



City Planning Commission Minutes
Thursday, April 30, 2015 – 5:30 P.M.
City Hall Council Chambers, 520 E. Cascade Avenue, Sisters, OR 97759

Commissioners Present: Daryl Tewalt, Roy Dean, Jack Nagel, Jeff Seymour, Bob Wright
Commissioners Absent: David Gentry, Darren Layne

City Staff: Patrick Davenport, Community Development Director, Darcy Reed, Associate Planner,
Carol Jenkins, Planning Technician

Visitors: Erik Huffman, City Engineer

I. CALL TO ORDER

Acting Chairman Tewalt opened the public hearing at 5:35 p.m. with a quorum of (5 of 7) present.

II. VISITOR COMMUNICATION

John Tehan
510 N. Cowboy Street
Sisters, OR 97759

Mr. Tehan came forward and discussed the Saddlestone subdivision with regards to Accessory Dwellings in the original Master Plan. He also addressed parking, traffic, and the sewer studies that were done when the original Master Plan was put forward.

Director Davenport came forward and stated that in the original Master Plan, Accessory Dwellings were allowed in the previous Development Code, and it is allowed in the Development Code now. It is in the Findings, in the Conditions of Approval, and Accessory Dwellings were not specifically prohibited through the Findings. They have to comply with parking and other utility connections, setbacks and height, etc. He stated that unless they offered to not allow them and the Commission all agreed with that condition and that condition was approved, and it was not specifically prohibited, it is still allowed.

A discussion took place regarding capacity of the infrastructure, the number of people living per structure, and about the sewer studies that were done to handle the system at this time.

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City Engineer Erik Huffman came forward and stated that they consider an Accessory Dwelling as one residential sewer service and is calculated as any other residential sewer service. He stated that the gallons per day that is calculated to a typical residential sewer service for the capacity analysis is conservative and it does take into account that some residences have more fixtures than others. The amount of flow that would be added by having an accessory dwelling is within that conservative range. It is considered throughout all of the safety factors on a capacity analysis that is done so that they are all covered.

III. APPROVAL OF MINUTES

No minutes to approve at this time.

IV. PUBLIC HEARINGS

File No: MP15-01 and SUB15-01

Applicant: 3 Sisters Partners, LLC / Peter Hall

Property Description: Type III Review of a Master Plan for a 20.02 acre property, including a Site Plan for a proposed park within the Master Planned Area, and a Tentative Subdivision Plan for a 5 Phase, 77 lot subdivision.

Acting Chairman Tewalt read aloud a statement summarizing the issue and hearing procedures at this time. No commissioner disclosed prehearing contacts, ex parte contacts, or conflicts of interest. No one in the audience challenged any commissioner for bias, prejudice, or personal interest.

Acting Chairman Tewalt opened the public hearing on File No. MP15-01 and SUB15-01 at this time.

Director Davenport presented the staff report which set forth the Three Sisters Partners, LLC request, location, zoning, comprehensive plan designation, and applicable criteria. The applicant is requesting a Type III review of a Master Plan for a 20.02-acre property, including a Site Plan within the Master Planned Area and a Tentative Subdivision Plan for a 5-phase, 77-lot subdivision and a Park Site Plan.

Director Davenport explained the project to the Commissioners by giving them a brief history of the 3 Sisters Partners, LLC / Clear Pine Subdivision. He gave a visual of the site and the layout of the Master Plan, the Tentative Subdivision Option 1, Tentative Subdivision Option 2, and the 3 Sisters Partners Residential Park. The Applicants Presentation gave a brief history, the Brand, Master Plan, Common Greens, Park Concept, Possible Street Extension, and Proposed Public Right-of-Way.

