

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
MARCH 22, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, March 22, 2005 with Arnie Dailey, President, presiding. Other Planning Commission members present were: John Sims, Bill Lewandowski, Renny Smith, Russell Roper, Dan Marken, Rosella Kern, Thomas Kane and Greg Corliss. Staff members present were Paul Raco, Roger Goodwin, Sherry Kelly, Mason Carter and Sherry Cole.

Mr. Dailey called the Meeting to order at 7:00p.m. Mr. Sims motioned to approve the minutes of the March 8, 2005 meeting. Mr. Roper seconded the motion which carried unanimously.

1. Declaration of violation for Ms. Linda Statler of the Jefferson County Zoning and Development Review Ordinance for property designated as Parcel 304 on Tax Map 4A of the Middleway District as found in Deed Book 772 at Page 519. Mason Carter presented the violation. Ms. Statler was not present. Mr. Marken motioned to find Ms. Statler in violation of the Jefferson County Zoning and Development Ordinance. Mr. Lewandowski seconded the motion which carried unanimously.

2. Declaration of violation for Mr. Olan D. Hott of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 24 on Tax Map 10A of the Harpers Ferry District as found in Deed Book 955 at Page 151. Mason Carter presented the violation. Mr. Hott was not present. Mr. Lewandowski motioned to find Mr. Hott in violation of the Jefferson County Salvage Yard Ordinance. Mr. Sims seconded the motion which carried unanimously.

3. Declaration of violation for Mr. and Mrs. Kirby Nell of the Jefferson County Improvement Location Permit Ordinance for the placement of a deck on property designated as Parcel 37 on Tax Map 9C of the Harpers Ferry District as found in Deed Book 957 at Page 548. Mason Carter stated that this property is in compliance. Mr. Carter further stated that Mr. Nell did apply for a building permit. Renny Smith arrived at 7:06 p.m.

4. Postponed from the January 11, 2005 meeting. Declaration of violation for Mr. Gary Cox of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 46 on Tax Map 13J of the Harpers Ferry District as found in Deed Book 856 at Page 647. Mason Carter presented the violation. Mr. Cox was not present. Mr. Sims motioned to find Mr. Cox in violation of the Jefferson County Salvage Yard Ordinance. Ms. Smith seconded the motion which carried unanimously.

5. Final Plat Public Hearing for the Eastland Subdivision, Section V-B, Lots 110-122. 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 8 for and 1 opposed (Mr. Lewandowski).

6. Community Impact Statement for Fellowship Bible Church. Staff stated that the engineering firm asked for postponement of this item until the April 12, 2005 meeting. Mr. Marken motioned to postpone this Community Impact Statement until the April 12, 2005 meeting. Mr. Lewandowski seconded the motion which carried unanimously.

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7. Community Impact Statement for Lake Forest Estates Subdivision. Staff stated that the developer asked for postponement of this item until the April 12, 2005 meeting. Mr. Roper motioned to postpone this item until the April 12, 2005 meeting. Ms. Smith seconded the motion which carried unanimously.

8. Request by American Acreage, LLC/Lake Forest Estates Subdivision for the following variances from the Jefferson County Subdivision Ordinance:

1. Article 8, Section 8.2.e.3 - 3:1 depth to width ratio for Lot 34-Residue; and,
2. Article 8, Section 8.1.e.3. - Pipestem provision for Lot 34-Residue.

Staff stated that the developer asked for postponement to hear these variances until the April 12, 2005 meeting. Ms. Smith motioned to postpone this item until the April 12, 2005 meeting. Ms. Kern seconded the motion which carried unanimously.

9. Postponed from the March 8, 2005 meeting. 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.8.b of the Jefferson County Subdivision Ordinance). John Kusner presented the request. Staff recommended approval. Mr. Roper motioned to advance the proposed 2 lot subdivision to the final plat stage. Mr. Marken seconded the motion which carried unanimously.

10. Request by Richmond American Homes of VA, Inc., for a variance from resubdivision to allow a minor plat change for Lot 374 of the Locust Hill Subdivision to correct an incorrect setback line. Fred Ameen with PHRA presented the request. Staff recommended approval to correct the error made on the final plat, as the variance is still in compliance with the Ordinance. Mr. Kane motioned to grant the variance request. Ms. Kern seconded the motion. Mr. Marken made an amendment to the motion that the variance be approved contingent upon approval by the Homeowners Association. Mr. Lewandowski seconded the amendment to the motion which failed with a vote of 2 for (Mr. Marken and Mr. Lewandowski) and 7 opposed. The original motion passed unanimously.

11. Site Plan approval and issuance of the Improvement Location Permit for a temporary/trailer for Premier Bank, Inc. Staff and engineer recommended approval of the Site Plan and issuance of the Improvement Location Permit. Mike Shepp with Dewberry answered questions asked by the Planning Commission. Mr. Kern motioned to approve the Site Plan and issuance of the Improvement Location Permit subject to a October 1, 2005 removal date. Mr. Marken seconded the motion which passed unanimously.

