

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
OCTOBER 12, 2004

The Jefferson County Planning & Zoning Commission met on Tuesday, October 12, 2004 with Arnie Dailey, President, presiding. Other Planning Commission members present were: Rosella Kern, Renny Smith, Bill Lewandowski, Russell Roper, Dan Marken, John Sims and Thomas Kane. Staff members present were Paul Raco, Roger Goodwin, Mason Carter and Sherry Cole.

Rusty Morgan was absent without notification.

Mr. Dailey called the meeting to order at 7:00 p.m. Ms. Smith motioned to accept the Minutes of the September 28, 2004 regular meeting. Mr. Kane seconded the motion which carried unanimously.

1. Postponed from the June 22, 2004 meeting. Declaration of violation for Mr. Daniel P. Lutz of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 13 on Tax Map 13 of the Kabletown District as found in Deed Book 196 Page 128. Mason Carter asked for postponement of this item until January 2005 as the weeds are too high to be able to complete his investigation and take pictures. Ms. Smith motioned to postpone until Mr. Carter is ready to bring the violation before the Planning Commission. Mr. Roper seconded the motion. Mr. Marken amended the motion to a postponement not to exceed 60 days. Mr. Lewandowski seconded the motion. The amendment to the motion failed with a vote of 4 for (Mr. Marken, Mr. Sims, Mr. Lewandowski and Mr. Kane) and 4 against. The original motioned passed with a vote of 5 for and 3 opposed (Mr. Marken, Mr. Kane, and Mr. Sims).

2. Declaration of violation for Mr. and Mrs. Karl Dash of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 8 on Tax Map 13J of the Harpers Ferry District as found in Deed Book 933 at Page 308. Mason Carter stated that Ms. Dash Smith is in compliance. There was no action taken.

3. Declaration of violation for Mr. David L. Coakley/The Carlyle Group of the Jefferson County Improvement Location Permit Ordinance for construction of a deck to an apartment building on property designated as Parcel 27 on Tax Map 21 of the Charles Town District as found in Deed Book 972 at Page 366. Mason Carter presented the violation. Gary Penwell with the Carlyle Group asked for a postponement. Ms. Smith motioned to postpone this item until the November 9, 2004 meeting. Mr. Sims seconded the motion which carried unanimously.

4. Declaration of violation for Mr. Bradley C. Reckert of the Jefferson County Improvement Location Permit Ordinance for placement of two storage containers on property designated as Parcel 11.6 on Tax Map 10 of the Harpers Ferry District as found in Deed Book 963 at Page 593. Mason Carter stated that Attorney Peter Chakmakian sent him a letter asking for postponement until the second meeting in November. Mr. Roper motioned to postpone this item until the second meeting in November. Ms. Kern seconded the motion which failed with a vote of 3 for (Mr. Roper, Ms. Kern, and Mr. Dailey) and 5 opposed. The Planning Commission took a vote again as Ms. Smith misunderstood the motion. The motion failed with a vote of 4 for (Mr. Roper, Ms. Kern, Mr. Dailey and Ms. Smith) and 4 opposed. Mr. Kane motioned to declare in violation. Mr. Lewandowski seconded the motion which failed with a vote of 4 for (Mr. Kane, Mr. Lewandowski, Mr. Marken and Mr. Sims) and 4 opposed. Staff recommended postponement until the next meeting. Mr. Lewandowski motioned to postpone until the next meeting. Mr. Roper seconded the motion which carried unanimously.

