

THURSDAY, MAY 21, 2015

CITY HALL COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE
COLORADO SPRINGS, COLORADO 80903

CHAIRMAN SHONKWILER CALLED THE MEETING TO ORDER AT 8:30 A.M.

PRESENT:

Donley
Henninger
Gibson
Phillips
Shonkwiler
Smith
Walkowski

ABSENT:

Markewich
McDonald

ALSO IN ATTENDANCE:

Mr. Peter Wysocki, Planning and Development Director
Mr. Marc Smith, City Senior Corporate Attorney

RECORD OF DECISION

Moved by Commissioner Phillips, seconded by Commissioner Walkowski, to approve the April 16, 2015 Record of Decision. Motion passed 7-0 (Commissioner Markewich and Commissioner McDonald excused)

COMMUNICATIONS

Director Wysocki, updates that at the next city council meeting, three appointments will be made for Commissioners John Henninger, Ray Walkowski and Jeff Markewich.



CONSENT CALENDAR	
ITEM NO.	PROJECT DESCRIPTION
<p>ITEM.: A.1 CPC ZC 15-00006 (Quasi-Judicial)</p> <p>ITEM.: A.2 CPC CP 15-00007 (Quasi-Judicial)</p> <p>PARCEL NO.: 5331200045</p> <p>PLANNER: Steve Tuck</p>	<p>A request by N.E.S. Inc. on behalf of Tom Tauche Inc. for approval of the following development applications:</p> <ol style="list-style-type: none">1. A zone change from A/AO (Agricultural with Airport Overlay) to R-5/AO (Multi-family Residential with Airport Overlay).2. A concept plan which shows the reconfiguration of the Springs Ranch Golf Course so that the 18-hole golf course is maintained and a separate parcel consisting of 13.8 acres for further development is created. <p>The property is located adjacent to the east side of Tutt Boulevard immediately south of the Springs Ranch Golf Course clubhouse and consists of 13.8 acres.</p>
<p>ITEM.: B.1 CPC UV 15-00020 (Quasi-Judicial)</p> <p>ITEM.: B.2 CPC R 15-00019 (Quasi-Judicial)</p> <p>PARCEL NOS.: 7324301034</p> <p>PLANNER: Rachel Teixeira</p>	<p>A request by YOW Architects on behalf of Columbus Real Estate for approval of the following development applications:</p> <ol style="list-style-type: none">1. A use variance that would allow for a specialty auto and service use with indoor sales and showroom to be located within an existing building.2. Administrative relief to allow 52 parking spaces - where 60 spaces are the requirement. <p>The property is within a PIP-2 (Planned Industrial Park) zone, consists of 2.34 acres and is located at 6275 and 6285 Corporate Drive.</p>



CONSENT CALENDAR

DATE: May 21, 2015
ITEM: B.1-B.2
STAFF: Rachel Teixeira
FILE NO.: CPC UV 15-00020
CPC R 15-00019
PROJECT: Corporate Center Filing No.5

Director Wysocki states a correction to the agenda for typo in the project description that the zoning is PIP-1 not PIP-2 as listed in the agenda. All other information related to the application is accurate.

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Henninger, seconded by Commissioner Phillips, to approve **Item No. B.1, File No. CPC UV 15-00020**, the use variance for Corporate Centre Filing No. 5, to allow a specialty auto and service use with indoor sales and showroom to be located within an existing building located at 6275 and 6285 Corporate Drive in the PIP-1 zone, based upon the finding that the use variance complies with the three (3) review criteria for granting a Use Variance as set forth in City Code Section 7.5.803.B, subject to the following conditions and technical modifications listed on page 3 of the CPC agenda.

Motion passed 7-0 (Commissioner McDonald and Commissioner Markewich excused).

Moved by Commissioner Henninger, seconded by Commissioner Phillips, to approve **Item No. B.2, File No. CPC R 15-00019**, the administrative relief for Corporate Centre Filing No. 5, to allow 52 parking spaces and 20 display spaces where 60 parking spaces are required based upon the finding that the administrative relief complies with the four review criteria in City Code Section 7.5.1102.

