

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
DECEMBER 8, 2009

The Jefferson County Planning Commission met on Tuesday, November 10, 2009, with the following Commission members present: Arnold Dailey, President; John Maxey; Jim Surkamp; 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; and Amy Puetz, Office Assistant.

Ms. Ellen May, Ms. Lynne Deming, and Mr. Robert Reynolds were absent with notification.

Mr. Dailey called the meeting to order at 7:03 PM.

1. Approval of minutes for November 10, 2009. Mr. Trumble moved to approve the minutes with the following corrections as stated by Mr. Maxey:
  - a) Second page, lines 3, 4, and 5. Change sentence to state "Mr. Maxey withdrew his motion with an agreement that staff would investigate establishing a policy regarding sectionalized final plats that are not consistent with the Community Impact Statement.
  - b) Second page, 8<sup>th</sup> paragraph, line 9 and 10. Change call *to* question to call *the* question.

Mr. Sidor seconded the motion which carried unanimously.

2. Citizen Communications. Mr. Dailey noted e-mail received from Gil Garcia.
3. Request for postponement. None.
4. Declaration of Violation for Richard Duncan of the Jefferson County Improvement Location Permit Ordinance for no Improvement Location Permit for a shed on property. In Mr. Carter's absence, Mr. Sidor moved to postpone discussion on the violation to the January 12, 2010 meeting. Mr. Maxey seconded the motion which carried unanimously.
5. Request by Federal Group, Inc. for a variance to extend the expiration period for the Community Impact Statement for an additional 3 months for the Kensington Townhome Subdivision (PC file #06-41).

Mr. Rivard read from his staff report and recommended approval with the condition that a brick wall, minimum of 4 foot in height, shall be provided within the 3 foot open space shown along the frontage of Lowe Dr. to provide sufficient buffering if a 15 foot setback for the principal structures is allowed and that the extension be limited to April 5, 2010. Mr. Saunders read from his staff report and deferred to the Planner.

Mr. Richard Kline with Alpha Associates was available for questions. Mr. Kline stated that, according to Chapter 8.3, a setback for townhouses on the street side is 15 feet. Mr. Kline

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asked that the time extension be granted without contingency on any specific design question. Mr. Maxey asked if the brick wall was included in previous versions to which Mr. Kline stated that it was in the CIS as an owner's option.

Mr. Ryan Perks with Alpha Associates was also available for questions.

Mr. Kenneth Lowe, President of the Federal Group, Inc. and developer of Kensington Townhome subdivision, was also available for questions. Mr. Lowe explained the Williamsburg Matrix design and how the brick wall was incorporated in the design and that the economy may not allow for that option any longer.

Mr. Dailey opened the public hearing. There were no respondents. Mr. Dailey closed the public hearing.

There was discussion between staff and the Commission to clarify staff's reasoning for the condition of the brick wall.

Mr. Maxey moved to approve with the staff recommended motion. Mr. Surkamp seconded the motion which carried 3 for, 2 against (Mr. Sidor and Mr. Dailey).

6. Request by Peter Corum of the Twin Oak Subdivision, LLC for a variance to extend the expiration date for 1 year to bond and record the Town Run Commons Subdivision (PC file #06-33).

Mr. Rivard read from his staff report recommending approval of the variance. Mr. Saunders read from his staff report and deferred to the planner.

Mr. Peter Corum, director of Twin Oaks Subdivision, LLC, approached the Commission and asked for the formal recusal of Mr. Surkamp from hearing and voting on this variance. Mr. Corum was prepared to read a letter to support his request. Mr. Dailey reminded Mr. Corum that without Mr. Surkamp there would not be a quorum. Mr. Surkamp recused himself at the applicant's request and left the room. Mr. Corum returned to his seat without presenting the letter. Mr. Surkamp returned to the meeting. Staff made Mr. Corum aware that the Town Run Commons Subdivision file expires on December 9, 2009 and that, if postponed, a second variance to re-open the file would be necessary. Mr. Dailey afforded Mr. Corum the opportunity to retract his request of Mr. Surkamp's recusal. Mr. Corum stated that he would like to have the variance heard without delay. Mr. Surkamp confirmed that he would remain recused due to the first request of the applicant and again left the room. The variance could not be heard due to a lack of a quorum.

