

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
NOVEMBER 25, 2008

The Jefferson County Planning Commission met on Tuesday, November 25, 2008, with the following Commission members *present*; Robert Reynolds, President; Arnold Daily, Vice President; Lynne Deming, Secretary; Ellen May; Jim Surkamp; Edward Dunleavy; John Maxey; Tom Kane and John Sidor. Staff members present included Kirk Davis, Acting Director of Planning; Tom Hall, Planner; Jennifer Snyder, Acting Zoning Administrator; Roger Goodwin, Director of Engineering; Jonathon Saunders, County Engineer and Jennilee Hartman, Senior Clerk.

Mr. Reynolds called the meeting to order at 7:05 PM.

1. Approval of the minutes. Mr. Reynolds and Mr. Sidor abstained from voting on the minutes because they were not in attendance at the last meeting. Ms. May requested the following change to the October 28, 2008 minutes:
 - a. Page 5, Item 10, sixth paragraph, third sentence, between the words "*cutting*" and "*since*" include the phrase, "*and built a small house at the river's edge*".

Mr. Kane moved to approve the minutes from October 28, 2008 with Ms. May's correction. Ms. May seconded the motion, which passed 7 for and 2 abstentions (Mr. Reynolds and Mr. Sidor).

2. Citizen Communication. None.
3. Postponements. None.
4. Final Plat Public Hearing for the Rocky Marsh II Subdivision (PC File #08-23). Ryan Perks with Alpha Associates was present to answer Planning Commissioners' questions. Mr. Hall presented his staff report to the Planning Commission and recommended approval of the final plat. Mr. Goodwin also recommended approval. Mr. Dunleavy made comment stating that Note U, regarding the County's lack of a leash law, was inaccurate. Mr. Kane asked if staff had coordinated with Berkeley County, since the residue lot would be located in its jurisdiction. Staff stated that they had not contacted Berkeley County, but that the entire property was assessed in Jefferson County. Mr. Reynolds opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Sidor moved to approve the final plat. Mr. Dailey seconded the motion. Mr. Dunleavy suggested a friendly amendment to have staff establish the validity of Note U. Mr. Sidor and Mr. Dailey agreed to the friendly amendment. Mr. Reynolds called for the vote, which carried unanimously.
5. Final Plat Public Hearing for the Daniel & Jenny Hunter Minor Subdivision, Lots 3-Residue, 4 & 5 (PC File #08-24). Ed Johnson was present to answer Planning Commissioners' questions. Mr. Hall presented his staff report to the Planning

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Commission and recommended approval of the final plat. Mr. Goodwin also recommended approval. Mr. Kane mentioned that Note 7 should be corrected to state "from" instead of "fron." Mr. Reynolds opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Dunleavy moved to approve the final plat. Mr. Maxey seconded the motion, which carried unanimously.

Mr. Dunleavy moved to go into executive session at 7:21 PM to discuss Harvest Hills. Ms. May seconded the motion, which carried unanimously. James Casimiro, Assistant Prosecuting Attorney, arrived at the meeting to go into executive session with the Planning Commission.

The meeting resumed at 7:45 PM. Mr. Dunleavy recused himself due to pending lawsuit case number 08-C-439 filed by Arcadia Development Company.

Attorney Peter Chakmakian requested that Items 6 and 7 be reversed. The Planning Commission asked Mr. Chakmakian to explain why it was necessary for the Items to be reversed.

Mr. Chakmakian stated that his client had concerns regarding the vesting right of the Harvest Hills Subdivision but that Mr. Davis had cleared up the matter while the Planning Commission was in executive session. Ms. Carla Coffee, Representative from Arcadia Development Company, stated that the former Planning Director for Jefferson County, Mr. Anthony Redman, had asked them to consider a change in layout in order to situate a large part of the site's density nearer to the Duffield's rail access. Ms. Coffee stated that the variance request in Item 7 was to allow the applicant more time to determine if said layout change would be a viable option. Ms. Coffee stated the additional time would afford them the opportunity to research the new ordinance to see if they could meet the new requirements while still maintaining their density rights under the old provisions. Mr. Chakmakian mentioned that, due to the unfortunate drop in the economy, putting up over a million dollars for bonding would be a tremendous strain on the applicant. Mr. Maxey stated that because of the unusual circumstances surrounding this development, a special exception should be made and that the County could benefit from the applicant's willingness to process under the new ordinances.

