

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JULY 11, 2006

1. 6:00 P.M. - SPECIAL MEETING: The Planning Commission announces a meeting to discuss the planning & zoning ordinances with the County's consultants, Lane Kendig, Inc., especially their "Ordinance Critique and Recommendations" which is available from the County Commission office and at <http://www.jeffersoncountywv.org>. The Jefferson County Planning & Zoning Commission met on Tuesday, July 11, 2006 at 6:07 p.m. for a special meeting. Paul Burke, John Sidor, Arnie Dailey, Lynne Deming were present. Todd Baldau, Greg Corliss and John Sims were absent with notification. Russell Roper and Tome Kane were absent without notification. There was not a quorum to hold a meeting. Mr. Burke allowed Lane Kendig and Matt Birch to make a presentation and answer questions from the public.

The Jefferson County Planning & Zoning Commission met on Tuesday, July 11, 2006, for the regular meeting, with Paul Burke, President presiding. John Sidor, Lynne Deming, Russell Roper, Arnie Dailey and Tom Kane were present. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

Todd Baldau, Greg Corliss, and John Sims were absent with notification.

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

Mr. Kane motioned to approve the June 27, 2006 minutes. Mr. Sidor seconded the motion which passed with a vote of 5 for and 1 opposed (Mr. Burke).

Mr. Burke asked if there were any postponements.

5. Postponed from the April 25, 2006 and May 23, 2006 meetings. Final Plat Public Hearing for the Maddex Farm Subdivision, Phase IV (#06-07). Ms. Deming and Mr. Burke stated that they need to leave the meeting room for this item on the agenda. Mr. Kane stated that if Ms. Deming and Mr. Burke leave that there will not be a quorum. This item was postponed until the July 25, 2006 meeting due to a lack of quorum.

2. Final Plat Public Hearing for the Carl Anderson Minor Subdivision (#06-17). Mr. Anderson was present and stated that he did not want this item postponed. Staff stated that there are issues that still need to be addressed regarding the final plat and that John Kusner provided a letter asking for postponement until the July 25, 2006 meeting. Mr. Anderson stated that he did not know that Mr. Kusner asked for a postponement, but that he was agreeable with the postponement. Mr. Kane motioned to postpone this item until the July 25, 2006 meeting. Mr. Dailey seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the Robert J. Forthofer, Jr. Minor Subdivision (#06-18). Shane Rauch with Dewberry was present for any questions. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Sidor motioned to approve the final plat with staff contingencies. Mr. Kane seconded the motion which carried unanimously.

4. Final Plat Public Hearing for the Harvest Hills Subdivision, Section 1, Phase 1, Lots 28-50 (#01-42). Mr. Burke recused himself from this item as he stated he took legal action against the developer earlier. Mr. Sidor took over as chair. Peter Chakmakian made a presentation. Mr. Sidor opened the public hearing. There was no public comment. Mr. Sidor closed the public hearing. Staff stated that the final plat meets the technical requirements of the ordinance and the

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final plat was resubmitted after lunch today. Staff further stated that the Zoning Administrator needs to review the Conditional Use Permit requirements. Staff stated that the Zoning Administrator is out of the office and recommended postponement until the July 25, 2006 meeting. Staff recommended denial of the final plat or approval of the final plat with a condition that the Zoning Administrator approve the Conditional Use Permit conditions. The county engineer concurred with Staff's recommendation. Mr. Chakmakian spoke again. Mr. Kane motioned to approve the final plat for Harvest Hills contingent upon the Zoning Administrator finding that all conditions have been met and approved by the Zoning Administrator. Mr. Dailey seconded the motion which carried unanimously. Mr. Burke returned to the meeting room.

6. Final Plat Public Hearing for the Tollhouse Woods Subdivision, Lots 1-69 (#04-21). Ellen Capellanti, Attorney, representing the developer made a presentation. Mark Dyck, Dick Klein and Larry Rosenburg spoke and answered questions from the Planning Commission. Mr. Burke opened the public hearing. There was public comment from John Griffith, Eric Sundback, Frances Latterell, Jim Surkamp, Duane Robinson, Bill Drennan, John Gardner, John Amos, Kathryn McAteer, Amy Matthews-Amos, John Barrett, Dr. Glen Kenzer, Devitt McAteer and Arlene Robinson.

Mr. Burke allowed a 10 minute break. Mr. Burke called the meeting back to order at 9:34 p.m.

