

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD PLANNING COMMISSION
THURSDAY, December 20, 2007

The City of Springfield Planning Commission met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon on Thursday, December 20, 2007, at 6 p.m., with Frank Cross as Springfield Planning Commission Chair.

ATTENDANCE

Present were Chair Frank Cross, Vice Chair Bill Carpenter and Planning Commissioners Lee Beyer, Johnny Kirschenmann, Sheri Moore, Eric Smith and Terri Leezer. Also present were Development Service Director Bill Grile, Planning Manager Greg Mott, Planning Supervisor Linda Pauly, Planning Secretary Brenda Jones, and City Attorney Joe Leahy.

ABSENT

PLEDGE OF ALLEGIANCE

- The Pledge of Allegiance was led by Chair Frank Cross.

BUSINESS FROM THE AUDIENCE

- None

QUASI-JUDICIAL PUBLIC HEARING

Master Plan – Marcola Meadows – LRP2007-00028

On December 11, 2007, the Planning Commission reopened the Master Plan public hearing continued from November 20. The Planning Commission heard testimony from staff, the applicant and the public, but did not make a decision on December 11; instead, the Planning Commission voted to defer staff's response and the applicant's rebuttal until December 20 and make its decision on the Marcola Meadows Master Plan on that date.

Chair Cross announced the meeting was a continuation of the December 11, 2007, public hearing for the Marcola Meadows application. He said that no public testimony or applicant rebuttal would be accepted as the meeting was intended for commission deliberations.

Chair Cross called for *ex parte* contacts or conflicts of interest. Commissioner Carpenter indicated he had listened to the tapes of the last meeting and would be able to participate in the commission discussion. He had received three e-mails that afternoon in regard to the application that he had not reviewed and had forwarded to Ms. Jones, so did not consider them to be a contact.

Commissioner Moore indicated she had received the same e-mails and forwarded them to Ms. Jones without reviewing them.

Commissioner Smith indicated he had received the same e-mail messages and also had a contact with staff regarding the issue of property rights.

Commissioner Kirschenmann said he had been out of town and did not look at any e-mails

Commissioner Leezer indicated she had listened to the tapes of the last meeting and believed she could participate in the hearing. She had also received the e-mails previously mentioned and had forwarded them to Ms. Jones. She was prepared to vote.

Commissioner Beyer indicated he had received the previously mentioned e-mails and deleted them.

Chair Cross had received the e-mails mentioned and did not think they would affect his voting.

Mr. Karp said the document before the commission was staff's response to the testimony submitted by the applicant, which focused on the conditions of approval. In meetings with the applicant, staff found two other conditions (14 and 41) that were affected by the eight contested conditions. He requested the commission delete conditions 55 and 56 and modify seven of the conditions as outlined in the staff report.

At the request of Commissioner Beyer, Mr. Karp briefly reviewed the remaining conditions.

Responding to a question from Commissioner Beyer about the proposed 30-foot setback, Mr. Karp recalled that condition was a condition of the zone change. The site was formerly zoned campus industrial and neighbors were concerned about being able to see the buildings on the site from their residences, so the applicant agreed to the setback. It would also offset the dedication of right-of-way for the roundabout.

Responding to a question from Commission Carpenter, Mr. Karp concurred that the applicant agreed to pay for a full intersection. Commissioner Carpenter wanted to require the applicant to use the money saved from the decision to construct a roundabout to purchase the land rather than giving the applicant a setback offset. Mr. Karp said other improvements, including the cost of the internal circulation system, the roundabout, and the improvements related to the protection of access for property owners on the south side would cost approximately the same as the intersection and would be paid by the applicant.

Mr. Karp emphasized the conceptual nature of the plan and said staff had not determined the amount of property required for dedication and no costs had been discussed. Those costs would not be fixed until the subdivision application was submitted and the right-of-way calculated. Commissioner Carpenter questioned the amount of land being traded in the absence of that information. If the City required the dedication of right-of-way on the top of the 30-foot setback, it would be taking more land. He argued that the City could buy more land with the funding intended for the intersection. Chair Cross suggested the issue was whether there was sufficient room for the right-of-way.