Motion passed 7-0 (Commissioner McDonald and Commissioner Markewich excused).

May 21, 2015	
Date of Decision	Planning Commission Chair

ITEM PULLED FROM CONSENT CALENDAR FOR IMMEDIATE HEARING

DATE: May 21, 2015
ITEM: A.1 – A.2
STAFF: Steve Tuck
FILE NO.: CPC ZC 15-00006
CPC CP 15-00007

PROJECT: Springs Ranch Golf Course

Commissioner Shonkwiler stated that he is particularly interested in the calculations for open space for Springs Ranch and how it relates to this particular issue.

STAFF PRESENTATION

Chris Lieber, Colorado Springs Parks Department

Mr. Lieber stated that in 1999, the city entered into an agreement with the golf course owner and as part of the Springs Ranch Master Plan and looked at the Park land dedication requirements. At that time it was recognized that a golf course was going to be part of that overall development. It was determined at that time that a privately owned course would still serve the needs of the public. A calculation was made at that time based on the amount of acreage within the golf course, the amount of acreage provided throughout the Springs Ranch Master plan in terms of open space corridors and neighborhood parks. In the end of the calculation roughly 31% credit for each acre that constituted the golf course. By doing that calculation Springs Ranch Master Plan was essentially whole in terms of the amount of credit that was given and the amount of land that was provided. So fast forward to the present day and the request to take portion of golf course out of the use to change to development scenario, it was important for the parks board and the parks staff that throughout all of this the public would essentially be made whole and the public interest. In addition that the park credits would be exchanged/transferred for another configuration. That exchange has resulted in a land exchange where land would be dedicated specifically to the city from Mr. Tauche, in the form of three parcels. Two of parcels are small pieces located on the north end of the golf course that provides access to the continuation of the Sand Creek Trail and will provide an underpass at Carefree. So that is something that is very much in the public interest. The other piece is approximately a three acre parcel that is located at the south end of the golf course and would expand the Tutt Sports Complex. The Tutt Sports Complex current configuration is much



smaller than an ideal situation when you think about the types of land uses and the types of demands that a sports complex often has. So by adding the three acres that provides the public benefit. The Parks Board did approve of this in April and one of the big things for them, they wanted to see the golf course remain viable. Although we have two public golf courses, there is a significant need for golf courses and to be able to participate in a way that keeps this golf course viable is in the community's best interest. A new piece of this park credit agreement that has been added to specifically identify for the golf course to remain a publically accessible course and that it remain a viable 18-hole golf course.

Steve Tuck adds that there is one other component that provides value to the Parks Department and that is the residential units will pay park fees at the time of building permit which will be used for the extension of the Sand Creek Trail.

Commissioner Shonkwiler asks how do we know what elements of the agreement will ensure that this will remain public and viable. Is there a contract in place? Mr. Lieber responds that there is a separate agreement that has been recommended for approval and that agreement will go before the City Council ultimately for their approval. They signed and agreed to the original agreement in 1999 so the amendment to the agreement will go before them as well.

Commissioner Shonkwiler states that this is the second time he and others on the board have seen pieces of the golf course taken away and asks if there is any inclination that that might happen again. Mr. Lieber states that is a question more for the owner of the property.

Commissioner Shonkwiler states that the last time the land was taken away, there were a number of neighbors concerned that more piece will be taken away bit by bit, could this happen again. Marc Smith, attorney states that we certainly cannot stop anyone coming forward with a proposal but we would be in a similar position where it would require the Parks Board approval, Planning Commission approval and ultimately City Council approval. Mr. Smith states, in this case today what you are specifically looking at is a Concept Plan and a Zone change and the agreement is a separate issue that has already gone through it's review process of the Parks Board and will ultimately pass to City Council. So we need to focus on what the actual application is here today and you do have testimony that the Parks Department does believe that the parks system and the citizens will be whole through this, but you need to try to relate that back to what you are actually reviewing today.