Mr. Sidor asked if the developer wanted to postpone their rebuttal until the next meeting. Attorney Capellanti stated they would rebut now. Ms. Capellanti, Mr. Klein and Mr. Dyck rebutted. Mr. Burke closed the public hearing. Staff stated that the final plat addresses all the technical requirements and recommended approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. Staff further stated that the Planning Commission may want to consider the developer's conditions. The county engineer agreed with the staff's recommendations. Mr. Sidor motioned to approve the final plat with the following conditions: (1) a pre-blast survey and a post blast survey for non-historic structures within 500 ft. and historic structures within 1500 ft. including to have a geo-tech assessment regarding the need for pre and post blast surveys for neighboring wells and springs and report to be submitted to the file; (2) hire an arborist to make sure that the trees are saved as appropriate and that would include barricading of trees and prevention of compaction of roots, including the planting of conifers trees as decided by the arborist; (3) and with staff contingencies. Mr. Kane seconded the motion which passed with a vote of 5 for and 1 opposed (Mr. Burke).

7. Request from Dave Tyson on behalf of Flowing Springs, LLC (Cambridge Subdivision, Section 4, Phase II, Lots 76-79 and Lots 100-101, #05-44) to extend the time for recordation of the final plats. Attorney Richard Gay made a presentation and asked for an additional 90 days to record the final plats. Gary Frye spoke on behalf of the developer. Mr. Burke asked if there was public comment. There was no public comment. Staff recommended allowing an additional 90 days for recording the final plats. Mr. Kane motioned to extend the time for recordation of the final plats with the provision that the final plats be recorded within 60 days from today - July 11, 2006. Mr. Roper seconded the motion which carried unanimously.

8. Request from John J. and Dorothea L. Quinn for a variance to increase from 13 to 14 the number of approved lots with ingress/egress via existing Rolling Knolls Road and to be advanced to Final Plat. Dan Marken made a presentation. The county engineer recommended approval. Mr. Kane motioned to grant the variance and advance to final plat stage. Mr. Dailey seconded the motion which carried unanimously.

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9. Site Plan and Issuance of Improvement Location Permit for the Charles Town Races & Slots Waste Water Treatment Plant (#S05-21). Randy Kepler with Greenway Engineering was present for questions. Mr. Burke opened for public comment. There was no public comment. Staff stated the site plan meets the technical requirements of the ordinance, and recommended approval conditioned on bonding arrangements. Randee Bach with PNGI Gaming/Charles Town Races answered questions from the Planning Commission. Mr. Sidor motioned to approve the site plan and issuance of the improvement location permit with staff contingencies. Ms. Deming seconded the motion which carried unanimously.

10. Designation of member to be deposed in 'Rockwell v. PC'." Stephanie Grove stated Mr. Dailey will be deposed on July 12, 2006. Mr. Sidor motioned to have Mr. Dailey designated to represent the Planning Commission. Mr. Kane seconded the motion which carried unanimously.

11. Staff Issues and Concerns (Requested by Todd Baldau). Mr. Burke stated that the Planning Commission asked Mr. Raco to come to the meetings and he declined.

12. Postponed from the May 23, 2006, June 13, 2006 and June 27, 2006 meetings. Discussion of legal representation (Requested by John Sidor). Mr. Burke and Mr. Sidor stated to remove this item from the agenda.

13. Postponed from the June 13, 2006 and June 27, 2006 meetings. Set policy for reconsideration of votes (Requested by John Sims). None.

14. Green Infrastructure Study. Mr. Burke advised staff to remove this item from the agenda until further notice.

15. Committees and committee reports: Mr. Burke advised that there is an Executive Committee Meeting on Thursday, July 13, 2006 at 7:00 p.m. Mr. Kane and Mr. Dailey questioned why the Executive Committee Meeting is scheduled during the day. Mr. Burke advised that Mr. Sims preferred the meeting during the day. Mr. Burke and Mr. Sidor said that a P.M. meeting is okay. Mr. Kane respectfully requested a P.M. meeting.

Budget Committee: None.

Bylaws and Procedures Committee: Meeting scheduled for July 18, 2006 at 2:00 p.m.

PSD Committee: None.

Long Range Planner: None.

Subdivision and Zoning Ordinance Rewrite Committee: Mr. Burke advised there is no committee. Take off agenda.

TDR: Mr. Dailey advised the committee met with the consultants earlier tonight (July 11, 2006).

16. Actionable Correspondence.

(A) Inquiry from Mr. Lou Athey concerning Ryans Glen Subdivision. Staff said they had met with Mr. Athey after the date of his letter, and review was proceeding.

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17. Non-actionable Correspondence:

- (A) Letter dated July 5, 2006 from Theresa M. Kirk with the State Ethics Commission to Paul Burke.

Mr. Roper motioned to adjourn the meeting. Mr. Sidor seconded the motion which carried unanimously.

The meeting adjourned at 10:57 p.m. on July 11, 2006. A detailed transcript of this meeting can be found on CD # 90, #91, #92, #93, and 94. These minutes were prepared by Sherry Cole.

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