

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
APRIL 10, 2007

The Jefferson County Planning Commission met on Tuesday, April 10, 2007 with John Sidor, Vice President, as Chair. Tom Kane, Lynne Deming, Robert Reynolds, Arnie Dailey, Ellen May, Jim Surkamp, Edward Dunleavy were present. Staff members present were Sherry Kelly, Kim Shrader and Jennilee Hartman.

Todd Baldau was absent with notification.

Mr. Sidor called the meeting to order at 7:03 p.m.

1. Minutes. Mr. Reynolds, Mr. Dunleavy and Mr. Kane abstained from voting on the minutes because they were not present at the last meeting. Ms. May provided a handout indicating various changes. Ms. May made a motion to have staff review the CD from the March 27, 2007 meeting and to provide greater detail regarding the discussion that took place during Item #6, Rezoning Petition for Last Chance Used Cars. Mr. Kane stated he would vote for this particular item since this was a procedural vote and not specific to the March 27, 2007 meeting. Ms. Deming seconded the motion, which passed 5 for and 2 abstentions (Mr. Reynolds and Mr. Dunleavy).

Ms. May motioned to approve Items 7 and 9 of her handout, which state, "7. Mr. Baldau motioned to have Planning Commission instruct the Prosecuting Attorney to *appeal the recent court decision* on the Final Plat of the Benview Subdivision." ; and "9. Ms. May motioned to adopt Mr. Sidor's recommended changes to the agenda contingent upon correcting the two web addresses indicated in paragraph #3. **Seconded by Mr. Sidor and carried unanimously.**" Motioned dies for a lack of a second.

Mr. Sidor stated the 'minute corrections' paragraph for the March 13, 2007 minutes needed to be changed from Mr. to Ms. May (last sentence). Mr. Sidor also stated the meeting adjournment time from the March 27, 2007 meeting was 10:37 p.m. not 10:137 p.m.

Mr. Surkamp motioned to amend Ms. May's handout, Item 7 only, to be worded, "7. Mr. Baldau motioned to have Planning Commission instruct the Prosecuting Attorney to *overturn the recent Planning Commission decision to not appeal the court decision* on the Final Plat of the Benview Subdivision." Ms. May seconded the motion, which died 4 for and 4 abstentions (Mr. Reynolds, Mr. Dunleavy, Mr. Kane).

Mr. Sidor stated the minutes from the March 27, 2007 meeting would be deferred until the April 24, 2007 meeting.

2. Requests for postponements. Mr. Michael Cassell, Attorney, requested the Commissioner's hear Item # 6 first since it was a request for an extension and the fact that at least one staff member could go home. The Commissioner's decided to let the agenda stand as it was. Ms. Kelly, Acting Chief Planner/Zoning Administrator, stated Item # 5, Community Impact

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Statement Review for the Kensington Subdivision signs were not posted on the property. Therefore the item must be postponed until the April 24, 2007 meeting. Ms. Kelly also stated the property is now posted. Mr. Dick Klein with Alpha agreed to postponing the item. Mr. Kane motioned to postpone the Community Impact Statement Review for the Kensington Subdivision until the April 24, 2007 meeting. Mr. Dailey seconded the motion, which carried unanimously.

3. Final Plat Public Hearing for the Sunnyside Industrial Park Subdivision. Mr. Reynolds and Mr. Dunleavy recused themselves since they are new to the Commission and unfamiliar with the project and left the room. Staff recommended approval of the final plat pending submission of originally signed plats and recordation within 90 days. Mr. Surkamp had questions regarding stormwater. Mr. Kane stated Note #18 was misspelled. Mr. Sidor asked for public comment. Linda Case, Nancy Lutz and Farrell Kelly spoke regarding the historical location of the property as well as traffic and sinkhole concerns. Mr. Cassell and Mr. Joe Kent with Dewberry were present to answer Commissioner's questions. Ms. Deming motioned to approve the final plat with staff contingencies. Mr. Dailey seconded the motion. Mr. Kane stated his objection because the project did not have curb and gutter. Ms. May agreed with Mr. Kane. The motion died due to a tie vote, 3 for (Ms. Deming, Mr. Dailey and M. Sidor) and 3 opposed (Mr. Surkamp, Ms. May and Mr. Kane). Mr. Reynolds and Mr. Dunleavy returned to the meeting room.

4. Final Plat Public Hearing for the Butler Farms Subdivision. Mr. Reynolds and Mr. Dunleavy recused themselves since they are new to the Commission and unfamiliar with the project and left the room. Staff recommended approval of the final plat pending submission of originally signed plats and recordation within 90 days. Mike Shepp with Dewberry and Nathan Cochran, Attorney, were present to answer Commissioner's questions. Mr. Sidor asked for public comment. Farrell Kelly spoke. Mr. Kane motioned to approve the final plat with staff contingencies. Mr. Dailey seconded the motion, which carried unanimously. Mr. Kane wanted to state that he was happy that the developer was following through with various agreements from the Community Impact Statement. Mr. Reynolds and Mr. Dunleavy returned to the meeting room.

5. Community Impact Statement Public Hearing for the Kensington Subdivision. This item was postponed until the April 24, 2007 meeting during Item # 2.

