

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
JULY 12, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, July 12, 2005 with Arnie Dailey, President, presiding. Other Planning Commission members present were: John Sims, Bill Lewandowski, Todd Baldau, Russell Roper, John Sidor and Greg Corliss. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

Mary Lehman and Tom Kane were absent with notification.

Mr. Dailey called the Meeting to order at 7:02 p.m. Mr. Baldau motioned to amend the minutes of the June 28, 2005 meeting as follows: (1) under Item #2 take out the word "special" meeting. (2) under item #1 in regards to the motion that Mr. Kane made with regards to the Benview Subdivision add incompatible with the surrounding areas; (3) on page #2, Item #5, line 4, spell out change SWM to read storm water management. Mr. Sims seconded the motion which carried unanimously.

1. Final Plat Public Hearing for the George and Edna Enos Subdivision, Lot 1-Residue & Lots 2 & 3. Mr. Dailey stated that he had received a 60 day rule letter from Prosecuting Attorney Greg Jones. Staff stated that the prosecuting attorney suggested that the Planning Commission approve the Final Plat because of the 60 day rule, and if not then deny and move to the final plat public hearing. Mr. Lewandowski motioned to deny and proceed with the final plat public hearing. Mr. Baldau seconded the motion which carried unanimously. Attorney Frank Hill stated that he would like to reserve his time to speak after the public comment. Mr. Dailey opened the public hearing. There was public comment from Walter Monk, Carol Wood, Matt Jones, Judy Jones and Steve Perkins. The public hearing was closed. Attorney Frank Hill rebutted. Attorney Hill stated that the Enos' agreed to move the road 10' away from Deer Mountain common boundary and to install a new guardrail. Staff stated that per the mediation meeting with the Homeowners Association and with the Enos' that it was agreed upon to put the following in the covenants: (1) pave road; (2) no all terrain vehicles (3) agreed to provide wider turn around. Attorney Hill reaffirmed. Staff recommended approval of the final plat based on the variance request and stated that the plat meets all the ordinance requirements and recommended approval of the final plat with the following conditions: (1) to shift the proposed subdivision road over and install a guardrail that meets Dept. of Highways/AASHTO standards, no less than 10 feet from the common property line with Deer Mountain Estates, provided it does not conflict with Dept of Highways regulations; (2) Pave the proposed subdivision road; (3) Widen the turn around at the end of the subdivision road (4) state in the covenants that no off-road vehicles are permitted; (5) require all waste pickup at the State road and contingent upon submission of original signed plats, bonding and recordation within 90 days. Mr. Lewandowski motioned for a 2 minute break. Mr. Sims seconded the motion which carried unanimously. Don Bailey with Resource International spoke about site distance on the main road and running the guard rail at the edge of the bank. Mr. Lewandowski motioned to approve the final plat with staff contingencies; (1) road moved 10' away from the common boundary and guardrail placed 10' away along entire length unless distances violate Department of Highway approval (2) pave road (3) no off road vehicles allowed the use of the road (4) Widen the turnaround at the end of the road (5) require all waste pickup at the State road. Mr. Sims seconded the motion. Mr. Baldau amended the original motion to the guard rail being no less than 10' from the common boundary. Mr. Corliss seconded the amendment to the motion which passed with a vote of 5 for and 2 opposed (Mr. Dailey and Mr. Roper). The original motioned carried unanimously.

