

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
OCTOBER 14, 2008

The Jefferson County Planning Commission met on Tuesday, October 14, 2008, with the following Commission members present; Arnold Daily, Vice President; Lynne Deming, Secretary, Ellen May; Jim Surkamp; Edward Dunleavy; John Maxey and John Sidor. Staff members present included Tony Redman, Director of Planning; Sherry Kelly, Deputy Director of Planning; Tom Hall, Landscape Architect; Kirk Davis, Capital Projects Manager; Roger Goodwin, Director of Engineering and Jennilee Hartman, Clerical Support.

Robert Reynolds, President, and Tom Kane were absent with notification.

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

1. Approval of the minutes. Ms. May abstained from voting on the minutes because she was not at the meeting. Ms. May stated she was absent with notification at the September 23, 2008 meeting. Ms. Deming moved to approve the minutes of the September 23, 2008 Planning Commission meeting with the following changes recommended by Commission members:
 - a. Page 1, Item #2, first line, change: Mr. "*Dailey*" to Mr. "*Reynolds*."
 - b. Page 1, Item#2, last sentence, change "*proposed*" to "*final*", and remove the "s" on the word "*hearings*."
 - c. Page 1, Item #4, second line, add the word *Farm* after Wild Goose.
 - d. Page 3, fifth sentence down, revise condition 11) to read, "Road maintenance cost be fully born by the owner of *Sloan Square Apartments*, not existing residents', moreover, each unit shall pay pro rata share for the whole community road maintenance."
 - e. Page 5, Item #9, fifth paragraph, last sentence, strike beginning with "and allow" following "permeable surfaces" and replace with: "*and to allow the location of sidewalk to vary, the elimination of redundant sidewalks and sidewalks within courtyards, and to allow the use of mountable curb and gutter.*"
 - f. Page 6, Item #13, fourth line down, after the word needed add the words "*to be*."
 - g. Page 6, last paragraph, change the word "*at*" to "*a*."

Mr. Dunleavy seconded the motion, which passed 6 for and 1 abstention (Ms. May).

2. Citizen Communication. None.
3. Postponements. The Planning Commissioners stated that they had not received the Community Impact Statement for the Shady Grove Center, Item #6. Betsy Michael with Terra Development stated they were not aware of the requirement and asked to be postponed until the next Planning Commission meeting. Mr. Dunleavy moved to table the CIS for the Shady Grove Center until the October 28, 2008 Planning Commission meeting. Ms. May seconded the motion, which carried unanimously.
4. Final Plat Public Hearing for the Town Run Commons Subdivision (PC File #06-33). Ms. Kelly read from her staff report a brief history of the Town Run Commons project. Mr.

Goodwin stated the plat met all engineering requirements. Kristin Ringstaff with W.H. Gordon Associates and Peter Corum, owner/developer, were present to answer Planning Commissioners' questions. Mr. Dunleavy asked why the proposed buildings were not shown on the final plat. Ms. Ringstaff stated the purpose of the final plat was to record lot lines and easements, and a condominium subdivision plat would be processed at a later time. Mr. Dunleavy stated that Item #29 of the Conditional Use Permit (CUP) required the applicant to state the use of the main house. Ms. Ringstaff stated the main house would be used for residential purposes and that the note was listed on the preliminary plat. Mr. Dunleavy asked that a note be added to the final plat. Ms. Ringstaff agreed. Mr. Corum stated the 100' buffer area delineated on the plat would be used for community gardens and that they had not yet been able to find a group or association willing to take the easement. Mr. Dunleavy stated that documentation proving the applicant had indeed had communications with groups or associations regarding a conservation easement should be provided.

Mr. Dailey opened the public hearing. Miriam Wilson, Charles Wilson and Joe Spurgas raised the following concerns: that pre-blast surveys on the wells and buildings be conducted by David Miller; that a fence higher than 6' be built to prevent teenagers from jumping over it; that the commercial locations hours be lessened from 6 AM – midnight to 6 AM - 9 PM; that the large, old trees not be torn down or damaged; that the dumpster locations be changed; that the developer install a fence on the Wilson's property and that the Town Run Subdivision Homeowner's Association maintain the fence; that another fence be erected to prevent children from going into the Town Run where it's depths could be dangerous. Mr. Dailey closed the public hearing.