Mr. Karp noted that there as no monetary exchange contemplated.

Commissioner Carpenter suggested a condition that read "The setback lands would only equal the amount of lands that additionally have to be included for the roundabout or other traffic developments that have to be made." He said "it's very vague about how much land" the

applicant could take into the setback. Mr. Karp said that it was vague because it was conceptual. Commissioner Carpenter argued there was a 30-foot zoning setback. Mr. Karp said the 30-foot setback was voluntary on the part of the applicant. The zone actually had only a 10-foot setback. The City did not want to penalize the applicant for the setback when it was in excess of what was required in the code.

Mr. Mott pointed out the only area where a reduction was contemplated was in the arch of the roundabout where it intersected the private property on the north side, not the entire length of Marcola. Commissioner Carpenter said that was not how the condition (Condition 14) read. Mr. Mott said that was the intent of the condition.

Speaking to Condition 55, which was proposed to be deleted at this time, City Attorney Leahy advised the applicant that it was possible the County would renew a request for the condition when the item went to the council.

Commissioner Carpenter recalled Master Plan Condition 15, which spoke to a 15-foot building height in the low-density residential (LDR) district, and recalled testimony that suggested the elevation of the residential area would be raised three feet above existing elevations. He determined from Mr. Karp that a 30-foot building could be constructed in an LDR zone, and expressed concern that the adjacent neighbors would be facing a 33 foot house rather than a 30-foot house. He suggested a condition be imposed to prevent that from happening. Mr. Karp pointed out that happened on any hillside situation or place where the elevation was different from the neighboring property. Commissioner Carpenter believed that if the setback was intended to protect existing LDR, it would be compromised by the need for added fill.

Speaking to Condition 22, Commissioner Carpenter said he saw nothing in the record that justified a two-thirds street improvement. Traffic Engineer Gary McKenney responded that the Development Code stipulated such improvements in cases where a property was on one side of a street not built to an urban standard. The improvement would result in a street that provided sufficient travel in two directions and connected to a fully improved street. He conceded that ideally, one would build the entire street, but the City could not compel the obligation for the adjacent property owner on other side of the street.

Responding to a question from Commissioner Beyer about the ditch along the side of the road, Matt Stouder indicated that the ditch would be piped.

Referring to Master Plan Condition 33, which spoke to the connections to the Eugene Water & Electric Board-owned pedestrian-bicycle path, Commissioner Carpenter asked why the City could not compel the connection. Mr. Karp responded that Springfield could not force EWEB to grant the applicant an easement. Commissioner Carpenter thought it ridiculous that the houses to be built would not have access to the path because EWEB “somehow decided” against the easements. He found the connection to be crucial to the transportation system and wanted to add a condition to the application that called for Springfield to assist the applicant in any way to make sure the necessary easements could be acquired at fair market value.

City Attorney Leahy asked who Commissioner Carpenter contemplated making the acquisition. Commissioner Carpenter anticipated the City would purchase the property. City Attorney Leahy said the commission could make that recommendation. He said the issue of eminent domain was an additional issue. City Attorney Leahy recommended the condition be reworded to that effect if that was the commission’s desire. He noted that a similar approach was taken to easements related to the bicycle path connection serving Peace Health. He did not think the commission should make the condition a “gotcha” if it could not be accomplished.

Commissioner Beyer did not anticipate that EWEB would oppose the connections.

Responding to a question from Commissioner Carpenter about Condition 43, Mr. Stouder clarified that the condition was suggested because staff wanted to determine where the drainage was coming from in order to determine the City's future maintenance obligations.

Commissioner Beyer asked for clarification of the staff recommendation in regard to the roundabouts. Transportation staff Brian Barnett responded staff recommended Phase 1 include all infrastructure related to the roundabout and frontage road for Marcola Road. Staff was also recommending the applicant provide financial security for whatever traffic control was required for the access driveway to the Lowe's Center. Commissioner Beyer asked "why not traffic signals?" Mr. Barnett confirmed traffic signals would work. He suggested the distinction between roundabouts and traffic signals was less important than the frontage road. He reminded the commission that the application with the inclusion of traffic signals did not adequately address the issue of driveways on Marcola Road, leading to the establishment of Condition 27. He said it was a safety issue.