Director Davenport stated that another important feature to note and will be further discussed is through the Development Agreement in 2001, there were some setbacks that were imposed on this property because originally it was intended for Industrial development and now the applicant is proposing a residential development. He gave a visual of the project site and explained the distance,

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height, buffer, and no build area(s), impact fees, will-serve letters, utility and traffic studies that were done and the impacts for this residential development will be less than the industrial development. He discussed the Development Agreement and the process for amending the terms of that Development Agreement that will come back to the Commission in a separate process.

Director Davenport stated that the applicant is proposing to dedicate the Park to the City and is looking for a recommendation from the Commission about this offer of dedication to the City - accept this as a future public facility, or if it is not accepted as a public facility, it would be a homeowner maintained facility at this point.

Director Davenport discussed the 2007 Development Agreement regarding the eight (8) Affordable Housing units and the terms associated with this agreement at this time. He stated that the applicant has offered to put them in the Multi-Family Residential (MFR) portion of the property, but it is not under consideration at this time. He discussed the street circulation, street extension, the joint property, easements, licensing, the requirements and timing of this project.

Director Davenport stated that there are modifications that are being requested by the applicant through the Master Planning process and explained the modifications for lot sizes, lot widths, lot coverage, height, and setbacks at this time. These are all permitted in the Code and the applicant is requesting the maximum percentage in the Code.

A discussion took place regarding the modifications, density, setbacks, and number of affordable housing units, timeframes, costs, open space, Phases 1-5, and median incomes at this time.

Acting Chairman Tewalt invited public testimony at this time.

Mr. Hall came forward and spoke to the Commissioners regarding his proposal at this time. He addressed the process on the property, marketing of the lots, zone change, sidewalks, pavement, landscaping, trees, roof lines, Master Plan, 77-lots dedicated to single family homes, Multi-Family at a minimum of 22 units and a maximum of about 50. He discussed the park design, amenities, open space, common green space, BBQ pits, propane grill, pavers, covered shelters, plat, etc. He discussed the extension of the northern street, public right-of-way, Forest Service property, trail system, circulation and entry points, licensed easement, pedestrian path, etc. He discussed the market concept, mix of housing, builder's guild, side loaded garages, setbacks, etc. He discussed the different phases and the Affordable Housing unit(s) of his project at this time.

A discussion took place with the Commissioners regarding the number of affordable housing units, setbacks, extending the street on the Forest Service property, egress, fire emergencies, public safety, parking, private or public park, sidewalks, bulb-outs, traffic calming features, alley access garages, rear yard setbacks, open space, and width of the right-of-way, etc.

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Mr. Blackmore came forward and stated that it was routed to the Fire Marshall, Gary Marshall and they didn't identify any concerns, comments, or have any questions.

Mr. McGhehey came forward and spoke in favor of the application and addressed the dirt road that travels to the north – a lot of to and through concepts. He discussed Pine Meadow Village, the Forest Service property and his concerns. He stated that the price point of the project is needed for a developer as well as a realtor and the need for a variety of homes and builders is a good idea.

Ms. Weed came forward and spoke about the Affordable Housing aspect stating that she feels that the Planning Commission cannot change that Development Agreement and that they can't change the agreement with the buffer.

Director Davenport came forward and stated that the Development Agreement has to be reviewed by the Planning Commission with a recommendation to the City Council. It is the City Councils ultimate decision to do that and their approval authority on that document.

Ms. Weed discussed the Development Agreement back in 2007 for the affordable units and stated that the eight (8) units is fair and there could have been an opportunity to ask for more units during the zone change that just happened and that did not happen - sadly. She discussed two other developments that will be building Affordable Housing that have the same Development Agreements – McKenzie Meadow Village and Shane Lundgren's property. The all agreed to build the Affordable Housing units. She asked about moving the Phases around to get the Affordable Housing started earlier in the project. She also wanted to clarify the median income numbers for Deschutes County is 56,000.00.

