

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
APRIL 26, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, April 26, 2005 with Arnie Dailey, President, presiding. Other Planning Commission members present were: John Sims, Bill Lewandowski, Todd Baldau, Russell Roper, Rosella Kern, and Greg Corliss. Staff members present were Paul Raco, Roger Goodwin, Sherry Kelly, Mason Carter and Sherry Cole.

Tom Kane was absent with notification.

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

4. Final Plat Public Hearing for the Benview Subdivision, Lots 1-42. Mr. Dailey stated that the applicant asked for a postponement until the May 10, 2005 meeting. Mr. Lewandowski motioned to postpone this item on the agenda until the May 10, 2005 meeting. Mr. Sims seconded the motion which carried unanimously.

1. Declaration of violation for Ms. Mimi M. Rogers of the Jefferson County Zoning and Development Review Ordinance for the operation of an auto body shop on property designated as Parcel 29 on Tax Map 12A of the Shepherdstown District as found in Deed Book 923 at Page 701. Mason Carter asked for postponement of this item until the May 10, 2005 meeting. Mr. Lewandowski motioned to postpone this item until the May 10, 2005 meeting. Ms. Kern seconded the motion which carried unanimously.

2. Postponed from the April 12, 2005 meeting. Action on the Final Plat Public for the George and Edna Enos Subdivision, Lot 1-Residue & Lots 2 & 3. Mr. Baldau arrived at 7:05 p.m. Mr. Lewandowski motioned to postpone any discussion and action regarding any final plats until the May 10, 2005 meeting until guidance is received from the prosecuting attorney on appropriate law. Mr. Baldau seconded the motion. The motion passed with a vote of 6 for and 1 opposed (Mr. Dailey).

Mr. Lewandowski motioned to reconsider the minutes from the April 12, 2005 meeting. Mr. Sims seconded the motion which carried unanimously. Mr. Baldau stated that on page four under item #18 correspondence, in the fourth paragraph, that the word form should be changed to forum. Mr. Lewandowski motioned to change the word form to forum. Ms. Kern seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the Quarter Farm Subdivision. The developer asked for postponement until the May 10, 2005 meeting. Postponed until the May 10, 2005 meeting. See Item #2.

5. Final Plat Public Hearing for the John D. Lowe II Subdivision. Postponed until the May 10, 2005 meeting. See Item #2.

6. Final Plat Public Hearing for the Haynes-Foltz, L.C. Minor Subdivision, Lot 1 & 2-residue. Postponed until the May 10, 2005 meeting. See Item #2.

MINUTES - JEFFERSON COUNTY PLANNING & ZONING COMMISSION
APRIL 26, 2005
PAGE TWO

7. Community Impact Statement Review for the Sunnyside Industrial Park.. Rosella Kern recused herself from this item on the agenda due to a long standing business connection. Annette van Hilst presented the Community Impact Statement. Ms. van Hilst stated that they made an agreement with adjacent property owners that the height of the buildings would not be over 50 ft and that the buildings would be earth tone in color. Attorney Jim Campbell presented the request asking that they not be required to do a Community Impact Statement for each user. Attorney Campbell also stated that they would put in the covenants that the users in Article 5.6b of the Zoning Ordinance would not be permitted in this subdivision. Staff (Mr. Raco) stated that against Staff recommendation that the County Commission approved this property to be rezoned about 17 or 18 years ago. Staff stated that during a limited Community Impact Statement review that the engineer and planner would review the impact on all infrastructure and service needs (traffic, water, sewer) and notify agencies. There was public comment from Caleb Burns, Jr., Tom Willas, Rusty Morgan, Nancy Lutz, Paul Burke, Jim Huyett, and Linda Case. Attorney Campbell rebutted and stated that they had agreed to the earth tone color of the building and 50 ft. height restriction. Staff recommended approval of the Community Impact Statement with the proffers offered by the developer which are 50 ft. height restriction on buildings, earth tone color buildings, no uses permitted under Section 5.6B, down shielded directed lighting, 4.11B buffer requirements no less than 200' wide buffer for industrial uses in the Rural District. Staff also recommended a limited Community Impact Statement that shows any infrastructure impact. Mr. Lewandowski motioned to approve the Community Impact Statement with staff contingencies which are 50' height restriction on buildings, earth tone color on buildings, shielded down directed lighting, water and sewer - groundwater, limited community impact statement and buffer requirements and all the staff recommendations. Mr. Sims seconded the motion. Mr. Sims made an amendment to the original motion to require the developer to do a small hydrology study to determine the flow into Bullskin Run and the water quality. Mr. Lewandowski seconded the motion which passed with a vote of 4 for and 2 opposed (Mr. Roper and Mr. Dailey). The original motion passed unanimously.

