

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
JANUARY 12, 2010

The Jefferson County Planning Commission met on Tuesday, January 12, 2010, with the following Commission members present: John Maxey, President; Robert Reynolds, Vice President; Lynne Deming, Secretary; Frances Morgan, Ellen May, John Sidor and Thomas Trumble. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jennifer Snyder, Zoning Administrator; Jonathon Saunders, County Engineer; Stephen Groh, Assistant Prosecuting Attorney; Mason Carter, Ordinance Compliance Officer and Amy Puetz, Office Assistant.

Mr. Dailey was absent with notification.

Mr. Reynolds called the meeting to order at 7:01 PM.

1. Election of Officers. For President, Ms. May nominated Mr. Maxey and Ms. Deming nominated Mr. Dailey. Mr. Reynolds called for a vote. The vote was 4 for Mr. Maxey (Ms. May, Mr. Reynolds, Mr. Maxey, and Ms. Morgan) and 3 for Mr. Dailey (Mr. Trumble, Ms. Deming, and Mr. Sidor). Mr. Maxey was elected as President.

Mr. Maxey moved into the President's chair.

For Vice-President, Mr. Sidor nominated Mr. Reynolds and Ms. Deming nominated Mr. Dailey. Mr. Maxey called for a vote. The vote was 6 for Mr. Reynolds (Ms. May, Mr. Trumble, Mr. Maxey, Mr. Reynolds, Ms. Morgan, and Mr. Sidor) and 1 for Mr. Dailey (Ms. Deming).

For Secretary, Mr. Sidor nominated Ms. Deming and Ms. Deming nominated Mr. Sidor who respectfully declined. Mr. Maxey called for a vote. The vote was 6 for Ms. Deming (Ms. May, Mr. Trumble, Mr. Maxey, Mr. Reynolds, Ms. Morgan, and Mr. Sidor) and 1 abstention (Ms. Deming).

2. Approval of minutes for December 8, 2009 meeting. There were 4 abstentions (Ms. Morgan, Ms. Deming, Ms. May, and Mr. Reynolds). Mr. Sidor moved to approve the minutes. Mr. Maxey seconded the motion. Mr. Trumble suggested that Section Six needed more detail. Staff provided a revised text of Section Six of the minutes with direct quotes in red print for the benefit of any Commissioner who wanted to make an amendment. Mr. Trumble motioned that the minutes be approved with revisions provided by staff. There was no second. Mr. Trumble withdrew the motion. Mr. Maxey called for a vote on the original motion made by Mr. Sidor to approve the minutes as written. Motion carried 2 for (Mr. Sidor and Mr. Maxey) and 1 against (Mr. Trumble).
3. Citizens Communication. None.
4. Request for postponement. None.

5. Declaration of Violation for Richard Duncan of the Jefferson County Improvement Location Permit Ordinance for no Improvement Location Permit for a shed on his property. Mr. Carter reported to the Planning Commission and affirmed that this violation had been resolved.
6. Declaration of Violation for Robert Armstrong of the Jefferson County Salvage Yard Ordinance for 4 unlicensed/junk vehicles and debris on his property. Mr. Carter provided photographs and stated one vehicle had been licensed. He requested declaration of violation on 3 unlicensed/junk vehicles and debris. Mr. Sidor motioned to find Robert Armstrong's property in violation. Mr. Reynolds seconded the motion which carried unanimously.
7. Declaration of Violation for Mark O'Dell of the Jefferson County Improvement Location Permit Ordinance for no Improvement Location Permit for a sign on property. Mr. Carter reported that this violation had been resolved.
8. Presentation on the request being made by Potomac Professional Services, LLC for a zoning map amendment and request to the Planning Commission to schedule a public hearing.

Mr. Matthew Powell with Potomac Professional Services approached the Commission. He described the property and explained the request for rezoning the property from Residential Growth to Residential/Light Industrial/Commercial and asked the Planning Commission to set a public hearing date.

Mr. Reynolds moved to set the public hearing for February 9, 2010. Ms. Deming seconded the motion which carried 6 for (Ms. May, Mr. Trumble, Mr. Maxey, Ms. Deming, Ms. Morgan, and Mr. Reynolds) and 1 opposed (Mr. Sidor).

