

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
DECEMBER 13, 2005

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

Bill Lewandowski and John Sidor were absent with notification.

Mr. Dailey called the Meeting to order at 7:04 p.m. Mr. Baldau motioned to approve the November 8, 2005 minutes. Mr. Sims seconded the motion which carried unanimously. Mr. Burke abstained from voting as he was not on the Planning Commission on November 8, 2005.

1. Postponed from the November 8, 2005 meeting. 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 stated that a Conditional Use Permit was submitted to the Department of Planning, Zoning & Engineering and it is under review at this time. Attorney Braun Hamstead stated that the tractor trailers have been removed from the property. Mr. Corliss motioned to grant a 6 months extension. Mr. Roper seconded the motion which carried unanimously. Mr. Burke abstained from voting as he was not at the November 8, 2005 meeting.

2. Postponed from the September 27, 2005 meeting. Discussion and action on the Final Plat for the Thorn Hill Subdivision, Lots 1-179. Mr. Burke recused himself from this item on the agenda, as he gave research assistance to people against the Thorn Hill Subdivision. Mr. Burke left the meeting room. Staff stated that the judge reinstated the Conditional Use Permit and that the prosecuting attorney stated that it was time for the Planning & Zoning Commission to vote on the Final Plat. Mr. Baldau and Mr. Sims stated that they will not recuse themselves. Staff stated that the final plat meets all ordinance requirements and recommended approval conditioned on submitting the necessary originally signed copies, bonding and recordation within 90 days. Mr. Roper motioned to approve the final plat with staff contingencies. Mr. Baldau seconded the motion. The motion failed with a vote of 2 for (Mr. Roper and Mr. Dailey) and 4 opposed (Mr. Baldau, Mr. Corliss, Mr. Kane and Mr. Sims). Mr. Burke returned to the meeting room.

3. Final Plat Public Hearing for the Stephen C. Marshall Minor Subdivision. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Baldau motioned to approve the final plat with staff contingencies. Mr. Sims seconded the motion which carried unanimously.

4. Final Plat Public Hearing for the David G. Trail 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 of the final plat conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Roper motioned to approve the final plat with staff contingencies. Mr. Corliss seconded the motion which carried unanimously.

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5. Final Plat Public Hearing for the Richard West Minor Subdivision, Lots G1-Residue & Lot G2. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Baldau motioned to approve the final plat subject to staff contingencies. Mr. Sims seconded the motion which carried unanimously.
6. Final Plat Public Hearing for The Point Subdivision. Mr. Dailey opened the public hearing. Mike Shepp and Lisa McCauley made a presentation. Mr. Shepp and Mrs. McCauley answered questions from the Planning & Zoning Commission. The public hearing was closed. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. The chief county engineer recommended approval of the final plat. Mr. Baldau motioned to approve the final plat subject to staff contingencies. Mr. Roper seconded the motion which passed with a vote of 5 for and 2 opposed (Mr. Burke and Mr. Sims).
7. Final Plat Public Hearing for the Lake Forest Estates Subdivision, Section II. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. Mr. Burke stated he was abstaining from voting as he has not been able to review the file. Staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. The chief county engineer recommended approval of the final plat. Mr. Roper motioned to approve the final plat subject to staff contingencies. Mr. Corliss seconded the motion which carried unanimously.
8. Final Plat Public Hearing for The Crofts at Shepherdstown Subdivision. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. The staff recommended approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. Mr. Kane motioned to approve the final plat. Mr. Corliss seconded the motion which carried unanimously. Mr. Burke abstained as he hasn't had a chance to review the file.
9. Final Plat Public Hearing for the Cambridge Manufactured Home Development, Section 4, Phase 1, Lots 76-79, 100-101 & Residue. Staff stated that the engineering firm asked for a postponement until the January 10, 2006 meeting. Staff stated that the developer did waive the 60 day Rule. Mr. Burke motioned to postpone and advertise the final plat for the meeting of January 10, 2006. Mr. Sims seconded the motion which carried unanimously.
10. Request by Michael Cassell on behalf of the Sunnyside Industrial/Commercial Subdivision for reconsideration of variances heard at the October 25, 2005 meeting pertaining to curbs and gutter. Mike Cassell introduced Jim Campbell. Attorney Jim Campbell and Lisa McCauley made a presentation and answered questions from the Planning & Zoning Commission. Mr. Kane motioned to deny the request for reconsideration. Mr. Baldau seconded the motion. The vote was 3 for (Mr. Kane, Mr. Baldau and Mr. Sims) and 3 opposed (Mr. Dailey, Mr. Corliss and Mr. Roper). Mr. Burke abstained from voting as he was not at the October 25, 2005 meeting.

