

AVON PLANNING COMMISSION REGULAR MEETING MINUTES 7-20-16

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, JULY 20, 2016 IN COUNCIL CHAMBERS OF CITY HALL

The meeting was opened by Chairman Carolyn Witherspoon at 7:00p.m.

AMEND THE SPECIAL USE PERMIT FOR COLUMBIA GAS TO INCLUDE A SHED LOCATED AT 35566 AVON ROAD. The public hearing was opened by Chairman Witherspoon at 7:00P.M. There being no one present in the audience, Chairman Witherspoon closes the public hearing at 7:00P.M.

ITB UTILITY INSTALLION OF TWO POLES. The public hearing was opened by Chairman Witherspoon at 7:00P.M. There being no one present in the audience, Chairman Witherspoon closes the public hearing at 7:01P.M.

AMEND THE PRELIMINARY PLAT FOR MCINTOSH FARMS SUBDIVISION. The public hearing was opened by Chairman Witherspoon at 7:01P.M. Jim Saylor of Reitz Engineering show the revised drawing and explains how the subdivision did not change just a few corner lots got bigger and it is to be done in two phases unlike the original plan was three phases.

Ken Kalina, 39919 Hawthorne explains there is a line of trees and asks if those will stay. Mr. Saylor says the tree line is on the property line and they have not spotted where all the trees are and cannot guarantee they will stay but they will do their best. Mr. Kalina asks where the ditch is at and if all ponds will drain into the ditch. Mr. Saylor locates the ditch and tells him which pond will drain where.

There being no further questions or comments, Chairman Witherspoon closes the public hearing at 7:05P.M.

AMEND THE PRELIMINARY PLAT FOR PALMER VILLAGE SUBDIVISION. The public hearing was opened by Chairman Witherspoon at 7:05P.M. Kevin Hoffman of Polaris Engineering explains the subdivision will be done in 7 phases now unlike the original 6 phases as there are two different developers who own the land.

Jamal Khwaja, 2779 Carlton Court says he lives in Bentley Park and would like to know about the tree line. Mr. Hoffman says that the block area is still to be preserved but he cannot guarantee the trees will stay. Mr. Hoffman says once they get to final design and grading they will have a better understanding. Jamal says that the trees are located right behind him and it is determined that those trees could be part of the HOA in a block and then those trees should stay. Ms. Fechter explains the original plan shows 6 phases but there are two owners so those will be done in two phases now. Mayor Jensen says to caution Jamal, if the trees are not on his property there is potential that trees can be removed unless they are on his property or in the Bentley block. Mr. Gasior says that with McIntosh and Palmer there are some serious issues that need to iron out with the City but are still on the agenda for the public hearing. There being no further questions or comment, Chairman Witherspoon closes the public hearing at 7:10P.M.

AMEND THE SPECIAL USE PERMIT FOR ROSE SENIOR LIVING TO INCLUDE PHASE 2 VILLAS. The public hearing was opened by Chairman Witherspoon at 7:10P.M there being no one present in the audience, Chairman Witherspoon closes the public hearing at 7:10P.M.

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MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, JULY 20, 2016 IN COUNCIL CHAMBERS OF CITY HALL

Present: Mary Berges; Bill Fitch; Bryan Jensen, Mayor; Jim Malloy; Carolyn Witherspoon; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer; and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING-JUNE 15 2016

A motion was made by Mr. Malloy, seconded by Mayor Jensen to dispense with the reading of the minutes of the Regular Meeting held on June 15, 2016, and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

CORRESPONDENCE

None

ADDITIONS/DELETIONS

A motion was made by Mr. Malloy, seconded by Mayor Jensen to delete item #9 Rose Parkway at the request of the Planning Coordinator. The vote was: "AYES" All. The chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to add item #9A Avon 25/4 Real Estate General Development Plan at the request of the Planning Coordinator. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to accept the agenda as amended. The vote was: "AYES" All. The Chair declared the motion passed.

COLUMBIA GAS-FIRST PRESENTATION-AMEND SPECIAL USE PERMIT PL20160065

Adam Woodie of Columbia Gas is requesting approval and the recommendation for Council approval to amend the Special Use Permit to include a 10'x10' equipment shed to be located at 33556 Avon Road.