9. Issuance of Conditional Use Permit (CUP) for a Telecommunication Facility. Verizon Wireless proposed locating a new wireless telecommunications facility within an existing silo located on Sleepy Hollow Golf Course. The proposal includes extending the silo an additional 30 feet and mounting twelve antennae within the silo. Ms. Stephanie Petway, a representative of Verizon Wireless, described the proposed project and was available for questions.

Ms. Snyder read from her staff report stating that there were no attendees nor were there comments provided in writing during the Neighborhood Compatibility Meeting held December 2, 2009 and recommended approval. Mr. Saunders read from his staff report and deferred to the Zoning Administrator.

Discussion ensued on the visual impact and if the facility would be allowed further expansion. Mr. Maxey called for public comment. Mr. Paul Rosa on behalf of the Harpers Ferry Conservancy approached the Commission and voiced his support of the project.

Mr. Reynolds moved to approve the staff report detailing no unresolved issues between the public and the developer regarding the proposed telecommunication facility. Ms. Morgan seconded the motion which carried unanimously. Mr. Reynolds then motioned to approve the CUP. Ms. Deming seconded the motion which carried unanimously.

10. Final Plat hearing for SPARC Training Campus, Phase II, Section One (PC file # 07-14R). The proposed Final Plat divides the previously approved, but not bonded or recorded, Final Plat, consisting of 15 lots, 2 open space parcels, and a residue lot into subphases. This request is to approve the first phase to consist of 5 lots, one open space, and a residue of 155.33 acres. Ms. Kristen Ringstaff with William H. Gordon Associates was available for questions.

Mr. Rivard read from his staff report and recommended approval. Mr. Saunders read from his staff report and recommended approval. There was no public comment.

Ms. Morgan moved to approve the final plat. Mr. Trumble seconded the motion which carried unanimously.

11. Request by Peter Corum of the Twin Oak Subdivision, LLC to reopen the file and for a variance to extend the expiration date for 1 year to bond and record the Town Run Commons Subdivision (PC file #06-33). Town Run Commons was designed to receive sanitary sewer service from Shepherdstown. However, Shepherdstown is currently under a moratorium for sewer connections. For this reason, Mr. Peter Corum requested a twelve month extension to record and bond the approved Town Run Commons Final Plat. Mr. Corum, partner for Town Run Commons, was available for questions.

Mr. Groh communicated to the Commission the events of the last meeting and gave counsel on reopening the file.

Mr. Reynolds moved to reopen the file for the purpose of hearing the variance applied for at the December 8, 2009, meeting by Mr. Corum. Mr. Trumble seconded the motion which carried unanimously.

Mr. Corum again approached the podium and explained the reasoning for the variance request.

Mr. Rivard read from his staff report and recommended approval. Mr. Saunders read from his staff report and deferred to the planner.

The Planning Commission posed questions to Mr. Corum. Discussion ensued on the actual vitality of the project if Shepherdstown's moratorium on the sewer was lifted. Mr. Corum affirmed that additional investors would be necessary.

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
JANUARY 12, 2010  
PAGE 4 of 6

Mr. Maxey opened the public hearing. Mr. Spurgas, a resident in the area of the property, voiced concern over the status of the project and whether future variances would be necessary. Mr. Corum responded.

Mr. Maxey called for a recess at 8:26 PM to allow staff to change the CD. Mr. Maxey called the meeting back to order at 8:30 PM.

Mr. Maxey read Section 17.1 of the Subdivision Regulations that governs variance approvals. There was discussion regarding the variance's ability to meet the four criteria for approval.

Mr. Reynolds moved to deny the Town Run Commons variance based on the request being contrary to the public interest. In the interest of the public, the regulations require projects to process on a timely basis. Additionally, the request did not establish an unnecessary hardship as the property was not being denied the right to be used as it is currently zoned and the applicant was not prevented from applying for another CUP or a zoning map amendment. The variance request was a self imposed hardship because it is based on a conditional use. Ms. May seconded the motion which carried 5 for (Ms. May, Mr. Maxey, Mr. Reynolds, Ms. Morgan, and Mr. Sidor) and 2 opposed (Ms. Deming and Mr. Trumble).

