

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
SEPTEMBER 27, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, September 27, 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, Rebecca Burns and Sherry Cole.

Tom Kane and Mary Lehman were absent with notification.

Mr. Dailey called the Meeting to order at 7:03 p.m. Mr. Baldau stated that the minutes for the September 13, 2005 meeting should be amended as follows: Under Item #7, first sentence add by Trudy Dolman Mr. Baldau motioned to amend the minutes as stated and approve the September 13, 2005 minutes. Mr. Lewandowski seconded the motion which carried unanimously.

1. Declaration of violation for Advanced Pest Control of the Jefferson County Improvement Location Permit Ordinance for the placement of a sign on property designated as Parcel 86 on Tax Map 1 of the Charles Town District as found in Deed Book 971 at Page 420. Staff stated that this item has been rectified as the sign was removed.
2. Declaration of violation for Gupta Enterprises of the Jefferson County Improvement Location Permit Ordinance for the placement of a storage shed on property designated as Parcel 16 on Tax Map 9E of the Kabletown District as found in Deed Book 960 at Page 132. Staff stated that this item has been rectified and that Gupta Enterprises applied for a building permit.
3. Final Plat Public Hearing for the Lowell Keith Crim Minor Subdivision, Lots 1, 2 & 3-Residue. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. Mr. Lewandowski motioned to approve the final plat subject to staff contingencies. Mr. Roper seconded the motion which carried unanimously.
4. Final Plat Public Hearing for the Elk Run Subdivision, Lots 7A & 7B. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. Mr. Lewandowski motioned to approve the final plat subject to staff contingencies. Mr. Sims seconded the motion which carried unanimously.
5. Final Plat Public Hearing for the Chester W. Ross Estate Minor Subdivision, Lots 1, 2 & 3-Residue. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Lewandowski motioned to approve the final plat subject to staff contingencies. Mr. Roper seconded the motion which carried unanimously.
6. Continued from the September 13, 2005 meeting. Final Plat Public Hearing for the Thorn Hill Subdivision, Lots 1-179. Mr. Lewandowski left the meeting room for this item on the agenda. Staff stated in light of the issues with the Conditional Use Permit the staff has asked for a legal opinion from the prosecuting attorney. Staff recommended postponing this item until the prosecuting attorney's opinion is received. Mr. Baldau stated that he had received an e-mail from Paul Raco saying that because the Conditional Use Permit for Thorn Hill had never been reinstated the 60-day time limit for final plat approval process had not started. Mrs. Burns confirmed this information during the discussion. Mr. Baldau motioned to postpone this item until the Planning & Zoning Commission receives written legal guidance from the office of the

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Jefferson County Prosecuting Attorney, as requested by Staff. Mr. Corliss seconded the motion which carried unanimously. Mr. Lewandowski returned to the meeting room for the rest of the meeting.

7. Postponed from the September 13, 2005 meeting. 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 the Department of Planning, Zoning & Engineering didn't receive the final plat back from the engineering firm until 4:30 p.m. on September 27, 2005. Staff recommended postponing the final plat public hearing until staff reviews and approves the final plat. The staff further recommended re-advertising the final plat public hearing. James Campbell waived the 60 day rule until January 10, 2006. Mr. Baldau stated that based on staff recommendations he motioned to postpone the final plat public hearing until the staff has the opportunity to review and approve the final plat and to re-advertise the final plat public hearing for the December 13, 2005 meeting. Mr. Sims seconded the motion which carried unanimously.

8. Postponed from the September 13, 2005 meeting. 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 (Article 4, Section 4.0 of the Jefferson County Improvement Location Permit Ordinance). Henry B. Christie presented the variance. The county engineer recommended denial of this variance. However, the county engineer stated that if the Planning Commission is compelled to grant the variance, that she recommends that the variance be approved contingent upon the applicant obtaining all permits, including but not limited to an ILP/building permit for the two mobile classroom units, deck and the future 250 sq. ft. storage building. The county engineer also recommended a limited site plan that addresses parking and handicapped access. Mr. Lewandowski motioned to accept the staff recommendations for a limited site plan. Mr. Corliss seconded the motion which carried unanimously.

9. Request by Shenandoah Professional Center, LLC to advance a 2 lot subdivision to the final plat stage (Article 8, Section 8.1b and Article 11, Section 11.2.a.2 of the Jefferson County Subdivision Ordinance). Mr. Lewandowski motioned to postpone until the October 11, 2005 meeting as there was no one present to represent the request. Mr. Corliss seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Sims).

10. Request by Bradley T. Riggleman and Kathleen Jacobs for a variance from the approved setbacks on Lot 14 of the final plat of the Oakland Heights Subdivision (Building restriction line established by plat recorded on December 10, 1985). Mr. Riggleman presented the request. Staff stated that the Board of Zoning Appeals approved the request and now Mr. Riggleman is before the Planning & Zoning Commission for approval. Mr. Baldau motioned to approve the request for a variance from 75' to 60' for the front setback. Mr. Lewandowski seconded the motion which carried unanimously.

11. Request by Premier Bank for an extension of time for the temporary trailer for the bank office at Maddex Square Shopping Center. Merle Kiser presented the request. Mr. Lewandowski motioned to grant the request extending the time for removal of the temporary trailer until October 21, 2005. Mr. Sims seconded the motion which carried unanimously.