Mr. Morgan came forward and expressed his concern for transparency and clarity. He discussed paragraph 5 of the Agreement that goes back to 2007 – Ordinance 448 which was approved last year. He read the paragraph to the Commission and expressed his concerns at this time – 62 units being approved and building eight (8) affordable housing units. He discussed the Sisters School District and losing children in the schools, the hardship on the developers, and the timeframe of these affordable units being built. He discussed his feelings on the park being public or private at this time. He also discussed the issues with Tract A and his concerns regarding this.

Mr. Hall discussed Mr. Morgan's feelings regarding the park and the amenities and whether it should go to the City to be a private or public park at this time. A decision will have to be made at the time the park is constructed as to whether or not the City takes the park as a public resource. At the end of Phase III – they will build the park and amenities and then, see if the City wants the park dedicated to them, yes or no.

Mr. Blackmore came forward and stated everyone is interested in Affordable Housing and the developer is willing to participate and provide it if an when he can. In reality, Affordable Housing does cost money to build and an ability to generate income, save money, be able to provide lots to

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individuals. It is good and a positive thing, but timing is questionable. He discussed Tract A with 57-lots back in 2007 in detail, modifications, housing types, non-profits, housing standards, and prescriptive housing types at this time.

Acting Chairman Tewalt closed the public testimony portion of the hearing at this time.

The Commissioners deliberated, expressing concerns and different ideas about the number of Affordable Housing units – phasing of the units, “keeping the number at eight (8) Affordable Housing units”, discussing the different housing types, timeframes on development, Conditions of Approval, modified Development Agreement, Master Plan Approval, phasing, lot sizes, square footages, possibly looking at Cluster Homes/Cottage Developments, etc.

Director Davenport came forward and talked about the timeline of the phasing, the different options in the phasing, legal issues, Conditions of Approval, etc. He stated that he is looking for guidance to modify the Agreement, timing of these units, location of the units to be applied to a future modified Development Agreement.

The Commission expressed the concern for the Affordable Housing to make sure it gets done and asked for direction from staff to make sure it happens in a timely manner.

Director Davenport stated that maybe it could be offered to have the Multi-Family Residential (MFR) in Phase III. It is at the halfway point and within Phase III after Phase I and Phase II are done, and at that point the units of affordable housing could be specifically in Phase III and more specifically within an MFR District of what units to be decided later, etc. He discussed having some flexibility in housing types, square footages under roof, cluster homes, detached/attached, etc.

The Commission discussed the proposed condition regarding phasing for the Affordable Housing units to be completed no later than Phase III. They recommended to keep the Affordable Housing units at eight (8) and square footage under roof at 7000 sq. ft. of building area to give some flexibility.

Director Davenport gave an example of the phasing (visual), moving the phasing line down to incorporate the MFR which would be in Phase III.

Acting Chairman Tewalt reopened the public hearing MP15-01 at this time.

Mr. Hall came forward and discussed the Affordable Housing aspect if it were to go into Phase III and what if he couldn't find a developer to do the Affordable Housing in Phase III, then, Phase IV and Phase V would be off the table and it sits as vacant land. He asked the Commission to think about that as they are writing the language – it could inadvertently halt the development. Maybe a date certain in the future would be better than phasing. He discussed the possibility of larger lots, changing phasing as market conditions permit – maybe larger lots in the later phases – maybe change

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some of the lots sizes and match the market. He stated that instead of going with a phase, he would rather tie it to a calendar day – at least three (3) years from tonight if approved.

Director Davenport came forward and clarified that the Affordable Housing units are to be provided within 36 months upon approval by City Council of the revised Development Agreement.