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5. Declaration of violation for Ms. Linda Statler of the Jefferson County Improvement Location Permit Ordinance for placement of a sign on property designated as Parcel 304 on Tax Map 4A of the Middleway District as found in Deed Book 772 at Page 529. Mr. Lewandowski motioned to find Ms. Statler in violation. Mr. Kane seconded the motion which carried unanimously.
6. Postponed from the September 28, 2004 meeting. Final Plat Public Hearing for the Gordon E. Jones and Drinda Franzen Minor Subdivision. Staff stated that Alpha Associates asked for postponement because a letter from the Health Department or the public water service company has not been received. Ms. Smith motioned to postpone the final plat public hearing until the developer receives the letter from the Health Department or the letter from the public water service company. Mr. Kane seconded the motion. Mr. Sims amended the motion to reflect postponement until the October 26, 2004 meeting. Mr. Dick Klein spoke. Mr. Marken seconded the amendment to the motion which carried unanimously. The amended motion carried unanimously.
7. Final Plat Public Hearing for the Mark W. Simons Minor Subdivision, Lot 1-Residue & Lots 2 & 3. Staff and engineer recommended approval of the final plat with the necessary original signed copies being submitted and recordation within 90 days. The public hearing was open. 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.
8. Final Plat Public Hearing for the June B. Mason Minor Subdivision, Lots 1 & 2-Residue. Staff and engineer recommended approval of the final plat with the necessary original signed copies being submitted and recordation within 90 days. The public hearing was open. There was no public comment. The public hearing was closed. Mr. Lewandowski motioned to approve the final plat with staff contingencies. Ms. Kern seconded the motion which carried unanimously.
9. Final Plat Public Hearing for the June B. Mason Minor Subdivision, Lots 1 & 2-Residue. Staff and engineer recommended approval of the final plat with the necessary original signed copies being submitted and recordation within 90 days. The public hearing was open. There was no public comment. The public hearing was closed. Ms. Kern motioned to approve the final plat with staff contingencies. Mr. Lewandowski seconded the motion which carried unanimously.
10. Final Plat Public Hearing for the Briar Run Estates Phase, III, Lot 1 Subdivision. Staff recommended approval of the final plat. The public hearing was open. There was no public comment. The public hearing was closed. Ms. Kern motioned to approve the final plat with staff contingencies. Ms. Smith seconded the motion which carried unanimously.
11. Tabled from the September 28, 2004 meeting. Request by Gene Henry for consideration by Planning Commission to redocket the Conditional Use Permit for Town Run Commons. Ms. Smith recused herself from this item on the agenda. Staff stated that Mr. Lorensen wants to meet with the Planning Commission before the PC meeting. A special meeting was scheduled for November 9, 2004 at 6:30 p.m. with Attorney Lorensen and Mr. Cassell. Mr. Lewandowski stated he is staying for this item on the agenda. Mr. Marken motioned to suspend this item on the agenda and postpone citing the original motion from the meeting of September 28, 2004 has not been satisfied. Mr. Kane seconded the motion which carried unanimously. Ms. Smith returned to the meeting room for the rest of the meeting.

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12. Postponed from the September 28, 2004 meeting. Request by Richard S. Crum to submit a limited site plan for the use of one room within his existing home for conversion to a retail art gallery. (Article 4 of the Jefferson County Improvement Location Permit Ordinance). Richard Crum presented the request. Staff stated that the variance request was unclear in that it stated it was a request for a limited site plan, which the staff could have supported. Staff was concerned with the parking and landscaping. Mr. Kane asked Mr. Crum if he was willing to withdraw the request and work with the staff and engineer on a solution that would be acceptable to both parties. Mr. Crum withdrew his request.

13. Postponed from the September 28, 2004 meeting. Request by Urban Engineering & Associates, Inc. on behalf of R&M Properties, LLC Minor Subdivision, Lot 3-Residue to not be restricted to a single family dwelling (Article 5, Section 5.1.a.4 of the Jefferson County Subdivision Ordinance). Attorney Braun Hamstead presented the request. Reese Clabaugh spoke. Staff recommended approval based on the fact that the developer still owned all three lots conditioned on note #3 being modified to state that lots 1 and 2 are restricted to a single family dwelling and the residue was to be limited to the use existing at the time of the original subdivision unless further processed through the ordinances and the submission of a \$150.00 minor plat change fee. Ms. Smith motioned to approve the request with staff contingencies. Mr. Sims seconded the motion which carried unanimously.