6. Request by Michael Cassell Esq. on behalf of Philip and Gaye Snyder/Shenandoah School for an extension of time within which to complete the process before the Board of Zoning Appeals for an additional sixty (60) days to conform to the Board's time limitations. Mr. Cassell was present to answer Commissioner's questions. Mr. and Ms. Snyder were also present. Discussion regarding the history of the applicant took place.

The CD was changed at 8:15 p.m. and the meeting resumed at 8:18 p.m.

Mr. Reynolds questioned why there should be discussion since the request was only for an extension of time. Ms. Deming questioned to status of the establishment and whether or not they had County approval. It was stated they did not. Mr. Reynolds motioned to grant an extension of time until the June 15, 2007. Mr. Surkamp seconded the motion. Mr. Kane requested the motion be amended to

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June 19, 2007 to take into consideration the Planning Commission's meeting dates. Mr. Surkamp seconded the amendment. The vote was 7 for and 1 opposed (Ms. Deming).

7. Request by Michael Cassell, Esq. on behalf of The Newton Gibson Family Trust for an extension of time to record the Final Plat for the Benview Subdivision (PC File #04-12). Mr. Cassell was present to answer Commissioner's questions and to give a brief history of the project. James Casimiro, Assistant Prosecuting Attorney, spoke regarding the project stating if the Commission granted the extension they would not be, in effect, showing their support for the project. Ms. Kelly stated she was fine with the extension. Mr. Reynolds motioned to grant an extension of 180 days. Mr. Kane seconded the motion, which carried unanimously.

8. Chief Planner's report on office activities and questions. (A) Clarification of motion for Rezoning of Last Chance Used Cars - Compatibility with the Comprehensive Plan. Ms. Kelly stated the County Commission wanted to know if the Planning Commission had discussed or voted on Compatibility with the Comprehensive Plan. Ms. Kelly stated she would review the CD from the last meeting regarding the rezoning and would inform the County Commission of its contents. Ms. Kelly also stated the County Commission would be voting on the Transition Team's report at their next meeting. It was asked that the Planning Commission be given copies of the report and also to request that the County Commission not take action on the report until the Planning Commission has had a chance to review it.

Mr. Cassell requested that the Planning Commission reconsider its previous vote for the Final Plat for the Sunnyside Industrial Park Subdivision. Mr. Reynolds and Mr. Dunleavy stated they must recuse themselves again and left the room. Mr. Cassell stated that the applicant has previously obtained and was granted approval of a variance from the curb and gutter requirements. Mr. Cassell stated the developer met all requirements as set forth in the variance and continued with the process with the understanding that they would be given approval if they met all other County requirements. Mr. Casimiro stated that although Mr. Kane was in objection to the variance that did not mean he could maintain his objection because the Commission as a whole voted to approve the variance. Ms. Deming motioned to reconsider their previous motion. Mr. Dailey seconded the motion, which carried unanimously. Mr. Dailey motioned to approve the final plat with staff contingencies. Ms. Deming seconded the motion, which passed 5 for and 1 opposed (Mr. Surkamp). Mr. Reynolds and Mr. Dunleavy returned to the meeting room.

10. Committees and committee reports:

- Executive Committee: None.
- Long Range Planner: Mr. Sidor handed out the resumes of 2 applicants that the committee has decided on. Ms. May motioned to go into executive session to discuss personnel issues. Mr. Surkamp seconded the motion, which carried unanimously. The CD was turned off at 9:02 p.m. The meeting resumed at 9:14 p.m. Mr. Kane motioned to approve the 2 recommended applicants and to forward them to the County Commission. Ms. Deming seconded the motion, which carried unanimously.
- TDR: None.
- Bylaws and Procedures Committee: None
- PSD Committee: None.
- Budget Committee: None.

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Mr. Sidor questioned the status of the signage requirements and public notice information that was sent to the County Commission during the last Planning Commission meeting. Mr. Casimiro stated the County Commission would want the opinion of the new Commission. Mr. Sidor stated they would take this up during the first meeting in May.

Mr. Kane wanted to state for the record that he was in objection to separate committees. Ms. Deming and Mr. Reynolds concurred. Ms. May stated she was simply a liaison between the Commission and the PSD.

The Commission discussed the election of officers and asked it to be placed on the May 22, 2007 agenda.

The Commission discussed Lane Kendig and his visit in May. The Commission stated they would like to meet with him and to also have staff input.

11. Staff interactions with applicant, public & Planning Commission. Ms. Kelly stated she had nothing to report. Mr. Kane asked that the public be made aware that he does not want anything requiring a signature be mailed to him. Ms. Deming stated she would prefer to have the hard copy of the CIS be sent to her as opposed to electronic.

12. Actionable Correspondence. None.

13. Non-Actionable Correspondence. None.

Mr. Casimiro stated he did not know why 'Legal representation, advice and possible action' was removed from the agenda. Mr. Casimiro did give a handout to the Planning Commissioners.

Farrell Kelly spoke to the Commission regarding a letter he submitted to the office.

Mr. Dailey motioned to adjourn the meeting. Mr. Kane seconded the motion, which carried unanimously.

The meeting adjourned at 9:37 p.m. on April 10, 2007. A detailed transcript of this meeting can be found on CD # 35 & 36. These minutes were prepared by Jennilee Hartman.