



CITY COUNCIL AGENDA ITEM

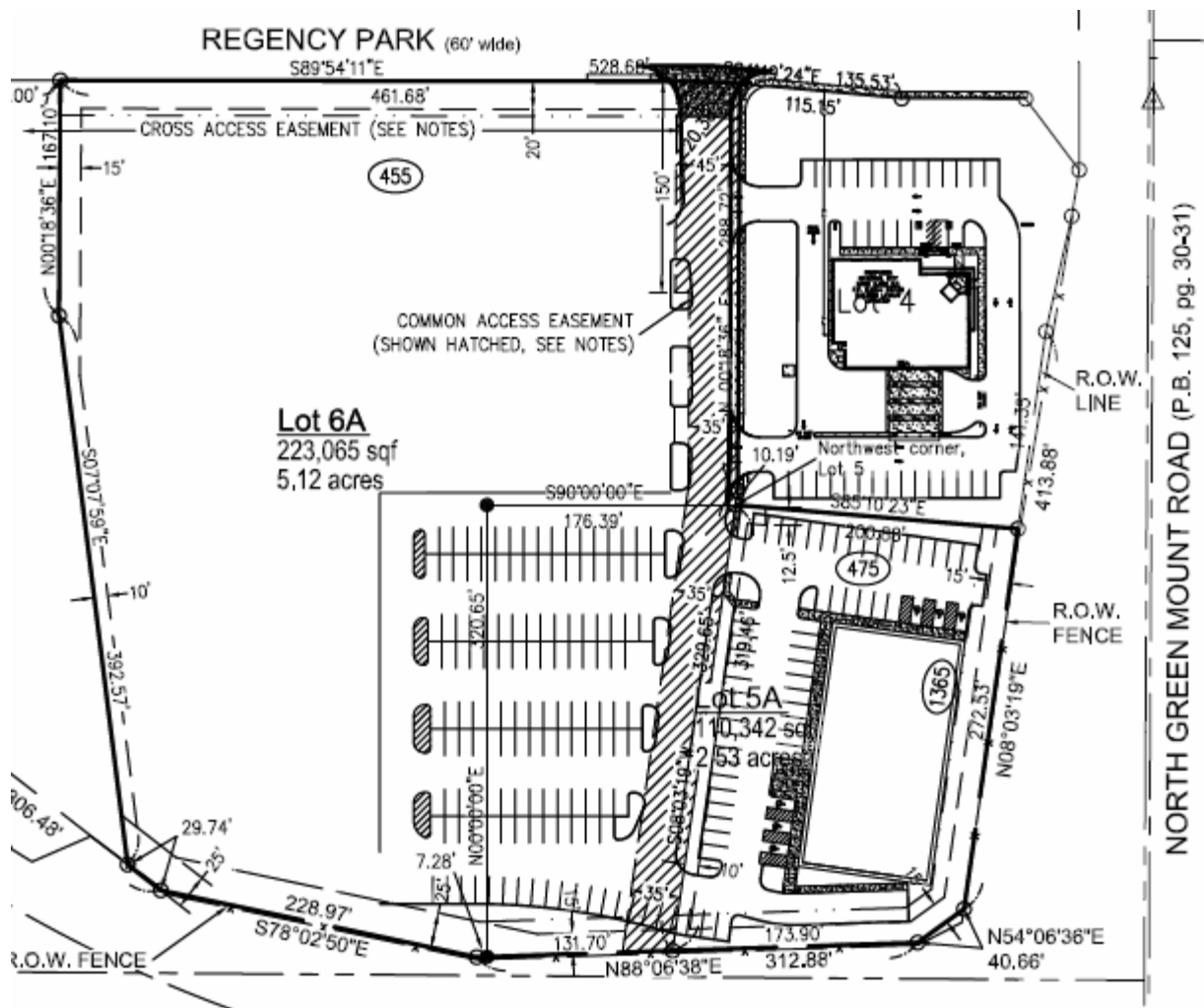
To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: June 18, 2007
Subject: **Resolution** Approving a Minor Subdivision for "Shoppes at Green Mount Lots 5 & 6"

List of committees that have reviewed: The Community Development Committee reviewed and recommended approval of the Minor Subdivision, including the additional language from Dan Vogel, with a vote of 4-0 at its June 11, 2007 meeting.

Project Summary: The applicant, Loren Ettinger for Walpert Properties, is proposing to re-subdivide Lots 5 & 6 of the Shoppes at Green Mount into two new commercial lots. Lots 5 & 6 are located on the south side of Regency Park Drive and will be the future site of office buildings, including the Balke Brown office building. New Lot 5A will be 2.53 acres in size for the Balke Brown office building, and new Lot 6A will be 5.12 acres in size for future office development. All minimum B-1 area/bulk requirements for the individual lots have been satisfied. The two lots will share an access driveway off of Regency Park Drive, which is shown as a common access easement on the attached plat. A cross-access and shared parking easement and a shared parking and joint maintenance agreement between new Lots 5A & 6A must be recorded.

A Reciprocal Easement Agreement outlines restrictions for the property, including land uses and such things as parking ratios and signage. It also outlines the shared parking and access easements between Lots 5A & 6A. Dan Vogel, the City's land use attorney, has reviewed the Agreement and proposes adding the following language:

"Pursuant to Section 11.070 of the City Zoning Code, the City hereby approves a variance to authorize up to 50 parking spaces attributable for the use on Lot 5A to be located on Lot 6A and subject to a perpetual cross-access/parking easement and maintenance agreement as shown and referenced on the attached plat. Unless otherwise approved by the City, the maximum of 50 parking spaces located on Lot 6A subject to this variance shall be dedicated for use solely by Lot 5A and shall not count toward any parking spaces required by uses on Lot 6A."



Legal Considerations, if any: None.

Budget Impact: None.

Staff Recommendation: The Subdivision Plat for Shoppes at Green Mount Lots 5 & 6 Minor Subdivision has been reviewed by Planning and Engineering staff, and they have been found to meet all minimum platting requirements for lots in the B-1 zoning district. Staff recommends approval of the Minor Subdivision with the following conditions:

1. The Reciprocal Easement Agreement, including the amended language from Dan Vogel above, must be recorded with the Minor Subdivision Plat. This includes the required cross-access and shared parking easement and a shared parking and joint maintenance agreement between new Lots 5A & 6A.