

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
FEBRUARY 14, 2006

The Jefferson County Planning & Zoning Commission met on Tuesday, February 14, 2006, with Bill Lewandowski, President presiding. Arnie Dailey, Todd Baldau, Russell Roper, John Sidor, Paul Burke, Tom Kane and Greg Corliss were present. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

John Sims was absent with notification.

Mr. Lewandowski called the meeting to order at 7:00 p.m. Mr. Baldau motion to amend and approve the minutes of the January 24, 2006 meeting as follows: (1) Item #2, 5th line change to Mr. Lewandowski asked if any member of the public wished to comment; (2) Item #2, 6th line delete the sentence that reads "The public hearing was closed."; (3) Item #2, 14th line change from revised data regarding traffic study and sewer flow to updated Community Impact Statement data as necessary, including updated information regarding traffic and sewer; (4) Item #4, 4th line change to plan review; (5) Item #4, 8th line change to efforts in answering Mr. Burke's Questions; (6) Item #14, 2nd line change from Paul Burke spoke to "Mr. Burke asked staff about the application." Mr. Sidor seconded the motion. Mr. Burke made the following amendment to the motion: (1) first page, third paragraph first line should read Mr. Lewandowski called the meeting to order as a whole at 6:30 p.m. (2) first page, third paragraph next to the last line add "For part of the Executive Session Mr. Burke left the room; (3) page 4, Item #13, the second line should read Mr. Burke recused himself from this item on the agenda as he spoke in favor of this project in front of the Zoning Board and in favor of part and opposed to part at the Planning & Zoning Commission. Mr. Baldau seconded the amendment to the motion which carried unanimously.

The main motion passed with a vote of 6 for, 1 opposed (Mr. Kane) and 1 abstention (Mr. Burke). Mr. Burke recused himself and left the meeting room during discussion and voting on the main motion because he spoke in favor of the Sheridan Subdivision.

1. Declaration of violation for Mr. Mark Marlowe, et al of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 104 on Tax Map 13E of the Harpers Ferry District as found in Deed Book 823 at Page 126. Staff stated that Mason Carter did an inspection on February 14, 2006 and this matter has been resolved. No action was taken by the Planning & Zoning Commission.

2. Postponed from the January 24, 2006 meeting. Final Plat Public Hearing for the Cambridge Manufactured Home Development, Section 4, Phase 2, Lots 76-79, 100-101 & Residue (#05-44). Staff stated her recommendation stands. Attorney Richard Gay made a presentation. Attorney Gay asked Mr. Burke to recuse himself. Mr. Burke did not recuse himself. Mr. Lewandowski opened the public hearing. There was no public comment. Mr. Lewandowski closed the public hearing. Staff recommended approval of the final plat conditioned on submission of bonding for the buffer and submission of a revised set of covenants containing language for the vinyl siding requirements on mobile homes. Mr. Burke motioned to approve the final plat with the following conditions: (1) plant the buffer required by the Conditional Use Permit along the full length of the Bir property, marked on sketch of adjoiners as lots G through N, to be planted before recordation; (2) add the covenant on siding required by the Conditional Use Permit; and (3) recordation and bonding within 90 days. Mr. Baldau seconded the motion. Mr. Baldau made an amendment to the motion allowing bonding for the buffer. Mr. Corliss seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Burke). The main motion carried unanimously.

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Mr. Burke inquired about sending a letter of inquiry to the Department of Environmental Protection regarding the drainage easement to the stream. Staff stated that Roger Goodwin, Chief County Engineer, has already sent a letter to the Department of Environmental Protection regarding this matter.

3. Postponed from the January 24, 2006 . Final Plat Public Hearing for the David and Carolyn Kerr Minor Subdivision, Lots 1, 2 & 3-Residue (#05-50). Staff stated applicant requested a postponement until the February 28, 2006 meeting. Mr. Dailey motioned to postpone the final plat public hearing until the February 28, 2006 meeting. Mr. Kane seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Burke).