14. Request by Doris Kelchner for additional time to provide water potability for ILP #03-1068. Staff recommended giving Ms. Kelchner additional time to provide the water potability. Doris Kelchner presented the request. Ms. Kern motioned to allow a 60 day extension. Mr. Lewandowski seconded the motion which carried unanimously.

15. Request by James Campbell on behalf of the Sheridan Subdivision to allow changes to the approved preliminary and/or final plats to proceed as minor plat changes and that Improvements Location Permits be issued. Ms. Kern recused herself from this item on the agenda. James Campbell represented the request. Mike Shepp spoke. Staff stated that they had no problem allowing the shift in the direction of the wastewater being processed as a redline revision since it was just technical. However, they were opposed to giving final approval to the revised plat until the West Virginia Department of Environmental Protection approved the new Wastewater Treatment Plant's discharge permit. This would mean that building permits would not be issued. Based on this information, Mr. Lewandowski motioned to grant the request for the technical change on the Preliminary Plat. Ms. Smith seconded the motion which carried unanimously.

16. Request by Jefferson County Commission for a waiver from the site plan process for a proposed 40' x 100' storage/equipment building (Article 4 of the Jefferson County Improvement Location Permit Ordinance). William Polk presented the request. Staff recommended approval of the waiver from the site plan process with the County Engineer helping with storm water management details, erosion and sediment control and landscaping. Ms. Smith motioned to waive the site plan process. Mr. Kane seconded the motion which passed with a vote of 6 for and 2 opposed (Mr. Roper and Mr. Lewandowski).

17. Request by Orchards Knolls, LLC for additional time to bond and record the final plat of the Chapel View Subdivision (Article 8, Section 8.1(d) of the Jefferson County Subdivision Ordinance). There was no one at the meeting to present this request. Staff recommended postponement until the October 26, 2004 meeting. Mr. Kane motioned to postpone this item until the October 26, 2004 meeting. Ms. Smith seconded the motion which passed with a vote of 6 for and 2 opposed (Mr. Lewandowski and Mr. Sims).

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18. Request by John D. Lowe, III, Scott Lowe and Phillip Lowe for advancement to the final plat stage for a proposed subdivision to create separate lots for two existing businesses - Potomac Farms Nursery, Inc., and Lowe Products, Inc. (Article 6, Section 6.0 and 6.1 of the Jefferson County Subdivision Ordinance). Staff recommended advancement to final plat stage noting that all setbacks would have to be met. Ms. Kern motioned to advance to final plat. Mr. Marken seconded the motion which carried unanimously

19. Ordinance revisions/RFP. The Commission stated that Ms. Kern's proposed amendments were acceptable. Based on the consensus, Mr. Lewandowski motioned to recommend the RFP as modified to the County Commission. Mr. Marken seconded the motion which carried unanimously.

20. Defining Planning Commission's Role. Staff recommended scheduling a Special Meeting for Tuesday, November 16, 2004 at 7:00 p.m. with the two items on the agenda as follows: (1) Role of the Planning Commission; (2) By-Laws. Mr. Lewandowski motioned to schedule the special meeting on November 16, 2004. Ms. Smith seconded the motion which carried unanimously.

21. Correspondence. Letter from Al Hooper dated October 4, 2004 regarding the chief planner. Letter from Braun Hamstead regarding Town Run Commons. Elaine Cogan's The Effective Planning Commissioner, Tip of the Month.

Staff handed out a brochure regarding a seminar on Growing Communities on Karst which will be held at the National Conservation Training Center in Shepherdstown on November 18-19, 2004. Staff stated that if anyone from the Commission wanted to attend the County would pay for their registration. Staff stated to let them know within a couple of weeks.

The meeting adjourned at 9:35 p.m. on October 12, 2004. A detailed transcript of this meeting can be found on CD #79, #80, #81 and #82. These minutes were prepared by Sherry Cole.

