project. The applicant submitted revised PUD text language addressing some of the issues identified in the staff report.

Wetlands

The applicant has revised the language in the PUD Text to indicate a Wetland Use Permit shall be required at the time of Final Site Plan Approval. However, the PUD plans still indicate impacts to wetland and natural features areas. The City's Wetland Consultant has approved a restoration plan for the subject site based on the proposed future build out. Staff recommends that the approved restoration plan (included in the packet) be included in the Final PUD Agreement prior to approval by City Council.

PUD Text

The PUD Text revisions requested by Staff have been made in regards to the following sections:

- Section 4 Trees and Woodlands
- Section 6 Wetlands
- Section 7 Historic House
- Section 9 Signage
- Section 11 Governmental Approvals
- Section 12 Phases

A revised motion included in this memo removes previously recommended conditions related to the above sections.

Remaining Issues

Rochester Road Right-of Way

There remains an issue related to the proposed 180' ROW for Rochester Road. Staff does not have concerns about allowing the applicant to utilize the proposed ROW until such time as it is needed. However Staff does recommended that the PUD agreement identify in some fashion how the applicant intends to replace parking if the ultimate build out of Rochester Road identified by the City is achieved. Also, staff recommends that the applicant dedicate ROW of at least the State identified 150' at this time.

Open Space

Staff recommends that Planning Commission determine if the open space indicated on the PUD plans is acceptable for the proposed development. If additional open space is required it should be identified at this time and indicated on revised plans.

Final Site Plan Approval

Staff recommends that language be included in the PUD that Final Site Plan Approval shall require recommendation from the planning Commission and approval of City Council.

Land Division

The applicant should remove any reference to Land Divisions, and or combinations that have not been approved by the City at this point from both the PUD text and the PUD plans.

Based on the changes identified above Staff recommends the following Motion.

POTENTIAL MOTION

MOTION by _____, seconded by _____, in the matter of City File No. 02-027 (City Place), the Planning Commission **recommends** that City Council **approve** the Planned Unit Development. Such approval shall include the Planned Unit Development Agreement and Exhibits dated January 26, 2004 (as may be amended by City Council) and constitutes an amendment to Chapter 138 of the Code of Ordinances to rezone Parcel Nos. 15-23-301-002, 15-23-301-035, 15-23-152-002, currently zoned Single family to B-2 General Business District with a PUD Overlay.

Findings:

1. The proposed PUD has met the qualifications of Section 138-1002 of the Zoning Ordinance.
2. The City's Master Plan identifies the subject site for future mixed-use development. The proposed development is consistent with that recommendation.
3. Dedication of additional road right-of-way, increased design and aesthetic controls, and the ability to restrict undesirable uses are substantial public benefits of the proposed PUD that could not be achieved under the B-2 district alone.
4. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment. Moreover, the proposed PUD will improve public utility and circulation systems.
5. The proposed PUD has been designed to promote convenient vehicular and pedestrian circulation within the site.

Conditions:

1. (Section 8 Streets and Utilities) Revise language to indicate dedication of the City's Master Planned ROW and the use of a Hold Harmless agreement between the City and Applicant. Also, include language that the applicant will demonstrate the ability to provide for any lost required parking on revised PUD plans.
2. That any reference of Land Divisions be removed from PUD Text and Exhibits prior to final approval.
3. That the Final Site Plans shall require review and recommendation from the Planning Commission and final approval from City Council.
4. That the applicant shall make any modifications necessary at the time of Final Site Plan Approval to meet Engineering or Fire Department Requirements.