

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
FEBRUARY 28, 2006

The Jefferson County Planning & Zoning Commission met on Tuesday, February 28, 2006, with John Sims, Vice President presiding. Arnie Dailey, Todd Baldau, Russell Roper, John Sidor, Paul Burke, Tom Kane and Greg Corliss were present. Staff members were Sherry Kelly, Kim Shrader and Jennilee De Pottie.

Bill Lewandowski was absent with notification.

Mr. Sims called the meeting to order at 7:00 p.m. Mr. Burke motioned to amend and approve the minutes of the February 14, 2006 meeting as follows: (1) Item #8, third page, second paragraph, third line delete acronym "IBC" and replace it with the words "International Building Code"; (2) Item #12, first line, sixth word change word "he" to "Mr. Sims" referencing John Sims; (3) Fourth paragraph should read "...1 abstention (Mr. Burke). Mr. Burke recused himself from voting and left the room during discussion and voting..."; (4) Item #6, ninth line change word from "assess" to "access." Mr. Dailey seconded the motion. The motion passed unanimously.

1. Findings of Fact and Conclusions of Law for the Thorn Hill Subdivision Final Plat Public Hearing. Mr. Burke recused himself and left the room because he gave research assistance to some of the people active in opposing it. Mr. Baldau motioned to postpone this item until the next regularly scheduled meeting on Tuesday, March 14, 2006. Mr. Dailey mentioned the letter from Stephanie Grove, Assistant Prosecutor, requested a meeting to be scheduled for next week. Mr. Kane stated this item must be held in a public hearing and appropriately placed on the agenda, also stating that he believes Mr. Baldau was in order. Mr. Baldau repeated his previous motion and Mr. Kane seconded the motion which passed with a vote of 7 for and 1 abstention (Mr. Burke). Mr. Burke returned to the meeting room.

2. Declaration of violation for Mr. Charles Decaro of the Jefferson County Improvement Location Permit Ordinance for construction of an addition on property designated as Parcels 98, 102 and 108 on Tax Map 13H of the Harpers Ferry District as found in Deed Book 920 at Page 252. Mason Carter, Ordinance Compliance Officer, presented this item stating Mr. Decaro obtained a building permit in 2001 for the construction of a deck. Responding to a complaint from the Home Owners Association Mr. Carter performed a site inspection and found the deck has been enclosed and is considered by this office as an addition. Mr. James T. Kratovil represented this item on behalf of Mr. Decaro. Mr. Kratovil requested a 90 day extension to allow for adequate time for a structural engineer to inspect the structure to determine whether or not it meets building code. Mr. Sidor motioned to grant the 90 day extension. Mr. Roper seconded the motion. Mr. Kane motioned to amend the previous motion stating that no additional construction may take place until such time as a building permit has been issued within the 90 day time period. Mr. Sidor seconded the motion which passed unanimously. The main motion carried unanimously.

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3. Postponed from the February 14, 2006 meeting. Final Plat Public Hearing for the David & Carolyn Kerr Minor Subdivision, Lots 1, 2 & 3-Residue. Mike Shepp with Dewberry presented the request. Mr. Sims opened the public hearing. There was no public comment. Mr. Sims closed the public hearing. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies, word correction from "accessed" to "assessed" and recordation within 90 days. Mr. Baldau motioned to approve the final plat with staff contingencies. Mr. Kane seconded the motion which passed unanimously.

4. Final Plat Public Hearing for the Carl V. Taylor Subdivision, Lots 1 & 2-Residue. Mr. Taylor represented the request. Mr. Sims opened the public hearing. There was no public comment. Mr. Sims closed the public hearing. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Dailey motioned to approve the final plat with staff contingencies. Mr. Baldau seconded the motion which passed unanimously.

5. Final Plat Public Hearing for the Rattlesnake Run Subdivision. Attorney Peter Chakmakian made a presentation. Mike Shepp with Dewberry presented the request. Mr. Shepp stated that all outstanding issues for which the Community Impact Statement was denied are now met. Thomas Harding, owner/developer, spoke on behalf of the project regarding the emergency service. Mr. Sims opened the public hearing. There was no public comment. Mr. Sims closed the public hearing. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies, bonding criteria is met and recordation within 90 days. Mr. Dailey motioned to approve the final plat with staff contingencies. Mr. Kane seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Corliss)

6. Final Plat Public Hearing for The Village at Samuel Station Subdivision. Staff stated Attorney Peter Chakmakian submitted a letter on behalf of the applicant to request a postponement of the final plat as well as Item #9 regarding a variance from the minimum lot width requirements of 80' for a duplex lots. Mr. Baldau motioned to postpone Item #6 and #9 contingent upon the applicant waiving the 60 day final plat provision as set forth in the Subdivision Ordinance until the March 14, 2006 meeting. Staff stated the postponement letter stated the applicant does waive the 60 day rule. Mr. Dailey seconded the motion which passed unanimously.