Commissioner Donley asked Kathleen Kraegar about the two access points on Tutt Boulevard . Kathleen Kraeger responds that because Tutt is a minor arterial the goal was to minimize the number of traffic signals that we might need to put on Tutt in the future so she'd rather give two access points that could operate without being signalized rather than giving one access



point that might create enough of a delay that would end up as a request for signalization. Commissioner Donley asks Mr. Tim Siebert with NES if we have an anticipation of what the uses will be. Mr. Siebert states that the request is for R-5 zoning allows multiple types of residential but also allows assisted living, senior care, different human services establishments and that is the nature of the request. He also states just from a market approach there have been discussions will all of those types of entities. The property size is relatively long and skinny, so that does limit the viability of some of the uses but they are optimistic that they could get a couple uses that would diversify the housing availability in the area.

CITIZENS IN FAVOR

None present.

CITIZENS IN OPPOSITION

None present.

DISCUSSION OF THE COMMISSION

Commissioner Henninger is in support of the application and he is basing that on the Parks Board review and their actions. He does not see a reason to oppose.

Commissioner Donley sees this as an important infill project. He has played at that golf course and felt there is a lot of extra land there, so this is a positive project for the viability of the golf course. He is concerned that the plan has two access points on a minor arterial but will defer to the Traffic Engineering Department and their decision on that.

Commissioner Walkowski states that it meets review criteria and is in accordance with the comprehensive plan and the area master plan.

Commissioner Gibson is in agreement that it meets the criteria and will be in support of the project.

Commissioner Shonkwiler states that he was concerned that the golf course was being sliced and diced but the testimony before the board is that, that is not the case now. He thinks it will be necessary to be vigilant that slicing and dicing does not occur. He is in support of the application.

DECISION OF THE PLANNING COMMISSION



Moved by Commissioner Walkowski, seconded by Commissioner Henninger, to approve Item **No. A.1 -File No. CPC ZC 15-00006**, a zone change from A/AO (Agricultural with Airport Overlay) to R-5/AO (Multi-family with Airport Overlay) for the Springs Ranch Golf Course R-5 Site, based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries).

Motion passed 7-0 (Commissioner McDonald and Commissioner Markewich excused).

Moved by Commissioner Walkowski, seconded by Commissioner Gibson, to approve item **No.A.2 – File No. CPC CP 15-00007**, concept plan for the Springs Ranch Golf Course R-5 Site, based on the finding the plan complies with the review criteria in City Code Section 7.5.501.E (Concept Plan Review Criteria) subject to compliance with the following technical and/or informational modifications to the concept plan listed on page 9 of the CPC agenda.

Motion passed 7-0 (Commissioner McDonald and Commissioner Markewich excused).

May 21, 2015	
Date of Decision	Planning Commission Chair

NEW BUSINESS CALENDAR



ITEM NO.	PROJECT DESCRIPTION
<p>ITEM NO.: 4 AR NV 15-00075 (Quasi-Judicial)</p> <p>PARCEL NO.: 7413410027</p> <p>PLANNER: Lonna Thelen</p>	<p>An appeal regarding the administrative approval for a nonuse variance to allow 17 parking spaces where 34 are required on 555-559 S 8th Street. The subject property is zoned C-6 (General Business), consists of 0.50 acres and is located at 555-559 S 8th Street.</p>
<p>ITEM NO.: 5.A CPC A 14-00133 (Legislative)</p> <p>ITEM NO.: 5.B CPC ZC 14-00134 (Legislative)</p> <p>ITEM NO.: 5.C CPC CP 14-00135 (Quasi-Judicial)</p> <p>PARCEL NO.: 5307002016</p> <p>PLANNER: Meggan Herington</p>	<p>A request by Millennium Venture Group, LLC for approval of the following development applications:</p> <ul style="list-style-type: none">A. Annexation of the 6.3-acre Tutt Corners Addition into the City of Colorado Springs,B. Establish the C-6/AO (General Business with Airport overlay) zone district,C. The Tutt Corners Addition Concept Plan that illustrates five commercial pad sites. <p>The property is located at the northeast corner of the Dublin Boulevard and Templeton Gap Road and consists of 4.8 acres.</p>



