

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
SPECIAL MEETING  
JUNE 2, 2005

The Jefferson County Planning & Zoning Commission met on Thursday, June 2, 2005 with Arnie Dailey, President, presiding. Other Planning Commission members present were: John Sims, Bill Lewandowski, Todd Baldau, Tom Kane, and Greg Corliss. Staff members present were Paul Raco, Sherry Kelly, Kim Shrader and Sherry Cole.

Russell Roper was absent without notification.

Mr. Dailey called the Meeting to order at 7:03 p.m. Mr. Baldau motioned to amend the minutes of the May 10, 2005 meeting as follows: (1) Item #3, line 4 and 5 change to read Staff recommended docketing this item until the May 24, 2005 meeting if we have an answer from the Prosecuting Attorney or the June 14, 2005 meeting if not; (2) Item #5, take out the sentence which reads "Staff requested that the Planning & Zoning Commission provide him with a copy of any ex parte communication within 7 days"; (3) Arnie Dailey told Mr. Baldau and Mr. Sims that they could not represent the Planning & Zoning Commission as a whole at the County Commission as they did once in the past; (4) Item #14. Correspondence - Answer from Greg Jones, Assistant Prosecuting Attorney, submit to Ethics Board. Mr. Lewandowski motioned to amend the minutes of the May 10, 2005 meeting. Mr. Sims seconded the motion which carried unanimously.

Tom Kane arrived at 7:12 p.m.

7. Postponed from the May 10, 2005 meeting. Community Impact Statement Review for the King's Crossing Subdivision. Staff stated that no answer has been received from the City of Charles Town and due to a lack of quorum staff recommended re-docketing for the June 14, 2005 meeting.

4. Postponed from the May 10, 2005 meeting. Action on the Final Plat for the George and Edna Enos Subdivision, Lot 1-Residue & Lots 2 & 3. Staff recommended re-advertisement of 30 days for the Final Plat Public Hearing due to no quorum and redocket.

1. Declaration of violation for Mr. Thomas Griffith of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 143 on Tax Map 13K of the Harpers Ferry District as found in Deed Book 976 at Page 501. Sherry Kelly, Planner, presented the violation. Tom Griffith was present and asked for a 6 month extension. Mr. Lewandowski motioned to grant a 90 day extension. Mr. Sims seconded the motion which carried unanimously.

2. Declaration of violation for Mr. Clarence Haymaker of the Jefferson County Improvement Location Permit Ordinance for placement of a propane tank on property designated as Parcel 74 on Tax Map 1 of the Charles Town District as found in Deed Book 987 at Page 195. Sherry Kelly presented the violation. Clarence Haymaker stated that the propane tank will be removed from the property by the end of June. Staff recommended a 60 day extension. Mr. Lewandowski motioned to grant a 60 day extension. Mr. Kane seconded the motion which carried unanimously.

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3. Final Plat Public Hearing for the Quarter Farm Subdivision. Staff recommended approval of the final plat as the road agreement has been signed between the developer, Mr. Stolipher and Mr. Roach. There was public comment from Claus Bader and Cliff Stolipher. The public hearing was closed. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. Mr. Kane motioned to approve the final plat subject to staff contingencies and the merger of the dedicated open space to Mr. Stoliper. Mr. Corliss seconded the motioned which carried unanimously.

5. Final Plat Public Hearing for the McNutt Minor Subdivision, Lots C1 & C2. There was no public comment. The public hearing was closed. Staff stated that there was no one present to represent the final plat for the McNutt Minor Subdivision. President Dailey reopened the public hearing until the June 14, 2005 meeting as there was no one present to represent the final plat. Mr. Lewandowski motioned to postpone the public hearing and action on the final plat until the June 14, 2005 meeting. Mr. Sims seconded the motion which carried unanimously.

6. Final Plat Public Hearing for the Burwell S. Ware, et al Minor Subdivision, Lots 1, 2 & 3-Residue. There was no public comment. The public hearing was closed. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Lewandowski motioned to approve the final plat with staff contingencies. Mr. Sims seconded the motion which carried unanimously.

8. Community Impact Statement Review for the Rattlesnake Run Subdivision. Annette van Hilst presented the Community Impact Statement. Mike Shepp and Annette van Hilst answered questions from the Planning & Zoning Commission. There was public comment from Sanford Walters, Hank Willard, John DeGursie and Lynn Yellette. The public hearing was closed. Ms. van Hilst and Mr. Shepp rebutted. Staff stated that the Community Impact Statement has met all ordinance requirements and recommended acceptance of the Community Impact Statement with the following conditions proffered by the developer: (1) noting on the plat that the road does flood on occasion; (2) there will be buffering between the proposed building lots and Rattlesnake Run; and, (3) the buffer will remain in natural conditions. Mr. Lewandowski motioned to reject the Community Impact Statement based on the following: (1) wells and septic in relationship to the flood plain; (2) protection of Rattlesnake Run; (3) support services; and, (4) progress review at preliminary plat stage regarding Hillside Development. Mr. Sims seconded the motion which passed with a vote of 4 for (Mr. Lewandowski, Mr. Sims, Mr. Baldau and Mr. Corliss) and 2 opposed (Mr. Dailey and Mr. Kane).

