



MEMORANDUM

DATE: July 26, 2021

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

FROM: Jessica Jagoe, Senior Planner

SUBJECT: PC 21-014 – Assignment and Assumption of Development Agreement with JAB Real Estate, LLC (Lifelong Wealth Advisors)

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

Council Should Consider

Motions to approve, table, or deny the following:

- The Assignment and Assumption of Development Agreement for the Final Planned Unit Development Agreement with JAB Real Estate, LLC based on the City Council approval of Planning Case 21-014 on June 28, 2021.

All items need a simple majority for action unless otherwise noted.

Background

At the July 26, 2021 meeting, the City Council is considering the Final Planned Unit Development Agreement for the Master Planned Unit Development for JAB Real Estate, LLC (Lifelong Wealth Advisors). The project was approved with 16 conditions. The property owner is Arden Plaza, LLC, managed by Wellington Management. Lifelong Wealth Advisors will be constructing a single story 5,600 square foot building with associated parking lot.

The Developer as part of the Development Agreement approval is requested the City approve and sign an Assignment and Assumption of Development Agreement (Attachment A). The requested assignment reflects a desire of the seller of the lot to transfer and assign certain obligations under the PUD Master Plan to the new owners of the lot and a willingness of the new owners to accept those responsibilities. This request is not uncommon in commercial mall developments and redevelopments, particularly since most of these types of malls are moving away from single ownership with subordinate lease agreements for the various businesses located in or around the mall to a model where satellite or related lots are held in separate

ownership by individual businesses with some joint agreements for common area access, maintenance, etc. The City has previously seen this type of request with Walgreens, Frattalone's and Tavern development projects and this request continues that trend. City Staff and the City Attorney have reviewed the draft assignment and do not believe it assigns away or releases the seller from its continued joint obligations for shared requirements, most notably the stormwater pond in the SE corner of the development, but inevitably these types of assignment/release documents result in a more fragmented management situation for those common areas or improvements.

Options and Motion Language

Staff has provided the following motion language for this case.

1. Recommend Approval: Motion to approve the Assignment and Assumption of Development Agreement for JAB Real Estate, LLC based on the City Council approval of Planning Case 21-014 on June 28, 2021.
2. Recommend Denial: Motion to deny the Assignment and Assumption of Development Agreement for JAB Real Estate, LLC based on the City Council approval of Planning Case 21-014 on June 28, 2021. The City Council should identify findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.
3. Table: Motion to table the Assignment and Assumption of Development Agreement for JAB Real Estate, LLC based on the City Council approval of Planning Case 21-014 on June 28, 2021.

Budget Impact

NA

Attachments

- A. Assignment and Assumption of Development Agreement