<p>ITEM NO.: 6.A – 6.B CPC MP 04-00012- A1MJ15 (Legislative)</p> <p>PLANNER: Peter Wysocki</p>	<p>A request by the Colorado Springs Urban Renewal Authority on behalf of Gold Cycle Investments, LLC for determination of consistency with the City’s Comprehensive Plan of:</p> <ul style="list-style-type: none">A. An amendment to the Gold Hill Mesa Urban Renewal Plan to exclude the commercially-designated properties from the existing Gold Hill Mesa Urban Renewal Area.B. Gold Hill Mesa Commercial Urban Renewal Plan Area for the commercially-designated properties. <p>The entire Gold Hill Mesa consists of approximately 200 acres, and is generally located South of Highway 24 and East of 21st Street.</p>
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NEW BUSINESS CALENDAR

DATE: May 21, 2015
ITEM: 4
STAFF: Lonna Thelen
FILE NO.: AR NV 15-00075
PROJECT: 555 S. 8th Street Appeal

STAFF PRESENTATION

Lonna Thelen, Principal Planner, has noted that two documents were presented to the commissioners, page 2 of a 3 page document, shall proceed page 47 in the CPC May 21, 2015 Agenda and the second is an email from the neighboring property owner just to the south that was received on Tuesday. Documents are attached to the minutes as Exhibit A.

Ms. Thelen presented PowerPoint slides Exhibit B.

Commissioner Walkowski inquires if the site meets code without the presence of a restaurant use. Ms. Thelen responded, yes it does meeting the requirement. Commissioner Donley inquires if the entire building was retail, would they have adequate parking? Ms. Thelen responds No, the entire building without the addition of the Ice and Easy structure requires approximately 17-18 spaces so they may be one short but they could park the existing building at retail. Commissioner Donley clarifies the parking requirements for retail versus restaurant. Ms. Thelen states the retail requirements are 1 space per 300, restaurant requirement is 1 space per 100.

APPELLANT PRESENTATION

Gary Callen, Attorney representing the appellant, presents on behalf of the appellant, Eighth Avenue LLC. Mr. Callen states that this area is over parked. The lease in effect provided and required that Eighth Avenue provide 5 parking spaces per every 1000 ft. and there is 83,000 ft in the main building., so they have an obligation to park for their use. He states that by doing what planning has approved and what the applicant would like to do they are taking land and parking away from them (Eighth Avenue LLC) which they are under obligation to furnish to both 'Hobby Lobby' and 'Office Depot.' Mr. Callen states that Pikes Peak Acura also own a portion of the south part of that next to the large building, they have voiced opposition to this non-use variance and it is in the email that he thinks was provided to the commission. He continues that there is a dispute between himself and the attorney of the application with regards to the wording of the covenant that governs these lots that has been in effect since 1989. The covenant cited by staff in their approval has been amended and was amended a year after the

original was made in 1989 although the wording in this particular section was not changed in the amendment. He states that we are dealing with section 7 of the covenant that states: "No person or entity may place fences, other attractions or on any portion of the common areas or alter the flow of traffic and parking thereon, unless such alterations or structures are consistent with the site plan. There shall be maintained at all times on each lot, together with any parking spaces required by applicable zoning ordinances, building code, or other governmental regulation." He states that they (Eighth Avenue) are fine there but the important wording is "No improvements shall be constructed on any lot unless the minimum required parking will be maintained on such lot and all other requirements herein are satisfied." He states that while there may be cross easement parking, unless the lot owner has the space on his lot for the parking spaces required by the code, he can't construct a building by these covenants. He states they (the applicants) want to ignore that and let them take their (appellant) property without compensation. Mr. Callan states that is the basic premise of their appeal that they are actually 17-19 parking spaces that they don't have in order to have a change of use as a result of this 200 square foot ice chest. The owner wanted to produce another fastfood restaurant and in order to meet those parking requirements as set forth in Chapter 7, they bought lot 3 so those parking places could be augmented for in the middle for the ones that they were losing. He stated that they (Eighth Avenue LLC) have complied with that and the applicant has chosen not to do instead he (the applicant) says that he has a cross parking easement so he's not bound by Chapter 7, Mr. Callan states that is not the case. While there is no development plan for the fast-food restaurant, it is in the process and a separate tax parcel number has been created.

