

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
SEPTEMBER 13, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, September 13, 2005, with Arnie Dailey, President, presiding. Other Planning Commission members present were: John Sims, Bill Lewandowski, Todd Baldau, Russell Roper, John Sidor, Mary Lehman, Tom Kane, and Greg Corliss. Staff members present were Sherry Kelly, Roger Goodwin and Sherry Cole.

Mr. Dailey called the Meeting to order at 7:00 p.m. Mr. Baldau stated that the minutes for the August 23, 2005 meeting should be amended as follows: Under Item #8 change SWM to Storm Water Management and under Item # 2 change Postponed to Continued from the August 9, 2005 meeting. Mr. Roper motioned to amend the minutes as stated by Mr. Baldau and approve the August 23, 2005 minutes. Mr. Kane seconded the motion which carried unanimously.

1. Final Plat Public Hearing for the Chester W. Ross Estate Minor Subdivision, Lots 1, 2 & 3-Residue. Staff stated that the applicant asked for a postponement until the September 27, 2005 meeting. Kevin Nelson with W. H. Gordon Associates waived the 60 day Rule. Mr. Kane motioned to postpone the final plat public hearing until the September 27, 2005 meeting. Mr. Sims seconded the motion which carried unanimously.

4. Final Plat Public Hearing for the Sheridan Subdivision, Phase I, Lots 2-25, 27-37, 79-93, 95-108, 110-131, 133-158 & 160-178. Staff stated that the developer asked for a postponement until the September 27, 2005 meeting. Jim Campbell was present at the meeting and he asked for a postponement until the September 27, 2005 meeting. Mr. Campbell stated that he waived the 60 day Rule. Mr. Kane motioned to postpone the final plat public hearing until the September 27, 2005 meeting. Mr. Sims seconded the motion which carried unanimously.

2. Final Plat Public Hearing for the Herb Jonkers Minor Subdivision, Lots 2A & 2B-Residue. Mr. Dailey opened the public hearing. There was no public comment. Mr. Dailey closed the public hearing. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Sims motioned to approve the final plat with staff contingencies. Mr. Corliss seconded the motion which carried unanimously.

Mr. Lewandowski arrived at 7:09 p.m.

3. Final Plat Public Hearing for the Thorn Hill Subdivision, Lots 1-179. Mr. Lewandowski left the meeting room for this item on the agenda. Mr. Dailey opened the public hearing. There was public comment from Jane Rissler, Rachel Flute, Susan Rissler Sheely, Jennifer Miller, Marcie Walker, Dick Latterell, Jim Surkamp and Debbie Pierce. The public hearing was closed. Jim Campbell rebutted. Staff and engineer stated that the final plat meets the requirements of the Jefferson County Ordinance. Mr. Baldau motioned to postpone the discussion and vote on the final plat for the Thorn Hill Subdivision until the September 27, 2005 meeting and have staff provide in writing the following: (1) An explanation/chronology of the Conditional Use Permit; (2) An explanation/chronology of the Community Impact Statement; (3) How applicant meets the Section 8.2.d.e; (4) If in fact the applicant's plan to utilize a private sewer system, as opposed to a public sewer system changes the LESA score? Would it still qualify? Mr. Sidor seconded the motion which passed with a vote of 5 for and 3 opposed (Mr. Kane, Mr. Roper and Mr. Dailey).

Mr. Lewandowski returned to the meeting room for the rest of the meeting.

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5. Continued from the August 23, 2005 meeting. Community Impact Statement Review for the Village at Piedmont Subdivision. Ms. Lehman and Mr. Dailey left the meeting room for this item on the agenda as they were not at the August 9, 2005 meeting. Staff recommended acceptance of the Community Impact Statement. Mr. Lewandowski motioned to accept the Community Impact Statement except: (1) Definitive study on sinkholes; (2) Resolve stacking issues at Lowe Road to the 4 way stop. Mr. Kane seconded the motion which carried unanimously. Ms. Lehman and Mr. Dailey returned to the meeting room for the rest of the meeting.