Commissioner Kirschenmann asked if traffic signals and a frontage road were feasible. Mr. Barnett suggested the commission consider the question first in terms of whether the frontage road was needed; if the answer was yes, the next issue was what type of intersection controls should be used. If the answer was no, staff could conceive of how to address the intersection with the roundabout and driveways but it was less clear how to address those issues with signals. Responding to a follow-up question from Commissioner Smith, Mr. Barnett confirmed that the City and applicant were in agreement in regard to the roundabout.

Commissioner Carpenter clarified the details of the location of the frontage road with Mr. Barnett. Mr. Barnett confirmed, in response to a follow-up question from Commissioner Beyer, that the existing right-of-way of Marcola Road would be shifted to the north near the western boundary of the applicant's property. Commissioner Beyer observed that the City did not employ a similar configuration for the existing shopping center to the west, and it seemed to work fine. He asked staff if it anticipated the site would produce significantly more traffic. Mr. Barnett said yes. He also pointed out that in the case of the area to the north, people could exit their driveways without backing up to access the public street. Commissioner Beyer thought the driveways along this section of Marcola Road sufficiently long to provide access without the need to back out into traffic.

The commission briefly discussed the amount of truck traffic that would use the area as opposed to the truck traffic experienced at Q Street and Hayden Bridge Road. Commissioner Carpenter suggested that 28th Street between Centennial and Main streets was a good comparison for the area in question and noted the homes on the west side of 28th Street faced similar truck traffic without the long driveways that houses along Marcola Road had. Mr. Barnett indicated that there were a few residences on 28th Street that accessed the road directly, but most accessed the side streets that connected to 28th Street.

Mr. Barnett referred to Attachment 3-1, a memorandum from Mr. Karp from Mr. McKenney, entitled *LRP2007-00028 Marcola Meadows Master Plan*. The memorandum discussed the City's rationale in regard to the conflicts with driveways. He said the inclusion of the frontage road would avoid situations where drivers wishing to make a left turn into an affected driveway were blocked by queues of vehicles attempting to gain access to the applicant's property. In a situation where there was no queue but drivers still wished to make a left turn, they would block through traffic movement because of the fact of the dedicated left turn lane and their inability to

make a turn into the driveways from that lane as it was dedicated to eastbound movement. To avoid people attempting to turn left across two lanes and blocking through traffic, the City was proposing a curb to separate the left turn lane from the west bound lane.

Commissioner Carpenter pointed out that the access road would prevent residents from using Marcola Road without using the frontage road to an intersection with Marcola Road. Mr. Barnett concurred. He said there would be minor out-of-direction travel required for residents to use the frontage road. Chair Cross pointed out that out-of-direction travel would be limited at two locations at either end of the road. Mr. Barnett said the location of those connections had not yet been determined.

Mr. Barnett indicated, in response to a question from Commissioner Moore, that the frontage road would be a two-way road. That would accommodate residents' vehicles as well as service vehicles, such as garbage trucks. The frontage road was intended to separate the relatively low-speed movements that would occur on the frontage road from the high-speed movements anticipated on Marcola Road.

Responding to a question from Chair Cross, Mr. Barnett said there was 77 feet of existing right-of-way along Marcola Road. The frontage road required somewhat more than 20 feet in width to accommodate two ten-foot travel lanes and sidewalks. The remnant of that right-of-way was available for the relocated Marcola Road, and there would be additional right-of-way dedication necessary along the northern edge of Marcola Road to accommodate the relocation. The intrusions into the 30-foot setback were only associated with the northwest and northeast corners of the roundabout. The 30-foot setback would still be in effect in the other frontage areas.

Responding to a follow-up question from Commissioner Beyer, Mr. Barnett indicated the 20-foot lane width was recommended in anticipation of Fire Marshal requirements. He added that a nine-foot travel lane was not uncommon in low-volume traffic situations and reconfirmed that it would be sufficient for service vehicles. The frontage road would be separated from Marcola Road by a median of a width yet to be determined. The offset associated with constructing the roundabout on Martin Drive would move Marcola Road up to the north to some degree. The offset was necessary because the entire roundabout would be constructed within the existing right-of-way, and no right-of-way would be obtained from any of the existing residential properties south of _____.