Commissioner Shonkwiler asks Mr. Callan about his mention of Pikes Peak Acura and an email, however the email that Shonkwiler states he has says Eighth Avenue LLC and he'd like to know where the property he is referring to is located. Mr. Callan shows on a map of the area.

Commissioner Shonkwiler asks Mr. Callan if his testimony is that the construction item is the 200 square foot ice chest dispenser. Shonkwiler asks if this structure of the ice dispenser is the 'new construction' that Mr. Callan was referring to, Mr. Walker answers commissioner Shonkwiler question by stating that he believes that they contract needs to be enforced because (as owners) they are all subject to it with the same requirements. Mr. Walker states that "if the contract is of no use than maybe the planning department should step in and terminate it but if not we should all abide by it, we live in the law of contracts and we're subject to it as well." He further states that their concern is that when they go to build the fast food restaurant, which they have paid money to get out of the loan that is on the back building, acquired additional ground, lot 3, so they can comply with the 5 to 1 rules that are in the leases that they have in the back and in another contract, they didn't come into planning and ask for a variance and say can we park or have an extra 20 spaces from where ever we get them or not

comply, we've asked and gone and acquired the additional parking so they could build the building they have labeled as fast-food. Shonkwiler states that he was not trying to badger them he just wanted to verify his testimony. In addition the planning commission is not there to enforce agreements and they don't deal with them one way or the other.

Commissioner Walkowski clarifies that that their (the appellant's) appeal rationalization is the violation of the lease and a violation of the covenants, which are both private agreements that they have on the property. So what they, planning commission, are trying to determine is if this is against the city ordinance of the zoning ordinance and is it unreasonable or erroneous. But what has been brought forth, at least with what commissioner Walkowski is hearing, is a rationalization for some private contracts. Mr. Callan replies if you look at the rationale that they, staff, used in order to grant the non-use variance, it was that there was a cross parking easement in the covenants that let them use more parking places than they own to justify their product, that is a private contract. If staff is going to rely on that because of the cross use easement, they (the appellant) are saying no there isn't enough additional parking. Commissioner Walkowski thanks him for the clarification.

APPLICANT PRESENTION

Mr. John Nelson, the applicant on behalf of the property owner Mr. Egan. He states that he feels Ms. Lonna Thelen, has stated the nature of the non-use variance request, and her rationale in approving the request in great detail. The center has struggled in terms of traffic and use of the parking lot. Mr. Egan's use will bring a positive use to enhance the center and it is very much in need of that and in addition to the neighborhood in general would benefit by a quality restaurant in this location.

Commissioner Walkowski, talks about the city code criteria to grant a non-use variance. Part of that has to be extra ordinary conditions; he then asks Mr. Nelson what they extra ordinary conditions are. Mr. Nelson states that the conditions have to do historically with the economic challenges of not just the shopping center but the neighborhood as well. Commissioner Walkowski asks Mr. Nelson if he has reasonable use of the building right now. Mr. Nelson responds that is has been a challenge to keep this building leased.

Commissioner Donley states to Mr. Nelson that he is relying on an agreement that is listed on page 52 and he asks Mr. Nelson is this is the agreement that he is relying upon for cross parking. Mr. Nelson responds yes. Commissioner Donley states in page 57 there is a section that says parking areas, in that section it says that the number of parking spaces required have to meet the applicable zoning ordinance, building code or other governmental regulation. Mr. Nelson concurs. Commissioner Donley further states the question is that the parcel itself currently does not meet zoning requirements. Mr. Nelson states that actually it does.

Commissioner Donley clarifies it meets requirements for retail but once we go to a restaurant than it does not meet the code requirement. Mr. Nelson interjects, hence the variance process. Commissioner Donley asks Mr. Nelson if he is saying that with the variance, it is then in compliance with the code requirements. Mr. Nelson states that is correct.

Commissioner Gibson asks Mr. Nelson if there is another lot that can be purchased in order to satisfy these parking requirements. Mr. Nelson responds there it not.