12. Request by Mike Shepp on behalf of the Beacon Hill and Mission Ridge subdivisions to submit a revised Community Impact Statement which will address a series of mergers from the Mission Ridge Subdivision to create a second entrance for Beacon Hill (Article 6, Section 6.0 of the Jefferson County Subdivision Ordinance). Mike Shepp presented the request. Matt Powell spoke answered questioned from the Planning Commission. Staff recommended approval. Mr. Raco stated that any category affected by the additional lots will be addressed and that the time line starts over. Mr. Raco further stated that the developer will need to get an updated highway entrance permit and that part of the property is under preservation of natural conditions. Ms. Smith motioned to approve the request for a revised Community Impact Statement. Mr. Roper seconded the motion which carried unanimously. Mr. Sims stated that he prefers to see a complete Community Impact Statement. Mr. Lewandowski stated that he agreed that the old Community Impact Statement and the addendum should all be in a single document not separate.

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13. Request by Greg Corliss to determine whether the County Commission's proposed Zoning Ordinance amendments are consistent with the Comprehensive Plan. Mr. Corliss stated that 8A suggests that the proposed Zoning Ordinance amendments come back again to the Planning & Zoning Commission to see if the changes are consistent with the Comprehensive Plan. Mr. Raco stated that they separated the written comments into four piles; 8A, LESA scoring; agricultural use and a major work pile. Mr. Raco stated that the biggest change is the bonus density for clustering. Ms. Kern stated that she would like the proposed amendments to go to a Public Hearing. Mr. Dailey stated that he did not think the amendments needed to go to a Public Hearing as the Comprehensive Plan doesn't state that. Mr. Raco stated that the amendments were written and approved by the Prosecuting Attorney's office.

Mr. Kane stated that under Item 7 - Agricultural Use that the word land should be lamb.

Mr. Lewandowski motioned that the portion of LESA scoring regarding proximity to school less than two miles equals 0 points should be changed to less than 2 miles with pedestrian access should be 0 points. Mr. Sims seconded the motion which failed with a vote of 3 for (Mr. Lewandowski, Mr. Sims and Ms. Smith) and 6 opposed.

Mr. Lewandowski motioned to recommend striking the sentence on Page 15, Section 7.5a that reads: Any discussion shall be limited to the proposal's compatibility as presented rather than whether the site should be developed by any other use. Mr. Sims seconded the motion which failed with a vote of 3 for (Mr. Lewandowski, Mr. Sims and Ms. Smith) and 6 opposed.

Mr. Lewandowski also stated that as a part of the motion require that the compatibility assessment meetings take place in the evening hours. Mr. Lewandowski withdrew with motion.

Staff stated that the proposed changes are consistent with the Comprehensive Plan. Mr. Lewandowski motioned that the amendments are consistent with the Comprehensive Plan. Mr. Sims seconded the motion which carried unanimously.

Ms. Kern motioned to have the Planning & Zoning Commission recommend to the County Commission that they immediately begin work on a traditional zoning ordinance with a target completion and active date of March 31, 2006. Mr. Kane seconded the motion which carried unanimously.

Mr. Raco stated that on page 10, 5.7(d)2d, the recommendation is that the report of clustering get submitted to the Planning Commission together with the Community Impact Statement. Mr. Lewandowski motioned that the report of clustering get submitted to the Planning Commission together with the Community Impact Statement. Mr. Kane seconded the motion which carried unanimously.

14. Correspondence. The Conversation Fund Green Infrastructure Assessment. Mr. Raco presented the information on The Conservation Fund. Mr. Raco recommended having a Special Meeting on Tuesday, May 3, 2005 for a presentation by Lewis Grim on the transportation plan approved by the Metropolitan Planning Organization and also schedule Joseph Hankins to do a presentation on the green infrastructure. Mr. Raco also recommended inviting the Sheriff on that date. Mr. Lewandowski motioned to have a Special Meeting on May 3, 2005 at 7:00 p.m. with the speakers being Mr. Grim, Mr. Hankins and Sheriff Boober. Mr. Sims seconded the motion which carried unanimously.

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Mr. Lewandowski motioned to put on the agenda for the April 12, 2005 meeting, to discuss the position of Planner; whether we need one; and if the Planning & Zoning Commission has sufficient staff. Mr. Sims seconded the motion which carried unanimously.

Mr. Raco stated that per Planning & Zoning Commission's request, that he has invited Bill Beaumet, who is the new Director with the U.S. Customs Service in Harpers Ferry to speak at the April 12, 2005 meeting to discuss what their operations entail.

Mr. Raco stated that Greg Jones, Assistant Prosecuting Attorney, is present to meet with the Planning & Zoning Commission about pending litigation. Mr. Raco further stated that this is not an Executive Session but a session between client and lawyer privilege. Mr. Raco stated they needed to adjourn and speak to Mr. Jones privately. Mr. Roper motioned to adjourn. Mr. Marken seconded the motion which carried unanimously.

The meeting adjourned at 9:10 p.m. on March 22, 2005. A detailed transcript of this meeting can be found on CD #46 and #47. These minutes were prepared by Sherry Cole.

