

Planning and Zoning Board Minutes  
August 16, 2012  
6:00 p.m.

<b>Council Liaison:</b>	Mayor Weitkunat	<b>Staff Liaison:</b>	Laurie Kadrich
<b>Chair:</b>	Andy Smith	<b>Phone:</b>	(H) 482-7994

Chair Andy Smith called the meeting to order at 6:05 p.m.

Roll Call: Campana, Carpenter, Hatfield, Kirkpatrick, Schmidt, and Smith

Excused Absence: Stockover

Staff Present: Kadrich, Eckman, Lorson, Shepard, Levingston, Wilder, Hensley, Ex, and Sanchez-Sprague

#### Agenda Review

CDNS Director Laurie Kadrich reviewed the agenda and noted Item # 3, Caribou Apartments Phase II One Year Extension, #18-02C/D, has been withdrawn at the request of the owner. She also noted the addition to Other Business – an update to the Board of Land Use Code (LUC) proposals presented to City Council at their work session on August 14, 2012.

#### Citizen participation:

Mark Kenning, 2613 Dorado Court, said he abuts the Lakeview Regency proposal considered by the board at their July 19, 2012 meeting. He's here tonight to discuss the process and what it looks like from their side of the "railing". He asked the board members to imagine them appearing before another board. Imagine also that you had never appeared before them before. Kenning said after their experience in July they felt really disempowered by the whole process. To them the process made the board look like "city puppets" and he said given the time and intellectual effort they obviously spend; he doubts they appreciate being seen that way. Kenning reviewed the process that had started a year earlier. He remembers Chief Planner Shepard saying the city is 'neutral' in this process. Given subsequent actions, he doesn't think that is a true statement.

Kenning said if he were on a board, he'd want to make sure he had as much good information as he could before coming to a decision. By the time they got the knowledge, they felt like they were excluded by the process. He would include a format by which a formal opposition group would be recognized and they would appoint a spokesman who would be allowed to dialog with equal footing as the staff and applicant. He believes the board would hear arguments and information they might not otherwise be given. He believes it would make the common citizen feel like their voice had been heard. His hope and request is the board would be able to fix what they viewed as a disparity.

Chair Smith asked Deputy City Attorney Paul Eckman what would be an appropriate response given the pending appeal. Eckman said the LUC (Section 2.2.7 (E)) sets the procedure which the board follows. If the board would like to have that procedure amended, it could be discussed at a work session. He also said the Chair has the ability to give extra time to groups that are organized as evidence that night.

Chair Smith said he thinks to go into specific issues about what occurred last month might be inappropriate due to pending appeals. We could certainly put the topic on a work plan and invite Mr. Kenning to a work session. Eckman said last month's meeting is over and there is no new record to be made. He said he did not hear any request to that effect so he does not think they need to talk about last month's deliberation. He said Mr. Kenning's remarks are speaking to how processes can be improved.

Chair Smith believed it would be best not to get into any specifics on that deliberation because it is a pending appeal and the potential exists that it could be remanded to the board. He asked Mr. Kenning if he would be willing to visit with the board if they have a follow-up conversation at a work session. Kenning said absolutely.

Member Schmidt said she thinks staff has developed a Citizen Guide to Development Review. She said maybe they can put that on a work session agenda and invite Mr. Kenning to participate. She thinks the board would want to learn what is being used to educate citizens. Director Kadrich said we are in the final stages of hiring the Neighborhood Development Review Liaison. They would be person responsible for that interface with neighborhoods and would help address issues such as those heard tonight. Kadrich thinks all that's been mentioned tonight would dovetail nicely into a work session topic.

Dave Roschke, 2806 Fauborough Court, said he was also here for the last meeting. He said the thing that frustrated him the most was the planner told them if they gave him their email addresses; he would keep them informed of any important developments. He said he never once received an unsolicited email from the city. In fact, he had a very difficult time getting the information he was looking for. He said the only reason he got what he wanted was after Regency Lakeview's Lisa Evans interceded on his behalf. He said he thought they were actively kept out of the process.

Member Hatfield said yes, some on the board have been on the other side of the "rail". They fully understand their feelings. He said there is no collusion between any of the board members to how they are going to vote. Everyone makes their own decision based upon the information they get. He said many of the decisions are split.

Member Kirkpatrick said she really appreciates that they took the time to give the board their feedback. There is some recognition that the process is cumbersome and difficult if you are not used to going through it; it could be overwhelming and intimidating. She thinks the city has been actively working on improving their process and they are open to how to continue doing that. Certainly there is no better way to do that than getting direct feedback.

Andy Smith asked if there were any audience or Board members who wanted to pull items from the Consent Agenda. There was no one.

**Consent Agenda:**

1. Minutes from the July 19, 2012 Planning and Zoning Board Hearing.
2. Rigden Farm Fourteenth Filing One Year Extension, # 56-98AO/AS
3. WITHDRAWN - Caribou Apartments Phase II One Year Extension, #18-02C/D
4. Brookdale Senior Living Amendment and Replat, # MJA120003

**Member Schmidt made a motion to approve the consent agenda consisting of the minutes from the July 19, 2012 hearing, Rigden Farm Fourteenth Filing One Year Extension, # 56-98AO/AS, and the Brookdale Senior Living Amendment and Replat, # MJA120003. Member Hatfield seconded the motion. The motion was approved 6:0.**