10. Request by Lloyd D. and Elistine A. Swisher for a variance from the minimum lot size requirements for a proposed merger to an existing parent to child lot (Article 2, Section 2.1a of the Jefferson County Subdivision Ordinance). Attorney Charlie Howard presented the variance request. Staff recommended approval of the variance with health department approval as there are no additional building rights being created. Mr. Lewandowski motioned to approve the variance with staff contingencies. Mr. Sims seconded the motion which carried unanimously.

8. Postponed from the April 12, 2005 meeting. Appeal by Braun Hamstead on behalf of Paul L. and Donna K. Ashbaugh of the Staff's determination pertaining to a proposed merger exemption. Attorney Braun Hamstead asked for postponement of this item until the May 10, 2005 meeting as Mr. Ashbaugh was unable to attend the April 26, 2005 meeting. Mr. Roper motioned to postpone this item until the May 10, 2005 meeting. Mr. Sims seconded the motion which carried unanimously.

9. Postponed from the April 12, 2005 meeting. Request by Alex Rahmi on behalf of Bon Air to advance a 2 lot subdivision to the final plat stage. Attorney Braun Hamstead presented the request. Staff recommended approval noting that each lot would be limited to a single family dwelling unless fully processing through the Ordinance. Mr. Lewandowski motioned to approve the request to advance a 2 lot subdivision to final plat stage. Mr. Roper seconded the motion which carried unanimously.

MINUTES - JEFFERSON COUNTY PLANNING & ZONING COMMISSION
APRIL 26, 2005
PAGE THREE

11. Planning Commission discussion of the Chief Planner position; whether one is needed, and if the Planning Commission has sufficient staff. Mr. Dailey asked that this item be postponed until the May 10, 2005 meeting because one of the members of the Planning Commission is not present due to a death in the family. Mr. Dailey further stated that this member has some insight on this item on the agenda. Mr. Baldau and Mr. Sims stated that they wanted the discussion at tonight's meeting. There was discussion by the Planning Commission regarding the Chief Planner position. John Sims made reference to his memo. Ms. Kern stated she wanted a planner to do long range planning, draft a new Ordinance, new State planning law, work program, land use, infrastructure. Staff stated that Sherry Kelly, Planner, has 5 years experience as a planner and a masters degree in geography/planning. Staff further stated that the Chief County Engineer, Roger Goodwin, is a P.E. for with 20 years experience. Mr. Raco stated that he has 19 years experience with Jefferson County. Mr. Baldau motioned that the Jefferson County Planning Commission formally requests that the Jefferson County Commission create a position responsible for long-term land-use planning. This position would report directly to the Planning Commission and would operate independently of the County's Department of Planning, Zoning, and Engineering. The Planning Commission requests that the County Commission create a separate account solely for this position and fund it for the fiscal year beginning on July 1, 2005. This position would have the following minimum criteria:

- a base salary of \$70,000.00 per year (not including benefits);
- a four degree from an accredited institution or an equivalent combination of education and experience;
- certification by a nationally-recognized, professional planning body;
- at least five years experience as a professional public planner.

Mr. Sims seconded the motion which passed with a vote of 4 for and 3 opposed (Mr. Roper, Mr. Corliss and Mr. Dailey).

12. Request by Greg Corliss to discuss "Planning Commission Work Program". Staff stated that Mr. Corliss' request for a work program is a good idea. Mr. Lewandowski stated that they need a prioritized work plan. Mr. Lewandowski motioned to request that the County Commission reissue an RFP for both Zoning and Subdivision Ordinances be done by the same vendor. Mr. Sims seconded the motion which carried unanimously. The Commission agreed that Mr. Lewandowski could work out a work program.

13. Correspondence. Staff reminded the Planning Commission of the Special Meeting on Tuesday, May 3, 2005 at 7:00 p.m. Staff stated that Lewis Grimm with Cambridge Systematics, Joe Hankins with the Conservation Fund and Sheriff Everett Boober will make presentations. Sherry Kelly will be present as staff.

The meeting adjourned at 10:50 p.m. on April 26, 2005. A detailed transcript of this meeting can be found on CD #62, 63, 64, and 65. These minutes were prepared by Sherry Cole.