Mr. Kent Karber, attorney for the applicant, he states that they have a letter on file from him, so he won't repeat. He reiterates the answers to the commissioner's questions previously asked of Mr. Nelson. He states that they (the applicant) have a vested property right in lot 1 and in appellants property. He states they have a right to be there, no more than you would go pay to park in your own driveway. Parking is not the issue, even with the proposed uses. Ramblin Express is allotted 82 spaces and has no physical presence on the property, so there is adequate parking. He also stated that they (the applicant) are not taking any land away nor would the grant of the variance take any land away because they have a vested property. He also stated that the covenants are a private issue and not before the commission today. Mr. Karber drives by this lot every day and sees an empty lot and a restaurant in this lot is showing positive progress.

No questions of Mr. Karber

Mr. John Eagan, owner of the building, states that they have owned the building for over 10 years. He states that is has been difficult to lease the building and 8th Street is a rough corridor. The low impact use of a sub shop coming into the neighborhood is small step to try and upgrade this area.

Commissioner Shonkwiler asks Mr. Eagan is he has any objection to any new construction in this area. Mr. Eagan is in support of any new development that will bring positive activity to the area.

CITIZENS IN FAVOR

None

CITIZENS IN OPPOSITION

None

APPELLANT COMMENTS

Mr. Callan states that the covenants were in effect before any construction began. He also states on public versus private disputes, if staff is relying on them for the variance, to look at all aspects of the covenants.

APPLICANTS COMMENTS

Mr. Nelson, said they have presented their case and thank them for their time.

COMMISSIONER DISCUSSION

Commissioner Henninger asks staff, as far as the city and cross parking, is it broad use or limited use as far as the shopping center. Mr. Wysocki responds that all uses have the right, notwithstanding any private covenants or agreement, that from a city code perspective all uses are eligible to utilize that parking.

Attorney, Marc Smith, adds that the commission need not concern themselves with trying to interrupt this private agreement states, because the commission is not a court of law and that is where those disputes should be handled. He also states not to ignore it but to stay in line with the very specific review criteria for the non-use variance criteria in addition to the appeal criteria and that is what the discussion should be framed around.

Mr. Wysocki, adds in comments in regards to infill and underutilized shopping centers. When markets change, uses change and to keep a global perspective of the infill development.

DISCUSSION OF THE PLANNING COMMISSION

Commissioner Walkowski states that the private agreements should remain private. There are extraordinary circumstances in this building. He did not see the burden of proof in the appellant's part of any adverse impact or that it met the appeal criteria. With the variance, it is not against the zoning code and he is comfortable with what staff has proposed.

Commissioner Henninger, agrees with commissioner Walkowski. He stated that he looks at this as a positive infill project and is a very beneficial thing to allow and he will be in support of the applicant in denying the appeal.

Commissioner Smith, agrees with his fellow commissioners, for denying the appeal.

Commissioner Donley, states that he is very reluctant to address the private agreements that should be for a court of law. In terms of extraordinary conditions, they are self-imposed. There is a reasonable use, he does understand this area as an infill site. Variances have specific

NEW BUSINESS CALENDAR

DATE: May 21, 2015
ITEM: 5
STAFF: Meggan Herington
FILE NO.: CPC A 14-00133
CPC ZC 14-00134
CPC CP 14-00135
PROJECT: Tutt Corners Addition

STAFF PRESENTATION

Meggan Herington, Principal Planner makes Powerpoint Presentation, slides are Exhibit C

Kathleen Krager, Traffic Engineering. This project has given the City a unique opportunity to make the extension of Tutt Boulevard north of Dublin Boulevard. This Tutt extension has been on the books for a long time. This will be the extension of Tutt Boulevard all the way to Woodmen Road. The extension of Tutt was on the PPRTA extension list and it was to be funded in another 2-3 years. When this developer came in they felt it was an excellent opportunity to combine the PPRTA funds with developer funds and get some work done ahead of time. So we moved the funding up in the PPRTA funds. The developer is dedicating all the right of way. Within PPRTA, the city had funds for purchasing right-of-way and now we glad that we don't have to waste money purchasing right-of-way. The City will acquire the ROW through dedication. The developer is also responsible for utility installation and reimbursement to the City for the curb and gutter and the sidewalk to be installed as part of the PPRTA project. Traffic engineering is expecting to come in about \$500,000 under PPRTA budget which is great news for us to use for future projects. She also goes over the traffic access on the concept plan.