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12. Request by RAI Properties LLC for variances for the proposed DMV building on Lot 44 of the Burr Business Park:

1. Allow direct access to Route 9 as opposed to the internal subdivision road(Article 8, Section 8.1.a.1 of the Jefferson County Subdivision Ordinance); and,
2. Provide a three foot wide shoulder as opposed to an eight foot wide shoulder (Article 8, Section 8.2.a.20.e of the Jefferson County Subdivision Ordinance).

Dan Doudidas presented the variance requests. The county engineer recommended approval of variance request #1. Mr. Baldau motioned to grant the first variance request. Mr. Corliss seconded the motion which carried unanimously. The county engineer recommended approval of the second variance request and stated that at site plan the issues of the accel/decel lane would be addressed. Mr. Corliss motioned to approve the second request. Mr. Roper seconded the motion which carried unanimously.

13. Request by New Vision Properties, Inc. for a waiver of site plan for a temporary sales trailer on Lot 67 of the Windmill Crossing Subdivision (Article 4, Section 4.0 of the Jefferson County Improvement Location Permit Ordinance). Christopher Shultz presented the variance request. Staff stated that the Board of Zoning Appeals granted the request for a temporary sales trailer and now Mr. Shultz is before the Planning & Zoning Commission for a waiver of site plan. The county engineer recommended approval of the use of a temporary sales trailer contingent on a limited site plan submission addressing the issues of parking requirements, handicap access to the proposed structure, compliance with the Zoning and Land Development Ordinance setback requirements and obtaining all necessary building permits. Removal of the trailer should be within 30 days upon completion of the model sales home construction. Mr. Lewandowski motioned to grant a limited site plan with staff contingencies. Mr. Roper seconded the motion which carried unanimously.

14. Request by Mark Colonial Hills, LLC, for a waiver of site plan for a temporary sales trailer on Lot S2 of the Colonial Hill Subdivision (Article 4, Section 4.0 of the Jefferson County Improvement Location Permit Ordinance). Kristin Ringstaff presented the request. Staff stated that the Board of Zoning Appeals granted the request for a temporary sales trailer. The county engineer recommended approval contingent on a limited site plan submission addressing the issues of parking requirements, handicap access to the proposed structure, compliance with the Zoning and Land Development Ordinance setback requirements and obtaining all necessary building permits. Removal of the trailer should be within 30 days upon completion of the model sales home construction. Mr. Lewandowski motioned to approve with staff contingencies. Mr. Roper seconded the motion which carried unanimously.

15. Site plan approval and issuance of the Improvement Location Permit for Fellowship Bible Church. The property is located at the intersection of Route 18 (Daniel Road) and Route 17 (Flowing Springs Road). It is to consist of a 13,900 square foot church complex on 50.77 acres. Fellowship Bible Church is the owner/developer. Staff stated the site plan meets the requirements of the ordinance and recommended approval. Mr. Corliss motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Lewandowski seconded the motion which carried unanimously.

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16. Implementation date and public notification of proposed new agenda cut-off policy. Staff recommended putting a notice in the paper regarding the new policy notification which will be effective for the October 25, 2005 meeting and also notifying the surveyors, engineers and developers. Staff recommended publishing the notice in the next two issues of the Spirit of Jefferson. Mr. Lewandowski motioned to put the notice in the Spirit of Jefferson newspaper for the next two issues and notify the surveyors, engineers and developers. Mr. Corliss seconded the motion which carried unanimously.

17. Bylaws. Mr. Lewandowski stated that the new agenda cut-off policies should put in the bylaws. Mr. Lewandowski also stated that all the policy letters should be put into the bylaws. Mr. Lewandowski further stated that he will have all revisions out before the next meeting by email and fax for approval. Staff stated that by the State Code that the County Commission has to approve the Bylaws.

18. Cancellation of the November 22, 2005 and December 27, 2005 meeting. Mr. Baldau motioned to have staff issue a cancellation of the November 22, 2005 and the December 27, 2005 meeting. Mr. Lewandowski seconded the motion which carried unanimously.

19. Correspondence. Staff stated that in the packets there are numerous letters regarding Thorn Hill Subdivision from the Public Service District, an Order and a copy of a memo to Michael Thompson, Prosecuting Attorney, from Paul J. Raco. Staff asked the Commission to maintain all paperwork for this item as it would not be recopied.

Mr. Baldau stated that there is a letter from Ms. Kathie Kiss in the packet regarding the Smith/Kiss variance. Staff stated that Ms. Kiss needs to submit a variance form and sketch to the office in order to be put on the agenda.

Mr. Dailey stated that he wants the Long Range Planner put back on the agenda until he tells the staff otherwise.

Staff stated that Brandy Sims, Assistant Prosecuting Attorney would like to have an executive session with the Planning & Zoning Commission at 6:30 p.m. on October 11, 2005. Mr. Lewandowski motioned to have a Special Meeting with Assistant Prosecuting Attorney Sims on Tuesday, October 11, 2005 at 6:30 p.m. Mr. Roper seconded the motion which carried unanimously.

Mr. Lewandowski stated that he still would like staff to schedule a public hearing for input on the Senate Bill 454 which is 8A of the State Code that applies to planning. Staff asked Mr. Lewandowski to state exactly what he wanted and what the public meeting was to be about. Mr. Lewandowski stated that he would like to take the public comments and consolidate them and send the comments to the legislature in January. Mr. Lewandowski asked the staff to check to see if the meeting room is available for Thursday, October 27, 2005 for the Public Hearing.

The meeting adjourned at 8:35 p.m. on September 27, 2005. A detailed transcript of this meeting can be found on CD #134 and #135.

These minutes were prepared by Sherry Cole.