Ms. Fechter says the only reason they are in front of the Board is because they have a special use permit that if they did not have that they could proceed with their project. Adam Woodie of Columbia Gas explains that Columbia Gas owns a lot on Avon Road which has their regulator station. They are in the process of updating their electronics and they need to add the equipment shed to allow that to happen. Eric Dudziak of the Fire Department says he just wants to mention that there needs to be a fire extinguisher in the shed. Mr. Gasior says the original Special Use was established in 1993 that is why they are amending.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve and recommend to Council for approval to amend the Special Use Permit to include a 10'x10' equipment shed to be located at 33556 Avon Road. The vote was: "AYES" All. The Chair declared the motion passed.

JL SMITH GROUP-FIRST PRESENTATION-MINOR MODIFICATION PL20160061

Mark Ruby of Mark Ruby Architect is requesting approval of the site plan for an 880 sq. ft. building addition to the existing building located at 36610 Detroit Road.

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Mark Ruby of Mark Ruby Architects and the owner of JL Smith group Jason Smith are present. Mr. Ruby explains they are proposing to build a small addition on the commercial building. Mr. Ruby shows the picture of the building as it is and then shows the renderings of what the building will look like with the addition. They are going to use the matching brick and siding as the existing building. The addition will connect the existing building and the garage. The business is growing and is their company and they would like to add additional space. The garage will stay as storage and additional offices will be in the addition. Ms. Fechter asks how many employees they have and it was mentioned they have 7 and will hopefully add an addition 3-4 employees. Mr. Ruby says the building will be handicap accessible and Mr. Smith says the offices will remain and one will be turned into a bathroom. Ms. Fechter asks if the patio will stay and Mr. Smith confirms yes it will. Mr. Dudziak asks what will be in the basement. Mr. Smith says it will be small storage and more likely a lounge. Mr. Dudziak mentions depending on the size of the building and what is in the basement it might need to be sprinkled.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for an 880 sq. ft. building addition to the existing building located at 36610 Detroit Road. The vote was: "AYES" All. The Chair declared the motion passed.

ITB UTILITY-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN PL20160060

Robert Knopf of ITB Utility is requesting approval of the site plan to install two utility poles to be Located on Center Road and French Creek Road and the recommendation to Council for approval to Create a developer's agreement.

Rob Knopf of Mobility says that they are looking to put two 120' tall poles up, one on Kinzel Road just east of Stoney and one on Old Center Road by Best Buy. Ms. Fechter says this is going to be first presentation as the City has hired outside Council to advise us with this being newer. Ms. Fechter says there are a number of questions as location, process and finalizing agreements. Ms. Fechter says she has also offered another location being the Service Building to see if that works as the code says they are not permitted in residential area. At this time they are trying to figure out what works best for the City and if it's something that could work for them as well. Mr. Cummins says there are some issues that will need to be discussed when they move forward. Mrs. Berges asks if they need to be concerned with the location at this point. It was determined no, the drawing is not for Colorado and they are still finalizing the exact location.

No action was taken, the Chair declared this to be first presentation.

AVON 25/4 REAL ESTATE LLC-FIRST PRESENTATION-GENERAL DEVELOPMENT PLAN

Marc Strauss of Avon 25 Real Estate, LLC is requesting approval of the general development plan for a skilled nursing facility and the extension of a Rose Parkway and a portion of Avon Commerce Parkway.

Marc Strauss says that he presented a general development plan back in Jan and through negotiations and discussion Mr. Strauss is looking for approval on a general development. Mr. Strauss says that he has talked with the City back in July and there are some minor modifications that need to be adjusted but is pretty close. Mr. Strauss says they need to provide the auto-turn to show complete access with the phasing of the roadway that they are proposing. Mr. Strauss says he is looking for approval so he can move forward and invest the money in the engineering for the final development plan. Ms. Fechter says Mr. Strauss is correct they have been in negotiations and are getting that finalized. The reason the auto turn is