Commissioner Carpenter asked if a one-way frontage road would narrow the amount of right-of-way needed. Mr. Barnett said yes, although the Fire Marshal might have concerns about the width. He believed the Fire Marshal would consider that issue in light of how he anticipated the department would fight fires and where it would stage apparatus.

Commissioner Cross determined there were no additional questions at this time and asked the commission to begin deliberations.

Commissioner Beyer expressed concern about the frontage road. He was unsure it made conditions safer for residents as opposed to merely changing how they came out of their driveways. He thought that from an aesthetic viewpoint, such a frontage roadway was not a good thing and represented a diminution in property values. He was not convinced a frontage road was necessary, and was not convinced residents were better off with a roundabout than they would be with traffic signals. He was not comfortable with the staff recommendation.

Commissioner Moore pointed out how much safer the residents in question would be with a frontage road. She said that now, a child on a bicycle coming down a driveway could go directly

out onto Marcola Road. She envisioned that with landscape plantings, the frontage road could become a quiet street and a positive addition for residents.

Commissioner Carpenter favored a roundabout at Martin Way as he envisioned it would facilitate the smooth movement of traffic through that area. He said that those traveling from the Ambleside area might shortcut through the area to avoid the signal on 28th Avenue and Marcola Road to take advantage of the turning circle.

Commissioner Carpenter was happy to see the other roundabout initially proposed be eliminated from the plan. He was aware of no other roundabout that served only a parking exit.

Commissioner Carpenter expressed concern about the amount of concrete associated with the development and the amount of land consumed by the proposed frontage road. He suggested that the commission impose a condition that required the applicant to provide those residents who wished it with a paved driveway turnaround to be funded by the applicant to reduce the amount of concrete required for the frontage road. He thought the frontage road an “intense feature” for 140 trips daily. Commissioner Carpenter added he did not think the road would eliminate noise because the curb would not allow for plantings that separated the frontage road from Marcola Road.

Mr. McKenney discussed the tradeoffs involved in regard to the frontage road. He noted the applicant’s initial proposal for signalized intersections, and said that whether the intersections were signalized or roundabouts, the same issue would arise, which was that residents on the south side of the road within a certain distance of the development would be prohibited from turning left into or out of their properties. The City’s objective with the frontage road was to mitigate the loss of convenience to those neighbors. The frontage road essentially created a private drive for those residences.

Chair Cross suggested that both convenience and safety as it related to automobiles backing into traffic were at issue.

Mr. McKenney suggested the difference between this and other sites was the proposal to create an intersection of two public streets, Martin Drive and Marcola Road, and to create a major signalized or otherwise controlled access into the large, 100-acre development site. Nothing else like it existed to the west toward Mohawk Boulevard. It was a typical configuration and the City had no problems. However, in this case, the City was creating a major intersection and major commercial drive, and it was those facilities and the need to control them that generated the proposal for the frontage road.

Commissioner Beyer posited a roundabout and driveway configuration that partially eliminated the need for the frontage road. Mr. McKenney acknowledged there were many options that could be considered, but he pointed out that the roundabout made U-turns easier to accomplish. He said that Springfield had used roundabouts in the past to address similar situations where many people were making many U-turns. If many people were making U-turns, it was easier to accomplish that with a roundabout than with a standard intersection.

Commissioner Beyer reiterated that his objection to creating a frontage road along the length of Marcola Road was because he perceived it would have an adverse affect on property values. Mr. McKenney responded that to the extent the frontage road was limited in length, the more out-of-travel direction residents would have to make. He reiterated that the frontage road across the entire stretch of road would add convenience to residents. Essentially, residents would have a private driveway that was publicly owned and maintained and which allowed them to access

their homes from either the east or west. They would have a safe and standard intersection control at both locations and would not have to back or drive out head first onto Marcola Road.

City Attorney Leahy asked Commissioner Beyer if his concerns were that the property owners would lose property or bear the cost of the frontage road, as neither was the case. Commissioner Beyer acknowledged that property owners would not be asked to bear those costs but he thought that the frontage road provided a much more restricted access to the properties in question.

