

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
SEPTEMBER 14, 2004

The Jefferson County Planning & Zoning Commission met on Tuesday, September 14, 2004 with Rosella Kern, Vice President, presiding. Other Planning Commission members present were: Renny Smith, William Lewandowski, Russell Roper, Dan Marken, John Sims, Rusty Morgan and Thomas Kane. Staff members present were Paul Raco, Roger Goodwin and Sherry Cole.

Mr. Dailey was absent with notification.

Ms. Kern called the meeting to order at 7:00 p.m. Ms. Smith motioned to accept the Minutes of the August 24, 2004 regular meeting. Mr. Sims seconded the motion which carried unanimously.

1. Final Plat Public Hearing for the Gordon E. Jones and Drinda Franzen Minor Subdivision. Staff stated that Alpha Associates asked for postponement until the September 28, 2004. Staff recommended postponement of the final plat public hearing until the September 28, 2004 meeting. Mr. Kane motioned to postpone the final plat public hearing until the September 28, 2004 meeting. Mr. Lewandowski seconded the motion which carried unanimously. Ms. Smith did not vote.

5. Postponed from the August 10, 2004 meeting. Community Impact Statement Review for the Rock Ferry Station Subdivision (formerly known as Shenandoah Height Subdivision). Staff stated that the developer asked for postponement of this Community Impact Statement Review until the October 26, 2004 meeting. Staff recommended approval of the postponement based on the fact that the new staff needed to review the file. Mr. Sims motioned to postpone this item until the October 26, 2004 meeting. Ms. Smith seconded the motion which carried unanimously.

6. Community Impact Statement Review for the Crofts at Shepherdstown. Staff stated that the developer asked for a postponement of this Community Impact Statement Review until the September 28, 2004 meeting. Staff recommended approval based on the fact that the new staff needed to review the file. Mr. Kane motioned to postpone this item until the September 28, 2004 meeting. Mr. Marken seconded the motion which carried unanimously.

2. Final Plat Public Hearing for the Richard K. Hessenauer Subdivision, Lots 1 and 2-Residue. Staff noted that the large 26 acre lot could not further subdivide except as a Parent to Child if it qualified. Staff recommended approval of the final plat conditioned on submitting the necessary original signed copies and recordation within 90 days. Mr. Morgan arrived at 7:07 p.m. There was public comment from Mike Shepp. The public hearing was closed. Ms. Smith motioned to approve the final plat with staff contingencies. Mr. Kane seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the Scott A. Evans Minor Subdivision. Staff and engineer recommended approval of the final plat conditioned on submitting the necessary original signed copies and recordation within 90 days. There was no public comment. The public hearing was closed. Mr. Morgan motioned to approve the final plat. Mr. Marken seconded the motion which carried unanimously.

MINUTES - JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
SEPTEMBER 14, 2004  
PAGE TWO

4. Final Plat Public Hearing for the Community of Beallair Subdivision, Lots 1-49. Staff and engineer recommended approval of the final plat conditioned on the necessary original signed copies, bonding arrangements and recordation of the final plat within 90 days. There was no public comment. The public hearing was closed. Ms. Smith motioned to approve the final plat with staff contingencies. Mr. Morgan seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Lewandowski).

7. Request by Chester and Mary Hines for a variance from the 3:1 dept to width ratio for a proposed merger (Article 8, Section 8.2.e.3 of the Jefferson County Subdivision Ordinance). Staff recommended approval of the variance request contingent on the merger. Mr. Kane motioned to grant the variance. Mr. Marken seconded the motion which carried unanimously.

8. Request by Wesley and Josephine Young for a variance from the right of way width and road standards for a proposed merger and child to parent lot (Article 5, Section 5.1d) letter on behalf of the Planning Commission. Mary Ellen Mahoney presented the variance request. Staff recommended granting the variance. Ms. Smith motioned to grant the variance. Mr. Morgan seconded the motion which carried unanimously.

9. Request by Peter Chakmakian on behalf of the Daniels Forest Subdivision to toll the time requirements for as many days as it will take to finish the appellate process. Peter Chakmakian presented the request. Staff recommended seeking legal counsel. Mr. Lewandowski motioned to defer action until legal counsel is sought for appropriate action and docket this item for the September 28, 2004 meeting. Mr. Sims seconded the motion which carried unanimously.

10. Request by Peter Chakmakian on behalf of the Forest View Subdivision to toll the time requirements for as many days as it will take to finish the appellate process. Peter Chakmakian presented the request. Staff recommended seeking legal counsel. Ms. Smith motioned to defer action until legal counsel is sought for appropriate action and docket this item for the September 28, 2004 meeting. Mr. Lewandowski seconded the motion which carried unanimously.

11. Request by Keron Psillas for a variance to reopen a subdivision file and allow the final plat to record (Article 5, Section 5.2.a.11 and Section 8.1.d). Ed Johnson presented the variance request. Staff recommended reopening the file and recordation in 30 days. Mr. Lewandowski motioned to reopen the file with recordation in 30 days. Mr. Sims seconded the motion which carried unanimously.

12. Status report Violation Notice Sheridan LLC, Sheridan Subdivision (PC File #00-33). Ms. Kern recused herself. Ms. Smith took over as chairperson. Roger Goodwin, Chief County Engineer gave a status report. This item is on the agenda for the September 28, 2004 meeting.

Mr. Sims motioned to have staff write a letter to DEP asking for more diligent enforcement of the NPDES requirements. Mr. Lewandowski seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Roper).

13. Request by Paul Hobbs to address the Planning Commission pertaining to the Sheridan Subdivision (#00-33) water drainage situation. Mr. Hobbs was not present for this item. Ms. Kern returned to the meeting room as chairperson for the rest of the meeting.

14. Site plan approval and issuance of the Improvement Location Permit for Charles Town Races & Slots - 7 ½ Furlong Shute. Staff and engineer recommended approval subject to bonding. Mr. Morgan motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Roper seconded the motion which carried unanimously.

15. Ordinance revisions. Mr. Marken motioned to accept the Guidelines to the Ordinance Revisions submitted by the County Commission conditioned on more Planning Commission representation on the selection committee and removal of the funding mechanism. Mr. Sims seconded the motion which carried unanimously.

16. Staffing. Staff handed out a document clarifying the roles and responsibilities of the Planning Commission, Department of Planning, Zoning and Engineering and the Executive Director of the Department of Planning, Zoning and Engineering.

Mr. Lewandowski made a motion asking for: (1) a detailed explanation for the non-renewal of the Visa for the Chief Planner and whether or not he has been officially terminated (2) what are the official reasons for termination; and (3) the cause for the termination. Ms. Smith seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Kane).

17. Correspondence. Jefferson County Public Service District minutes of the August 2, 2004 meeting and the August 9, 2004 meeting. Eastern Panhandle Regional Planning and Development Council Survey. Letter dated August 24, 2004 from Susan M. Pierce with the West Virginia Division of Culture & History. Letter dated September 3, 2004 from Douglas S. Rockwell regarding Rock Ferry Station.

Staff handed out Planning Commission policies.

The meeting adjourned at 10:00 p.m. on September 14, 2004. A detailed transcript of this meeting can be found on CD #64, #65 and #66. These minutes were prepared by Sherry Cole.