

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
MARCH 8, 2005

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

Mr. Lewandowski and Mr. Marken were absent with notification. Mr. Dailey called the Meeting to order at 7:01 p.m. Mr. Roper left the meeting room. Mr. Kane motioned to correct the minutes with regard to Item #2. Mr. Kane said the motion should read to approve the request for the Conditional Use Permit subject to the Staff Report dated February 9, 2005 with an additional condition that once the 20 homes are completed that the County and State Law enforcement officials be invited to patrol the roads and with Zoning Board of Appeals approval. Ms. Kern motioned to approve the minutes of the February 22, 2005 meeting subject to the above change. Mr. Sims seconded the motion which carried unanimously.

1. Declaration of violation for Mr. and Mrs. Piotri P. Jedrzejewski of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 144 on Tax Map 13K of the Harpers Ferry District as found in Deed Book 933 at Page 549. Mason Carter presented the violation. Ms. Smith motioned to find Mr. and Mrs. Jedrzejewski in violation of the Jefferson County Salvage Yard Ordinance. Mr. Kane seconded the motion which carried unanimously.

2. Declaration of violation for Mr. and Mrs. Robert D. Armstrong of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 117 on Tax Map 13B of the Harpers Ferry District as found in Deed Book 944 at Page 560. Mason Carter presented the violation. Mr. Sims motioned to find Mr. and Mrs. Armstrong in violation of the Salvage Yard Ordinance. Mr. Kane seconded the motion which carried unanimously. Mr. Roper returned to the meeting room at 7:07 p.m.

3. Declaration of violation for Mr. and Mrs. Michael D. Duncan of the Jefferson County Improvement Location Permit Ordinance for the placement of 2 mobile homes and 2 sea containers on property designated as Parcel 6 on Tax Map 18 of the Shepherdstown District as found in Deed Book 957 at Page 115. Mason Carter presented the violation. Sherry Duncan spoke. Ms. Duncan stated that the two mobile homes have been removed from the property. Ms. Duncan stated that they had a major fire that destroyed a 40 x 160 barn on Christmas Eve. Ms. Duncan further stated that they used this barn for storage. Since the fire, Ms. Duncan stated that she was using the sea containers for storage and she did not know that she needed building permits. Ms. Duncan requested an additional 180 days to move the two sea containers. Ms. Duncan hopes to erect a permanent shop soon and will apply for an Improvement Location Permit before doing so. Staff stated that an Improvement Location Permit, building plans, and inspections would be required, but no site plan. Ms. Smith motioned to grant Mr. and Mrs. Michael D. Duncan a 6 months extension to move the sea containers. Mr. Sims seconded the motion which carried unanimously.

4. Declaration of violation for Mr. and Mrs. Siegfried Obeldobel of the Jefferson County Improvement Location Permit Ordinance for the placement of a storage shed on property designated as Parcel 15 on Tax Map 15 of the Charles Town District as found in Deed Book 950 at Page 352. Mason Carter presented the violation. Mr. Kane motioned to find Mr. Obeldobel in violation of the Improvement Location Permit Ordinance. Mr. Sims seconded the motion which carried unanimously.

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5. Postponed from the December 14, 2004 meeting. Declaration of violation for Donald Rockwell/Rockwell's Moving & Storage of the Conditional Use Permit and Jefferson County Improvement Location Permit Ordinance for placement of an office trailer and tractor trailers on property designated as Parcel 17.3 on Tax Map 1 of the Charles Town District as found in Deed Book 938 at Page 383. Mason Carter presented the violation and requested a declaration of violation. Attorney Braun Hamstead represented Donald Rockwell. Donald Rockwell spoke. Attorney Hamstead asked for a 90 day extension. Ms. Kern stated that she cannot vote. Staff stated that the engineers for Mr. Rockwell have not contacted the Department of Planning, Zoning & Engineering office. Staff stated that no application is pending on the trailer on the back property. Staff told Attorney Hamstead that the Planning & Zoning Commission wanted a proposal by tonight. Mr. Raco further stated that they cannot get a variance in the Rural Zone from the principal permitted uses. Mr. Raco said they would have to try to get the property rezoned. Attorney Hamstead stated that they could have a submission to the Department of Planning, Zoning & Engineering within 90 days. Staff stated that the moving trucks and vans and outside storage are in violation. Staff reminded the Commission that several years ago, Mr. Hammer made the motion to not act on the Conditional Use Permit on the front property until the back property is in compliance. Staff stated that anything parked in the aisles are in violation. Mr. Kane also stated that the Conditional Use Permit did not allow trailers in the aisles. Staff stated that this is a site plan violation because of the trailers in the aisles. Mr. Kane motioned to grant Mr. Rockwell 180 day extension to come up with a solution for the office conditioned on the trailers being moved in 30 days. If the trailers are not gone in 30 days, then an automatic declaration. Mr. Sims seconded the motion which carried with a vote of 6 for and 1 no vote (Ms. Kern).

6. Final Plat Public Hearing for Maddex Farm Subdivision, Phase II, Lots 1-14, 25-27, 136-160, 187-202 & Lot A-Residue. Staff stated that all items of the Subdivision Ordinance have been met so staff and engineer recommended 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. Ms. Smith motioned to approve the final plat with staff contingencies. Mr. Roper seconded the motion which passed with a vote of 6 for and 1 no vote (Mr. Corliss).