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2. Postponed from the June 28, 2005 meeting. Community Impact Statement Review for the Falcon Ridge Subdivision. Staff stated that the developer asked for a postponement until the July 26, 2005 meeting due to outstanding staff comments that have not yet been addressed. Mr. Lewandowski motioned to postpone until the July 26, 2005 meeting. Mr. Sidor seconded the motion which carried unanimously.
3. Community Impact Statement Review for the Longfield Subdivision. Staff stated that the developer asked for an indefinite postponement. Staff recommended postponement indefinitely and re-advertisement. Mr. Lewandowski motioned to postpone the Community Impact Statement Review indefinitely and re-advertise. Mr. Sims seconded the motion which carried unanimously.
4. Community Impact Statement Review for the Beacon Hill Estates Subdivision, Phase II, Lots 21-31 & Residue. Annette van Hilst made a presentation. Mr. Dailey opened the public hearing. There was no public comment. Mr. Dailey closed the public hearing. Staff stated that the Community Impact Statement meets all requirements of the subdivision ordinance and recommended acceptance of the Community Impact Statement. Mr. Lewandowski motioned to approve the Community Impact Statement conditioned on the following: (1) Hillside development review at preliminary plat (2) at preliminary plat provide a Forest Management Plan (3) Legal review by the prosecuting attorney because of density as a result of merger (4) prior to final plat the developer must satisfy all community service letters. Mr. Sims seconded the motion which carried unanimously. Staff suggested obtaining a legal opinion on condition #4.
5. Postponed from the June 28, 2005 meeting. 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. Lewandowski motioned to deny the request because of no representation of parties. Mr. Sims seconded the motion which carried unanimously.
6. Postponed from the June 28, 2005 meeting. 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). Staff stated that Ms. Sweeney asked for postponement indefinitely. Staff concurred with this request. Mr. Lewandowski motioned to remove this item from the docket. Mr. Sims seconded the motion which carried unanimously.
7. Request by Todd Synder/Crosswinds Homeowner's Association for a waiver from the site plan process for the construction of a basketball court. Todd Synder presented the request. Kim Shrader, County Engineer recommended a redline revision to the preliminary plat to demonstrate that required setbacks are met and existing storm water management facility is capable of handling the increase in impervious area. Staff recommends denial of the variance. Mr. Lewandowski motioned to deny the variance and require a redline revision to the preliminary plat. Mr. Sims seconded the motion which carried unanimously.
8. Request by Carl V. Taylor, III from upgrading an existing right-of-way and road to County standards for a proposed 1 lot subdivision. Staff stated that Mr. Taylor has requested postponement of the request. Staff concurred with this request. Mr. Lewandowski motioned to remove the request from the docket. Mr. Sims seconded the motion which carried unanimously.

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9. Request by Fellowship Bible Church for permission to install a children's play set while processing a site plan for their church building. Staff recommended approval of the variance. Mr. Sims motioned to approve the variance. Mr. Sidor seconded the motion which carried unanimously.

10. Request by Gary Smith and Kathie Kiss for a variance from upgrading an existing right-of-way and road and proposed right-of-way to County standards for a proposed parent to child transfer of land. Kathie Kiss presented the variance. Staff stated that the lot is not part of a subdivision. Staff recommended denial of the variance stating concerns regarding setbacks from the right-of-way easement and Treeline Drive not meeting County standards. Mr. Lewandowski motioned to postpone the variance request until the July 26, 2005 meeting in order for Ms. Kiss to work with staff to come up with a solution. Mr. Sims seconded the motion which carried unanimously.

11. Request by Christopher Thompson/Cingular Wireless on behalf of the John Darnall property to process a redline revision to the site plan for a larger than approved service pad area. Justin Groth presented the request. Staff recommended approval contingent upon a redline revision. Mr. Lewandowski motioned to approve the request with staff contingencies. Mr. Sims seconded the motion which carried unanimously.

12. Site Plan approval and issuance of the Improvement Location Permit for Blue Ridge Mountain Country Club. John Kincaid was present. Staff recommended approval. Mr. Lewandowski motioned to approve the site plan and issuance of the Improvement Location Permit with staff contingencies. Mr. Sims seconded the motion which carried unanimously.

13. Site plan approval and issuance of the Improvement Location Permit for Shepherdstown Specialty Storage, Inc. Dick Klein was present. Staff recommended approval. Mr. Lewandowski motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Sims seconded the motion which carried unanimously.

14. Correspondence. MPO Seminar on July 18, 2005 in Hagerstown. Karst Conference September 14, 2005 and September 15, 2005 at NCTC in Shepherdstown.

The meeting adjourned at 9:45 p.m. on July 12, 2005. A detailed transcript of this meeting can be found on CD #98, #99 and #100. These minutes were prepared by Sherry Cole.

