

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
May 26, 2009

The Jefferson County Planning Commission met on Tuesday, May 26, 2009, with the following Commission members present: Robert Reynolds, President; Arnold Dailey, Vice President; Lynne Deming, Secretary; Ed Dunleavy; John Maxey; Jim Surkamp and John Sidor. Staff members present included Kirk Davis, Acting Director of Planning; Jennifer Snyder, Acting Zoning Administrator; Jonathan Saunders, Engineer; Jennilee Hartman, Planning Clerk and Shannon Phillips, Planning Clerk.

Ellen May was absent with notification.

Mr. Reynolds called the meeting to order at 7:00 PM.

1. Approval of minutes.

a. April 14, 2009

Mr. Dunleavy stated the following correction needed to be made to the correction of the March 24, 2009 minutes. "(i) First page, second paragraph, change sentence to reflect Ed Dunleavy and Lynne Deming were ~~present~~ absent with notification."

Mr. Maxey moved to approve the minutes of April 14, 2009, as corrected. Mr. Dunleavy and Ms. Deming abstained from voting because they did not attend this meeting. Mr. Dailey seconded the motion, which passed 5 for and 2 abstentions (Mr. Dunleavy and Ms. Deming).

b. May 12, 2009

Mr. Dailey requested a correction to Item #13, sixth paragraph, to show that he had also opposed the motion. The correction should read, "Mr. Reynolds recalled Mr. Maxey's motion, which failed 3 for and 2 opposed. (Ms. Deming and Mr. Dailey) With seven members in attendance of the meeting, a vote of four in favor would be required to pass."

Mr. Dunleavy requested that "whit" be changed to "white" on page 2, third line down.

Mr. Dunleavy moved to approve the minutes of May 12, 2009, as corrected. Mr. Sidor abstained from voting because he did not attend this meeting. Mr. Dailey seconded the motion, which passed 6 for and 1 abstention (Mr. Sidor).

2. Citizen Communications. None.

3. Requests for postponement. Peter Lorenzen, surveyor, requested a postponement for Item #5 until the June 23, 2009 Planning Commission meeting. Mr. Lorenzen stated the applicant would extend the 60-day provision until June 23rd as well. Mr. Dunleavy moved to postpone final plat public hearing for the William D. Rinker Minor Subdivision until June 23, 2009. Ms. Deming seconded the motion, which carried unanimously.

4. Postponed from the April 28, 2009 Planning Commission meeting. Final Plat Public Hearing for the Allstadt's Corner Subdivision, Phase I, Lots 1-12 & 27-31-Residue (PC File #07-10). The property

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is to consist of 14 Single-Family (duplex) Lots, 2 Multi-Family Lots (consisting of 24 apartment units) and 1 Residue Lot (consisting of 3 apartment units) on 12.967 acres. Ms. Hartman read from the staff report. Scott Faulkner, citizen, raised a point of order stating that at the April 28, 2009, meeting the Planning Commission had not postponed the item to a specific date. James Casimiro, Assistant Prosecuting Attorney, stated he believed the best course of action would be to re-advertise the public hearing using the 30-day notification provision outlined in the subdivision ordinance. There was discussion regarding the 60-day provision and the CIS expiration dates. Ms. Hartman stated the 60-day provision and the CIS expiration date were June 9, 2009. Jim Campbell, attorney for the applicant, stated the Planning Commission had in fact set May 26, 2009, as the date of the public hearing after Mike Cassell, attorney present at the April 28th meeting, raised a point of order. Mr. Faulkner stated this occurred after the public had left. Ms. Hartman stated the soonest Planning Commission meeting that the hearing could be scheduled for would be July 14, 2009. Mr. Surkamp moved to schedule the public hearing on June 9, 2009. Mr. Maxey seconded the motion. Mr. Reynolds asked the applicant if they would be willing to extend the 60-day provision. Mr. Campbell said they would be agreeable to that, provided the tape of the April 28th meeting is reviewed in order to determine the actual events that took place at that meeting. The motion to place the public hearing on the June 9, 2009 Planning Commission meeting carried unanimously.

5. Postponed from the April 28, 2009 Planning Commission meeting. Final Plat Public Hearing for the William D. Rinker, Minor Subdivision Lots 1, 2 & 3-Residue (PC File #09-11).

This Item was postponed until the June 23, 2009 Planning Commission Meeting.

6. Final Plat Public Hearing for the Christopher S. Stoner Minor Subdivision, Lots 1 & 2-Residue. (PC File #09-12). Ms. Hartman recommended approval of the final plat contingent upon the final plat being recorded within 90 days. Mr. Stoner was present to answer Commissioners' questions. Mr. Saunders recommended approval. Mr. Reynolds opened the hearing for public comment. There was no comment from the public. The public hearing was closed. Mr. Maxey moved to approve the final plat. Ms. Deming seconded the motion, which carried unanimously.
7. Final Plat Public Hearing for the Richard S. & Barbara K. Nickell Minor Subdivision, Lots 1, 2-Residue & 3. (PC File #09-13). Ms. Hartman recommended approval of the final plat contingent upon the final plat being recorded within 90 days. Mr. Saunders recommended approval. Mike Shepp with Dewberry was present to answer Commissioners' questions. Mr. Dunleavy moved to approve the final plat. Mr. Sidor seconded the motion, which carried unanimously.
8. Request by Fred Gates with Gates Associated Inc. on behalf of Roderick Planes, LLC to extend the Community Impact Statement expiration date to June 20, 2010, to coincide with the Conditional Use Permit expiration date. Ms. Hartman stated the expiration date on the agenda was incorrect. The date should actually be December 20, 2010. Ms. Hartman recommended granting the variance. Mr. Saunders deferred to Planning staff. The Planning Commission asked a number of questions regarding expiration and extension dates. Fred Gates was present to answer Commissioner's questions. Mr. Gates stated the project had 2 options for wastewater; one being an on-site facility and the other being managed by the Public Service District (PSD). Mr. Gates stated the PSD's facility had been delayed and thus has hindered the applicant from proceeding in a timely manner.

