

MINUTES

City of Milton Planning Commission Special Called Meeting December 18, 2008, 6:00 PM

This summary is provided as a convenience and service to the public, media, and staff. It is not the intent to transcribe proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted and heard by the Planning Commission, but not quoted. This document includes limited presentation by the Planning Commission and invited speakers in summary form. This is an official record of the City of Milton Planning Commission meeting proceedings. Official Meetings are audio recorded.

Commission Members Present: Paul Moore
Curtis Mills
Fred Edwards
Cary Schlenke
George Ragsdale
Jennifer Fletcher
Joe Creamer

Meeting Leader/City Staff: Robyn MacDonald, Community Development
Alice Wakefield, Director Community Development

CALL TO ORDER

Chair Paul Moore: The Special Called Planning Commission Meeting was called to order at 6:17 p.m. He called role and all members were present.

MEETING AGENDA

1. Call to Order
2. Approval of 11/25/08 Planning Commission Minutes
3. To discuss Article 22, Appeals of the City of Milton Zoning Ordinance specifically Variance Considerations.
4. 2009 City of Milton Planning Commission Meeting Schedule
5. Adjourn

APPROVAL OF MINUTES

Motion and Second: Cary Schlenke made a motion to approve the November 2008 meeting minutes. The motion was seconded by George Ragsdale. There was no discussion. Vote: 6-0-1, with Curtis Mills abstaining due to his absence at that meeting. The motion carried.

**COMMISSION AND STAFF DISCUSSION ON ARTICLE 22 APPEALS OF THE
CITY OF MILTON ZONING ORDINANCE SPECIFICALLY VARIANCE
CONSIDERATIONS**

Staff:

- Council wanted Staff to get with PC and City Attorney to come up with language that would work.
- A variance needs to consider harmony but that is not the only criteria
- The document contains PC suggestions and staff's
- Advised the ordinance definitions had been fixed
- For sign variances there are 8 criteria
- Do not want to prevent Boards and Commissions from granting variances because of the rigid language as it exists currently as
- This is primary reason for some changes to Article 22
- Use of "harmony" is to make is somewhat vague and keep it in a "gray" area
- Variances regarding buffers and setbacks would be different
- Staff came up with this document to give everyone a win-win situation
- Want to be able to have some latitude in making individual variance decisions
- There are cases where variances need to be considered
- This Commission or Board of Zoning Appeals will ultimately rule on these variance matters
- Almost every municipality throughout the country uses "harmony" and "general purpose and intent of the ordinance"
- City Attorney will be addressing issue of whether a Commission or Board member can go on an applicant's property

Commission:

- Discussion about (a), (b), (c) and (h)
- Hardship has to be demonstrated
- (a) and (c) should be for sign ordinance
- Need to clarify sign ordinance language from other variance
- One suggestion was perhaps after the first harmony add "with *the general surrounding*" or "*be made to be in harmony with the general purpose and intent of the zoning ordinance*"
- Discussion about what would be considered "general surroundings"
- Aesthetics and being in harmony with the ordinance or general surroundings should possibly be separate
- Discussion about the Sembler case as an example
- Deciding boards need to have some room for discretion
- Do not want to make the granting of a variance too easy
- Each variance should meet (a) and new consideration (b)

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- (h) or new (g) would only apply to signs
- The Board does need to be able to consider the variance requests and make decisions on an individual basis
- Multi-gated set of criteria
- Variances by their nature are not “consistent with the ordinance”
- **Relief if granted would be in harmony or could be made to be in harmony with the surroundings of the subject property and would not conflict with the purpose and intent of the zoning ordinance** was the language the Commission favored
- Language would read *except for (g) in the case of a sign variance.*
- Amending that the considerations have to meet at least three of the following need to apply except for (g)
- Additional discussion about (g) and possibly taking the word “minimum” for sign variances
- Discussion about clarifying disclosures regarding contributions to Council Members and speaking relating to a case
- Demonstrating at least of the 3 of the following except for (g) which will apply only for a sign variance

Staff and Commission

- Robyn would type out and email to Commission
- Agreed that Staff would present the discussed changes and suggestions to Council at their next meeting for consideration

NEXT PC MEETING

- January 27, 2009 at 7:00 p.m.

ADJOURNMENT

After no further business, the Special Called Work Session adjourned at 6:55 p.m.

Dated Approved: _____

Approved By:

Francesca Ivie
City Clerk's Office

Paul Moore, Chairman
Planning Commission

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NEXT PC MEETING

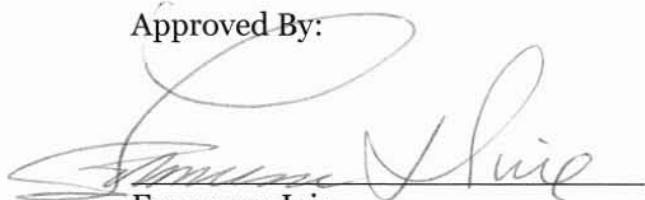
- January 27, 2009 at 7:00 p.m.

ADJOURNMENT

After no further business, the Special Called Work Session adjourned at 6:55 p.m.

Dated Approved: 2-24-09

Approved By:



Francesca Ivie
City Clerk's Office



Paul Moore, Chairman
Planning Commission