

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
NOVEMBER 8, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, November 8, 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, Roger Goodwin and Sherry Cole.

Tom Kane was absent with notification.

Mr. Lewandowski motioned to go into Executive Session at 6:35 p.m. Mr. Sidor seconded the motion which carried unanimously. Sherry Cole left the meeting room. Stephanie Grove and Stephen Groh, Assistant Prosecuting Attorneys were present on behalf of the Executive Session.

Sherry Cole returned to the meeting room for the rest of the meeting. Mr. Lewandowski motioned to go out of Executive Session. Mr. Sims seconded the motion which carried unanimously.

Mr. Dailey called the regular meeting to order at 7:10 p.m. Mr. Baldau stated that the minutes for the October 25, 2005 meeting should be amended as follows: (1) The first page, paragraph 3 should read 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); (2) Page 2, Item # 8, (3) change the words from in the Planning & Zoning Commission's vote for endorsement to read as the Planning & Zoning Commission's vote for the endorsement; (3) Page 2, item #9. The last two sentences should read: 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; (4) Page 2, Item #10 Bylaws: Correct the spelling of Spirit from Spirt.

Mr. Lewandowski motioned to amend and approve the minutes of the October 25, 2005 meeting as stated. Mr. Sims seconded the motion which carried unanimously.

1. Declaration of violation for Donald Rockwell/Rockwell's Moving & Storage of the Conditional Use Permit and Jefferson County Improvement Location Permit Ordinance for placement of an office trailer and tractor trailers on property designated as Parcel 17.3 on Tax Map 1 of the Charles Town District as found in Deed Book 938 at Page 383. Mason Carter presented the violation. Braun Hamstead and Gary Frye spoke. Attorney Hamstead asked for 6 months additional time. Mr. Lewandowski motioned to continue this item until the December 13, 2005 meeting and for Mr. Rockwell to submit the necessary paperwork to the staff for review. Mr. Corliss seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Dailey). Mr. Lewandowski motioned to have staff review the application and present comments at the December 13, 2005 meeting. Mr. Corliss seconded the motion which carried unanimously.

2. Postponed from the October 25, 2005 meeting. Final Plat Public Hearing for the Lowe-Price Subdivision, Lots 1A, 1B & Residue. Mr. Dailey opened the public hearing. Dick Klein identified himself and stated that he was present if the Planning & Zoning Commission had any questions. The public hearing was closed. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Baldau motioned to approve the final plat with all staff contingencies. Mr. Corliss seconded the motion which carried unanimously.

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3. Final Plat Public Hearing for the Margaret Z. Dailey Estate Minor Subdivision, Lots 1 and 2-Residue. Mr. Dailey left the meeting room as he is related to the Daileys. John Sims took over as chair. Mr. Sims opened the public hearing. Dick Klein spoke. 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. Lewandowski seconded the motion which carried unanimously. Mr. Dailey returned to the meeting room for the rest of the meeting.

4. Community Impact Statement Review for the Butler Farm Subdivision. Mike Shepp made a presentation and answered questions from the Planning & Zoning Commission. Don Owens, developer spoke. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. Staff stated that all issues have been addressed and staff recommended acceptance of the Community Impact Statement and also stated that the developer proffered an asphalt walking trail, contribution to an escrow account for a traffic light at the intersection of Route 24 and Route 17 and the homeowners association will proffer \$50.00 a year per unit to go to fire and rescue. The county engineer stated that the subdivision meets the requirements of the Community Impact Statement and recommended approval. Mr. Corliss motioned to accept the Community Impact Statement subject to the reservations provided by staff and consideration of moving the drip field over across the road. Mr. Roper seconded the motion. Mr. Lewandowski made an amendment to the motion to require the developer at final plat must provide detailed additional information on the following points: (1) Both integrated fire protection and proffers; (2) detailed information regarding drainage fields and maintenance thereof after turn over to the Homeowners Association; (3) detail information on the walking path; and (4) additional information on how they intend to mitigate traffic and completion of a Traffic Impact Study by the Department of Highways. Mr. Corliss seconded the amendment to the motion which carried unanimously. The main motion passed with a vote of 4 for and 3 opposed (Mr. Baldau, Mr. Lewandowski and Mr. Sims).

5. Request by Don Bailey on behalf of the Shepherds Retreat Subdivision to reopen the subdivision file and extend the Community Impact Statement. Don Bailey made a presentation and asked for a 120 day extension. Mr. Lewandowski motioned to deny the request to reopen the subdivision file and extend the Community Impact Statement. Mr. Baldau seconded the motion. Bruce Browning spoke. The motioned carried unanimously.

