

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
MAY 25, 2004

The Jefferson County Planning & Zoning Commission met on Tuesday, May 25, 2004 with Arnie Dailey, President, presiding. Other Planning Commission members present were: Renny Smith, William Lewandowski, Russell Roper, Sam Donley, Rusty Morgan, John Sims, Thomas Kane and Barbara Humes. Staff members present were Paul Raco, Roger Hunter, Roger Goodwin, Mason Carter and Sherry Cole.

Rosella Kern and David Mills were absent with notification. Douglas Vaira and David Kemnitzer were absent without notification.

Mr. Dailey called the meeting to order at 7:07 p.m. Mr. Morgan motioned to accept the Minutes of the April 27, 2004 regular meeting. Mr. Sims seconded the motion which carried unanimously.

1. Postponed from the February 10, 2004 meeting. Declaration of Violation for Mr. Mark Marlowe et al of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 104 on Tax Map 13E of the Harpers Ferry District as found in Deed Book 823 at Page 126. Mason Carter stated that Mr. Marlowe is in compliance. Mr. Lewandowski arrived at 7:09 p.m.
2. Declaration of violation for Mr. and Mrs. Felix Foldvik of the Jefferson County Subdivision Ordinance for a second principal building on property designated as Parcel 3.7 on Tax Map 12 of the Shepherdstown District as found in Deed Book 922 at Page 18. Mason Carter presented the Declaration of Violation. Mrs. Folvik spoke on her behalf stating no business is being operated from this location. Ms. Smith motioned to find Mr. and Mrs. Felix Foldvik in violation of the Jefferson County Subdivision Ordinance. Mr. Lewandowski seconded the motion which carried unanimously.
3. Postponed from the March 23, 2004 meeting. Action on the final plat for the James C. & Clara Pearson Minor Subdivision, Lots A & B-Residue. Staff recommended approval of the final plat. The Public Hearing was held on March 23, 2004. Mr. Donley motioned to approve the final plat. Mr. Roper seconded the motion which carried unanimously.
4. Final Plat Public Hearing for the John J. Walker Minor Subdivision, Lots 1 & 2-Residue. Staff recommended approval of the final plat. There was no public comment. The public hearing was closed. Mr. Morgan motioned to approve the final plat. Ms. Smith seconded the motion which carried unanimously.
5. Final Plat Public Hearing for the Jeffery & Robin Smith Minor Subdivision, Lots 1, 2 & 3-Residue. Staff recommended approval of the final plat. There was no public comment. The public hearing was closed. Ms. Smith motioned to approve the final plat with staff contingencies. Mr. Roper seconded the motion which carried unanimously.
6. Action on the Staff Report for the Richard Scott Crum Gallery (File #Z04-01). Ms. Smith motioned to accept the Staff Report. Mr. Sims seconded the motion which carried unanimously.
7. Action on the Conditional Use Permit for Richard Scott Crum Gallery (File #Z04-01). Mr. Lewandowski motioned to approve the Conditional Use Permit with the following conditions: (1) One sign attached to the existing building; (2) The sign only illuminated during business hours; (3) The sign being in compliance with Harpers Ferry Sign Ordinance. Ms. Smith seconded the motion which carried unanimously.

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8. Blackford Farms Subdivision (Z02-08). Mr. Raco stated that this property was annexed into the City of Ranson, therefore, the Staff Report was not prepared. The site was not posted within the prescribed time period. Mr. Raco stated this project is dead in the water. Mr. Lewandowski motioned to close the file. Mr. Sims seconded the motion which carried unanimously.

9. Discussion and action by the Commission members and staff on the Community Impact Statement for the Demory Farms Subdivision. Staff stated Huntley, Nyce & Associates asked that this item be withdrawn from the agenda at this time. Ms. Smith motioned to withdraw the Demory Community Impact Statement from the agenda. Mr. Lewandowski seconded the motion which carried unanimously.

10. Postponed from the April 27, 2004 meeting. Action on the Conditional Use Permit for the Uniwest Wastewater Treatment Plant resolving the five (5) unresolved issues per Zoning Board of Appeals action on March 18, 2004. Mr. Lewandowski and Mr. Kane recused themselves from this part of the meeting. The public hearing was held and closed at the April 27, 2004 meeting. The Planning Commission allowed representatives of the developer and members of the public to answer specific questions addressed to them through the President.

By consensus the Commission resolved the issues in the following manner:

1. Seek no more than 75,000 gallon per day peak design capacity for the wastewater treatment plant from the Department of Environmental Protection
2. Reroute discharge to not run underground through the Sloan/Watson property. (as per Motion below)
3. Screen Sloan/Watson property adjacent to the driveway access in accordance with the County's Standard Detail for Screening and Buffers.
4. Provide a buffer along Route 340/4-Marlow Road in accordance with the County's Standard Detail for Screening and Buffers.
5. Replace the bridge on the Sloan/Watson property if flow breeches the bridge in excess of the flood plain.

Mr. Donley motioned to not run the underground pipe through the Sloan property. Mr. Roper seconded the motion which passed with a vote of 4 for and 2 opposed (Mr. Morgan and Mr. Sims). Ms. Smith motioned to deny the Conditional Use Permit on the grounds of incompatibility with the neighborhood and the Zoning Board of Appeals' Findings of Fact and Conclusion of Law dated March 16, 2004. Mr. Morgan seconded the motion. The vote was 3 for (Smith, Morgan and Sims) and 3 against. No action was taken by the Planning & Zoning Commission. Mr. Lewandowski and Mr. Kane returned to the meeting room for the rest of the meeting.

11. Request by Richard Hessenauer for a variance from the 3:1 depth to width ratio requirements for a proposed two-lot subdivision (Article 8, Section 8.2.e.3 of the Jefferson County Subdivision Ordinance). Mike Shepp presented the variance. Staff and engineer recommended approval of the variance. Ms. Smith motioned to approve the variance from the 3:1 depth to width ratio requirements for a proposed two-lot subdivision. Mr. Morgan seconded the motion which carried unanimously.

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12. Request by Richard Hessenauer for advancement to the final plat stage for a proposed two-lot subdivision (Article 6, Section 6.0 of the Jefferson County Subdivision Ordinance). Staff recommended advancement to the final plat stage for the proposed two-lot subdivision. Ms. Smith motioned to approve the advancement to the final plat stage for a proposed two-lot subdivision. Mr. Donley seconded the motion which carried unanimously.

13. Site plan approval and issuance of the Improvement Location Permit for Perkins Enterprises. Staff recommended approval of the site plan and issuance of the Improvement Location Permit. Mr. Morgan motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Roper seconded the motion which carried unanimously.

14. Site plan approval and issuance of the Improvement Location Permit for Charles Town Self Storage, Phase I, Building #3. Staff and engineer recommend approval of the site plan and issuance of the Improvement Location Permit. Mr. Roper motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Sims seconded the motion which carried unanimously.

15. Planning Commission make-up. Staff presented a letter regarding the new planning section of the State Code (8A-1-1 et seq.) effective June 17, 2004 the seats held by the municipalities on the Jefferson County Planning & Zoning Commission will be officially vacated.

16. Ordinance revisions. None.

17. Correspondence. Mr. Lewandowski motioned that action and discussion of the By-Laws be placed on the June 22, 2004 Planning Commission agenda. Mr. Morgan seconded the motion which carried unanimously.

The meeting adjourned at 9:30 p.m. on May 25, 2004. A detailed transcript of this meeting can be found on Tapes #1 and 2. These minutes were prepared by Sherry Cole.