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important is the roadway will go up to the nursing home and once occupancy is given Mr. Strauss will have 6 months to finish the roadway. Mr. Dudziak asks the road access for the fire department, is that temporary? Mr. Strauss says the no and shows on the drawing how it will circulate and where it will end. Mr. Dudziak says on the drawing it shows 15 feet and fire code minimum is 20 feet but does not have to be hard surface it just needs to hold 85,000 pounds. Mr. Strauss says they can add the 5 feet and will get the auto turn. Mr. Cummins says that the auto turn showing has several areas where the wheels go off paved area and will need to be addressed. Mr. Strauss says he is aware of the area he is talking about and that will be done when the road is completed. Mr. Cummins says there could be a fire before the road is complete so it needs to be fixed. Mr. Strauss explains there will be landscaping so they can make the adjustments. Mr. Strauss talks about the phase two parking and Mr. Cummins suggest that he add it into the factors. Ms. Fechter asks for a contingent upon to finish working out the details. Mr. Schneider says Rose Parkway is a driveway now and ask if it will be a dedicated street. Mr. Strauss says he turned over all the testing and reports to Ryan to see if it was acceptable and moving forward all the work will be done with the impression of being dedicated. Mr. Strauss hands Mr. Gasior a proposed developer agreement and the engineer estimate for the extension of Rose Parkway and the small extension of Avon Commerce Parkway. Mr. Cummins says that the contingent approval is subject to engineering review as well.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the general development plan for a skilled nursing facility and the extension of a Rose Parkway and a portion of Avon Commerce Parkway contingent upon final engineering. The vote was: "AYES" All. The Chair declared the motion passed.

MCINTOSH FARMS-FIRST PRESENTATION-AMEND PRELIMINARY PLAT PL20160066

Jim Saylor of Reitz Engineering and Richard Batt are requesting approval of the amended Preliminary Plat for a 63 home subdivision McIntosh Farms to be done in 2 phases, located on 37.8 acres west of Moon Road and South of Orchard Trail Subdivision.

Mr. Gasior says there are several issues that need to be addressed and they could go with a first presentation and go for a vote next meeting. Ms. Fechter says the only thing is first presentation is done tonight and there are some issues for next month wouldn't that and Mr. Gasior says it would be voted down. Mr. Batt is concerned that if they table they could not act upon it next month and is concerned with the reduced schedule. Mr. Gasior says it's only Council and not Planning Commission. Mr. Gasior says there are some issues and this could possibly expired and they might need to amend their application. Mr. Batt says he thinks there are some confusion between the ordinances and the Charter Amendment and they are being looked at differently. Mr. Batt says Stonebridge was approved after the Charter was and there are some conflicts that need to be worked out. Ms. Fechter say the best thing could be first presentation for tonight, get an application into the August Zoning Board of Appeals meeting and then there can be discussion to figure out what the best direction is. Mr. Batt says he is trying to stay on August meeting with full engineering and is trying to get approvals before too long. Mr. Batt has agreed to do first presentation and wants to set meeting up to keep moving forward. Mr. Saylor says the only changes made from the last approval where the a few corner lots were made bigger and have rephrased it into 2 not 3 phases like originally approved. Mr. Saylor says the larger basin in the back was reduced because of NRG and have made adjustments in other areas. Mr. Gasior reiterates that there are a number of issues and they need to be addressed.

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No action was taken, the Chair declared this to be first presentation
PALMER VILLAGE-FIRST PRESENTATION-AMEND PRELIMINARY PLAT
PL20160067

Jim Gamellia of Pro-Developers is requesting approval of the amended Preliminary Plat to show the Amended Phase 6 and to include Phase 7.

Kevin Hoffman of Polaris Engineering says there will be 13 homes in phase 6 and 3 homes in phase 7. Mr. Gasior says they have never dealt with a situation like this with one final phase to complete in a subdivision and in this case there are two different parties involved. Mr. Gasior says when it was presented as 6 phases, there was one owner and now they want to draw a phase line between two property lines and doesn't know if it's in the City's best interest. Mr. Gasior says they do want to see Phase 6 completed as it finishes the loop and is good for safety forces. Mr. Gasior says the City's main goal is to get the road installed and a lot of factors are involved in that. Ms. Fechter adds that there are a number of issues that need to be worked out but wanted to bring it in front of the Commission. Mayor Jensen asks if Mr. Hoffman is working with both property owners and it was confirmed he is only working for Mr. Gamellia now. Mr. Hoffman's says they have not been approached by them yet for phase 7 but have done work with them in the past on Phase 5. Mayor Jensen just wants to make sure the right information gets out to the residents to avoid any misunderstandings in the future. Mr. Gasior says he has spoken with legal Counsel and thinks there is in interest in developing the land. Mrs. Berges asks about the access to block K in Phase 7. Mr. Hoffman says the land is supposed to be preserved but they could add an access easement if necessary.