6. Annette van Hilst on behalf of the Rattlesnake Run Subdivision to present the woodlands preservation plan. The Planning & Zoning Commission requested that the developer present their plan for preserving the woodlands on the site, prior to obtaining preliminary plat approval. Ms. Van Hilst presented the woodlands preservation plan. There was no action taken.

7. Request by Mark-Colonial to revise the Community Impact Statement for Colonial Hills Subdivision to terminate Lowe Drive at the planned apartment complex opposed to connecting to Route 45 as originally proposed. Dick Klein made a presentation. The county engineer stated that the developer will be required to demonstrate that they are meeting the subdivision access requirements at the preliminary plat stage. Whether or not the Community Impact Statement is revised will not change the preliminary plat requirements. The county engineer deferred to the Planning & Zoning Commission as to whether or not the Community Impact Statement should be amended. Mr. Baldau motioned to approve the request. Mr. Corliss seconded the motion. Mr. Lewandowski made an amendment to the motion to require the developer to provide by final plat stage, an amended traffic study. Mr. Corliss seconded the amendment to the motion which carried unanimously. The original motion carried unanimously.

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8. Request by Mission Ridge LLC for a determination/variance by the Planning Commission on whether or not Staff can administratively approve the relocation of the natural preservation areas and drain field locations without having to resubdivide the property for the Mission Ridge Subdivision. Mark Dyck made a presentation. Roger Goodwin, Chief County Engineer, agreed that the changes require a redline revision to the plats. The chief county engineer stated that he has concerns about the adjacent property owners not knowing about the changes. The chief county engineer deferred to the Planning & Zoning Commission and further stated that he is all for simplifying it. Mr. Dyck stated that he would send the adjoining property owners certified mail indicating what they are planning to do. Mr. Lewandowski motioned to approve the variance subject to staff contingencies. Mr. Lewandowski further stated that if they can't work out something to the county engineer's satisfaction then the variance is null and void. Mr. Sims seconded the motion which carried unanimously.

9. Request by James P. Campbell on behalf of the Sheridan subdivision to reopen the subdivision file and extend the Community Impact Statement. Jim Campbell made a presentation. Mr. Lewandowski motioned to continue this item and send for legal opinion. Mr. Sims seconded the motion. The motion carried unanimously. Mr. Dailey stated that we need to find out from staff exactly what has transpired. Mr. Sims requested a staff report.

Mr. Dailey allowed a five minute break. Mr. Dailey reconvened the meeting after the break.

10. Site plan approval and issuance of the Improvement Location Permit for Applebees Neighborhood Grill & Bar, Lot 5 Jefferson Crossing II (#S05-08). Staff recommended approval of the site plan. Mike Shepp stated he had no presentation. Mr. Corliss motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Sims seconded the motion which carried unanimously.

11. Bylaws. Comments from public on the submission of digital/electronic filing of documents in addition to the submission of paper documents. There was public comment from Mike Shepp and Kristen Ringstaff. Bill Lewandowski suggested appointing a committee to meet with Mike Shepp. Mr. Lewandowski and Mr. Sims volunteered to be on the committee.

12. Long Range Planner. Staff stated that the deadline for submitting an application for the Long Range Planner position is November 18, 2005.

13. Correspondence. Mr. Lewandowski reported on the special meeting held on October 27, 2005 regarding public comment on 8A. Mr. Lewandowski stated that he would like to put on the agenda for January 24, 2006 for the Planning & Zoning Commission to have a discussion on the changes to 8A. Mr. Sims stated that he would like to have a copy of the CD of the Special Meeting as he was unable to attend.

Staff stated that there is a copy of a letter in the packets to the prosecuting attorney from Ms. Kathie Kiss and her rebuttal memo to Stephen Grove, Assistant Prosecuting Attorney.

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Mr. Corliss referenced Mr. Surkamp's email regarding an 8A review at the Berkeley County Planning Commission on Thursday night at 7:00 p.m.

Mr. Corliss stated he attended the Public Service District meeting November 7, 2005. Mr. Corliss stated that a meeting will be held November 17, 2005 to decide as to whether or not they will go with three wastewater treatment plants or just two. Mr. Corliss stated that he asked the Public Service District to come before the County Commission when they make a decision as to what they want to do regarding wastewater treatment. Mr. Corliss further stated it might be something that the Planning & Zoning Commission might want to put on their own agenda. Mr. Corliss suggested having a work session with the Public Service District.

The meeting adjourned at 9:55 p.m. on November 8, 2005. A detailed transcript of this meeting can be found on CD #150, #151, #152 and #153. These minutes were prepared by Sherry Cole.