1. Annexation Agreement dated April 20, 2001 remain vested to the site.
2. Affordable Housing units remains at eight (8) with 7,000 square feet.
3. Conditions of Approval in the zone change (Z14-01) – remain effective.
4. Modification request per 4.5.400B is allowed by Code.
5. Street Circulation – not required.
6. Park – send to the Parks Board and City Council. This is neutral with no recommendation.
7. Lots to Front Open Space – dependent on a current Text Amendment currently being proposed for City Council approval on May 14, 2015.
8. Aviation Airport – a couple of conditions on lots closest to the airport and for staff to enforce.
9. All Code requirements in effect at the time of approval that are not modified by this decision are require to be followed.
10. Affordable Housing will be done within 36 months. *Mr. Hall* stated that he would like to have the Site Plan submitted by a certain time and delivery of the units by a certain time sometime in two (2) to four (4) years. If it becomes a problem, the applicant can always come back to the Planning Commission.

Acting Chairman Tewalt closed the public hearing at this time.

Acting Chairman Tewalt asked the Commission if they would like to make a motion at this time.

Commissioner Nagel made a motion to approve the draft Conditions of Approval with the changes discussed.

Commissioner Dean seconded. Motion passes.

File No: CI15-01

Applicant: Michael Black

Project Description: A Code Interpretation/land use decision clarification to consider allowing options to build single family detached dwellings and/or attached dwellings (townhomes) on 21 remaining lots in the Aspenwood Subdivision.

Acting Chairman Tewalt asked for Planner Reed to come forward at this time.

Planner Reed came forward and discussed a Code Interpretation (CI15-01) for Michael Black on the 21 remaining lots in the Aspenwood Subdivision. The Aspenwood subdivision was approved as file number SUB02-01 in 2002 to create the 26-lot subdivision.

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Planner Reed stated that this is a request for land use approval clarification/code interpretation of Sisters Development Code 2.3.300 Development Standards. Table 2.3.2 as it relates to future development within SUB02-01, also known as the Aspenwood Subdivision. This is to allow an option to build Single-Family Detached (SFD) dwellings or attached dwellings (Townhomes) on 21 remaining lots. The existing development has a Townhome on Lots 2 and 3; and Single Family Dwelling on Lots 4 and 5. She continued with a visual of the Project Site, the Street View of the Townhomes and the Single-Family Detached and a visual of the Tax Map showing the project site at this time.

Planner Reed gave the Background history of the project site explaining the original file SUB02-01, the lot sizes, and zoning, 2004 Development, Update to the Development Code in 2010, 2010 Development, 2015 Development, Proposed Development, and the Consideration of the Request at this time. In 2010, the City made changes to the Development Code and concurrently reclassified the subject site as the MFR District. The Code was updated to include a standalone section for Multi-Family which is now Chapter 2.3. In 2010, the applicant and owner had building permits approved for lots 4 and 5 for single family detached and that decision for the approval was based on the pre-existing lots clause.

Planner Reed stated that later in 2015, the applicant was informed by another staff member, Director, Pauline Hardie that the earlier decision to allow single family on the small lots of 3,000 square foot lots was incorrectly applied using the pre-existing lots. The applicant was informed that only lots 1 and 12 could be built with single family detached and all the other lots would have to be townhomes.

Planner Reed stated that the applicant has proposed development for the Planning Commission to consider which may be conceptual at this time to allow an option of either single family detached or townhomes and as development moves forward to allow a mixture of either or. The consideration request is that the applicant is requesting the option to build single family detached dwellings or townhomes and staff is asking the Planning Commission to provide the applicant with clarification on which dwelling types can be constructed on the remaining lots.

Planner Reed stated that as the Planning Commission consider the request, note that a mixture of single family detached and townhomes as in the Aspenwood Subdivision currently – the applicant has demonstrated the intent to build smaller and more affordable homes, it will not increase the density or the number of homes, it only affects the type of structure whether it is attached to another building or detached. The request does not release the obligation of future building permit applicants from satisfying other development standards such as building heights, setbacks, etc.

Recommendation:

Staff recommends that the Planning Commission approve the requested Code Interpretation (CI15-01) as it relates to all remaining undeveloped lots within SUB02-01.

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Commissioner Nagel stated it is a no brainer to approve and the Commissioners agreed.