6. Continued from the August 9, 2005 meeting. Community Impact Statement Review for Ryan's Glen Farm Subdivision. Jim Campbell spoke on behalf of the developer. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. Staff recommended acceptance of the Community Impact Statement. Mr. Kane motioned to accept the Community Impact Statement with the stipulation that after Preliminary Plat that the engineering staff report back to the Planning Commission. Mr. Baldau seconded the motion. Mr. Lewandowski made an amendment to the motion that the engineering staff report back to the Planning Commission regarding (1) sink holes (2) ingress and egress and (3) mitigate fire services. Mr. Kane seconded the motion which carried unanimously. The main motioned passed unanimously.

7. Request by Trudy Doleman for a waiver from the subdivision process to replace an existing mobile home with a new home. Trudy Dolman presented the variance. Staff and engineer recommended approval of the variance contingent upon obtaining all permits and the mobile home being removed from the property prior to issuance of the Use & Occupancy Certificate for the new single family dwelling. Mr. Kane motioned to approve the request conditioned upon obtaining the required permits and removal of the mobile home within 30 days of issuance of the temporary Use & Occupancy Certificate and before a final Use & Occupancy Certificate is issued. Ms. Lehman seconded the motion which carried unanimously.

8. Request by Peter Chakmakian on behalf of PNGI Charles Town Gaming, LLC to rescind a deed of merger previously approved by Staff. Staff recommended granting the request. Mr. Roper motioned to grant the request to rescind the deed of merger. Mr. Corliss seconded the motion which carried unanimously.

9. Request by Eleanor B. Puster for a waiver from the subdivision process to locate a mobile home on her property while the farm house on her property is being renovated. Mr. Puster presented the request. Staff recommended granting the variance request contingent upon the mobile home being removed prior to the Use & Occupancy Certificate being issued. The engineer recommended approval of the variance request contingent upon obtaining all permits for both the mobile home and the farm house renovations; and that the mobile home be removed from the property prior to issuance of the Use & Occupancy Certificate for the renovations to the existing farm house. Mr. Corliss motioned to grant the request subject to Department of Health and DEP approvals. Mr. Kane seconded the motion which seconded the motion.

10. Request by Henry B. Christie on behalf of the Jefferson County Fire & Rescue Association for a waiver from the site plan requirements to locate 2 trailers with decks as classroom space for tactical training classes. Mr. Dailey stated that Mr. Christie asked for a postponement until the September 27, 2005 meeting. Ms. Sims motioned to postpone this item until the September 27, 2005 meeting. Ms. Lehman seconded the motion which carried unanimously.

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11. Postponed from the August 23, 2005 meeting. Update on the Long Range Planner. The Planning & Zoning Commission made changes to the job description for the Long Range Planner. Mr. Sims motioned to accept the Long Range Planner job description as revised and amended by the Planning Commission. Mr. Kane seconded the motion which carried unanimously.

12. Postponed from the August 23, 2005 meeting. Proposed new Community Impact Statement policy. Mr. Lewandowski motioned to approve the new Community Impact Statement Policy. Mr. Sims seconded the motion which carried unanimously.

13. Postponed from the August 23, 2005 meeting. Proposed new agenda cut-off policy. Mr. Lewandowski motioned to accept the staff recommendation for the new agenda cut-off policy for Community Impact Statements, variances and to include a one week deadline for site plan submittal. Mr. Sidor seconded the motion which carried unanimously.

14. Correspondence. Invitation to attend a Special Invitation-Only Event at Summit Point Raceway on September 21, 2005. Memo with attachments from Paul J. Raco dated September 9, 2005 regarding Ethic Meetings.

Mr. Lewandowski stated that he would like staff to schedule public hearings for input on the Senate Bill 454.

Mr. Corliss spoke about the Senate Bill 700.

Mr. Lewandowski stated that he wanted the By-Laws put back on the agenda for the September 27, 2005 meeting.

The meeting adjourned at 10:50 p.m. on September 13, 2005. A detailed transcript of this meeting can be found on CD #127, #128, #129, and #130. These minutes were prepared by Sherry Cole.