12. Director's Report.

- a. Activity Report. Calendars of activity for the previous month were provided in the packets.
- b. Planning Commissioner Training Opportunities. Information for upcoming training opportunities being offered by the City of Ranson was provided to the Commission.
- c. Office Manager Interviews. Ms. Brockman stated that she planned to go before the County Commission with a recommendation on January 21, 2010.
- d. Subdivision Regulation Revisions. A draft of proposed amendments to the Subdivision Regulations was passed out to the Commissioners. The Commissioners were reminded of a workshop scheduled for January 19, 2010, at 6 PM in the conference room on the 2<sup>nd</sup> floor of the Mason Building.
- e. Zoning Map Effort. Ms. Brockman notified the Planning Commission of upcoming meetings and work being done with Todd Fagan, GIS Specialist, to update the data layers that are the base of creating a digital zoning map.
- f. Meeting with Alana Hartman, DEP Chesapeake Bay Coordinator. Ms. Brockman, Mr. Rivard, and Mr. Roger Goodwin met with Ms. Hartman to discuss the County's part in the Chesapeake Bay water efforts and possible grants that were or may be available.
- g. Work plan. Ms. Brockman stated she was continuing to work on the department's work plan and hoped to have a draft by the January 26, 2010 meeting.

13. County Commission Liaison Report. None.

14. Planning Commission Exchange.

- a. Ms. May provided a report from the January 4, 2010 PSD meeting and discussed the session.
- b. Mr. Reynolds raised concern that annual report and budget recommendations be submitted in a timely manner and that a work load accounting system be developed. Mr. Maxey suggested a sub-committee to review and provide direction on these reports. Mr. Maxey moved that a sub-committee consisting of Mr. Trumble, Mr. Maxey, Mr. Reynolds, and Ms. Deming be formed to meet with Ms. Brockman. Ms. Morgan seconded the motion which carried unanimously.
- c. Mr. Maxey requested a report on departmental fees. Ms. Snyder stated that she hoped to have a draft report by the January 26, 2010 meeting. Mr. Maxey suggested that, since there was significant work to be done on the Subdivision Regulation amendments, that a timeline for the fee report to be submitted is all that is required for the January 26, 2010 meeting.
- d. Mr. Maxey asked for status of the Request for Proposal for the Blue Ridge Mountain grant. Mr. Rivard assured Mr. Maxey that it was forth coming.

Mr. Maxey called for a recess at 9:41 PM to allow staff to change the CD. Mr. Maxey called the meeting back to order at 9:43 PM.

- e. Mr. Maxey requested that joint meetings with the PSD be continued.

15. Planning Commission discussion, review, and vote on 2010 Planning Commission meeting schedule. A schedule was provided by staff that illustrated meetings that have potential conflicts with holidays.

Ms. Morgan moved that the Planning Commission meeting scheduled for Tuesday, May 11, 2010 be rescheduled for Tuesday, May 18, 2010. Mr. Maxey seconded the motion which carried unanimously.

By unanimous consent, the meeting for November 23, 2010, was cancelled.

Mr. Maxey moved that the Planning Commission meeting scheduled for December 28, 2010, be rescheduled for December 21, 2010. Ms. May seconded the motion which carried 4 for (Ms. May, Mr. Maxey, Ms. Morgan, and Mr. Reynolds) and 3 opposed (Mr. Trumble, Ms. Deming, and Mr. Sidor).

16. President's Report. None.

17. Reports from Legal Counsel and legal advice to PC. Ms. May suggested moving this agenda item to be heard immediately after Director's Report. This was approved by unanimous consent. Mr. Groh was available for counsel and to answer questions on the James and Barbara Gibson case and the Sunnyside, LLC dismissal.

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
JANUARY 12, 2010  
PAGE 6 of 6

18. Actionable Correspondence. None.

19. Non-Actionable Correspondence. None.

Ms. Morgan moved to adjourn at 10:01 PM. Ms. Deming seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CD #\_\_\_\_. These minutes were prepared by Amy Puetz, Office Assistant.