

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
JULY 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.

Arnie Dailey was absent with notification.

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: Under Item #1 Final Plat Public Hearing for the George and Edna Enos Subdivision, after Mr. Sims seconded the motion take out "which carried unanimously". 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. Lewandowski suggested asking the applicant to waive the 60 day rule. There was no one present to represent Ms. Turner or Mr. Grim. 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. Mr. Lewandowski motioned staff to have the requester asking for a postponement of final plats to waive the 60 day rule. Mr. Baldau seconded the motion which carried unanimously.

3. Postponed from the July 12, 2004 meeting. Community Impact Statement Review for the Falcon Ridge Subdivision. Staff stated that the developer asked for a postponement until the August 9, 2005 meeting. Mr. Baldau motioned to postpone this item until the August 9, 2005 meeting. Ms. Lehman seconded the motion which carried unanimously.

2. Final Plat Public Hearing for the Ernest S. Moyer Minor Subdivision, Lots 1 & 2-Residue. Mr. Sims opened the public hearing. There was no public comment. Mr. Sims closed the public hearing. Staff recommended postponement of this item until the August 9, 2005 meeting in order for the applicant to address an issue regarding an encroaching shed. Mr. Moyer was present and stated that he would remove the shed. Mr. Lewandowski motioned to continue a decision until the August 9, 2005 meeting. Mr. Baldau seconded the motion which carried unanimously.

4. Community Impact Statement Review for the King's Crossing Subdivision. Annette van Hilst made a presentation. Mike Shepp, Albert Overeem, and Annette van Hilst answered questions from the Planning & Zoning Commission. Mr. Sims opened the public hearing. There was public comment from Ellen May, Jennifer Miller, Eugene Pearson, Dick Latterell, Kelly Baty, Susan Rissler Sheeley, Katherine Smith and Rachel Fluke. The public hearing was closed. Annette van Hilst rebutted. Staff stated that the applicant has met all ordinance requirements and recommended acceptance of the Community Impact Statement. Mr. Lewandowski motioned to disapprove the Community Impact Statement based on the following: (1) the proposed density would aggravate traffic conditions on Route 9; (2) require additional information to mitigate groundwater contamination issues; (3) lack of reasonable assurance from City of Charles Town regarding wastewater capacity; (4) need additional information regarding the adequacy of emergency services; (5) additional information regarding adequacy of public water. Mr. Baldau seconded the motion which carried unanimously.

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5. Request by Annette van Hilst on behalf of Dan Ryan Builders, Inc./Kings Crossing Subdivision for the following variances from the Jefferson County Subdivision Ordinance:

1. Article 8, Section 8.2a(2) - Allow a single "Boulevard" type entrance as opposed to two single entrances; and,
2. Article 8, Section 8.21(14) - Allow two dead end parking lots to have "T" turn arounds as opposed to a 100 feet wide turn around.

Mr. Lewandowski motioned to approve the "Boulevard" type entrance. Mr. Sidor seconded the motion which carried unanimously.

Mr. Baldau motioned to deny the request for the "T" turn arounds. Mr. Kane seconded the motion which carried unanimously.

Mr. Lewandowski asked for a 5 minute recess. Mr. Sims allowed the 5 minute recess. The meeting reconvened.

6. Community Impact Statement Review for the Edgewood at Cress Creek Subdivision Residue. Annette van Hilst made a presentation. Mr. Sims opened the public hearing. There was no public comment. The public hearing was closed. Staff stated that the Community Impact Statement satisfies all ordinance requirements and recommended acceptance. Mr. Lewandowski motioned to approve the Community Impact Statement. Ms. Lehman seconded the motion which carried unanimously.

7. Community Impact Statement Review for Harpers Ferry Plumbing & Heating. Bill Sprague made a presentation. Mr. Sims opened the public hearing. There was no public comment. The public hearing was closed. Staff recommended acceptance of the Community Impact Statement. Mr. Lewandowski motioned to approve the Community Impact Statement. Ms. Lehman seconded the motion which carried unanimously.

8. Postponed from the July 12, 2005 meeting. 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. Staff stated concern with the subdivision road as it does not meet any of the requirements. Staff recommended denial of the variance. Ms. Kiss made a presentation. Mr. Corliss motioned to grant the variance from upgrading an existing right-of-way and road and proposed right-of-way to County standards. Mr. Kane seconded the motion which failed with a vote of 4 for and 4 opposed (Mr. Baldau, Mr. Lewandowski, Mr. Sidor and Mr. Sims).

9. Request by Renny Smith on behalf of the Affordable Housing Committee to present a draft ordinance for consideration. Renny Smith, Pam Poziotti and Karen Hoff with Telemon Corporation made a presentation.

14. Discussion by the Planning Commission and County Commission on the issue of agencies such as fire and rescue not responding to applicant's requests for letters addressing service availability at the Community Impact Statement Stage.

15. Planning Commission discussion of their By-Laws. Mr. Baldau motioned to postpone Item #14 and #15 until the August 9, 2005 meeting. Mr. Lewandowski seconded the motion which carried unanimously.

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10. Motion to reconsider by Braun Hamstead on behalf of Earl Wilbourne and William and Mary Armentrout to reconsider 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 reopen the variance request hearing. Mr. Baldau seconded the request which carried unanimously. Attorney Braun Hamstead presented the variance request. Staff recommended denial of this variance as the Spirit of the Ordinance is to limit direct access on roads. Mr. Lewandowski motioned to approve the variance and to advance the proposed 2 lot subdivision to Final Plat. Mr. Baldau seconded the motion which passed with a vote of 6 for and 2 opposed (Mr. Sidor and Mr. Sims).

11. Request by Chris Smith on behalf of Route 340 Business Center for a partial variance from providing roads with curb, gutter and sidewalks. Mr. Lewandowski motioned to deny this variance as there was no one present to represent the request. Ms. Lehman seconded the motion which carried unanimously.

12. Request by Geraldine Herbert for a variance from upgrading a portion of an existing right-of-way and road and providing an as-built for the remaining portion for a proposed 3 lot subdivision; and, advancement to the final plat stage for the proposed subdivision. Staff stated that the variance request adds an additional two lots to a road that already does not meet county standards. Staff recommends denial of both requests. Ron Parr and Ms. Geraldine Herbert presented the request. Staff recommended applicant provide an as-built that meets the upgrade to county grade standards. Mr. Baldau motioned to approve the variance subject to staff contingencies and advance to the final plat stage. Mr. Lewandowski seconded the motion which carried unanimously.

13. Site plan approval and issuance of the Improvement Location Permit Ordinance for Sam Michael's Park Recreation center. Mr. Lewandowski motioned to approve the site plan and issuance of the Improvement Location Permit. Ms. Lehman seconded the motion which carried unanimously.

16. Correspondence. (1) Mr. Lewandowski read the ad for the Chief Planner position. The ad was amended to read Long Range Planner instead of Chief Planner and add experience in growing rural areas. Ms. Lehman motioned to accept the ad and advertise as amended and written. Mr. Kane seconded the motion which carried unanimously.

Mr. Baldau motioned to go into Executive Session. Mr. Lewandowski seconded the motion which carried unanimously.

Mr. Lewandowski left the meeting room for the Executive Session and did not return to the meeting room.

Mr. Kane motioned to go out of Executive Session. Mr. Baldau seconded the motion which carried unanimously.

The meeting adjourned at 11:30 p.m. on July 26, 2005. A detailed transcript of this meeting can be found on CD #106, #107, #108 and #109. These minutes were prepared by Sherry Cole.