7. Community Impact Statement Review for the Seneca Crossing Subdivision North & South Sections. Attorney Peter Chakmakian made a presentation. Attorney Chakmakian asked Mr. Burke to recuse himself. Mr. Burke did not recuse himself. Eric Lewis represented the developer, Seneca Crossing/The Ranger Group. Mike Shepp with Dewberry presented the Community Impact Statement. Henry Haas with ECS, an environmental firm that conducted the testing on site, answered various questions made by Planning Commission members. Mr. Baldau stated he had concerns regarding the social impact of the project and felt the letters submitted as part of the Community

Impact Statement merely identified the service providers, yet did not give an evaluation of the current or future adequacy of the services. Mr. Sims opened the public hearing. There was public comment from Lance Lay. Mr. Shepp and Mr. Lewis rebutted. Mr. Shepp stated if during construction any relics or human remains are found, construction will stop immediately, the site will be investigated and the remains disposed of in a manner prescribed by both state and federal regulations. Mr. Lewis offered to donate \$5,000.00, once an investment from this project has been realized, to repair any vandalism that may take place because of the close proximity of this property to the Elm Wood Cemetery. Mr. Lewis also stated discussions with the Superintendent of Shepherdstown Elementary to set up a voluntary donation amount of possibly \$50,000.00 for capital improvements. Staff stated the Community Impact Statement meets all the requirements of the Ordinance. Mr. Dailey motioned to accept the Community Impact Statement. Mr. Kane seconded the motion which passed with a vote of 5 for and 3 opposed. (Mr. Baldau, Mr. Burke and Mr. Corliss)

8. Multi Use Variance Request for David Glenn Wilt to permit placement of an additional principal structure on a single tract of land without processing a subdivision plat. Becky Wilt was present to answer questions. Staff recommended approval contingent upon obtaining a building permit. Mr. Dailey motioned to grant the variance request. Mr. Corliss seconded the motion which passed unanimously.

9. Request by Commercial Associates on behalf of The Village at Samuel Station Subdivision for a variance from the minimum lot width requirements of 80' for duplex lots. Refer to Item #6 for action.

10. Request by Piedmont Properties, LLC on behalf of the Hartzell Gardens Subdivision for a variance from the minimum lot width requirements of 80' for a duplex lots. Attorney Peter Chakmakian presented the request. Staff recommended approval of this variance. Kristen Ringstaff with William H. Gordon Associates made a presentation. Mr. Corliss motioned to grant the variance. Mr. Dailey seconded the motioned which passed with a vote of 7 for 1 opposed (Mr. Burke).

11. Request by Jefferson County Fair Association for waiver of the site plan requirements for replacement of an existing 1000 sq. ft. office trailer with a newer 672 sq. ft. office trailer. Mike Alvarez presented the request. Staff recommended approval of this variance. Mr. Dailey motioned to approve the variance. Mr. Corliss seconded the motion which passed unanimously.

Mr. Baldau suggested setting up a meeting with Ms. Grove regarding The Findings of Fact and Conclusions of Law for Thorn Hill with the seven day advertising requirement. Mr. Baldau suggested that Staff contact Bill Lewandowski regarding a meeting date of either March 8 or 9, 2006. Mr. Kane also suggested making sure the prosecuting attorney be available. Mr. Burke gave notice of his absence to this meeting.

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12. Bylaws. No action taken.

13. Long Ranger Planner. Staff stated she believes the start date to be April 2006.

14. Contract for new Zoning and Subdivision Ordinances. Mr. Corliss stated it has been signed and is awaiting another signature.

15. Discussion and/or action on copyright information on plats. No comments.

16. Committees and Committee reports. Mr. Burke stated the intent of the budget committee was not to have the Planning Commission have signature authority. Mr. Burke envisions the budget as being a subtotal within the departmental budget. Mr. Burke continued to say both the old and new State Code requires the Planning Commission to submit a budget to the County Commission. Mr. Corliss asked for a dollar figure. Mr. Kane stated that he objected doing this by committee instead of by the committee as a whole. Mr. Kane questioned how they could recommend a budget that had not had any correspondence, input, feedback or take on it from their professional staff. Mr. Dailey was in agreement. Mr. Kane is not in objection to the committee report, but in objection to putting the budget forward to County Commission. Staff stated a discussion regarding the budget would take place on Friday. Mr. Burke requested a meeting with Rebecca Burns, Office Manager, and Roger Goodwin, Chief County Engineer to discuss and receive comments regarding the Budget Committee's budget. Mr. Corliss stated all budgets must be submitted to County Commission by March 23, 2006 and to the State by March 28, 2006. Mr. Baldau requested a copy of the budget to be put in their March 14, 2006 packets. Mr. Burke stated Ms. Burns could not give him a copy of the DPZE budget, but was referred to Laura in the County Commission's office to attain a copy. Mr. Roper asked if the new budget upgraded the salaries as promised from last years budget. Mr. Corliss stated they are considering it. Again, Mr. Baldau requested at the very least comments regarding the budget from Paul Raco in the advanced packets and if possible to have something submitted the night of the next Planning Commission meeting.

Mr. Corliss digressed to Item #14 stating it will take approximately one year to one year and a half to complete both the Zoning and Subdivision Ordinances. Mr. Corliss suggested the Planning Commission come up with a list of things they would like to see changed within the Ordinances. Staff stated we could accept these suggestions through email.

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

18. Non-actionable Correspondence. A letter to Annette van Hilst with Dewberry from Sue Lawton with the Public Service District regarding updated information on Sheridan. As well as a letter form the Historic Landmarks Commission regarding Barleywood. Staff stated the Barleywood variance would be on for the March 14, 2006 meeting. Mr. Sidor asked about the Kiss variance. Staff stated Ms. Kiss is selling her property and will

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not be going through with the original variance request. Mr. Corliss requested the Green Infrastructure be placed on the agenda in order to incorporate it in with the budget. Mr. Roper made a motion to adjourn the meeting. Mr. Dailey seconded the motion which passed unanimously. The meeting adjourned at 10:20 on February 28, 2006. A detailed transcript of this meeting can be found on CD #36, 37 and 38. These minutes were prepared by Jennilee De Pottie