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11. Request by Sylvannah Baptist Church for a waiver from the site plan process for a gravel parking lot. James Newman made a presentation. Staff recommended approval. Considering the small magnitude of the project, Roger Goodwin, Chief County Engineer recommended granting the variance from obtaining an Improvement Location Permit and processing a site plan, with the following contingency: That prior to any further expansion or construction on the property, that the property owner obtain an Improvement Location Permit and process a site plan that addresses storm water management, sediment and erosion control, setbacks, and landscaping, buffers, highway entrance permits, handicapped accessibility, etc. Mr. Sims motioned to grant the waiver with county engineer contingencies. Mr. Baldau seconded the motion. Mr. Kane made an amendment to the motion to require an as-built survey. Mr. Sims seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Burke). The original motion carried unanimously.

12. Request by Lawrence Rosenberg/Mark-Tollhouse Woods, LLC for a variance from having to revise the Community Impact Statement for the Tollhouse Woods Subdivision to eliminate the northern most entrance on Route 480. Dick Klein made a presentation. Mr. Klein stated that the other two entrances are still at the same location. Staff stated that if the Department of Highways denied the entrance permit then how could they enforce it. The county engineer asked the Planning & Zoning Commission how they wanted to handle making changes to the plat if the variance was approved. Mr. Baldau motioned to deny the variance request and requested a revised Community Impact Statement. Mr. Sims seconded the motion which carried unanimously.

13. Request by Randy Kepler on behalf of Arcadia Development Company/Harvest Hill Subdivision for an extension of time of the Community Impact Statement. Mr. Burke and Mr. Corliss recused themselves from the meeting room for this item as they were involved in a legal case. Peter Chakmakian made a presentation and requested a six months extension. Randy Kepler stated that they would like an extension to January 17, 2007. Mr. Kane motioned to allow an extension of time for a period of 12 months from this date, December 13, 2005. Mr. Roper seconded the motion which carried with a vote of 3 for and 2 opposed (Mr. Baldau and Mr. Sims). Mr. Burke and Mr. Corliss returned to the meeting room.

14. Request by Dixie and Felix D. Foldvik for a variance from upgrading an existing right-of-way to county standards for a proposed parent to child transfer of land. Gary Frye made a presentation. Mr. Sims motioned to deny the variance request. Mr. Baldau seconded the motion which carried unanimously.

15. Site plan approval and issuance of the Improvement Location Permit for Colonial Hills Subdivision, Phase II. Mr. Burke left the meeting room for this item on the agenda as he made a prior contribution to a legal fund opposing the subdivision. Staff recommended approval of the site plan and issuance of the Improvement Location Permit. The county engineer recommended approval. Mr. Sims motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Roper seconded the motion which carried unanimously. Mr. Burke returned to the meeting room for the rest of the meeting.

16. Bylaws. Mr. Dailey stated that he is waiting on Mr. Lewandowski's draft.

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17. Long Range Planner. Mr. Corliss stated he would have his top pick by December 14, 2005. Mr. Dailey stated that the top three applicants would be interviewed.

18. Correspondence. Ms. Kelly stated that she was not privileged to the Executive Session held with the assistant prosecuting attorneys and that the Kiss Variance should be placed on the agenda for the January 10, 2006 meeting in order to give Ms. Kiss an answer. The commissioners agreed to place the Kiss Variance on the agenda for the January 10, 2006 meeting.

The meeting adjourned at 9:37 p.m. on December 10, 2005. A detailed transcript of this meeting can be found on CD #159 and #160.

These minutes were prepared by Sherry Cole.