Mr. Dailey called for a break to change the CD at 8:10 PM. The meeting resumed at 8:25 PM.

Ms. Ringstaff rebutted. Due to the fact that the large, old trees were located on the Wilson property and the proposed development had a 15' buffer from the property line, trees were not expected to be damaged. The buildings would be inspected by David Miller, a geotechnical engineer, prior to blasting; and the wells would also be surveyed if Mr. Miller made that recommendation. Ms. Deming moved to approve the final plat for Town Run Commons conditioned upon language being added regarding the 100' buffer being designated as a conservation easement. Mr. Dunleavy seconded the motion. Mr. Surkamp stated he would oppose the development due to ongoing lawsuits by the previous owner of the Town Run Commons property. Mr. Sidor requested that the developer seriously consider completing pre-blast surveys on all wells and structures as well as performing post-blast surveys. Mr. Sidor suggested the developer consider shortening the 6 AM - midnight business hours. Mr. Dailey called for a vote, which passed 6 for and 1 opposed (Mr. Surkamp).

5. Final Plat Public Hearing for Mountain Vista Farms, Lots 1 – 8-Residue (PC File #08-06). Ms. Kelly and Mr. Goodwin stated the plat met the requirements of the ordinances. Andy DiMagno with P.C. DiMagno was present to answer Planning Commissioners' questions. Mr. Dailey opened the public hearing. There were no comments from the public. The public hearing was closed. Ms. Kelly and Mr. Goodwin recommended granting the final

plat. Mr. Dunleavy moved to approve the final plat. Ms. Deming seconded the motion, which carried unanimously.

6. Public Hearing on the Community Impact Statement for the Shady Grove Center (PC File #07-39). The public hearing was postponed under Item #3 until the October 28, 2008 Planning Commission meeting.
7. Approval of the Staff Report and Issuance of the Conditional Use Permit for Vocelli's Pizza (PC File #Z08-02). Ms. Kelly presented her staff report to the Planning Commission. Mr. Goodwin deferred to the Zoning Administrator. Jack Sclabassi was present to answer Planning Commissioners' questions. Mr. Dunleavy moved to approve the staff report for Vocelli's Pizza. Ms. Deming seconded the motion, which carried unanimously. Mr. Dunleavy moved to issue the conditional use permit for Vocelli's Pizza. Ms. May seconded the motion, which carried unanimously.
8. Request by William and Louise Hilton for a variance to allow an additional lot to an existing 40' right-of-way for a proposed parent to child transfer. Ms. Kelly deferred to the County Engineer. Mr. Goodwin explained the provision in the ordinance of which the applicant requested a variance. Mr. Goodwin recommended denying the variance request unless the applicant could meet the four requirements justifying the variance. Mr. and Mrs. Hilton were present to answer Planning Commissioners' questions. The Planning Commission had questions regarding the condition of the existing right-of-way. Mr. Dunleavy moved to grant the variance. Ms. May seconded the motion, which carried unanimously.
9. Review of the consistency of the proposed amendments to the newly enacted Zoning Ordinance with the Comprehensive Plan and recommendation to the County Commission. Mr. Redman reviewed the proposed amendments to the Zoning Ordinance with the Planning Commissioners. Mr. Maxey moved to approve the resolution to find consistency of the proposed amendments to the Jefferson County Zoning Ordinance, adopted October 2, 2008, with the Jefferson County Comprehensive Plan and to recommend the adopting of the proposed amendments. Mr. Dunleavy seconded the motion, which carried unanimously.

Fred Blackmer requested that in the event of a referendum that the Planning Commission inserts the Country Inn provision from Section 2.421 of the Adopted Zoning Ordinance into the current Zoning Ordinance, just as it is written. Mr. Surkamp asked James Casimiro, Assistant Prosecuting Attorney, how this could be done as well as any other amends to the current Zoning Ordinance. Mr. Casimiro stated the County could make amendments to the current Zoning Ordinance as allowed by law.

10. Review of the proposed amendments to the newly enacted Subdivision Regulations and recommendation to the County Commission. Mr. Redman reviewed the proposed amendments to the Subdivision and Land Development Regulations with the Planning Commissioners. Mr. Dunleavy moved to recommend acceptance of the proposed amendments to the Subdivision and Land Development Regulations, adopted October 9, 2008. Mr. Sidor seconded the motion, which carried unanimously.