Commissioner Carpenter did not believe the left turns made from the intersections with the frontage road would be less perilous than left turns made from driveways, unless it was fed into the Martin roundabout. Mr. McKenney responded that was what he was talking about. He said that it was difficult to get to the level of detail at the conceptual design stage.

Mr. Barnett shared a sketch of a design of possible road improvements that had been discussed with the applicant since the last hearing. He reviewed the details of the design, and emphasized it was illustrative at this point.

One of the representatives for the applicant, attorney Jim Spickerman, indicated an objection to what appeared to be new information. City Attorney Leahy noted the objection for the record but believed that staff could answer the questions asked by the commission.

Commissioner Carpenter determined from Mr. Barnett that the applicant had seen the sketch.

Responding to a question from Commissioner Moore about the sketch, Mr. Barnett confirmed there the area between the frontage road and Marcola Road could be used for landscaping. He said the sketch did not represent the connection between the t-intersection at Lowe's and the frontage road.

Commissioner Smith termed the plan the perfect plan because residents' property rights were being respected. He thought if the frontage road was well-designed, individual properties would gain. He called the design a win-win situation. He thought what the applicant was giving up was generous, and suggested the City's decision to drop the issue of adaptive reuse demonstrated it was looking out for the rights of both parties.

Responding to a question from Commissioner Carpenter regarding the applicant's concurrence with the conceptual design, Traffic Manager Tom Boyatt offered that he was in attendance at both meetings when the design was discussed; at the last meeting the applicant's representatives appeared to be in agreement the concept portrayed in the sketch was workable and they had no objection to it. He said the City had committed to minimizing the impact on the north side to the degree possible, but pointed out the sketch was not keyed to a property line and staff was not certain how much width was needed.

Commissioner Beyer could perceive how the plan would work. He suggested the commission consider revisiting the 30-foot setback as a trade-off. He thought that was more consistent with City policies calling for commercial development to be located closer to the street. City Attorney Leahy believed that the commission could revisit that issue, as well as encourage staff to work with the applicant to minimize the impact to the north side as mentioned by Mr. Boyatt.

Commissioner Carpenter pointed out the area in question was a node, and he believed that proper node design dictated that buildings be oriented away from the street face as opposed to against the street. Commissioner Beyer suggested that would make the development less pedestrian-friendly. Commissioner Carpenter believed that one would want to "node from the center of the

node out,” “not node outside the node in.” He asked if there were street side setbacks for nodal development. Mr. Karp was aware of none. There were design standards for commercial and industrial buildings as well as setback standards in particular mixed use and nodal zones.

Mr. Karp suggested a key issue was the fact the 30-foot setback was approved as a part of the zone change and carried forward to this application. He believed that the commission was stuck with that decision, although it could attempt to be as flexible as possible to lessen the impact. Responding to a question from Commissioner Beyer, he clarified that the 30-foot setback was from the property line. He recalled discussion of the radius of the roundabout, which would be setback in the zone (10 feet).

Commissioner Beyer noted that the road had been pushed over 50 to 60 feet and asked if staff interpreted that as narrowing that setback to 10 feet the entire length of the roundabout until it re-entered the existing right-of-way. Mr. Karp interpreted the original intent as being 10 feet around the radius of the roundabout. He asked City Attorney Leahy if the commission could add flexibility to the conditions to allow that width to be reduced. City Attorney Leahy indicated he would have to research that question. It could involve a modification of the zone change.

Mr. Mott’s recollection of the history of the setback dovetailed with Mr. Karp’s. In regard to the street setback in nodal zones, he recalled a maximum building setback of 20 feet for commercial and 25 feet for residential. He added that the Lowe’s property was not part of the node, although the rest of the property was in the node. He believed the contradiction between the 25 foot setback provided for in the node and the 30 foot setback approved through the zone change must be reconciled.

Chair Cross suggested that given the 30-foot setback and the shift of Marcola Road, the Lowe’s building would be sufficiently setback from the residences. Commissioner Beyer pointed out that the development would either lose the pads in front and the village feel, or would have to give up the parking lot.