Acting Chairman Tewalt asked if the applicant would like to come forward at this time.

Mr. Black stated no he did not wish to come forward.

Jeff Makey came forward and stated that he lives in the house that is on lot 4. He said that he bought it 3 ½ years ago and told his friend that he just bought this beautiful townhome in Sisters. He stated that he looks at the whole development and they are townhomes, but depends on your perspective. They are small lots, small square footages, and is hard to get from the front yard to the back yard without going through the house. If being a buyer, they have the choice and so does the builder on what they want to do – single family detached or townhomes. He stated it is a great idea, it makes the neighborhood more buildable and more attractive to bringing in other people because they have the flexibility, etc.

Commissioner Wright asked the developer if he is proposing to build townhomes similar to what is there now.

Mr. Black said yes with minimal connecting wall connections between the buildings and to minimize the common wall.

Commissioner Wright stated that it tends to look like a single level house and not straight up 30-feet and blocking somebody or the neighbor.

Director Davenport stated that the Commission can require what is being proposed here, or allow the applicant the flexibility to propose either/or as time goes by. In doing this, staff wanted to clarify what can happen going forward in requiring him in what to do, or let the applicant vary as conditions change.

Commissioner Wright stated that his comment would be to let the applicant vary based on the market conditions.

Acting Chairman Tewalt asked the Commission if they would like to make a motion at this time.

Commissioner Nagel made the motion to let the applicant do whatever he wants to in developing single family or townhomes.

Commissioner Seymour seconded. Motion carries.

V. TEXT AMENDMENTS

- A. TA14-06 Sign Ordinance revisions – various Sections throughout 3.4 Signs and Section 5.1.500 Minor Variances.

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Director Davenport came forward and stated that everything that has been read is still applicable. This has to do with revisions to the Sign Code in Section 3.4 in various sections. This has been work shopped several times and just recently it was further work shopped with group of sign experts and people that have an interest in signs to provide some detailed sign provisions.

Director Davenport discussed the Minor Variances Section 5.1.500 stating that the initial proposal was to create a Sign Review Board and after discussions with Legal Council and the way it was written, and the concerns of the different variations of how signs could be applied, etc., is very problematic. He discussed the specific fonts and other subjective requirements that make it very hard to grant a variance with the Sign Code. There is a Minor Change to the number 10 percent to 20 percent in order for staff to give a minor variance. Staff would be able to make those changes up to a 20 percent difference. It would be a Type II decision, staff would notify the Commission of the decision and the Commission would have an opportunity to call it up. Any other sign revisions would have to come to the Commission as a Major Variance to be processed accordingly.

Director Davenport asked the Commission if they would like to go through the Sign Code at this time. The Commission stated they were good with what Director Davenport presented and no need to go through item by item.

Acting Chairman Tewalt closed the public testimony of the hearing at this time.

Acting Chairman Tewalt asked the Commission if they would like to make a motion at this time.

Commission Nagel made the motion to approve TA14-06

Commissioner Dean seconded. Motion passes.

- B. TA14-07 (cont.) Formula foods Establishments – 2.5.300 Development Standards – HIGHWAY COMMERCIAL (HC) DISTRICT; L. Formula Food Establishments.

Director Davenport came forward and stated that this is a continuation of TA14-07 and part of that was continued by City Council. This is a revision to Section L in the Highway Commercial (HC) District in regards to Formula Food Establishments. As discussed in sub-sections 1 and 2 – the 400-ft rule are proposed to be stricken from the text, and in its place is a maximum of six (6) is proposed within the Highway Commercial District. He continued to discuss the 400-ft. rule, limitations and locations, etc. If the intent is to severely restrict the locations, staff strongly recommends to go with a cap within the zone instead of the 400-foot rule that can be circumvented. It is much easier to administer and the cap can be changed if necessary to reflect the community's desires.

