

**Members Present**

Mr. Stauffenberg, Mr. Bertrand, Ms. Hertzberger, Mr. Hess, Mr. James, Mr. Marcotte, Mr. Martin, Mr. Scholl, Mr. Tripp, Mr. Washington, and Mr. Whitten

**Members Absent**

Mr. Olthoff

**In Attendance**

Mr. McLaren, Brian Billingsley, Vikki Hensley, Rob Hensley, Dave Tyson, Bob McElroy

**1. Call to Order**

The meeting was called to order by the Vice-Chairman, Mr. Stauffenberg, at 9:00 a.m. Quorum Present.

**2. Public Comment**

None

**3. Subdivision**

• **Prairie Farm Estates, Phase II- Road Improvement Variances**

Mr. Scholl stated that at the County Board Meeting the variance was turned down and then it was referred back to the committee. He wanted to know if this committee has the legal authority to consider this again once it was already rejected by the County Board.

Mr. Stauffenberg stated that the rejection was not by a decisive vote, it was a tie.

Mr. McLaren stated that from what he recalls, legal comments were yes, it is ok to send this item back to committee.

A motion to approve the variance was made by Mr. Bertrand and seconded by Mr. Tripp. Motion carried by a roll call vote of 9 ayes and 4 nays (Ms. Hertzberger, Mr. Martin, Mr. Scholl, and Mr. Washington).

Mr. McLaren stated, "We have kind of changed the rules in the middle of the game. In future things will be a little different as far as my votes but this one had the rules changed."

Mr. Scholl asked if the petitioner knew at the time when the subdivision was implemented that this was something that was expected of them, the improvement of the road. If they knew that then, they should have anticipated that this was part of the project.

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Mr. Stauffenberg stated that the petitioner was not told at the time of implementation that they would have to upgrade the road. It was not required at that time.

Mr. Tyson stated that there were several meetings held with Mike Van Mill and Vicki Senesac. The original subdivision concept was filed with the Planning Department in 1994. The original concept and sketch plan came was filed in 1995 and at that time the developer was advised that if he brought in the concept plan he would only have to adhere to subdivision ordinances for that subdivision as long as it was prior to the 1997 approval of the new subdivision ordinance. The concept and sketch plan was brought before the PZA committee at that time and voted upon unanimously to approve it.

Mr. Washington stated that according to his memory of that meeting the committee approved those variances and set this one aside for a later date, it did not approve the full thing with this variance in place.

Mr. Stauffenberg stated that he does not agree with that statement.

Ms. Hertzberger stated that she felt that the committee is going out of procedure in regards to Mr. Tyson addressing the committee. Mr. Tyson should speak during public comment. This is not new evidence; none of the committee is under oath about what happened at the meeting. That is the kind of stuff that we should not be doing when we are about ready to have a vote.

Mr. James stated that the committee approved the master plan, it knew about all the additions up front, it knew what it was doing. Changing the plan in the middle of the development is not right. If the committee is going to start a change, it needs to start the change on something new not something that is in the middle of construction.

#### **4. Adjournment**

A motion to adjourn was made by Mr. Martin and seconded by Mr. Washington at 9:16 a.m. Motion carried.

Mr. Stauffenberg, Vice-Chairman

Stephanie Gresham  
Executive Coordinator

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