7. Final Plat Public Hearing for the Frank Kubic Minor Subdivision, Lots 1, 2 & 3-Residue. Staff and engineer recommended approval of the final plat conditioned on submitting the necessary originally signed copies and recordation within 90 days. Staff stated that there is no bonding for this project. There was no public comment. The public hearing was closed. Mr. Roper motioned to approve the final plat with staff contingencies. Mr. Sims seconded the motion which passed with a vote of 6 for and 1 no vote (Mr. Corliss).

8. Final Plat Public Hearing for the Colonial Hills Subdivision, Phase II. Staff and engineer recommended approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements, recordation within 90 days. There was no public comment. The public hearing was closed. Ms. Smith motioned to approve the final plat with staff contingencies. Mr. Roper seconded the motion which passed with a vote of 6 for and 1 no vote (Mr. Corliss).

9. Revised Community Impact Statement for the Route 340 Business Center. Staff stated that this Community Impact Statement is on additional storage units only. Mark Dyck represented the applicant and presented the revised Community Impact Statement. Mr. Dyck stated that the Community Impact Statement was approved by the Planning Commission on November 9, 2004.

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There was no public comment. The public hearing was closed. Staff stated that the Board of Zoning Appeals had approved the variance that would allow the additional units. Staff stated that staff and engineer have no issues with the revision. Mr. Kane motioned to approve the revised Community Impact Statement. Mr. Sims seconded the motion which carried unanimously.

10. Request by John Kusner on behalf of Robert Lamb to advance his proposed 2 lot subdivision to the final plat stage (Article 8, Section 8.1.a.8b of the Jefferson County Subdivision Ordinance). Mr. Kusner and Mr. Lamb were not present. Staff recommended postponement until the March 22, 2005 meeting. Ms. Kern motioned to postpone this item until the March 22, 2005 meeting. Ms. Smith seconded the motion which carried unanimously.

11. Request by Mike Shepp on behalf of Concert Technologies, Inc., to submit a limited site plan addressing parking, setback limits, distance and buffer requirements for a proposed call center (Article 4, Section 4.0 of the Jefferson County Improvement Location Permit Ordinance). Mike Shepp presented the request. Roger Goodwin, Chief County Engineer, recommended denial of the variance request. However, Mr. Goodwin stated that if the Planning & Zoning Commission decides to grant the variance, that he recommends that it be granted contingent upon processing as a Case-2, Limited Site Plan, in accordance with Section 4.0 of the Improvement Location Permit Ordinance and that a full site plan be submitted by September 30, 2005. Ms. Smith motioned to allow a limited site plan as requested in addition to stormwater management and to address the parking. Mr. Corliss seconded the motion which carried unanimously.

12. Request by Jeanne M. and Donald R. Norris for a variance from upgrading an existing right-of-way and road to County standards for a proposed parent to child transfer of land (Article 8, Section 8.2a of the Jefferson County Subdivision Ordinance). Donald Norris presented the request. Mr. Norris stated that this new parcel would make a total of 4 lots. Mr. Norris further stated that Turpin Neck Road which is a State road is only 14' wide. Staff stated that based on the fact of the location of the road that the engineer and planner recommend approval of the variance. Ms. Smith motioned to approve the variance request. Mr. Roper seconded the motion which carried unanimously.

13. Request by William Lewandowski to discuss Planning Commissioner's training. Staff stated that training was in the budget. Staff further stated that he ordered the Planning Commission Journal which is published quarterly. Staff also stated that he has been in contact with Gregory Dale regarding setting up a meeting with him to come and speak to the Planning & Zoning Commission regarding organization, duties of the Planning Commission, how an agenda should be handled, and how the chairman should handle things. Ms. Kern stated that she would like to add to the agenda the following two items: what planning is and what planning should accomplish. Staff told the Planning & Zoning Commission that if they had any special needs to make him aware of them. Staff stated that he will provide Elaine Crogan's Tip of the Month to the Planning & Zoning Commission. Ms. Smith stated that she has found that the cell telephone towers map and Steve Bockmiller's Minimum Standards For A Community Impact Statement have been very helpful to her.

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14. Correspondence. Letter dated February 21, 2005 from Frances Magaha regarding Barleywood Subdivision, list of commercial projects that have been submitted to the Department of Planning, Zoning and Engineering, list of residential projects that have been submitted to the Department of Planning, Zoning & Engineering, letter dated March 7, 2005 from Roger Goodwin, P.E., Chief County Engineer, to West Virginia Division of Highways regarding a traffic study request at the intersection of 5<sup>th</sup> Avenue and Route 17, and a memo concerning a budget request from John Sims regarding GIS.

Staff stated that he would email the agenda again for the March 15, 2005 meeting.

Mr. Corliss motioned to approve the GIS request to the County Commission. Ms. Smith seconded the motion which carried unanimously.

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

The meeting adjourned at 8:23 p.m. on March 8, 2005. A detailed transcript of this meeting can be found on CD #35 and #36. These minutes were prepared by Sherry Cole.