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Mr. Gates also stated that due to several meetings with the former Director and Planner of the Department regarding redesigning lot layout, vehicular access and open space, the preliminary plat could not be designed.

Mr. Reynolds opened the hearing for public comment. There was no comment from the public. The public hearing was closed.

Mr. Sidor expressed concern that if the Planning Commission granted the extension for 18 months that the Board of Zoning Appeals may feel obligated to approve the 18-month extension for the Conditional Use Permit that will come before them in June. Mr. Sidor asked staff if the applicant would be permitted to request another extension if necessary. Ms. Hartman said the applicant would be able to ask for additional extensions since they are not limited in the ordinances. Mr. Sidor reasoned that if they gave a lesser extension that would allow the BZA to grant whatever extension they felt was applicable and then the applicant could request an additional extension for the CIS if necessary.

Mr. Dunleavy expressed his concern regarding decreasing of current property values and the applicant's inability to sustain financial backing from a bank.

Mr. Gladhill was present to answer Commissioners' questions.

Mr. Dailey moved to grant the extension until December 20, 2010. Ms. Deming seconded the motion. Mr. Surkamp asked for a friendly amendment to grant the extension until December 31, 2009. Mr. Sidor seconded the friendly amendment. The friendly amendment passed 7 for and 1 opposed. The motion to extend the CIS deadline until December 31, 2009, passed 6 for and 2 opposed (Mr. Dunleavy and Mr. Maxey).

Mr. Campbell approached the Commission to request that the final plat public hearing for the Allstadt's Corner Subdivision be re-advertised for the July 14, 2009 meeting. Mr. Campbell asked the Planning Commission to place the extension of the CIS on the June 9, 2009 meeting. Mr. Campbell stated that if the Planning Commission would grant the CIS extension until August 14, 2009, that the applicant would be willing to extend the 60-day provision through the end of July in order for the public hearing to take place on July 14, 2009. Mr. Maxey moved that the Planning Commission waive the Subdivision Variance Policy for the Allstadt's Corner Subdivision. Mr. Sidor seconded the motion, which carried unanimously. Mr. Sidor moved to direct staff to advertise the final plat public hearing for the Allstadt's Corner Subdivision for July 14, 2009. Mr. Maxey seconded the motion, which carried unanimously.

9. Consideration and Vote on the Minor Site Plan Process with Pre-proposal Conference.
Ms. Snyder presented the Planning Commission with the Minor Site Plan Process handout. The Planning Commission requested the following statement be added to the Minor Site Plan Process handout. At any point during the process the County Engineer, the Zoning Administrator or County Planner has the ability to determine that the major process should be followed. Mr. Sidor moved to approve the Minor Site Plan Process, as amended. Ms. Deming seconded the motion, which carried unanimously.

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10. Planning Commission vote to schedule a public hearing regarding an amendment to the Jefferson County Zoning and Land Development Ordinance and the Jefferson County Zoning Map to include an Urban Growth Boundary as required by Senate Bill 256. Lyn Widmyer, County Commissioner, was present to encourage the Planning Commission to schedule a public hearing on the proposed text and map amendment. Mr. Casimiro stated he had not been asked to review the amendment nor Senate Bill 256 therefore he was not prepared to answer questions at this time. Discussion among the Commissioners ensued. Mr. Surkamp moved to schedule a public hearing on the proposed text and map amendment. Mr. Maxey seconded the motion, which failed 4 opposed (Mr. Reynolds, Mr. Dailey, Mr. Dunleavy and Ms. Deming) and 3 for (Mr. Surkamp, Mr. Maxey and Mr. Sidor).
11. Director's Report. Mr. Davis introduced Ms. Jennifer Brockman, the new Director of Planning and Zoning. Ms. Brockman addressed the Planning Commission.
12. President's Report. Mr. Reynolds gave his resignation as President of the Planning Commission. Mr. Reynolds asked that Election of Officers be added to the June 9th agenda.
13. Planning Commission Exchange.
14. Reports from Legal Counsel and legal advice to PC. Mr. Casimiro stated the County Commission refused to adopt the amended Bylaws as written. Mr. Dunleavy moved to accept the amendment to the Planning Commission Bylaws proposed by the County Commission. Mr. Maxey seconded the motion which carried 4 for and 3 opposed (Mr. Dailey, Mr. Reynolds and Ms. Deming).
15. Actionable Correspondence.

Mr. Dunleavy moved to adjourn the meeting at 10:07 PM. Mr. Sidor seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CDs #__ and #___. These minutes were prepared by Jennilee Hartman.