4. Final Plat Public Hearing for the Henesy Corners Subdivision, Lots 4A & Lot 4-Residue (#06-02). Mike Shepp with Dewberry stated he was present for any questions. Mr. Lewandowski opened the public hearing. There was no public comment. The public hearing was closed. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. Mr. Baldau motioned to approve the final plat with staff contingencies. Mr. Corliss seconded the motion which carried unanimously.

5. Final Plat Public Hearing for the Rotunda Subdivision, Lots 1 & 2-Residue (#06-01). Ed Johnson, Professional Surveyor stated he was present to answer any questions. Mr. Lewandowski opened the public hearing. There was no public comment. The public hearing was closed. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. Mr. Kane motioned to approve the final plat with staff contingencies. Mr. Dailey seconded the motion which carried unanimously.

6. Request by Eric & Stacy Lindberg for a variance to allow the residue lot of the Barleywood Subdivision (#04-16) to be accessed from Route 51/2 (Ambler Road). Mark Dyck with W. H. Gordon Associates made a presentation. There was public comment from Mike Magaha. Mr. Dyck rebutted. Eric Lindberg answered questions from Paul Burke. The County Engineer recommended approval of the request conditioned on submission of a highway entrance permit or a letter from the Department of Highways stating that none is required. Mr. Kane motioned to approve with staff contingencies. Mr. Baldau seconded the motion. The motion failed with a vote of 1 for (Mr. Kane) and 7 opposed. Mr. Lewandowski suggested that Mr. Lindberg meet with staff to seek a temporary access to the property.

7. Request by Braun Hamstead on behalf of James and Gloria Grove for a variance from the merger provisions to allow the reversal of a merger parcel. Attorney Braun Hamstead made a presentation. James Grove spoke. Mr. Lewandowski opened for public comment. There was no public comment. Public comment was closed. Mr. Dailey motioned to grant the variance. Mr. Kane seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Burke).

8. Request by New Vision Properties, II, Inc., for the following variances for the Windmill Crossing Condominiums (#05-27):

- 1) Article 9, Section 9.2.e.6(a) - Elimination of the minimum spacing between condominium buildings 1 and 2, and 4 and 5;
- 2) Article 9, Section 9.2.a.2 - 12' wide gravel access road located at the north end of the eastern parking lot to serve as an emergency secondary entrance.

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Attorney Peter Chakmakian made a presentation requesting an 18' wide gravel access road located at the north end of the eastern parking lot to serve as an emergency secondary entrance. Cricky Shultz submitted a letter dated February 14, 2006 from E. D. Smith, Fire Chief, Independent Fire Co., Inc., stating he supported the proposed "Emergency Access Road" for Windmill Crossing as follows: (1) 18' gravel road with continued support and maintenance such as snow removal and (2) a gate would be preferred verses a vegetation grown area that could become too large as it ages. We are equipped with the necessary tools to open the gates as needed. Mr. Lewandowski asked if there was any public comment. There was no public comment. Kim Shrader, County Engineer, stated she was in support with the fire department contingencies. Mr. Baldau motioned to grant the variance with the contingencies outlined in the letter from E. D. Smith, Fire Chief. Mr. Corliss seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Burke).

Attorney Chakmakian presented the request to eliminate the minimum spacing between condominium buildings 1 and 2, and 4 and 5. Staff stated that there will be no additional units, that this was in conflict with the International Building Code and recommended granting the request. Ms. Shrader, County Engineer stated that the Community Impact Statement stated there would be 5 buildings and she recommended approval with fire walls being constructed without openings. Mr. Corliss motioned to grant the variance request with staff contingencies. Mr. Roper seconded the motion which passed with a vote of 5 for and 3 opposed (Mr. Burke, Mr. Baldau and Mr. Sidor).

