

3. PLANS, POLICIES AND ORDINANCES FOR PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION:

- a. Text Amendment (**TXT21-01**) to Chapter 23, Land Development Code, Article XVI, Subdivision Preparation and Requirements, Division 2, Major Subdivisions, Section 23-325, Preliminary Plat. **Harkins**

Rian Harkins, Senior Planner presented the text amendment and asked if there were any questions for staff; none responded.

Chair Rickelman opened the public hearing and asked for anyone who wished to speak in favor to come forward.

Stephen Gose, 113 E 8<sup>th</sup> Ave said that he is here on behalf of the Builders Relation Committee, another engineering firm in town, and himself and spoke on the following:

- There are inconsistencies in the application of the requirement of Traffic Impact Analysis depending on what part of town you're in and what neighbors are upset that day.
- The TIA is required in the standards but it doesn't say when.
- Staff is applying it that it needs to be provided at Final Plat.
- Preliminary Plat and TIA are both planning documents and need to be done together.
- If a Preliminary Plat is approved by one body, and the TIA says they need to make improvements which would change the Preliminary Plat and you don't make the developer come back it seems inconsistent.
- Make it black and white in the code that one of the requirements is that if a TIA has to be done for a Final Plat then it is required to be done at the same time as the Preliminary Plat.

Vice-Chair Phillips said in the past there was a large amount of information that was required upfront which cost a lot of money without knowing what is going to happen. A TIA is not as expensive as a drainage study, however is it likely that there will be pushback from developers not wanting to make that investment.

Mr. Gose said that they are a \$7k- \$10k investments, however for example with Skyline East, they had a preliminary plat that met code requirements but the planning commission required a TIA even though code didn't call for it. They had the TIA done which the results of didn't matter because the neighbors still wanted something else and they got it. At the same time at 26<sup>th</sup> and Western Rd there is a development that is three or four times the size and a TIA was never even mentioned by anyone let alone required. Engineering's TIA asked for a round-a-bout at 26<sup>th</sup> and Western Rd. that they aren't going to pay for or dedicate land for. It isn't equitable across the city on how they apply the rules. It is part of the risk when proposing a development, however coming back to planning commission three times because the neighbors want something is pricey as well but at least you'd have some planning documents and discussion to have.

Commissioner Bobo asked if the TIA is a final requirement and this would just be putting an exact time when it would have to be submitted. Mr. Gose confirmed and said that it currently says if your daily trips are over this it is required, however it never states when. If you wait until the final plat to do a TIA it may say that you need a turn lane that would require you to reconfigure the plat because of the location of lots.

Chair Rickelman asked for anyone who wanted to speak in favor to come forward; none responded. Chair Rickelman asked for anyone who wanted to speak in opposition to come forward; none responded. Chair Rickelman closed the public hearing and asked staff to present findings and alternatives.

Mr. Harkins presented the findings and alternatives and asked if there were any questions for staff; none responded.

Chair Rickelman asked if there was any discussion.

Vice-Chair Phillips said that she thinks this would be a great improvement in having consistency and for developers and design professionals to be able to counsel their clients as far as what to expect from the start and she would be in favor of approving the text amendment.

Commissioner Shanahan said that it rationalizes the process and helps the developer allow for better planning. There are currently some inconsistencies and 26<sup>th</sup> and Western should have had a TIA done. A bigger concern of his is when exactly a TIA is performed such as time of day, day of week, time of year.

Chair Rickelman said minus the legitimacy of the TIA at least if they had it at the preliminary plat they could look at the whole picture instead of having to get stuck or change the preliminary plat after they've approved it.

Commissioner Bobo said that he feels like when things are presented to the planning commissioners it is always being presented in the best light and he takes it as that. If they were to receive a TIA he would assume that they did it on the best possible day.

Mr. Gose asked if he could say something as a licensed engineer and Chair Rickelman approved. Mr. Gose said that the Institute of Transportation Engineers has standards. You do not count at 11pm Saturday night, not on a Monday or Friday because people take off work. You count during the school year not June. Prior to performing a TIA the engineers doing it will have a meeting with the city's engineering staff and talk about the development, the intersections they will be at and on what days they will count. The idea is that city engineering staff will have already looked at and made comments on the TIA before it is presented to the planning commission.

Chair Rickelman asked if there was a motion or any comments.

**Commissioner Bobo moved to accept staff's findings and move TXT21-01 to City Council for approval; Vice-Chair Phillips seconded.**

Roll call:	Rickelman	Phillips	Shanahan	Allred	Bobo
	Yes	Yes	Yes	Yes	Yes

**Time: 22 minutes**