

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JULY 25, 2006

The Jefferson County Planning & Zoning Commission met on Tuesday, July 25, 2006, for the regular meeting, with Paul Burke, President presiding. Greg Corliss, John Sidor, John Sims, Lynne Deming, Arnie Dailey and Tom Kane were present. Staff members present were Sherry Kelly, Kim Shrader and Jennilee De Pottie.

Russell Roper was absent with notification. Todd Baldau was absent without notification.

Mr. Burke called the regular meeting to order at 7:00 p.m.

Ms. Deming made a motion to accept Mr. Burke's amendments to the minutes of the July 11, 2006 Planning Commission meeting as follows: (1) Item # 1: change "The Planning Commission will meet" to "The Planning Commission announces a meeting". (2) Item # 1: change "Russell Roper was absent" to "Russell Roper and Tom Kane were absent". (3) Item # 3: remove "Mr. Burke closed the public hearing." on line 5. It was already closed on line 3. (4) Item # 6: remove "sq." from "500 sq. ft ... 1500 sq. ft." (5) Item # 11: add at the end "and he declined." (6) Item # 15: change "Mr. Sims scheduled" to "Mr. Sims preferred" (7) Item # 15: bylaws: change "2:00" to "7:00" (8) Item # 16: add at the end "Staff said they had met with Mr. Athey after the date of his letter, and review was proceeding." Mr. Sims seconded the motion which carried unanimously. Mr. Sidor motioned to amend and approve the minutes from the July 11, 2006 Planning Commission meeting with a correction to Item # 6, the third paragraph, the tenth line following the word regarding add "the need for pre and post blast surveys for..." Mr. Kane seconded the motion which carried unanimously. Mr. Sims made a motion to approve the amended minutes of the July 11, 2006 meeting. Ms. Deming seconded the motion which carried unanimously.

Mr. Burke asked if there were any postponements.

1. Postponed from the April 25, 2006, May 23, 2006, June 13, 2006 and July 11, 2006 meetings. Final Plat Public Hearing for the Maddex Farm Subdivision, Phase IV (#06-07). Mr. Burke and Ms. Deming recused themselves and left the meeting room because he had testified on the project and her ex-husband is an owner. Mike Shepp with Dewberry requested a postponement until the August 8, 2006 meeting. Mr. Kane made a motion to postpone until the August 8, 2006 meeting. Mr. Dailey seconded the motion which carried unanimously. Mr. Burke and Ms. Deming returned to the meeting room.

2. Postponed from the July 11, 2006 meeting. Final Plat Public Hearing for the Carl Anderson Minor Subdivision (#06-17). Mr. Kusner was present to represent this item. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Staff recommended denial or postponement of this item due to the lack of a highway entrance permit. Mr. Kusner requested that the Commission grant approval contingent upon receipt of the highway entrance permit. Mr. Dailey stated he would like the permit to be in hand at the time of approval. Mr. Sims, Mr. Sidor and Mr. Kane concurred. Mr. Kusner requested postponement and waived the 60 day rule. Mr. Sims motioned to postpone this item until August 8, 2006. Mr. Dailey seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the Duncan Minor Subdivision (#06-20). Mr. Burke had questions regarding this item. Gary Frey with Huntley, Nyce and Associates was present to answer questions. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed plats and recordation within 90 days. Mr. Sims motioned to approve the Duncan Minor Subdivision with staff contingencies. Mr. Kane seconded the motion which passed 6 for and 1 opposed (Mr. Burke).

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4. Request by Randy Kepler on behalf of Arcadia Development Co. for a variance to have individual mailboxes instead of a mailbox cluster (Harvest Hills SD, Phase I & II, Flowing Springs Road, PC File #98-12 and #01-42). Mr. Burke and Mr. Corliss recused themselves and left the meeting room because they had taken legal action against the project. Chris Waddel with Greenway Engineering presented the request. Mr. Sims asked for public comment, hearing none Mr. Sims opened the public hearing. There was no public comment. Mr. Sims closed the public hearing. Staff recommended approval of the variance. Mr. Kane motioned to approve the variance. Mr. Sidor seconded the motion which carried unanimously. Mr. Burke and Mr. Corliss returned to the meeting room.

5. Request by Kevin D. Bohrer for a variance to add a single family addition to an existing home to be occupied by a family member. Mr. Bohrer presented the request. Mr. Kane requested that a statement be added to the plat or building permit that at no time would this addition be considered a multifamily unit or be rented out. Mr. Bohrer agreed. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Staff recommended approval of the variance contingent upon the applicant obtaining a building permit, health department approval and the breezeway remaining intact. Mr. Kane motioned to approve the variance with staff contingencies and the statement regarding the addition not be a multifamily unit. Mr. Sims seconded the motion which carried unanimously.

6. Request by Jackie Lee Payne for a variance from the 3:1 lot depth to width ratio proposed minor subdivision on Bowers Road. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Staff recommended approval of the variance. Mr. Sims motioned to approve the variance. Mr. Corliss seconded the motion which carried unanimously.