9. Request by Annette van Hilst/Dewberry on behalf of Tommy Lipscomb for a variance to advance a proposed 3 lot subdivision to the preliminary plat stage. Annette van Hilst with Dewberry made a presentation. She stated she would notify the adjoining property owners of the Staff Review Meeting. Mr. Burke stated that he would require posting the property also. Mike Shepp with Dewberry spoke. Mr. Lewandowski asked if there was any public comment. There was no public comment. Staff recommended getting acceptance from the Homeowners Association and notifying the adjoiners so they can speak at the Final Plat Public Hearing. Mr. Dailey motioned to grant the variance. Mr. Corliss seconded the motion. Mr. Burke made an amendment to the motion to add the following conditions: (1) notify the adjoiners and the homeowners association of tonight's decision; (2) notify the adjoiners of the preliminary plat staff review meeting; and (3) post the property for the Final Plat Public Hearing when that is scheduled. Mr. Baldau seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Dailey). The main motion carried unanimously.

10. Request by Annette van Hilst/Dewberry on behalf of Donald and Patricia Walker for a variance to advance a proposed 4 lot subdivision to the preliminary plat stage. Mike Shepp with Dewberry made a presentation. Mr. Lewandowski asked for public comment. There was no public comment. Staff and engineer recommended granting the variance. Mr. Burke motioned to approve the variance with the following conditions: (1) notifying the adjoiners of tonight's approval; (2) notify the adjoiners of the preliminary plat staff review meeting; and (3) post the property for the Final Plat Public Hearing. Mr. Corliss seconded the motion which carried unanimously.

11. Site Plan approval and issuance of the Improvement Location Permit for Martin's Expansion at Jefferson Crossing Shopping Center. Mike Shepp with Dewberry made a presentation. Mr. Lewandowski opened for public comment. Staff recommended approval with bonding. Mr. Corliss motioned to approve the site plan and issuance of the Improvement Location Permit with staff contingencies. Mr. Kane seconded the motion which carried unanimously.

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Mr. Lewandowski allowed a five minute break at 10:01 p.m. Mr. Lewandowski called the meeting back to order at 10:06 p.m.

12. Bylaws. Mr. Burke stated that Mr. Sims gave a draft copy of the Bylaws to the attorney. Mr. Burke stated that he hopes to have a reply by the February 28, 2006 meeting.

Mr. Lewandowski stated that he wants to place on the agenda for the February 28, 2006 meeting discussion and action on copyright.

13. Long Range Planner. Mr. Lewandowski stated that the Long Range Planner was officially hired. Staff stated that she believes the start date is the first of April 2006.

14. Contract for new Zoning and Subdivision Ordinances. Mr. Corliss stated that the contract was back from Lane/Kendig and Assistant Prosecuting Attorney Brandy Sims was checking it.

15. Committees and committee reports. Mr. Sidor stated he checked with Sue Lawton of the Public Service District and she needs a formal letter from the Planning & Zoning Commission inviting the Public Service District to a meeting. Mr. Burke motioned to have Mr. Sidor write on behalf of the Planning & Zoning Commission to invite the Public Service District to a meeting of their choice. Mr. Baldau seconded the motion which carried unanimously. Mr. Sidor stated that he and Mr. Corliss attended a meeting at Public Service District regarding Evitts Run.

Mr. Lewandowski stated that he would like to establish a Budget Committee. Mr. Lewandowski stated that a Budget Committee is required under 8A. Mr. Lewandowski appointed himself to the Budget Committee. Mr. Burke and Mr. Sidor volunteered to be on the Budget Committee. Mr. Corliss asked Mr. Lewandowski if the Long Range Planner was going to be in this budget and Mr. Lewandowski replied yes.

16. Discussion and/or action on Correspondence. None.

17. Actionable Correspondence - Postponed from the January 24, 2006 meeting.

1) Request by Paul Burke to discuss appointment times for major agenda items.

Mr. Dailey motioned to postpone this item until the February 28, 2006 meeting for discussion and decision regarding Mr. Burke's internal trial run of the timed agenda and to have Mr. Burke get with the Staff regarding this matter. Mr. Roper seconded the motion which carried unanimously.

18. Non-actionable Correspondence. Mr. Corliss stated that there is an interesting article regarding crime by Sheriff Boober in the Herald Mail today.

The meeting adjourned at 10:44 p.m. on February 14, 2006. A detailed transcript of this meeting can be found on CD #21, #22, #23 and #24. These minutes were prepared by Sherry Cole.