Commissioner Henninger inquires about Tutt being a minor arterial and Templeton Gap is a two lane and to him he sees going into this plan as a positive thing for the Dublin Powers complex. As of now he states that he feels 'the cart is before the horse' as far access. He hopes that the fact that Tutt will have to handle more traffic was put into thought. He continued that he appreciates her explanations and it answered several of his questions. Ms. Krager states that once we need the traffic capacity in that area we have a way doing so.



Commissioner Donley, states that in the traffic criteria manual, there are a lot of things in this proposal that do not comply with those standards, so he presumes that a large part of that reason is the desire to get Tutt done. Ms. Krager, states that it was a difficult site to plan for many moving parts over time. Commissioner Donley states that the bottom line is that there are a lot of exceptions going on in terms of the manual and he wants to make sure that we have thought each one out carefully. The first he states is the right-in, right-out onto Dublin Blvd. is probably located in the deceleration (decel) lane. He assumes that there is going to be a dedicated right turn going to Tutt and so based on 45mph you need to have 380ft of transition and as a result that is located in the decel lane effectively and the manual prohibits having right turn movements into there, right? He asks Ms. Krager, she agrees. The second one, he states is the right turn into Tutt, for phase 1 also doesn't allow for the required distance between Dublin and Vicki Lane. Ms. Krager states that is correct. Commissioner Donley continues that it needs to have 300ft or so and we've made an exception there as well. Ms. Krager states that for minor arterials we don't use the decel rules but it is additional access. She also states that Vicki Lane in the future will only be going east; it will not be a four legged intersection but just the same. Commissioner Donley asks, that there is an intersection separation regardless of accel or decel work, Ms. Krager replies yes. Commissioner Donley continues by asking if we are creating an exception for that as well, Ms. Krager replies yes.

Commissioner Donley states just to be clear that the traffic criteria manual states that there should be one access per property, so there is yet another exception we've got three accesses going into this particular property, we are degrading the quality of Tutt and Dublin by having multiple access going in and out of it. Ms. Krager does not agree of the statement of the design causing degradation of Tutt and Dublin and refers to the standards as old standards. Commissioner Donley asks if then the Traffic Manual is obsolete. Ms. Krager states that it is probably time to look at that, especially in terms of access that we have been based on a standard of the state highway access code that has now been replaced. The concept of one access per property, and that's the only thing you look at, is not an issue that she knows of that is considered anymore. Our goal is putting in access so that it works throughout a long period of time. For example, the State Access Code previously stated that one access per property was permitted. Now it says very clearly that if additional access could be used that would alleviate future operational problems on with, it is to be allowed. Commissioner Shonkwiler asks Commissioner Donley how many more questions he has because he feels that we are getting off topic. Commissioner Donley says he just wants to comment that there is a new AASHTO (American Association of State Highway and Transportation Officials) Green book and that the new standards would remove some of these restrictions that we are looking at. Ms. Krager states that there is a new state highway access code and AASHTO is not the book that we turn to for access. Commissioner Donley states that the last comment he has is that the PPRTA list does not have this currently on it. It's not in the priority list the 'A projects.' Ms. Krager states

that it is an A project, that is was listed specific funding, she thinks in 2018 and two months ago, I traded it with another project to move it up to the 2015 list, so that we could access that money now in order to get the roadway built. Commissioner Donley states that he looked at the list a couple of days ago and it is not on there and he does understand that it was in the priority list when the vote occurred and this was March 15, 2015 so it's something worth making sure that we are right on. Ms. Krager states that it is there and the PPRTA board has approved it.

Commissioner Gibson states that she is part of the Sunday Contingency at the neighboring Church for All Nations and she appreciates the forethought that Ms. Krager has put in this.

APPLICANT PRESENTATION

Alisha Rhymer, Development Director with MVG Development which is the owner developer on the property. Ms. Rhymer presents powerpoint, slides are Exhibit D.

Commissioner Walkowski asks about a potential traffic median that Ms. Krager referred to, he asks is Ms. Rhymer is aware of that and how far it would do down and if it would block both full accesses. Ms. Rhymer states that if the median goes through, it would not be an issue until 2035. The access points allow it flow in the way it was intended to.

