

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JULY 10, 2007

The Jefferson County Planning Commission met on Tuesday, July 10, 2007 with John Sidor, President, as Chair. Arnie Dailey, Lynne Deming, Robert Reynolds, Todd Baldau, Jim Surkamp, Edward Dunleavy, Tom Kane and Ellen May were present. Staff members present were Roger, Goodwin, Sherry Kelly, Damien Davis, James Casimiro and Jennilee Hartman.

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

1. Minutes.

Mr. Reynolds motioned to approve the minutes of the June 5, 2007 public hearing for Old Standard Quarry. Mr. Kane stated he was not present at the public hearing therefore he could not vote. Mr. Dunleavy seconded the motion, which passed 8 for and 1 abstention (Mr. Kane).

Mr. Reynolds motioned to approve the minutes from the June 12, 2007 meeting with the following changes:

- 1) Page 3, fourth paragraph; replace “Ms. Deming did not *this...*” to Ms. Deming did not *think...*”
- 2) Page 4, Item # 10, sixth line down; replace “*case*” with “*cause*”.
- 3) Page 4, Item # 13, third line down; replace “*again*” with “*against*”.

Ms. May and Mr. Kane stated they were not at the June 12th meeting and therefore could not vote. Ms. Deming seconded the motion, which passed 7 for and 2 abstentions (Mr. Kane and Ms. May).

Mr. Reynolds motioned to approve the June 26, 2007 minutes. Ms. May and Ms. Deming stated they were not at the June 26th meeting and therefore could not vote. Mr. Dunleavy seconded the motion, which passed 7 for and 2 abstentions (Ms. Deming and Ms. May).

2. Postponements. None.

3. Community Impact Statement (CIS) Public Hearing for Rockwell’s Mini-Storage Facility Expansion, 25’ x 75’ 2-story office building; expansion of 3 existing mini-storage buildings; 74’ x 150’ mini-storage building; outside storage area; tractor trailer and vehicle parking lot; flag pole; and sign on 10.03 acres. Ms. Kelly stated the CIS was in line with the Conditional Use Permit and that it met all the other technical requirements of the ordinance. Ms. Kelly recommended approval of the CIS. Mr. Goodwin concurred. Steve Bockmiller made a presentation on behalf of the applicant. There was no public comment. Mr. Kane inquired about the existing violation on the site regarding the tractor trailers. Mr. Kane also made a request that a note be added which states that no tractor trailer(s) be parked between the storage buildings. Mr. Bockmiller stated the proposed expansion would resolve the current violation by providing additional space for said trailers and that a note would be provided. Mr. Sidor asked if the

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existing fence was to be extended the length of the expansion and if fences such as these were common with other storage facilities. Mr. Bockmiller said the fence would continue on and from his own personal experience others storage facilities do have similar fencing. Mr. Kane questioned the off site well on the adjacent parcel. Mr. Bockmiller stated the applicant would create an easement to include the well since the applicant owned the adjoining parcel as well. Mr. Kane motioned to approve the Community Impact Statement with the following conditions, 1) A note be added to the final plat as a conditional of approval that no tractor trailers may be parked between the mini-storage buildings and; 2) An easement be created to include the well that is currently off-site. Mr. Reynolds seconded the motion, which carried unanimously.

4. Request by Paul M. and Nancy L. Tibbs for a variance to advance to the final plat stage. Ms. Kelly stated that Mr. Tibbs was granted a variance at a previous Planning Commission meeting and therefore could not proceed under the minor subdivision process. Ms. Kelly stated similar variances had been granted for this in the past and that it was inadvertently left off the variance Mr. Tibbs applied for a month ago. Ms. Kelly recommended approval of the variance. Mr. Goodwin stated this was a zoning issue therefore he deferred to the Zoning Administrator for comment. Mr. Tibbs was present to answer any Planning Commissioner's questions. There was no public comment. Mr. Reynolds motioned to grant the variance. Mr. Surkamp seconded the motion, which carried unanimously.