7. Motion to recommend to the County Commission the acceptance of the Blue Ridge Mountain Study Grant. Mr. Rivard presented to the Commission details of the grant agreement and the planning department's objectives for achieving their part of the

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agreement. Discussion ensued on the budget that was submitted and any auditing that may be done as a result of the grant. Mr. Sidor motioned to recommend to the County Commission that the contract for the Blue Ridge Mountain Study Grant be signed. Mr. Trumble seconded the motion which carried unanimously.

8. Request for Proposal for Blue Ridge Mountain Study Grant. Ms. Brockman discussed the staff's desire to draft a request for proposal (RFP) to hire the facilitator referenced in the grant contract, even though the total amount is lower than the amount that requires a formal RFP. Additionally, she noted that staff intends to discuss the desire to reallocate funds given by the Blue Ridge Mountain Study Grant to allow the facilitator to play a larger role in the work to be done with the National Fish and Wildlife Foundation Staff. Mr. Maxey voiced his support.
9. Director's Report.
  - a. Follow-up to Blue Ridge Mountain Study Grant. Ms. Brockman discussed her meeting with Joe Hankins of the Freshwater Institute who has a grant from the National Fish and Wildlife Foundation related to Rocky Marsh Run Water quality. Ms. Brockman talked about incorporating information from that grant and from the Blue Ridge Mountain Study Grant onto the County's website in order to provide a framework of public to educate on the public and development community on Chesapeake Bay Water Quality Standards.
  - b. Activity Report. Schedules for the previous two weeks were provided to the Commission.
  - c. Planning Commissioner Training Opportunities. Information for upcoming training opportunities being offered by the City of Ranson was provided to the Commission.

Mr. Daily called for a recess at 8:23 PM to change the CD. Mr. Dailey called the meeting back to order at 8:26 PM.

- d. Policy/Interpretation Discussions.
  - i. Variances related to time extensions. A memo was presented by Ms. Brockman providing an overview of the provisions of the 1979 Subdivision Ordinance regarding time extensions for various phases of Subdivisions that have approved Community Impact Statements. The memo provided some background information and a discussion of the issues created by these requests but concluded that the time extension requests are limited to a few projects approved under the 1979 Subdivision Ordinance and should continue to be considered on a case by case basis. She also stated that these issues should be less challenging with the new Subdivision Regulations and the wording should be carefully reviewed when these are being amended.
  - ii. Final Plat relationship to Community Impact Statements. A memo was presented by Ms. Brockman stating that the 1979 Subdivision Ordinance

does not state that the Final Plat needs to conform to the Sketch Plan or any components of the Community Impact Statement (such as proposed phasing). Section 6.3 states that “the continued processing of sectional final plats shall be permitted provided that no more than 24 months lapse between approvals.” This final statement has been the basis for the acceptance of Final Plats including as few as one lot in order to keep a file active. Again, she also stated that these issues should be less challenging with the new Subdivision Regulations and the wording should be carefully reviewed when these are being amended.

- e. Copies of the Zoning Ordinance with the previously remanded amendments included were passed out to the Planning Commission members.
  - f. Discussion of necessary revisions to the Subdivision Regulations and discussion of future Zoning Ordinance amendments. Jennifer Snyder gave a summary of the work being done to make necessary amendments and proposed a work session on January 19<sup>th</sup> for staff and the Planning Commission to discuss revisions. Discussion ensued on changes that take priority.
10. County Commission Liaison Report. None.
11. Planning Commission Exchange. Mr. Maxey handed out a Circuit Court filing related to the Allstadt variance. Mr. Dailey verified that he had just been served with those papers.
12. President’s Report. None.
13. Reports from Legal Counsel and legal advice to PC. Legal Counsel was not present.
14. Actionable Correspondence.
15. Non-Actionable Correspondence.

Mr. Surkamp moved to adjourn. Mr. Maxey seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CD #\_\_\_\_. These minutes were prepared by Amy Puetz.