11. Director's Report on office activities and questions. Mr. Redman reviewed the handout Eastern Jefferson County – Blue Ridge Mountain Communities Area Plan with the Planning Commission. Mr. Redman also indicated the need for a Route 340/Gateway study. Mr. Redman provided a memo to the Planning Commissioners regarding his recommendations for the transition of the Planning and Zoning Departments from his departure through the hiring of a new Director. Mr. Redman urged the Planning Commissioners to impress upon the County Commission the need to change Jennilee Hartman's grade level from II to III and Jennifer Snyder's grade level from III to IV in order to keep with their actual office duties and responsibilities. Mr. Surkamp stated he would speak with the County Commission regarding this and various other salary issues.

Mr. Maxey asked that the Department of Planning begin some form of community outreach in order to teach and inform the public on the new ordinances. Mr. Redman stated there were three ways to handle providing public outreach. First would be to have a training seminar for developers and communities. Second would be to create teaching tools by way of fact sheets. Third would be some type of open forum to discuss larger zoning issues. Mr. Redman stated that the third option would be difficult and would require the support and assistance of the County Commission.

Mr. Dailey called a break to change the CD at 9:44 PM. The meeting resumed at 9:51 PM.

Mr. Redman introduced Kirk Davis as the Interim Director for the Planning and Zoning Departments.

Ms. Kelly stated she had met with Sue Lawton of the Public Service District (PSD) per the Planning Commissions' request. Ms. Kelly stated the PSD was willing to meet on November 18, 2008. Ms. May stated she would be out of town that day and would prefer December 2, 2008. Ms. Kelly said she would attempt to reschedule the meeting for that date.

12. President's Report. None.

13. Planning Commission Exchange.

- a. Budget and Salary Issues. The Planning Commission discussed property taxes and a possible severe shortfall in projected County funds.
- b. Discussion and possible action on the action taken by the Planning Commission during the Sept. 23, 2008 meeting regarding topics presented under the President's Report. Ms. Deming stated she added this item to the agenda because of several concerns. First, she believed that since Mr. Surkamp and Mr. Dunleavy had recused themselves from pervious Far Away Farms discussions that they should have done so for the item voted on by the Commission at their last meeting. Mr. Dunleavy stated the reason he did not recuse himself was that his intent in voting was to state his discontent with the legal advice they had received, not to anything specific of Far Away Farms. Mr. Surkamp explained his reason for not recusing himself. Second, Ms. Deming questioned whether or not the Planning Commission had followed proper procedures since the item had not been specifically noticed on the meeting agenda for possible action. Mr. Casimiro stated

that, after consideration, he felt that the motions made under the President's Report on September 23, 2008, should have been specifically notice on the agenda. Mr. Casimiro advised that in the future the Planning Commission clearly outline a possible action on the agenda. Ms. Deming also stated that certain issues were discussed in executive session. Mr. Dunleavy moved to have the hiring of independent legal counsel to the October 28, 2008 Planning Commission meeting.

- c. Personnel Matters. Action was taken after Item #14.

Ms. May stated at the last PSD meeting it was mentioned that the Evitts Run facility would not be built during the time frame originally planned. The Planning Commission had questions regarding vesting of projects under the current ordinances and the right to be granted extensions. Mr. Dunleavy asked the Planning Commission to consider that if an applicant had been granted one extension and the Planning Commission voted to not grant another extension would the applicant be required to start the [process again under the new Zoning Ordinance. Mr. Casimiro stated that the applicant would be required to begin the process again under the new Zoning Ordinance.

14. Reports from Legal Counsel and legal advice to PC. Mr. Casimiro asked the Planning Commission if they had any questions pertaining to his letter regarding the Open Governmental Act. The Planning Commission had no comments or questions.

Mr. Surkamp moved to go into executive session to discuss Sherry Kelly and the Planning Department. Mr. Sidor seconded the motion, which carried unanimously. All recording devices were turned off at 10:39 PM. The meeting room was vacated except for the Planning Commissioners, Mr. Redman and Ms. Kelly.

15. Actionable Correspondence. None.

Mr. Sidor moved to adjourn at 10:39 PM. Mr. Maxey seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CDs #114, #115 & #116. These minutes were prepared by Jennilee Hartman.