

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
OCTOBER 25, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, October 25, 2005, with Arnie Dailey, President, presiding. Other Planning Commission members present were: John Sims, Bill Lewandowski, Todd Baldau, Russell Roper, John Sidor, Tom Kane and Greg Corliss. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

Mr. Dailey called the Meeting to order at 7:05 p.m. Mr. Baldau recommended the following corrections to the Minutes of the October 11, 2005 meeting: Mr. Baldau stated that he was present for the regular meeting and the executive session on October 11, 2005. Under Item #1, the third paragraph, the first sentence should read: Mr. Lewandowski motioned to postpone publishing the results of the vote until legal counsel renders an opinion on the meaning of a tie vote on a negative motion. Under Item #5 add: Thus the request to extend the Community Impact Statement was denied.

Mr. Lewandowski motioned to correct and approve the minutes as stated by Todd Baldau. Mr. Sims seconded the motion which carried with a vote of 7 for and 1 opposed Mr. Dailey).

1. Declaration of violation for Mr. Silas Madren of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 211, 214 and 216 on Tax Map 13K of the Harpers Ferry District as found in Deed Book 948 at Page 322. Mr. Madren was present and asked for a 3 to 4 month extension. Staff stated that he has no objection to a 4 month extension. Mr. Lewandowski motioned to grant a 4 month extension conditioned that there are drip pans under all vehicles. Mr. Kane seconded the motion which carried unanimously.

2. Declaration of violation for Ms. Helen L. Smith, et al of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 7 on Tax Map 15 of the Charles Town District as found in Deed Book 535 at Page 180. There was no one present to represent Ms. Smith. Mr. Lewandowski motioned to find Ms. Smith in violation. Mr. Kane seconded the motion which carried unanimously.

3. Declaration of violation for Barbara A. Murphey of the Jefferson County Improvement Location Permit Ordinance for the construction of an addition on property designated as Parcel 124 on Tax Map 6C of the Charles Town District as found in Deed Book 394 at Page 182. Staff stated that Ms. Murphey is in compliance.

4. Final Plat Public Hearing for the Timothy Lee Grim and Brenda Lee Turner Minor Subdivision, Lots 1, 2 & 3-Residue. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Roper motioned to approve the final plat subject to staff contingencies. Mr. Kane seconded the motion which carried unanimously.

5. Final Plat Public Hearing for the Lowe-Price Subdivision, Lots 1A , 1B & Residue. Staff stated that the developer asked for a postponement until the November 8, 2005 meeting. Staff also stated that the developer waived (in writing) the 60-day Rule. Mr. Sims motioned to postpone the final plat public hearing until the November 8, 2005 meeting. Mr. Lewandowski seconded the motion which carried unanimously.

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6. Reconsideration of the Final Plat for the Preserve at Barleywood Subdivision. Mr. Lewandowski motioned to reconsider this matter. Mr. Sims seconded the motion which carried unanimously. Mark Dyck stated that the developer would install a dry fire hydrant. Mr. Lewandowski motioned to approve the final plat conditioned on putting in place fire protection and water purification. Mr. Roper seconded the motion which passed with a vote of 6 for and two opposed (Mr. Kane and Mr. Corliss).

7. Site Plan approval and issuance of the Improvement Location Permit for Long John Silvers (#S04-18). Staff recommended approval. James Buchheister with RBA Group made a presentation. Mr. Roper motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Lewandowski seconded the motion which carried unanimously.

8. Request by Annette van Hilst on behalf of the Rattlesnake Run Subdivision to allow the quick release method (Article 8, Section 8.2 of the Jefferson County Ordinance). Annette van Hilst made a presentation. Joe Kent answered questions from the Planning & Zoning Commission. Staff stated that the Community Impact Statement was rejected in June 2005. Staff further stated that the Homeowners Association maintains the storm water management and this is required by the Ordinance. Mr. Lewandowski motioned to approve contingent upon (1) clear instructions in the restrictive covenants by the homeowner's association; (2) water quality must meet all State and Federal standards; (3) and, that approval of this in no way can be construed as the Planning & Zoning Commission's vote for the endorsement of the Community Impact Statement. This stands alone. Mr. Corliss seconded the motion which carried unanimously.

9. Request by Annette van Hilst on behalf of the Sunnyside Industrial/Commercial Subdivision for a variance from providing curbs, gutters and sidewalks (Article 8, Section 8.2 of the Jefferson County Subdivision Ordinance). Attorney Jim Campbell and Annette van Hilst presented the request. Joe Kent answered questions from the Planning & Zoning Commission. Staff stated that curb and gutter should be required and that sidewalks are not necessary. Staff recommended denial of the variance. Mr. Kane motioned to approve the variance to waive the requirement for sidewalk, but still to require curb and gutter. Mr. Lewandowski seconded the motion which carried unanimously.

10. Bylaws. Staff stated that an ad was placed in the Spirit announcing that the proposed revisions to the bylaws regarding electronic filing of documents will be on the agenda for the November 8, 2005 meeting.

11. Long Range Planner. Staff stated that ads have been placed. The deadline for submitting an application is November 18, 2005.

12. Correspondence. Mr. Lewandowski motioned to have the assent of the Commission for Mr. Dailey and himself to arrange a meeting with Prosecuting Attorney Michael Thompson regarding timeliness of opinions. Mr. Lewandowski also stated that the Planning & Zoning Commission need to establish attorney/client communication. Mr. Corliss seconded the motion which carried unanimously.

Mr. Baldau suggested that the Planning & Zoning Commission formally invite Assistant Prosecuting Attorneys, Ms. Grove and Mr. Groh to a brief executive session for an introduction and also to go over pending cases. Mr. Dailey stated that the attorneys will ask for an executive session regarding pending cases when they feel it is necessary.

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Mr. Dailey stated that it takes 6 votes to move the Planning Commission agenda.

The meeting adjourned at 8:40 p.m. on October 25, 2005. A detailed transcript of this meeting can be found on CD#143 and #144. These minutes were prepared by Sherry Cole.