5. Request by Attorney Braun Hamstead on behalf of Paul and Donna Ashbaugh for a variance of the Section 2.1a requirement (Subdivision Ordinance) that no new building right is created by a proposed merger to 1.2250 acre lot. The property is located near Shenandoah North in the Charles Town District. (Variance was previously denied at the May 8, 2007 meeting, as no one was present to represent the request). Ms. Kelly stated this request was similar to the Knighten variance that was before the Planning Commission at their last meeting at which they granted the variance and also that other such as this had been granted in the past. The small lot in question was a lot that was put on record prior to the Ordinances being in effect. Ms. Kelly recommended approval of the variance. Mr. Hamstead made a presentation on behalf of the applicant. There was no public comment. Mr. Surkamp motioned to approve the variance. Ms. Deming seconded the motion, which carried unanimously.

6. Chief Planner's report on the office activities and questions. Ms. Kelly and Mr. Goodwin provided Mr. Sidor a copy of the Site Plan and Building Permit Activity Report prepared for the County Commission as previously requested. Highlights from the report were called out at which time the Planning Commission as a whole expressed an interest in receiving a copy of the report. The hard copy was given to Mr. Dailey and Ms. Kelly stated she would email the report to the rest of the Commission. It was asked that the report be added to the July 24, 2007 regular meeting as an agenda item for discussion.

Mr. Goodwin introduced the new County Engineer, Damien Davis.

7. Report from Legal Counsel. Mr. Casimiro stated he had met with Lane Kendig when he was in town and that Mr. Kendig was working on a complete set of definitions for both the Subdivision and Zoning Ordinances. On a side note Mr. Casimiro stated that applicant's cannot

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appeal staff's decision to the Planning Commission since they are not a quazi-judicial board. Applicant may appeal staff's decision to Circuit Court or if related to zoning matter they may appeal the Board of Zoning Appeals. Mr. Casimiro also handed out paperwork regarding the Benview Appeals stating this document was public.

8. Procedures. Ms. Deming stated she asked for this to be added to the agenda because she wanted to discuss telephonic voting. Ms. Deming stated she wanted to know the difference between proper verses improper use. Mr. Kane stated he had not liked telephonic voting since its conception and therefore wanted to make a motion that the Planning Commission prohibits telephonic voting. Mr. Surkamp seconded the motion. The Planning Commission discussed the motion. The motion to prohibit telephonic voting passed 5 for a 4 opposed (Mr. Baldau, Mr. Dunleavy, Ms. May and Mr. Sidor).

9. Signage, electronic submissions and agenda times. Mr. Sidor provided a handout regarding these items. Discussion took place between the Planning Commission and Staff. Mr. Baldau motioned to approve agenda times as outlined in the handout. Ms. May seconded the motioned. The motioned passed 5 for and 4 opposed (Mr. Reynolds, Mr. Kane, Ms. Deming and Mr. Dailey).

Regarding signage for subdivision variances Ms. Kelly stated Mr. Tony Redman, Long Range Planner, hadn't had a chance to research it yet and would be meeting with Mr. Casimiro. Mr. Reynolds stated he wanted to see a staff report on the matter by the next Planning Commission meeting. Mr. Kane seconded the motion, which carried unanimously.

10. Committees and Committee reports. The Planning Commission asked this item be renamed "Reports." Mr. Dunleavy requested the staff email Ms. May's PSD report so that they may have time to review it prior to the meeting.

The CD is changed at 8:19 p.m. and the meeting resumes at 8:23 after a short break.

11. Actionable Correspondence. None.

12. Non-Actionable Correspondence. Mr. Sidor mentioned the memorandum from the County Commission withdrawing Paul Rosa's rezoning request regarding Old Standard Quarry.

Proposed PC By-law Amendment. Discussion took place regarding the content of the staff report, a deadline for the staff report and thus deadlines for variances and final plat approval. This item is to be place on the agenda for the August 14, 2007 meeting.

Discussion regarding the ordinance rewrite took place. It was asked that Mr. Redman email his timeline/schedule regarding the rewrites to the Planning Commission.

Mr. Kane motioned to adjourn the meeting at 8:42 p.m. Mr. Dailey seconded the motion, which carried unanimously.

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The meeting of the Planning Commission adjourned at 8:42 p.m. on July 10, 2007. A detailed transcript of this meeting can be found on CD #__&__. These minutes were prepared by Jennilee Hartman.