Mr. Karp believed that the City would have to modify the condition imposed through the zone change to address the contradiction identified by Mr. Mott. Commissioner Beyer said that otherwise, it appeared it would cost the applicant owner between 80 and 100 feet of frontage.

Commissioner Carpenter suggested that the Lowe’s entrance could be a “right-in, right-out” entrance, which would eliminate the need for a left turn lane and minimize the safety issues related to Marcola Road. He would want the applicant to help determine which of the “two poisons” it preferred. Mr. Barnett said such an entrance would be a safe way to connect Lowe’s, but would also cause the heavy left-turn entry traffic volume to relocate to Martin Drive.

In regard to the amount of frontage lost through the concept depicted in the sketch, Mr. Barnett thought it premature to “pin a number” on that because of the reasons cited by Mr. Boyatt. There were several other areas where the design could be refined to reduce the impact.

Chair Cross asked how the commission could require a frontage road and then reduce the property line to the north given the conflict with Condition 14, which required a 30-foot setback. Commissioner Carpenter pointed out that was a conflict anyway given the maximum setback allowed in the node. Chair Cross pointed out that Lowe’s was not in the node and the setback requirement did not apply. Commissioner Carpenter agreed, but said the setback applied to the properties between Lowe’s and the street. Mr. Karp confirmed those properties were in the node.

Commissioner Carpenter suggested the addition of text that stated the right-of-way should be as narrow as possible and take away the least amount of property from the applicant.

Commissioner Beyer asked the applicant's representative for his reaction to the concepts discussed. Applicant's representative Rick Satre first reiterated that the sketch the commission had been shown was not in the record. There was no consensus from the applicant about the sketch, which was presented in conversation as conceptual, and copies had not been provided to the applicant.

Continuing, Mr. Satre said there was no survey indicating the location of the right-of-way lines, but his analysis indicated there was 17 feet south of the existing curb line in public right-of-way. He said the applicant did not believe a roundabout was an appropriate solution; however, in the applicant team's negotiations with staff, the applicant agreed verbally to live with the roundabout at Martin Drive if staff gave up the other roundabout on the private commercial driveway, used the 30-foot setback, used the entire amount of right-of-way (17' south of the curb line), made everything as "skinny as possible," got buyoff from the Fire Marshal about the design, which included the concept of one-way streets, agreed to a sidewalk on only the residential side of the street, and did not impact the developable real estate.

Mr. Satre emphasized that the master plan was not about a design solution for the traffic management problem; the appropriate venue for a specific, engineered design solution was the subdivision and public improvement process that followed the master plan process.

Mr. Satre reiterated the sketch was built off the curb line, not the right of way, and emphasized its conceptual nature. He said the applicant and City agreed to work together to minimize the impact on the north side of the road. The applicant had "offered up" the 30-foot setback; he pointed out that the mixed use commercial zone and nodal overlay included a maximum setback but no minimum setback, and there was no reason the buildings could not be located on the property line. Mr. Satre asked why the applicant needed to maintain the 30-foot setback; he added he could not attest to the dimension and would have to review the conditions from the zone change. He believed that either way, the applicant could figure out a way to deal with it through this or another process.

Commissioner Beyer asked Mr. Satre if Condition 27 was acceptable to the applicant. Mr. Satre reviewed the condition and again reiterated that this was not the time for discussion of specific design solutions. City Attorney Leahy advised Commissioner Beyer that his questions should be confined to determining whether the applicant was in consensus with the condition. Mr. Satre indicated there was consensus as to the process, not as to the design. As worded by staff, the condition included no dimensions, which was intentional. The condition stated an intent, and he believed it documented the intent that was agreed to by the applicant and staff. Commissioner Beyer believed that the sketch was intended to indicate what was feasible, and agreed this was not the place to design the road improvement.

Mr. Karp called the commission's attention to page I-3 in the attachment to the staff transmittal memorandum, which included the revisions recommended for Condition 14.

