

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JUNE 26, 2007

The Jefferson County Planning Commission met on Tuesday, June 26, 2007 with John Sidor, President presiding. Todd Baldau, Ed Dunleavy, Robert Reynolds, Arnie Dailey, Tom Kane and Jim Surkamp were present. Staff members present were Sherry Kelly, Roger Goodwin, Tony Redman and Sherry Cole.

Lynne Deming and Ellen May were absent with notification.

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

1. Minutes: Mr. Reynolds motioned to postpone the June 12, 2007 minutes until the July 10, 2007 meeting. Mr. Dailey seconded the motion which carried unanimously.

2. Requests for postponement. Attorney J. Michael Cassell spoke regarding Item #15 on the agenda. Attorney Cassell stated that he strongly objects to the Petition for Rezoing the Northern 80 acres of the Old Standard Quarry property submitted by Paul Rosa. Attorney Cassell stated it is unfair and asked the Planning Commission to get a legal opinion before proceeding.

There were no postponements.

3. Update on Violation for Philip and Gaye Snyder/Shenandoah School (Continued from the April 10, 2007 meeting). Staff advised that a letter has been sent to Mike Cassell, Attorney for the Snyders, outlining what steps need to be taken to bring the property into compliance. The single-family restriction on the property and waiver of the Community Impact Statement requirement needs to be processed, and a site plan or limited site plan may be required. Staff stated that no application has been submitted. Staff advised that the ordinance compliance officer has recommended that if no application has been received within the next 30 days, a Declaration of Violation will be automatically issued. Staff stated that she concurred with this recommendation. Attorney J. Michael Cassell spoke. Mr. Kane motioned to grant a 30 day extension to July 26, 2007 for consideration of violation. Ms. Dunleavy seconded the motion which carried unanimously.

4. Final Plat Public Hearing for the Vinegar Hill Subdivision. Staff and engineer recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mike Shepp/Dewberry was present for any questions. Mr. Sidor opened the public hearing. There was no public comment. Mr. Sidor closed the public hearing. Mr. Reynolds motioned to approve the final plat. Mr. Dunleavy seconded the motion which carried unanimously.

5. Postponed from the June 12, 2007 meeting. Community Impact Statement Public Hearing for the Chriswood Subdivision. Staff and engineer recommended acceptance of the Community Impact Statement. Attorney J. Michael Cassell made a presentation. Bill Pompeii with Associated Engineering, Bob Dent with Potomac Environmental Services and Louis Athey answered questions from the Planning Commissioners. Attorney Cassell spoke again. Mr. Sidor opened the public hearing. There was public comment from Carolyn Kerr, Jeff Hertrick and Fred Gates. Mr. Athey rebutted and answered questions from the Commissioners. Mr. Sidor closed the public hearing. Mr. Baldau motioned to approve the Community Impact Statement with a request to have staff at the time the Preliminary Plat is approved to provide the Planning Commission with a brief written summary of how the comments from the Community Impact Statement Public Hearing were addressed. Mr. Reynolds seconded the motion which passed with a vote of 4 for and 3 opposed (Mr. Dailey, Mr. Kane and Mr. Surkamp). Mr. Sidor closed the public hearing.

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5 minute break to change the CD.

6. Community Impact Statement for Allstadts Corner. Staff and engineer recommend acceptance of the Community Impact Statement. Annette van Hilst with Dewberry made a presentation. Mr. Sidor opened the public hearing. There was public comment from David Mennace, Scot Faulkner, Roger Dorenberg, Barbara Humes, John Henry Dale, Renny Smith, Frances Martin, Justin Ridgeway, Budge Blake, Maggie Sinafoos and Melissa Combach. Susan Sheely submitted a written comment to the Commissioners. Mr. Sidor closed the public hearing. Mike Shepp with Dewberry rebutted. Dr. Jim Gibson and Ms. Van Hilst answered questions from the Planning Commissioners. Mr. Dailey motioned to accept the Community Impact Statement. Mr. Dunleavy seconded the motion which passed with a vote of 5 for and 2 opposed (Mr. Baldau and Mr. Surkamp).

7. Request by Annette van Hilst/Dewberry on behalf of Mark L. and Donna Butcher for a variance from the Subdivision Ordinance, Section 8.2 a, to permit the 57+ acre residue parcel located within the proposed Angus View Subdivision to retain the existing access from the adjoining farm belonging to his parents, James and Evelyn Butcher. Ms. van Hilst presented the variance request. Staff and engineer recommended granting the variance. Mr. Kane motioned to approve the variance. Mr. Dunleavy seconded the motion which carried unanimously.

