

Sieben, Ed

From: Randy D Podolsky <rdp@podolsky.com>
Sent: Monday, February 08, 2016 11:59 AM
To: Sieben, Ed; Barry Missner
Cc: Adam J Tarantur; Phifer, Stephane; Wiet, William; Feltman, Dan; Weingartz, Alayne
Subject: RE: DST Meeting Notes - Podolsky / 1968 Melissa Lane / Lot 15 of Podolsky Orchard 88 Subdivision / Final Plan (2015.239 / Legistar)

To all committees and boards in the City of Aurora addressing the Missner Project,

We are writing with regards to the proposed Missner development and to encourage its approval by the City of Aurora. I regret that due to being out of town I am unable to attend the Tuesday February 9th Development Review Committee meeting in person. I can be available by phone if that would be beneficial to you.

The project as proposed, including the relocation of Dancer Drive to the south of the Missner project area, is a viable and acceptable plan to the Declarant, and one which we feel that the City should embrace.

The relocation of Dancer Drive will continue to provide future access to the West, even though such access has never been needed in the past 20 years, or more. Further, the relocation of Dancer Drive will allow for development of a building which is commensurate with what the market is seeking today. As the developer of the Orchard 88 Business Park ("Park") subdivision, the Declarant has been unable for a similar amount of time to attract the smaller users intended for this location. As such, the bulk of the improved and further developable land has sat idle for approximately 20 years.

I was present when Mr. Missner first met with City staff to discuss his proposed project. Staff clearly indicated that they did not see any objection to relocating Dancer Drive for the proposed larger building he planned to develop (albeit they argued they would not support eliminating it, which was Mr. Missner's first preference). As a result, Mr. Missner acquired the land in advance of all requisite approvals as a result of that preliminary indication. Petitioner's should be entitled to rely on staff comments along the process.

With respect to the Ordinance brought to our attention by City staff only last week, which Ordinance purports to limit truck traffic to the development, the Declarant has agreed to modify or eliminate same as necessary to allow for the Missner project to proceed. In fact, this 2007 Ordinance has never been the topic of discussion with the City (or staff) since it was adopted by the City, and the CCRs for the Park were updated and recorded in 2009. The City received these updated CCRs at the time.

In conclusion, the Missner proposed development is consistent with other uses in the Park. In our opinion it is not a conflict to the area, and the relocation of Dancer Drive in no way limits the City from future development to the West. Nor does it adversely impact any City goal or operation. With the lack of development in the Park to date, the Declarant feels that 100% City support for this project is warranted and in the best interests of the City, the Declarant, and Mr. Missner.

Thank you for your consideration and positive deliberations for this project.

Respectfully submitted,
Podco Orchard 88, LLC, Declarant
Randy D. Podolsky
Its Authorized Representative