Mr. Karp concurred with Mr. Satre about the lack of a minimum setback in the mixed use zone and said the fact buildings could be constructed on the property line helped to address the situation. He thought it would be relevant for all the pad sites on the property because they were all zoned MUC. He believed the concern about how much of the 30-feet would still be available in the area of dedication was not as vague as it had previously been. Commissioner Moore asked

if the commission should revise the condition to direct staff to make the right-of-way as “lean as possible.” Mr. Karp said that was staff’s intent.

Commissioner Beyer observed that if there 17 feet of right-of-way on the south of the road, he suspected the property owners did not know it and would begin to call the City when it began to be dug up.

Responding to a question from Commissioner Carpenter, Mr. Karp said that the commission could eliminate the CC addition as a change.

Responding to a question from Commissioner Moore regarding how best to address the concerns raised about access to the bicycle path, Mr. Karp recommended that the commission modify Condition 33 to indicate that the City would work with the applicant to obtain the easements. City Attorney Leahy added that the commission could not require the easements, but it could require an endeavor to secure the easements.

Commissioner Moore asked how the approval could be modified in regard to the needed right-of-way. City Attorney Leahy recommended the commission modify Condition 27. Mr. Karp suggested something such as “Staff will endeavor to work with the applicant to obtain the minimal amount of right-of-way necessary.”

The commission discussed the text of Condition 14. City Attorney Leahy believed it might be necessary to modify the zone change condition and wanted to ensure that the exception outlined in the condition covered both the zone change and master plan. With the assistance of Commissioner Beyer and Commissioner Carpenter, he crafted the following text: “An exception to the 30-foot wide setback may occur based on right-of-way necessary to construct the proposed roundabout at Martin Way and the frontage road, and in the event that the 30-foot requirement is modified from the zone change.”

Mr. Karp clarified that unless the commission’s decision was appealed, the matter would not go to the City Council.

Commissioner Carpenter indicated his preference for the text in Condition 51 supplied by the applicant rather than the text proposed by staff as it appeared to provide flexibility for the applicant to seek a master plan amendment. He expressed concern that the residential development might outpace the commercial development, and thought it appropriate to tie the last part of residential development to a minimal level of commercial development. He did not think the condition as written provided sufficient direction in regard to phasing. He asked why staff decided against what he termed the “re-opener provision” in case “things skewed sideways on the balance of commercial and residential.” Mr. Karp indicated that staff had overlooked including such a provision.

Commissioner Carpenter suggested that if 50 percent of the housing was occupied, 50 percent of the commercial amenities should also be occupied; likewise, if the residential was completely built out, one would want all the nodal commercial development in place to reduce trips. He did not think the market supported such a 1:1 approach and recommended that the condition reflect the phasing recommended by the applicant. He also recommended the condition stipulate that before the applicant could begin development of phase 3d, the City would require that half of whatever percent of the residential development in phases 3a, 3b, and 3c equaled, the development must have at least half the percentage of the total commercial development completed.

Responding to a question from Chair Cross, Commissioner Carpenter envisioned that the City would restrict the residential development until the commercial development occurred.

The commission took a brief recess.

Mr. Karp indicated that staff did additional research and found nothing in the ordinance related to the zone change that required the 30-foot setback. Given the previous discussion related to the setback in the MUC zone, Mr. Karp asked the commission to delete Condition 14, leaving 53 conditions of approval.

Referring to Condition 51, Mr. Karp pointed to the *Revised Phasing Plan – Overall Schedule* included in the meeting packet dated December 17, 2007, and suggested it addressed Commissioner Carpenter's concerns. Commissioner Carpenter said that his concern about 3d was because it was the largest of the residential subdivisions. He acknowledged that phase 3d would come after 3a.

Commissioner Carpenter suggested the following text modification: "If the applicant or successor owners wish to amend this phasing plan option to allow further flexibility in phasing, the applicant or successor owners shall propose a master plan amendment to propose phasing modifications as specified in SDC Section 5.13-135. Prior to the 3d residential phase beginning, the applicant or successor owners shall have completed at least a percentage of commercial build out that is at least one-half the percentage of the residential units completed in proportion to the total residential unit build-out."