7. Staff Issues and Concerns (Requested by Todd Baldau). Ms. Kelly informed the Commission she had an issue to address regarding Harvest Hills. Mr. Burke and Mr. Corliss recused themselves and left the meeting room. Ms. Kelly stated the approval of this project was contingent upon all items of the Conditional Use Permit being met. Item # 17 stated Mr. Peter Chakmakian, Attorney for Arcadia Building Company, was supposed to contact Mr. Paul Raco, Executive Director of the Department of Planning, Zoning & Engineering in regarding the deeds for the school and the church. Ms. Kelly stated that to date Mr. Chakmakian has not contacted Mr. Raco. Ms. Kelly stated she would contact Mr. Chakmakian to have him contact Mr. Raco. Mr. Kane motioned to continue the approval of the Harvest Hills Subdivision Final Plat contingent upon the approved review of the conveyance deeds occurring before the August 8, 2006 meeting. Mr. Sidor seconded the motion which carried unanimously. Mr. Burke and Mr. Corliss returned to the meeting room.

8. Postponed from the June 13, 2006 and June 27, 2006 meetings. Set policy for reconsideration of votes. Mr. Sidor made a motion to allow the applicant to request a reconsideration of the final plat prior to the Planning Commission's written decision. Ms. Deming seconded the motion which carried unanimously.

The CD was stopped at 8:22 p.m. The meeting resumed at 8:23 p.m.

Mr. Sidor made a motion then amended his motion to approve the final plat reconsideration policy:

“Pursuant to chapter 8A-5-8-I, if the applicant within 10 days of the commission’s written decision requests in writing reconsideration of a final plat vote the commission at its meeting subsequent to receipt of this letter shall set a time for a reconsideration vote. If the applicant proposes to introduce new information then the final plat will be considered a revised final plat and it shall be submitted to the Department of Planning, Zoning & Engineering staff for review. The commission shall schedule a vote in a manner that meets the public notice requirements for a public hearing, and a public hearing shall be held immediately prior to the revised final Plat. If the applicant does not propose the introduction of new information, the commission shall schedule its reconsideration vote in a manner that meets the requirements of public notice of agenda items.”

Mr. Sims seconded the amended motion. The vote passed 6 for and 1 opposed (Mr. Burke).

Under Reconsideration Issues, Item A(4) of Mr. Burke’s handout the Planning Commission decided to seek advice from legal council regarding who can participate in a reconsideration vote.

Mr. Sims made a motion to accept the variance reconsideration policy:

“The Planning Commission can reconsider its vote on a variance one time in the case of a tie vote. If the motion to reconsider is seconded, the commission shall vote on the motion to reconsider. The motion to reconsider need not be acted on when the motion is made and anyone later in meeting can call up the motion to reconsider. If the motion to reconsider passes then the commission shall reconsider its vote.”

Mr. Sidor seconded the motion which failed with a vote 2 for and 5 opposed (Mr. Burke, Mr. Dailey, Mr. Kane, Ms. Deming, Mr. Corliss).

Mr. Sims motioned to use Roberts Rules strictly as written regarding variance reconsiderations. Mr. Kane seconded the motion which carried unanimously.

9. Committees and committee reports:

Budget Committee: None.

Bylaws and Procedures Committee: Mr. Sims motioned to send the “Draft Letter to Committee on Open Governmental Meetings” prepared by Paul Burke to the Ethics Committee for advice. Mr. Sidor seconded the motion. Ms. Deming motioned to remove the following sentence from the draft Bylaws:

“Members may send information to all Planning Commissioners electronically or otherwise between meetings, but should refrain from replying about anything that could result in an official action.”

Mr. Kane seconded the motion which passed with a vote 4 for and 3 opposed (Mr. Corliss, Mr. Burke and Mr. Sidor).

Mr. Sims withdrew his motion to send the letter to the Ethics Committee. Mr. Sidor withdrew his second to the motion.

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Mr. Sims motioned to send the letter contingent upon deleting the last sentence in the first paragraph and the italicized words. (Draft letter is attached.) Mr. Corliss seconded the motion.

Mr. Sidor motioned to ask the Chairman to revise the letter to include more detail and specifics and bring it back to the next Planning Commission meeting. Mr. Sims seconded the motion.

Mr. Burke asked for a vote on Mr. Sims motion regarding sending the letter. The motion died 2 for and 5 opposed (Mr. Kane, Mr. Sims, Mr. Sidor, Mr. Dailey and Ms. Deming).

On the motion made by Mr. Sidor requesting the document to be redrafted by the Chairman the vote passed 4 for and 3 opposed (Mr. Kane, Mr. Burke and Ms. Deming).

PSD Committee: None.

Long Range Planner: Two interviews have been scheduled.

TDR: None

16. Actionable Correspondence: None

17. Non-actionable Correspondence: None

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

The meeting adjourned at 9:15 p.m. on July 25, 2006. A detailed transcript of this meeting can be found on CD # 98 & 99. These minutes were prepared by Jennilee De Pottie.