9. Community Impact Statement Review for the Shirley Estates Subdivision. Annette van Hilst presented the Community Impact Statement. There was no public comment. The public hearing was closed. Staff recommended acceptance of the Community Impact Statement. Mr. Lewandowski motioned to accept the Community Impact Statement noting the following areas of concern and asking that the developer take a look at them at the final plat stage: (1) Review roads/emergency vehicle; (2) Comments by the Independent Fire Company; and, (3) Waste Management letter. Mr. Sims seconded the motioned which carried unanimously.

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10. Request by The Kenneth F. Lowe, Jr., Revocable Trust for the following variances for a proposed subdivision:

1. Minimum lot size requirements from 20,000 square feet to 12,410 square feet for lot 1A, (Article 8, Section 8.2.e.1 of the Jefferson County Subdivision Ordinance) and:
2. Advancement to the final plat stage (Article 6 of the Jefferson County Subdivision Ordinance).

Dick Klein presented the variance request. Staff recommended approval of the lot size reduction and advancement to Final Plat conditioned that the septic is in working condition on Lot 1A and they obtain Health Department approval. Mr. Lewandowski motioned to approve the final plat contingent upon the septic system working properly prior to final plat. Mr. Sims seconded the motion which carried unanimously. Mr. Lewandowski motioned to approve the variance on Lot 1A subject to staff contingencies to advance parcels to Final Plat. Mr. Sims seconded the motion which carried unanimously.

11. Request by Bramble Croft, LLC/Peter Corum for permission to start renovation/construction of his home while processing the Crofts of Shepherdstown Subdivision (Article 8, Section 8.2.c.5 of the Jefferson County Subdivision Ordinance). Peter Corum presented the request. Staff recommended approval of the request, but deferred to the County Engineer. Kim Shrader, County Engineer, recommended approval of the request conditioned on installation of erosion and sediment control before the Improvement Location Permit is issued. Mr. Kane motioned to approve the variance request with staff contingencies. Mr. Corliss seconded the motion which carried unanimously.

12. Request by the Jefferson County Commission for a waiver from the site plan process for the construction of a 40' x 14' concrete pad for outdoor pens (Article 4 of the Jefferson County Improvement Location Permit Ordinance). Bill Dunn presented the request. Staff recommended approval of the request. The County Engineer recommended approval subject to erosion and sediment control measures being installed. Mr. Sims motioned to approve the request. Mr. Kane seconded the motion which carried unanimously.

13. Determination from the Planning Commission on a proposed rezoning of Parcel 3 on Tax Map 1 of the Middleway District owned by William T. Wheeler, Trustee - Brigham Day Paving Company for consistency with the Jefferson County 2004 Comprehensive Plan. Jane Peters, Director of the Development Authority and Ken Lowe of Ken Lowe Management Company, who represents the owner of the property, presented the request. Staff stated that when you look at the development it is more consistent with the current Comprehensive Plan than not. Mr. Kane motioned that the Planning Commission find that the proposed rezoning of this property is consistent with the current Comprehensive Plan. Mr. Corliss seconded the motion which passed with a vote of 5 for and 1 opposed (Mr. Lewandowski).

14. Green Infrastructure Study. Mr. Corliss stated that he wanted the planner position put on the June 14, 2005 agenda. Staff stated that the County Commission agreed to hire a long range planner. Mr. Lewandowski motioned to make a request to the County Commission to make funds available for the Green Infrastructure Study. Mr. Kane seconded the motion which carried unanimously.

15. MARC Train Transportation Plan/Study. Fred Blackmer, President of Pan Tran, made a presentation.

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16. Correspondence. Letter dated May 5, 2005 from Gregory Jones regarding internet actions.

Letter dated May 24, 2005 from Gregory Jones, Assistant Prosecuting Attorney regarding: (1) ability to proceed with the Enos Subdivision; and, (2) ability to vote on a project when absent from prior hearing.

Letter dated May 26, 2005 from Michael Thompson, Prosecuting Attorney regarding research requests directed to the Office of the Prosecuting Attorney.

Letter dated June 1, 2005 from Gregory Jones regarding FOIA Request from Paul Rosa.

Letter dated June 1, 2005 from Gregory Jones regarding Breckenridge East Subdivision.

Mr. Kane requested that all developers send correspondence by regular mail only and not returned receipt requested. Staff asked the Planning & Zoning Commission if they all want to receive their correspondence by regular mail in lieu of return receipt requested mail. All planning commissioners want to receive their correspondence by regular mail.

The meeting adjourned at 10:22 p.m. on June 2, 2005. A detailed transcript of this meeting can be found on CD # 79, #80, #81 and #82. These minutes were prepared by Sherry Cole.