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Director Davenport addressed an email from an absent Planning Commissioner that he received today at this time.

Acting Chairman Tewalt asked if the Commission would like to make a motion at this time.

Mr. Bruce Churchill came forward and stated that he has Todd Taylor's Outlaw Station shopping center listed for lease and several sites that would be appropriate for fast foods. There is not a huge risk of having six (6) or more of these establishments here in Sisters due to the size of Sisters market and requirements that the fast food franchise have for trade areas of 50,000 to 25,000 to 30,000 people within a very small trade area. He stated that he highly supports this Text Amendment.

Mr. Steve McGhehey came forward and stated that he highly supports this and wanted to thank staff and the Commissioners. It's been a struggle with the 400-foot rule. There is more than adequate supply and now it is where the customers want to be. He stated that he highly supports this Text Amendment.

Acting Chairman Tewalt closed the public testimony of the hearing at this time.

Acting Chairman Tewalt asked if the Commission would like to make a motion at this time.

Commissioner Seymour made a motion to approve TA14-07 as presented.

Commissioner Nagel seconded.

Commissioners Tewalt, Dean, Seymour, Nagel approve.

Commission Wright abstains.

Motion passes.

VI. DISCUSSION:

- a. Transportation System Plan Update (TSP)
- b. Transportation Growth Management Grant application for Plan Refinement

Director Davenport stated that the City has an opportunity to apply for a Transportation Growth Management (TGM) grant and is due in mid- June. The current TSP was adopted in January of 2010. Since then, there has been some very significant improvements in town including Cascade Avenue including some other minor improvements. Some things have been changed that was originally envisioned in this plan such as the Barclay Rd. and Hwy 20 intersection. Now, the roundabout concept is moving forward although it is not finalized yet.

Director Davenport stated that the City would like to apply for this grant and time is of the essence to get a recommendation to the City Council and get them to act on it. Staff is proposing to focus

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on and get the Planning Commission's recommendation to apply for this grant to refine the current Transportation System Plan (TSP) to recognize the recent accomplishments and recognize what is happening now with the Barclay Rd. intersection, and to reinforce any remaining improvements that have not yet come to pass. Specifically, to focus on a certain area in the City – the east side of the City. There are some unique challenges at Locust St. and Hwy 20, Creekside Park Access, and Hwy 20/Hwy 126 intersection which includes the Three Creeks Brewery, 4th Sisters Lodge, Buckaroo Trail, etc. Staff would like to apply for this grant to do these things, but the specific focus on the Transportation improvements in this area. Once the TSP is updated and whether or not we get the grant. He continued to talk about the specifics on the grant, ODOT input, etc.

Director Davenport asked for the Planning Commissioners recommendation to take this to the City Council at this time.

Commissioner Wright asked if this grant would be correcting the existing TSP and relative short term focus and not looking at it from a long range approach say maybe a 20 year plan as to how to integrate a Transportation Plan to solve issues that could be factors in say 20 years from now.

Director Davenport stated that with the current plan and what the revised plan would be – it would still have a long range focus on it, but now to refine it to recognize what has been done and what is almost about to take place and then, push it ahead looking forward. It is more of an update, but not looking to narrow the planning window, but want to have a long range planning window of future road improvements.

Director Davenport stated that if awarded the grant, there is a whole public input process. It is about a \$80,000ish project, a consultant is hired, public input process, data gathering, traffic counts, updating existing information, hearing from the public, and combining everything together. The grant award would be in late summer and we would like to start the process in the fall if awarded the grant.

The Planning Commission gave the nodding of heads to recommend to the City Council the Transportation System Plan Update at this time.

VII. OTHER COMMISSION BUSINESS

Director Davenport stated that the next public hearing will be on May 21, 2015.

VIII. ADJOURN

Acting Chairman Tewalt adjourned the hearing at 9:10 p.m.

Respectfully submitted,

Carol Jenkins, Recording Secretary

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