

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
JUNE 26, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, July 26, 2005, with John Sims, Vice President, presiding. Other Planning Commission members present were: Bill Lewandowski, Todd Baldau, Russell Roper, John Sidor, Mary Lehman, Tom Kane, and Greg Corliss. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

Mr. Sims called the Meeting to order at 7:01 p.m. Mr. Baldau motioned to amend and approve the minutes of the July 12, 2005 meeting as follows:

Mr. Lewandowski seconded the motion which carried unanimously

Tom Kane arrived at 7:03 p.m.

1. Final Plat Public Hearing for the Timothy Lee Grim and Brenda Lee Turner Minor Subdivision, Lots 1, 2 & 3-Residue. Staff stated that the applicant asked for a postponement until the August 9, 2005 meeting. Mr. Sims opened the public hearing. There was no public comment. The public hearing was closed. Mr. Lewandowski motioned to disapprove the final plat. Mr. Kane seconded the motion which carried unanimously.

2. Postponed from the June 14, 2005 meeting. Community Impact Statement Review for the King's Crossing Subdivision. Staff stated that the applicant asked for a postponement until the July 12, 2005 meeting, as they are working with the City of Charles Town to get the letter regarding sewer capacity. Mr. Baldau motioned to postpone this item until the July 26, 2005 meeting and re-advertise a new public hearing. Mr. Lewandowski seconded the motion which carried unanimously.

3. Community Impact Statement Review for the Falcon Ridge Subdivision. Staff stated that the developer asked for a postponement until the July 12, 2005 meeting. Mr. Lewandowski motioned to postpone this item until the July 12, 2005 meeting. Mr. Baldau seconded the motion which carried unanimously.

4. Request by George and Edna Enos to postpone the final plat public hearing for their proposed subdivision from July 12, 2005 until July 26, 2005 meeting. Staff stated that Mr. and Mrs. Enos requested a postponement until the July 26, 2005 meeting, as they will be in Charleston on July 12, 2005. Mr. Dailey requested the developer waive the 60-day plat approval. Staff stated that it is the prosecuting attorney's opinion that when the applicant requests postponement that the applicant is automatically granting the waiver of that 60-day requirement because the applicant is the one asking for the postponement. Ron Parr and George Enos declined to waive the 60-day right and stated they would do the hearing on July 12, 2005. Mr. Lewandowski motioned to not postpone the final plat public hearing. Mr. Sims seconded the motion which carried unanimously.

Tom Kane arrived at 7:08 p.m.

1. Final Plat Public Hearing for the Benview Subdivision. Attorney Jim Campbell made a presentation. Mr. Dailey opened the public hearing. There was public comment from Dr. Clasen, Paul Rosa, Scott Faulkner, Carol Gallant, Bob Dubose, John Maxey, Erin Haddack, Loretta Fisher, Frances Latterell, Vickie Faulkner, Dick Latterell, Paul Wilson, Barbara Humes and Beth Haney. The Public Hearing was closed. Attorney Jim Campbell and Mike Shepp rebutted. Staff stated that they find the final plat has addressed all subdivision ordinance regulations and recommended approval of the final plat. Staff also stated that under Article 6, #18, page 23, that it states you can approve as is, approve with conditions or reject the final plat.

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Kim Shrader, County Engineer stated that per Roger Goodwin, Chief County Engineer, that all technical requirements have been met. Mr. Kane motioned to disapprove the final plat for Benview Subdivision due to the proposed density of the subdivision and incompatibility with the existing uses, such as parks, firing range, etc., and incompatible with the surrounding areas. Mr. Baldau seconded the motion which passed with a vote of 5 for and 4 opposed ( Mr. Dailey, Ms. Lehman, Mr. Roper and Mr. Sidor).

5. Request by Mike Lowrey on behalf of Rock Spring Church for a temporary waiver from the site plan process to work on the interior of an existing building while processing a site plan. Mike Lowrey presented the request. Kim Shrader, County Engineer stated that this is a change in use and an approved site plan is required. Staff needs to look at parking, storm water management, parking setbacks, and buffers. Problems may arise that may make site plan approval difficult. Staff recommended denial of this variance. Mr. Corliss motioned to grant the variance for a temporary waiver from the site plan process to work on the interior of an existing building while processing a site plan contingent upon requiring an Improvement Location Permit for the steel structure on the second floor, two baths and a sprinkler system. Mr. Baldau seconded the motion which passed with a vote of 5 for and 4 opposed (Mr. Dailey, Ms. Lehman, Mr. Lewandowski and Mr. Sidor).

6. Request by Braun Hamstead on behalf of Earl Wilbourne and William and Mary Armentrout to lift the plat condition of Henesy Corners requiring all lots to be served by an internal subdivision road; and, to advance a proposed 2 lot subdivision to the final plat stage. Mr. Dailey stated that Attorney Hamstead requested a postponement until the July 12, 2005 meeting since it is now late at night. Mr. Lewandowski motioned to postpone this item until the July 12, 2005 meeting. Ms. Lehman seconded the motion which carried unanimously.

7. Request by Linda Sweeney and Howard Bliss to allow the change of the residue designation from lot 2 to lot 1 of the Linda Sweeney Subdivision (PC File #93-22, Article 6, Section 6.0 of the Jefferson County Subdivision Ordinance). Staff stated that Ms. Sweeney requested a postponement until the July 12, 2005 meeting. Mr. Sims motioned to postpone this request until the July 12, 2005 meeting. Mr. Lewandowski seconded the motion which carried unanimously.

8. Request by Patricia Sanderson for permission to begin construction of her home during the planning and review process of the proposed Longfield Subdivision (Article 8, Section 8.2c of the Jefferson County Subdivision Ordinance). Patricia Sanderson presented the request. Staff recommended approval of the variance request contingent upon setbacks being met and issuance of a Building Permit. Mr. Lewandowski motioned to approve this request with staff contingencies. Ms. Lehman seconded the motion which carried unanimously.

9. Correspondence. (1) Letter dated June 6, 2005 from Thomas Walters with the U.S. Customs and Border Protection. (2) Brochure regarding a one day seminar on Zoning and Lane Use in West Virginia on 8-3-05 in Morgantown, WV. (3) Request for Proposals of Subdivision Ordinance and Zoning Ordinance. (4) Mr. Kane presented a copy of a letter he received from the City of Charles Town Utility Board.

The meeting adjourned at 10:00 p.m. on June 28, 2005. A detailed transcript of this meeting can be found on CD #93, #94 and #95. These minutes were prepared by Sherry Cole.

