

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
APRIL 22, 2008

The Jefferson County Planning Commission met on Tuesday, April 22, 2008 with John Sidor as President presiding. Commission members Robert Reynolds, Vice President, Tom Kane, Arnold Dailey, Jim Surkamp and John Maxey were present. Staff members present included Sherry Kelly, Deputy Director of Planning; Damien Davis, County Engineer; and Jennilee Hartman, Clerical Support.

Edward Dunleavy, Lynne Deming and Ellen May were absent with notification.

Mr. Sidor called the meeting to order at 7:00 PM.

Mr. Sidor welcomed John Maxey as a new member of the Planning Commission.

1. Approval of Minutes. Mr. Maxey abstained from voting on the minutes because he was not present at the last meeting. Mr. Reynolds moved to approve the minutes of the April 8, 2008 Planning Commission meeting with the following changes:
 - a) Page 1, 3, and 5, change the lower case "p.m." to capitalized "PM."
 - b) Page 2, Item #4, second to last sentence, change "Mr. Kane" to "Mr. Dunleavy."
 - c) Page 4, Item #13, add a new paragraph to read, "Pursuant to the request of Ms. Deming, Mr. Sidor asked that the following text from Mr. Dunleavy's email comments (speaking for himself only) be made a part of the record of this Planning Commission meeting:"
 - d) Page 4, Item #13, second paragraph, insert Mr. Dunleavy's email comments.

Mr. Kane seconded the motion, which passed 3 for, 1 opposed (Mr. Surkamp) and 1 abstention (Mr. Maxey).

2. Request for postponements. Item #6, Request by Samuel & Sharon Hansard for a variance to allow the lease of a 50' by 40' compound area for a proposed wireless telecommunication facility. Stephanie Petway was present to answer Planning Commissioners' questions. Mr. Reynolds moved to postpone the Samuel & Sharon Hansard variance until the May 27, 2008 Planning Commission meeting. Mr. Kane seconded the motion, which carried unanimously.
3. Final Plat Public Hearing for the SPARC Training Campus Subdivision, Phase II. The property is to consist of 15 Commercial Lots, 2 Open Space Parcels and 1 Residue Lot on 237.67404 acres. Ms. Kelly and Mr. Davis recommended approval of the final plat. Kristin Ringstaff with W.H. Gordon Associates was present to answer Planning Commissioners' questions. Mr. Sidor opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Kane questioned the site work that was currently being performed at this location. Ms. Ringstaff stated the approved first phase of the project was under construction. Mr. Dailey asked if Staff were performing inspections of the site, to which Mr. Davis replied that he and Ms. Norma Kuroski, Land Development Inspector, had

been out to the site on numerous occasions. Mr. Kane moved to approve the final plat. Mr. Reynolds seconded the motion, which carried unanimously.

4. Final Plat Public Hearing for the Bruce Cunningham Minor Subdivision, Lots 1, 2 & 3-Residue. The property is to consist of 2 Single-Family Lots and 1 Single-family Residue Lot on 23.721 acres. Ms. Kelly and Mr. Davis recommended approval of the final plat. Karen Brill with Dewberry was present to answer Planning Commissioners' questions. Mr. Sidor opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Reynolds moved to approve the final plat. Mr. Kane seconded the motion, which carried unanimously.
5. Final Plat Public Hearing for the Lot 15 Minor Subdivision. The property is to consist of 1 Single-Family Lot and 1 Single-family Residue Lot on 124.010 acres. Mr. Dailey recused himself and left the room because he is the owner/developer of this property. Ms. Kelly and Mr. Davis recommended approval of the final plat. Kim Shrader with Patton Harris Rust & Associates was present to answer Planning Commissioners' questions. Mr. Sidor opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Reynolds moved to approve the final plat. Mr. Surkamp seconded the motion, which carried unanimously. Mr. Dailey returned to the meeting room.
6. Request by Samuel & Sharon Hansard for a variance to allow the lease of a 50' by 40' compound area for a proposed wireless telecommunication facility. This item has been postponed until the May 27, 2008 Planning Commission meeting.
7. Request by Annette van Hilst on behalf of Linda M. Shirley et al for a variance from Section 2.1(b) of the Subdivision Ordinance, "The formation of one lot provided such lot is transferred by deed to a parent or a child of the landowner of record and does not create more than one residue." Ms. Kelly read her staff report and recommended granting the variance. Mr. Davis deferred to the Planner. Annette van Hilst with Dewberry was present to answer Planning Commissioners' questions. Ms. van Hilst stated the correct name of the property owner was "Linda M. Shirley" not "Linda M. Shade" as represented in the agenda. Mr. Sidor opened the public hearing for comment. There were no comments from the public. Mr. Kane moved to grant the variance. Mr. Dailey seconded the motion, which carried unanimously.
8. Request by Annette van Hilst on behalf of Linda M. Shirley et al for a variance from Section 2.1(b)3 of the Subdivision Ordinance, "A parent or child may receive only one such exempt lot within the county after July 19, 1979." Ms. Kelly read her staff report and recommended granting the variance. Mr. Davis deferred to the Planner. Annette van Hilst with Dewberry was present to answer Planning Commissioners' questions. Mr. Sidor opened the public hearing for comment. There were no comments from the public. Mr. Kane moved to grant the variance with the condition that the previously separated lots be merged back into the original parcel. Mr. Reynolds seconded the motion, which carried unanimously.

9. Request by Annette van Hilst on behalf of Linda M. Shirley et al for a variance from Section 4.8 of the Subdivision Ordinance, "Any proposed subdivision that is not adjacent to a public highway shall be connected to a public highway by a right of way(s) and road(s) that meet the standards required for rights of way and roads within the proposed subdivision." Ms. Kelly read her staff report and recommended granting the variance. Mr. Davis recommended granting the variance. Annette van Hilst with Dewberry was present to answer Planning Commissioners' questions. Mr. Sidor opened for public comment. There were no comments from the public. Mr. Reynolds moved to grant the variance. Mr. Kane seconded the motion, which carried unanimously.
10. Director's Report on office activities and questions. At 7:35 PM the web cam had a pop-up error, which was fixed by 7:37 PM. Ms. Kelly gave a report on behalf of Mr. Redman regarding the latest proposed draft Zoning Ordinance, draft zoning map and the proposed draft Subdivision Regulations. Ms. Kelly also informed the Planning Commission that Mr. Redman is revising the budget to reflect the 3% cut the County Commission required.
11. Planning Commission Exchange. Mr. Kane asked about the status of the meetings between Staff and Charles Town. Ms. Kelly stated she would look into it.
12. Discussion of PC action on zoning and subdivision rewrites. None.
13. Reports from Legal Counsel. James Casimiro, Assistant Prosecuting Attorney, briefly discussed the Faraway Farms Court Order, which would require the Planning and Zoning Commission to immediately issue the Conditional Use Permit (CUP). Mr. Casimiro also mentioned the Shenandoah School was inspected by Mason Carter, Ordinance Compliance Officer and that it appears the school has been closed.
14. Legal Advice to PC. It was decided that this Item and Item #13 would be combined in the future.
15. Actionable Correspondence. None.
16. Non-Actionable Correspondence. None.

Mr. Reynolds moved to adjourn the meeting at 7:39 PM. Mr. Maxey seconded the motion, which carried unanimously. A detailed transcript of this meeting may be found on CD # 53. These minutes were prepared by Jennilee Hartman, Shannon Hayden and the Planning Director.