

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
FEBRUARY 8, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, February 8, 2005 with Arnie Dailey, President, presiding. Other Planning Commission members present were: John Sims, Bill Lewandowski, Russell Roper, Dan Marken, Rosella Kern, Thomas Kane and Greg Corliss. Staff members present were Paul Raco, Roger Goodwin, Sherry Kelly and Sherry Cole.

Renny Smith was absent with notification. Mr. Dailey called the Meeting to order at 7:01 p.m. Mr. Kane motioned to accept the Minutes of the January 25, 2005 regular meeting. Mr. Sims seconded the motion which carried unanimously.

1. Declaration of violation for Mr. and Mrs. Gary D. Frye of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 145 on Tax Map 26 of the Kabletown District as found in Deed Book 977 at Page 244. Staff recommended removal of this item from the agenda as the salvage yard is cleaned up. There is currently no violation. Mr. Sims motioned to remove this item from the agenda. Mr. Roper seconded the motion which carried unanimously.
2. Final Plat Public Hearing for the Jefferson Crossing II Subdivision. Rosella Kern arrived at 7:03 p.m. Staff stated that all items of the Subdivision Ordinance have been met so staff and engineer recommend approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. There was no public comment. The public hearing was closed. Mr. Roper motioned to approve the final plat with staff contingencies. Mr. Kane seconded the motion which carried unanimously.
3. Site plan approval and issuance of the Improvement Location Permit for Lot 3 of Jefferson Crossing II Subdivision, for general retail. The county engineer stated the site plan meets or exceeds all standards of the Ordinance. The county engineer recommended approval of the site plan and staff recommended issuance of the Improvement Location Permit subject to the final plat being recorded and making bonding arrangements. Mr. Marken motioned to approve the site plan and issuance of the Improvement Location Permit with staff contingencies. Mr. Kane seconded the motion which carried unanimously.
4. Site plan approval and issuance of the Improvement Location Permit for Lot 4 of the Jefferson Crossing II Subdivision, for general retail and a coffee shop. The county engineer stated the site plan meets or exceeds all standards of the Ordinance. The county engineer recommended approval of the site plan and staff recommended issuance of the Improvement Location Permit subject to the final plat being recorded and making bonding arrangements. Mr. Kane motioned to approve the site plan and issuance of the Improvement Location Permit with staff contingencies. Mr. Marken seconded the motion which carried unanimously.
5. Final Plat Public Hearing for the Michael W. Strider Minor Subdivision, Lots 1 & 2-Residue. Staff and engineer recommend approval of the final plat conditioned on submitting the necessary originally signed copies and recordation within 90 days. There was no public comment. The public hearing was closed. Mr. Dailey reopened the public hearing. There was public comment from Sheila Shank. The public hearing was closed. Mr. Kane motioned to approve the final plat with staff contingencies. Ms. Kern seconded the motion which carried unanimously.
6. Postponed from the January 25, 2005 meeting. Presentation of hillside development plan for the Rock Ferry Station Subdivision. Bruce DeAtley, President of Whitehall Partners spoke. Mark Thomas made the presentation of the hillside development plan. Mr. Roper motioned to accept the concept to proceed to preliminary plat. Mr. Kane seconded the motion which carried unanimously.

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7. Request by Whitehall Partners for a variance from the maximum road grade of 9 percent to 12 percent for the proposed Rock Ferry Station Subdivision (Article 8, Section 8.1(7) of the Jefferson County Subdivision Ordinance). Kristen Ringstaff presented the variance request. Based on the Hillside Development regulations, staff recommended to allow the variance. The county engineer recommended approval of the variance. Mr. Kane motioned to grant the variance. Mr. Marken seconded the motion which carried unanimously.

8. Request by Mark Colonial Hills, L.L.C., for an extension of time of the Community Impact Statement for the Colonial Hills Subdivision (Article 6, Section 6.3 of the Jefferson County Subdivision Ordinance). Dick Klein presented the request. Ms. Kern motioned to grant a 90 day extension. Mr. Roper seconded the motion which carried unanimously.

9. Request by Blue Ridge View Orchard, Inc., for the following variances from the Jefferson County Subdivision Ordinance:

- (1) Mailbox cluster area of 1000 square feet or greater (Article 8, Section 8.2.a.21);
- (2) School bus area of 1000 square feet or greater (Article 8, Section 8.2.a.21); and
- (3) Storm water management.

Jim Hutsell with P. C. DiMagno Engineers presented the school bus area variance request. Staff stated that this subdivision was started in 2002, roads were built and that they went to court. Staff stated that the turn off shouldn't be 600' into the subdivision and that the school bus shelter cannot be built in the 40' right-of-way so the shelter should be built where the right-of-way is at least 50' wide. Staff recommended denial of the variance. Mr. Lewandowski motioned to disapprove the variance request for the school bus area of 1000 sq. feet or greater. Mr. Kane seconded the motion which passed with a vote of 7 for and 1 opposed (Ms. Kern).

Jim Hutsell presented the variance request of the mailbox cluster of 1000 square feet or greater. Staff stated that the Post Office prefers not to go into the subdivision. Ms. Kern motioned to require a mailbox cluster unless the Post Office does not want one and that staff write a letter to the postmaster for verification. Mr. Lewandowski seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Kane).