No action was taken, the Chair declared this to be first presentation

ARLINGTON PLACE SUBDIVISION PHASE 11-SECOND PRESENTATION-FINAL PLAT
PL20160048

Dale Haywood of KS Associates is requesting approval of the Final Plat and the Recommendation to Council for approval to create a Subdivider's Agreement for Arlington Place Subdivision Phase 11, a 10 sub lot phase located west of Miramar, Clayton and Shoreman Drive.

Dale Haywood, Chris Brown and Cody Bruce all are present for Arlington Phase 11. Chris Brown explains that Phase 11 is the final phase in Arlington subdivision and started with 20 homes. Mr. Brown says with the modification of the phase because of the NRG easement the phase will consist of 10 homes. Mr. Cummins says the review for the plat has been done and is approved but there are some outstanding engineering items on the improvement plans and would recommend a contingent approval. Ms. Fechter asks if they have been in contact with CVE on the sidewalk. Mr. Bruce says they have talked with Melissa and the grading plans and the grade of the right of way would make a big drop from sidewalk. Mr. Bruce says they could modify that but doesn't think from the safety aspect, it would not be a good idea. Mr. Cummins says the plans show a number of crossing and access points. Mr. Gasior ask if they have a location for the CBU has been determined. Mr. Bruce says there are no CBU for this section and the CBU installed for phase 6 on Miramar has enough boxes and will utilize that box. Mayor Jensen asks with the increase of traffic will it affect the existing ones. Mr. Bruce says they have talked with the Post Office and they tell them where it goes and Mr. Gasior says no, that's not true. It's the City that has the say because it's in the right of way. Mr. Gasior says ideally it would be nice to have a drive off the right of way to park to get their mail. Talk continues on the proper location of these boxes and possibly putting them in an HOA common area and what is the best location for them.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the Final Plat and recommend to Council for approval to create a Subdivider's Agreement for Arlington Place Subdivision Phase 11, a

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10 sub lot phase located west of Miramar, Clayton and Shoreman Drive contingent upon final engineering. The vote was: "AYES" All. The Chair declared the motion passed.

AVONDALE SUBDIVISION PHASE 2 -SECOND PRESENTATION- FINAL PLAT PL20160049

Kevin Hoffman of Polaris Engineering is requesting approval of the final plat and the Recommendation to Council for approval to create a Subdivider's Agreement for Avondale Subdivision Phase 2 to include 19 new single family dwellings.

Kevin Hoffman of Polaris shows the drawing and how the phasing has changed. Ms. Fechter asks about the mailboxes. Mr. Hoffman shows the proposed location and it is determined it's not in a great area. Mr. Hoffman says he will look into possibly moving it and that is to be determined by the HOA as well. Mayor Jensen say he has some concern with the location of the mailboxes. Mr. Cummins says they would request it as a contingent approval for final documents from 1st Energy for the easement. Conversation continues on what works best for the mailboxes and Mr. Hoffman says he will talk with the developer and and try to figure a good compromise. Mr. Gasior says he has not seen the HOA and would like to see that and moving forward the HOA being in control of maintenance.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the final plat and recommend to Council for approval to create a Subdivider's Agreement for Avondale Subdivision Phase 2 to include 19 new single family dwellings contingent upon final engineering and 1st Energy agreement. The vote was: "AYES" All. The chair declared the motion passed.

AVONDALE SUBDIVISION PHASE 3-SECOND PRESENTATION-FINAL PLAT PL20160049

Kevin Hoffman of Polaris Engineering is requesting approval of the final plat and the recommendation to Council for approval to create a Subdivider's Agreement for Avondale Subdivision Phase 3 to include 12 new single family dwellings.

Mr. Cummins says they have reviewed the plat and improvements and would like to request a contingent approval to allow time to get the 1st Energy document and the exact location of the cluster box units.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the final plat and recommend to Council for approval to create a Subdivider's Agreement for Avondale Subdivision Phase 2 to include 19 new single family dwellings contingent upon final engineering and 1st Energy agreement. The vote was: "AYES" All. The chair declared the motion passed.

ROSE SENIOR LIVING VILLAS-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Nathan Anderson of Edward Rose and Sons and Chris Howard of Bramhall Engineering are requesting approval of the site plan for a 76 unit senior living villa development to be located east of Health Campus Blvd.