Mr. Kane moved to reverse the order of Items 6 and 7. Mr. Maxey seconded the motion which passed 6 for and 2 opposed (Mr. Sidor and Mr. Reynolds).

7. Request by Arcadia Development Co. on behalf of the Harvest Hills Subdivision (PC File #07-01) for a variance to request a 12-month extension of time within which to advance the next phase of the Harvest Hills Subdivision to Final Plat Hearing. The current time period required to bring the next phase to Final Plat Hearing expires December 8, 2008. Accordingly, the applicant is requesting that this period be extended, at least until December 8, 2009. Mr. Chakmakian and Carla Coffee were present to answer Planning Commissioners' questions. Mr. Hall presented his staff report to the Planning Commission and recommended denying the variance stating reasons indicated within the variance application did not show hardship. Mr. Goodwin deferred to the Planner.

Mr. Kane moved to grant the variance for a 12-month extension in order to record the final plat by December 8, 2009. Mr. Dailey seconded the motion. Mr. Reynolds asked if anyone from the public wished to speak. Mr. Jack Snyder, Duffield's Station President, who is involved in the restoration, expressed his approval of the variance. Mr. Snyder stated it would be wise to provide the applicant with additional time to research the new ordinances to determine if a better subdivision design could be created. Mr. Maxey suggested a friendly amendment to require the applicant to proceed through to the pre-proposal stage of the new ordinances. Mr. Kane did not accept the amendment. The motion failed 3 for and 5 opposed (Mr. Sidor, Mr. Maxey, Mr. Surkamp, Mr. Reynolds and Ms. May).

6. Final Plat Public Hearing for the Harvest Hills Subdivision, Phase II, Section 1 (PC File #07-01). Peter Chakmakian and Carla Coffee were present to answer Planning Commissioners' question. Mr. Hall presented his staff report to the Planning Commission and recommended approval of the final plat. Mr. Goodwin also recommended approval. Mr. Reynolds opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Sidor moved to approve the final plat. Ms. May seconded the motion, which carried unanimously.

Mr. Reynolds called for a break at 8:35 PM to change the CD. The meeting resumed at 8:42 PM. Mr. Dunleavy returned to the meeting room for the duration of the meeting.

8. Preliminary workflow procedures for the newly enacted Subdivision and Land Development Regulations. Ms. Snyder presented the Planning Commission with a draft copy of the workflow procedures as outlined in the new Subdivision and Land Development Regulations. Ms. Snyder reviewed the steps with the Planning Commission and addressed their comments as needed.
9. Preliminary workflow procedures for the newly enacted Zoning Ordinance. Ms. Snyder stated these procedures were still in process and would be presented to the Planning Commission by their next meeting.
10. Planning Commission recommendation to the County Commission to adopt new fees in accordance with the newly enacted Zoning and Subdivision and Land Development Regulations. The Planning Commissioners were provided a draft copy of the proposed fee schedule. Mr. Davis explained how the fees were determined. Ms. Snyder stated that additional items, also assigned as assessed fees, would be brought before the Planning Commission at the next meeting.
12. Director's Report.
 - a. Notification and update on the joint workshop with the Public Service District on December 2, 2008. Staff provided the Planning Commissioners with the draft agenda for the joint workshop. Staff stated the meeting would be held in the County Meeting Room and it would begin at 7:00 PM.

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Mr. Davis provided the Planning Commissioners with a memorandum from Mason Carter, Ordinance Compliance Officer, updating the Planning Commission on the status of the following complaints: David Park, Gay Snyder, Mission Ridge and Robert Sharp.

13. President's Report. None.

14. Planning Commission Exchange. None.

15. Reports from Legal Counsel and legal advice to PC. (See Item 11 below.)

16. Actionable Correspondence. None.

11. Motion to retain counsel to represent the Jefferson County Planning Commission in Civil Action 08-C-439 regarding the new zoning ordinance. Ms. May moved to go into executive session at 9:32 PM. Mr. Maxey seconded the motion, which carried unanimously.

At that time staff was dismissed. The following information was provided by Ms. Deming as the Planning Commission Secretary.

The Planning Commission came out of executive session at 10:25 PM. Ms. May moved to adjourn at 10:25 PM. Mr. Sidor seconded the motion, which carried unanimously.

A detailed transcript of the meeting may be found on CDs #125 & #126. These minutes were prepared by Jennilee Hartman.