Commissioner Donley asks the Traffic Engineer to clarify any points, states that Kathleen clarified quite well and no need for any other comments.

CITIZENS IN FAVOR

None

CITIZENS IN OPPOSITION

None

DISCUSSION OF THE COMMISSION

Commission Donley states that he supports the application but with serious reservations with reference to access. He states that a suggestion for a shared access point on Dublin is a wonderful idea and is something that should be pursued and should be on record. The reason he is supporting this is the value of getting Tutt Blvd. in place. He also stated that traffic access on to major arterials is a serious concern of his and he will continue to bring it up. He feels that it does meet the criteria.

Commission Walkowski is in support of the applications seeing that it meets the criteria.

Commissioner Gibson, is in support of the applications.

Commissioner Shonkwiler is also in support of the applications.

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Henninger, seconded by Commissioner Gibson, **Item No. 5A, File No. CPC A 14-00133**, Approve the Tutt Corners Addition annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

Motion passes 7-0 (Commissioner McDonald and Commissioner Markewich excused).

Moved Commissioner Henninger, seconded by Commissioner Gibson, **Item No. 5.B, File No. CPC ZC 14-00134**, Approve the establishment of the C-6/AO (General Business with Airport Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

Motion passes 7-0 (Commissioner McDonald and Commissioner Markewich excused).

Moved by Commissioner Henninger, seconded by Commissioner Gibson, **Item No. 5.C, File No. CPC CP 14-00135**, Approve the Tutt Corners Concept Plan based upon the findings that the concept plan meets the review criteria for concept plans as set forth in City Code Section 7.5.501.E.

Motion passes 7-0 (Commissioner McDonald and Commissioner Markewich excused).

Appeal instructions read into record.

May 21, 2015

Date of Decision

Planning Commission Chair

NEW BUSINESS CALENDAR

DATE: May 21, 2015
ITEM: 6.A-6.B
STAFF: Peter Wysocki
FILE NO.: CPC MP 04-00012-A1MJ15
PROJECT: Gold Hill Mesa Urban Renewal Plan and Gold Hill Mesa Commercial Area Urban Renewal Plan

STAFF PRESENTATION

Peter Wysocki, Planner Director, makes a PowerPoint presentation slides are Exhibit E.

Jim Rees, Director of the Urban Renewal Authority, states that the original plan was approved in 2004 by the Planning Commission at that time and nothing has changed as far as land use. What they are doing at this point is a pretty much just a financial mechanism because the tax increment clock started when the plan was approved back in 2004, for the property tax only. There are two different clocks we are referring here to. The Property tax clock basically uses an increment created by the new value of the property that is built and then there is a sales tax increment part that gets negotiated separately on a tax sharing agreement with City Council at a future date. So the reason they are doing this is basically with the property tax clock that started in 2004 and nothing happening in the commercial area due to market conditions at the time, they have burned through 11 years. The idea is to bifurcate the two areas and start the clock over only on the commercial piece.

Commissioner Shonkwiler comments, that this is a classic urban renewal project and in the best interest of the community and complies with the comprehensive plan and is in support of the projects.

Commissioner Donley states this is the most qualifying property that the urban renewal has been involved in and he is delighted to see that we are going to make it more likely to be redeveloped.

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Donley, seconded by Commissioner Smith, Item **No. 6.A, File No. CPC MP 04-00012-A1MJ15**, approval of the Amended Gold Hill Mesa Urban Renewal Plan to the City Council based on the finding that it is consistent with the City's 2001 Comprehensive plan.

Motion Passed 7-0 (Commissioner McDonald and Commissioner Markewich excused).

Moved by Commissioner Donley, seconded by Commissioner Smith, Item **No. 6.B, File No. CPC MP 04-00012-A1MJ15**, Approval of the Gold Hill Mesa Commercial Area Urban Renewal Plan to the City Council based on the finding that it is consistent with the City's 2001 Comprehensive Plan.

Motion passed 7-0 (Commissioner McDonald and Commissioner Markewich excused).