Jim Hutsell presented the storm water management variance request. Roger Goodwin, Chief County Engineer recommended denial of the variance request. Ms. Kern motioned to deny the variance request. Ms. Kern recommended the engineers get with the buyers for house location. Mr. Marken seconded the motion which carried unanimously.

10. Request by Maddex Square Associates Limited Partnership on behalf of Premier Bank to allow a limited site plan for a proposed trailer. The limited site plan will address traffic flow, parking, setback limits, distance requirements and buffer requirements (Article 6 of the Jefferson County Subdivision Ordinance and Article 4 of the Jefferson County Improvement Location Permit Ordinance). Mike Shepp presented the request. Staff recommended allowing a limited site plan subject to the trailer being removed within 30 days after the U&O is issued. Mr. Shepp stated that the trailer would be removed by October 1, 2005. Mr. Kane motioned to approve with staff contingencies and removal of the trailer by October 1, 2005. Mr. Sims seconded the motion which carried unanimously.

11. Request by Robert Lamb for the following variances from the Jefferson County Subdivision Ordinance for a proposed two lot subdivision:

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- (1) 3:1 depth to width ratio (Article 8, Section 8.2.e.3).
- (2) Acute angles.

Staff stated that Mr. Kusner was present, but before Mr. Kusner made his presentation staff stated that #2 acute angles is not necessary. Staff stated that the acute angle is a pre-existing acute angle, not with respect with the new line drawn. The acute angle less than 60 degrees is only for new lines, not for pre-existing.

John Kusner presented the variance request. Staff stated that the 3:1 depth to width ratio is to prevent pipestems and to allow adequate space for house and septic. Staff recommended granting the variance from the 3:1 depth to width ratio since it met the spirit of the ordinance. Mr. Kane motioned to grant the variance request. Mr. Roper seconded the motion which carried unanimously.

12. Site plan approval and issuance of the Improvement Location Permit for SPARC School Vehicle Maintenance Buildings. The county engineer determined that the site plan meets all the site plan standards after a staff review meeting and after several submissions back and forth between the design consultant and the Department of Planning, Zoning & Engineering. Based on Mr. Goodwin's information that it meets all site plan standards, staff recommended issuance of the Improvement Location Permit subject to making bonding arrangements. Michael Newlin with W. H. Gordon Associates spoke. Mr. Roper motioned to approve the site plan and issuance of the Improvement Location Permit with staff contingencies. Ms. Kern seconded the motion which carried unanimously.

13. Findings of Fact and Conclusions of Law for Town Run Commons (DPZE File #Z01-01). Ms. Kern and Mr. Lewandowski left the meeting room for this item on the agenda. Mr. Kane motioned to accept and authorize #6 on Page 6 be amended to 40,000 sq. ft. for the entire 13.69 acres. Mr. Sims seconded the motion which passed with a vote of 5 for (Mr. Kane, Mr. Sims, Mr. Roper, Mr. Marken and Mr. Dailey) and Mr. Corliss did not vote. Ms. Kern and Mr. Lewandowski returned to the meeting room.

14. Personnel. Mr. Dailey stated that Ms. Smith wanted Personnel on the agenda. Mr. Dailey spoke about the article in the Journal where Rosella Kern was quoted. Ms. Kern spoke. Mr. Roper stated that if a member of the Planning & Zoning Commission has a problem with the process that the Planning & Zoning Commission should meet as a workshop together and try to remedy the situation. Mr. Roper also stated that he would like to speak to the County Commission in person regarding Ms. Kern's article in the newspaper instead of writing a letter to the County Commission. Mr. Roper stated that before the election was held in Jefferson County that there were people making statements out on the streets that Paul Raco has got to go and some other people had to go. Mr. Roper stated that this is not right. Mr. Roper further stated that if you have a disagreement with somebody that is in your office or in any office, and you have a legitimate reason to complain, then you should sit down and discuss it. Mr. Roper stated that the Planning & Zoning Commission should speak with the County Commission regarding the responsibilities of the Planning & Zoning Commission. It is not one person's fault. Mr. Roper stated that the ordinances should be rewritten. Mr. Kane motioned that the Planning Commission send a letter to the County Commission stating that the views expressed by the individual, Rosella Kern, were her own views and not the views of the Planning Commission itself. Mr. Marken seconded the motion. The motion failed with a vote of 3 for (Mr. Kane, Mr. Marken and Mr. Dailey) and 5 opposed (Ms. Kern, Mr. Corliss, Mr. Roper, Mr. Lewandowski and Mr. Sims).

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Mr. Lewandowski motioned to ask the County Commission at their earliest convenience to meet with the Planning Commission as a working group to discuss planning organization. Mr. Sims seconded the motion which carried unanimously. Ms. Kern motioned that staff work with Mr. Lewandowski to set the agenda and facilitate the meeting. Mr. Kane seconded the motion which carried unanimously.

15. Correspondence. John Sims' draft letter regarding the GIS proposal. Mr. Lewandowski motioned to refine the document based on what was heard in today's meeting and when the County Commission calls the executive board to discuss budget the proposal will be available. Mr. Marken seconded the motion which carried unanimously.

The meeting adjourned at 9:47 p.m. on February 8, 2005. A detailed transcript of this meeting can be found on CD #25, #26, and #27. These minutes were prepared by Sherry Cole.