8. Request by Attorney D. Frank Hill, III, on behalf of William A. Knighten and Dixie L. Knighten for a variance of the Section 2.1.a requirement that no new building right is or would be created by the proposed merger to form a 1.1344 acre lot with a 12.5456 acre remainder/residue parcel. Staff recommended granting the variance. Mr. Goodwin, Chief County Engineer, deferred to the county planner. Attorney Frank Hill made a presentation. Assistant Prosecuting Attorney, James Casimiro, spoke. Mr. Kane motioned to approve the variance. Mr. Dailey seconded the request which carried unanimously.

9. Request by John H. Writt for a variance to increase from 12 to 13 the number of approved lots with ingress/egress via existing Writt Road to create a parent to child lot. Mr. Goodwin, County Engineer recommended approval and deferred to the Planning Commission as to their desire. Staff concurred with Mr. Goodwin's recommendation of granting the variance provided that any future subdivision or addition of lots via parent to child require upgrading of the road. Mr. Kane motioned to approve the variance request provided that any future subdivision or addition of lots via parent to child require upgrading of the road. Mr. Reynolds seconded the motion which carried unanimously.

10. Request by Annette van Hilst/Dewberry on behalf of Butler Family Limited Partnership, Robert W. Butler (Developer Catoctin Development, Inc.) for a variance from the Subdivision Ordinance, Section 8.1 d, to allow a time extension of six months to bond and record Phase 1 of the Butler Farm Subdivision. Staff stated the variance is not contrary to the public interest in that the final plat has already been approved and similar requests have been granted in the past to allow more time to bond and record. Staff recommended granting of the variance. The county engineer deferred to the county planner for recommendations. Mike Shepp/Dewberry answered questions from the Commissioners. Attorney Sam Byer spoke. Mr. Kane motioned to approve the variance to allow a time extension to bond and record Phase 1 of the Butler Farm Subdivision until January 8, 2008. Mr. Reynolds seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Baldau).

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11. Request by Annette van Hilst/Dewberry on behalf of D. L. Lewis Construction Company, Inc. and Wilmoth Construction Company, Inc. for a variance from the Subdivision Ordinance, Section 7.2 to allow a proposed small subdivision not to submit a Community Impact Statement. See Item #14.

12. Request by Annette van Hilst/Dewberry on behalf of D. L. Lewis Construction Company, Inc. and Wilmoth Construction Company, Inc. for a variance from the Subdivision Ordinance, Section 8.1 b to allow a proposed subdivision to proceed directly to final plat without submittal of a preliminary plat. See Item #14.

13. Request by Annette van Hilst/Dewberry on behalf of D. L. Lewis Construction Company, Inc. and Wilmoth Construction Company, Inc. for a variance from Section 8.2a.5 to allow the present 50 feet wide right-of-way (South Paw Lane) to serve the approved commercial use. See Item #14.

14. Request by Annette van Hilst/Dewberry on behalf of D. L. Lewis Construction Company, Inc. and Wilmoth Construction Company, Inc. for a variance from Section 4.10 g of the Site Plan Requirements to allow the proposed use as approved by the Board of Zoning Appeals not to submit a site plan prior to seeking a sign permit for the property in question.

Staff and engineer recommended granting the variances for agenda items #11, #12, #13 and #14. Annette van Hilst made a presentation. Eric Lewis answered question from the Commissioners. Mr. Dunleavy motioned to grant the variance requests from Section 7.2, Section 8.1 b, Section 8.2a.5 and Section 4.10 g for agenda items #11, #12, #13, and #14. Mr. Reynolds seconded the motion which carried unanimously.

15. Resolution for Rezoning - Northern 80 acres of the Old Standard Quarry property. (Requested by County Commission). Mr. Casimiro stated that initially Mr. Rosa went before the County Commission. The Planning Commission sent the resolution back to the County Commission. Mr. Casimiro stated that the County Commission then directed the Planning Commission to advise them. Mr. Reynolds motioned to request a formal staff report regarding the Northern 80 acres of the Old Standard Quarry and then determine where to go. Mr. Dunleavy seconded the motion which carried unanimously.

16. Chief Planner's report on office activities and questions. Ms. Kelly stated there wasn't much to report since she's been out. Ms. Kelly stated she has been working from home. Ms. Kelly advised that planner interviews are scheduled for Friday and next week.

17. Report from Legal Counsel. James Casimiro advised the petition for appeal is pending on Benview.

Item #18 through #22 were postponed until the July 10, 2007 meeting.

18. Procedures (Requested by Lynne Deming).

19. Signage, electronic submissions and agenda times (Requested by John Sidor).

20. Committees and committee reports.

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21. Actionable Correspondence.

22. Non-Actionable Correspondence.

Mr. Dailey motioned to adjourn the meeting at 10:45 p.m. on June 26, 2007. Mr. Dunleavy seconded the motion which carried unanimously. A detailed transcript of this meeting can be found on CD #66, #67 and #68. These minutes were prepared by Sherry Cole.