Commissioner Beyer asked staff for comment. Mr. Mott said there was a substantial difference between platting for future residential development and compelling commercial construction. He said that while there was an investment in the subdivision, there was no artificial imposition that was inconsistent with the market. He did not see the benefit of requiring commercial construction ahead of market demand. He asked how restricting the residential demand served the community if the residential demand was there. He recalled that initially, the discussion of balance regarded the need for residential development in addition to the commercial development. He was hesitant to impose a requirement that was not sensitive to the market.

Commissioner Beyer did not share Commissioner Carpenter's concern. He thought the plan would be built out and that it was merely a matter of time.

Chair Cross questioned how the City could force commercial build-out. Commissioner Carpenter asserted that the City could impel commercial build out given what he believed were the credits the applicant received from the City for building in a node. Chair Cross did not think the City could force a balance of development types throughout the life of the project.

Commissioner Moore pointed out the condition mentioned the ability of the Development Services and Public Works directors to modify the phasing plan. Commissioner Carpenter agreed that gave the City the opportunity to revisit the plan, but he questioned whether that would occur.

Responding to a question from Commissioner Carpenter, Mr. McKenney clarified that there was no trip cap proposed for the development. He recalled that at one time the applicant suggested a trip cap but the City decided against it. He said in terms of actual numbers, if the additional commercial development was not built, there would be considerable traffic not coming to the site.

Commissioner Carpenter asserted the plan Mr. McKenney was looking at was not the current plan, and the northwest corner shown in blue was actually 3d in green and was all residential. Chair Cross pointed out that the commercial development generated traffic as well. Without the commercial development, the number of trips envisioned would not occur.

Mr. McKenney emphasized the City's primary interest in the master plan was what happened at the end of the day when the site was fully built out and functioning; in the interim, the lack of development would mean fewer overall trips.

Commissioner Beyer asked if the City would create a traffic problem if the residential development occurred in advance of the commercial development. Mr. McKenney did not think so. He pointed out that future commercial development on the site would have the impact of reducing trips.

Commissioner Carpenter asked if the level of service anticipated on the transportation system would drop between 2008 and 2013. Mr. McKenney said no. Commissioner Carpenter indicated that Mr. McKenney's remarks had satisfied his general concerns about Condition 51.

Commissioner Carpenter commended the project as one that would benefit the community in the long run. He thought the conditions recommended by staff would help make the project acceptable to the neighbors and would lead to some positive development on a site that had been dormant for nearly 30 years.

Commissioner Carpenter, seconded by Commissioner Beyer, moved to approve the master plan application by conditioned by the 53 master plan condition, deleting Condition 14, adding language to Condition 27 where the frontage road was discussed stating that the City would work with the applicant to obtain the minimum amount of right-of-way necessary, and adding language to Condition 33 that the City would endeavor to assist the applicant in any way it may to acquire the necessary right-of-way from EWEB. The motion passed unanimously, 7:0:0.

Chair Cross closed the public hearing. Commissioners thanked the public and staff.

BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Director Grile thanked the commission for a "fabulous" year and in particular thanked Chair Cross. He reported that the Municipal Code provided for the annual election of commission officers.

Commissioner Beyer nominated Chair Cross to continue as chair for another year. The nomination was seconded by Commissioner Carpenter. Chair Cross was elected chair unanimously.

Commissioner Carpenter nominated Commissioner Kirschenmann as vice chair. The nomination was seconded by Commissioner Beyer. The commission unanimously elected Commissioner Kirschenmann as vice chair.

REPORT OF COUNCIL ACTION

There was no report.

BUSINESS FROM THE COMMISSION

Chair Cross distributed the outline of work session topics generated by commissioners and staff via e-mail. Commissioners reviewed the list of topics and asked questions clarifying the nature of the items suggested, and tentatively prioritized the items for future discussion. Development Director Grile recommended that staff return with a tentative 'docket' similar to that prepared for the City Council based on existing resources and available meeting times for the commission's review. He suggested the potential the commission might want to schedule additional meetings.

The commission briefly discussed the format of upcoming work sessions as the topic related to both the work session topics and regular business.

ADJOURNMENT

Chair Cross adjourned the meeting at 9:05 p.m.

(Minutes recorded by Brenda Jones and Kimberly Young)