Paul Mott of Edward Rose and Sons says in 2014 their main drawing showed the villas, single family, and one story building with one or two bedrooms. Mr. Mott show they did move two building slightly to adjust to the wetlands. Mr. Mott says the main building under construction has the congregate care and services that will be available to the villas. Ms. Fechter says she did provide a list to the Commission of the services that are offered. Mr. Mott says they did add additional walk ways to make the flow throughout the facilities easier. The villas are more independent area but can get some of the services if they are needed. The building under construction is more assisted living type and memory care. Mr. Cummins says they have reviewed the drawings and have some comments along with the utility department but do not think they would change the lay out and would recommend a contingent approval.

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Mr. Gasior asks if they have a copy of the lease that goes with these and Mr. Mott says no, they do have it for the congregate building and are working on the villas now. Mr. Gasior asks if there is an age requirement as this area is not zoned for single family living and there is no deed restriction. Ms. Fechter says it is subject to Special Use Permit under congregate care which could help protect that area. Mr. Gasior confirms with Mr. Mott if they do decide to split any land off they would need to come back and amend the Special Use Permit. Mr. Mott says he understands and they do not have any intentions to split that. Mr. Mott then says they do have some good ideas for the mailboxes. Mrs. Berges asks what the age is for someone to live in the villas. Mr. Mott says 55 or 62 and Mrs. Berges says the new code says 62 and Ms. Fechter says they do fall under the old code.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for a 76 unit senior living villa development to be located east of Health Campus Blvd contingent upon final engineering and utility review and the location of the cluster box units. The vote was: "AYES" All. The Chair declared the motion passed.

ROSE SENIOR LIVING-FIRST PRESENTATION-AMEND SPECIAL USE PERMIT

Nathan Anderson of Edward Rose and Sons and Chris Howard of Bramhall Engineering are requesting approval and the recommendation to Council for approval to amend the Special Use Permit to include a 76 unit senior living villa development to be located east of Health Campus Blvd.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve and recommend to Council for approval to amend the Special Use Permit to include a 76 unit senior living villa development to be located east of Health Campus Blvd. The vote was: "AYES" All. The Chair declare the motion passed.

REFERRAL TO COUNCIL-SECOND PRESENTATION-SANITARY SEWER DISTRICT MODIFICATION

Frank Jaram of SiteTech is requesting approval of the modification of the Nagel Road Sanitary Sewer District. Per Article VII, Planning Commission (d) Mandatory Referral of the Council, Avon Planning Commission is recommending Council approval of site plan for the modification of the Master Sanitary sewer district.

Aaron Appell says they were here last month requesting moving some land from the Jaycox District to the Nagel District. Mr. Cummins says the area south of Detroit, the Joseph and Puth area will need some work and he feels that having this route available it will help complete that project. Mr. Cummins says they are actively working on this and it says Puth is included in this modification but it could come back and go into Jaycox after all work is complete. Mayor Jensen asks about the change in surcharge or removal and it was determined no. Mr. Gasior says they do need to calculate what the surcharge will be and Mr. Cummins says they will be working on that, it is 30 lots.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve and recommend to Council for approval of the site plan to modify the Master Sanitary Sewer District. The vote was: 4 "AYES", 1 "ABSTAIN". The Chair declare the motion passed.

WEST WICKHAM SUBDIVISION-SECOND PRESENTATION-FINAL PLAT PL20160010

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Frank Jaram of SiteTech is requesting approval of the final plat and the recommendation For Council approval to create a Subdivider's Agreement for a 30 sub lot Subdivision West Wickham located off Middleton Road west of Nagel Road.

Aaron Appell says it's a 30 lot subdivision located off Middleton Road west of Nagel Road. Mr. Appell says the CBU has been identified on the drawing adjacent from the retention basin. Mr. Cummins says they have reviewed the drawing and there are some minor engineering issues and would recommend a contingent approval.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the Final Plat and recommend to Council for approval to create a Subdivider's Agreement for West Wickham Subdivision Final Plat, a 30 sub lot Subdivision located off Middleton Road west of Nagel Road contingent upon final engineering. The vote was: 4 "AYES", 1 "ABSTAIN". The Chair declare the motion passed.

COMMENTS

ADJOURN

A motion was made by Mr. Malloy, seconded by Mayor Jensen to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 8:55P.M.