



## MEMORANDUM

TO: Planning Commission  
FROM: Steve Regner, Associate Planner  
DATE: September 28, 2016  
SUBJECT: Allen 18 Unit Apartment Complex (CU2016-0004 DR2016-0055 SDM2016-0006)

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Staff is providing this memorandum to outline the changes to the application materials (dated 9/28/2016) including revised plans and updated narrative (Exhibit 3.4 – 3.7). Key information provided in the updated materials relate to cell tower maintenance schedule, truck deliveries, site grading, perimeter landscaping, active open spaces, and access easements.

### **Applicant Submitted Materials**

#### *Cell Tower Narrative*

The applicant has provided a memo, which in part, outlines the maintenance schedule for the cell tower on the site (Exhibit 3.5). The memo states that Sprint, a tenant of the tower, accesses the site approximately once per quarter, parking a full size pickup truck in the parking space. The memo also acknowledges that the owner of the tower, Crown Castle, makes an annual inspection of the tower, also parking in the space. Crown Castle also confirmed that a tenant accessing a tower on a quarterly basis is typical. The applicant proposes to utilize the parking space used for tower maintenance as a loading berth to serve the convenience store. Based on the applicant's materials, it appears the parking space is only occupied by a vehicle visiting the cell tower five times per year.

#### *Truck Deliveries*

The applicant conducted an interview with Dalit Singh, owner of Center Market, the on-site convenience store, to collect data about the truck deliveries for the business (Exhibit 3.6). The various truck deliveries average approximately 8-9 deliveries per week. The trucks range in size from 24 feet long to 40 feet long. The trucks are on the property for approximately twenty minutes per delivery.

#### *Site Plan*

The applicant has provided a fully revised set of drawings to reflect the changes to grading, active open space, perimeter landscaping, and truck turning radii.

#### *Site Grading (60.05.25.10)*

In the applicant materials reviewed at the September 7, 2016 hearing, the plaza had been relocated from north of the building to the west and east of the building. However, the site grading had not been updated to reflect these changes, and staff was unable to evaluate the application for compliance with this standard. Subsequently, the applicant has provided a revised the grading to reflect the latest changes. Staff finds that the site grading is minimal, and located only for the building and plaza footprints.

**Therefore, staff finds that this standard is met.**

*Active Open Space (60.05.25.3.B)*

The applicant's latest materials show active open spaces located on the east and west sides of the building, with plazas, benches, and stairs. The minimum active open space required is 930 square feet. Staff measures the active open space to be approximately 950 square feet.

**Therefore, staff finds that this standard is met.**

*Landscape Buffering Between Contrasting Zoning Districts (60.05.25.13)*

The applicant has updated the landscape plan to show arborvitae being planted at the perimeter of the development on the west, north, and east sides of the development. This is consistent with requests from neighbors to the north, as well as the Planning Commission. The proposal is still consistent with the standards of the required B3 Buffer.

**Therefore, staff finds that this standard is met.**

*Access Easement*

The applicant has submitted a model access easement (Exhibit .3.7) that could potentially be used to assure full access to the apartment complex residents, visitors, maintenance vehicles, and emergency vehicles. However, after consulting with the City Attorney, staff finds that the easement as submitted would not be valid. Both properties are owned by the same ownership group, and as such, one property cannot convey an easement to another.

There are several alternatives that can achieve the desired effect, however. The lots could be consolidated, or a public easement could be conveyed to the city, however the applicant has stated that they are not interested in either of those approaches. The most likely way access can be ensured is if an LLC is formed, and ownership of one of the lots is assigned to the LLC. In this situation, there would be two separate entities, and an easement could be conveyed from one to another. Staff has consulted with the City Attorney's office to arrive at this potential solution.

Staff is recommending the additional Condition of Approval below:

Prior to issuance of the Site Development Permit, the applicant shall provide proof of recordation of an access easement granting access to lot 00602 across lot 00605, written to the satisfaction of the City Attorney's Office.

**Recommendation**

Based on the facts and findings included in the August 10<sup>th</sup> Staff Report and this memo, staff recommend **APPROVAL** of **CU2016-0004 / DR2016-0055 / SDM2016-0006 (Allen 18 Unit Apartment Complex)** subject to the applicable conditions identified in Attachment E of the Staff Report and this memo.

**Exhibits**

- Exhibit 3.4 Revised Plans, dated September 28, 2016
- Exhibit 3.5 Memo prepared by Property Owner's Representative, dated September 27, 2016
- Exhibit 3.6 Center Market Owner Statement, dated September 21, 2016
- Exhibit 3.7 Access Easement Model