

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
OCTOBER 26, 2004

The Jefferson County Planning & Zoning Commission met on Tuesday, October 26, 2004 with Arnie Dailey, President, presiding. Other Planning Commission members present were: Rosella Kern, Renny Smith, Bill Lewandowski, Russel Roper, Dan Marken, John Sims, Thomas Kane and Rusty Morgan. Staff members present were Paul Raco, Roger Goodwin, Mason Carter and Sherry Cole.

Mr. Dailey called the meeting to order at 7:00 p.m. Ms. Kern motioned to accept the Minutes of the October 12, 2004 regular meeting. Mr. Lewandowski seconded the motion which carried unanimously.

Mr. Kane motioned to accept the Minutes of the October 5, 2004 Special Meeting. Mr. Marken seconded the motion which carried unanimously.

1. Postponed from the October 12, 2004 meeting. 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 presented the violation. Mr. Roper arrived at 7:03 p.m. Ms. Smith arrived at 7:06 p.m. Peter Chakmakian represented Mr. Reckert. Mr. Chakmakian asked for postponement until the November 9, 2004 meeting, as his client was not present. Mr. Chakmakian further stated that this matter would be resolved by the November 9, 2004 meeting. Staff recommended an automatic declaration at the November 9, 2004 meeting if this matter is not rectified. Ms. Kern motioned to give Mr. Reckert until the November 9, 2004 meeting to come up with a solution that is acceptable to the Planning Commission, if not an automatic declaration of violation would be issued. Mr. Roper seconded the motion which passed with a vote of 7 for and 2 opposed (Mr. Sims and Mr. Lewandowski).

2. Postponed from the October 12, 2004 meeting. Final Plat Public Hearing for the Gordon E. Jones and Drinda Franzen Minor Subdivision, Lots 1 and 2-Residue. Staff recommended postponement until the November 9, 2004 meeting to allow more time for the property owner to provide a well permit. Staff stated that a letter was received from Michael Whalen with the Potomac Farms Water Company. Ms. Smith motioned to postpone the final plat public hearing until the November 9, 2004 meeting. Mr. Lewandowski seconded the motion which carried unanimously.

3. Postponed from the September 14, 2004 meeting. Community Impact Statement Review for the Rock Ferry Station Subdivision (formerly known as Shenandoah Heights Subdivision). Peter Chakmakian presented the Community Impact Statement. Bruce DeAtley, Frank Bond and Mark Thomas spoke. There was public comment from Doug Rockwell, Lawrence Hixson, and Bob Sabath. The public hearing was closed. Bruce DeAtley and Peter Chakmakian rebutted. Staff recommended approval of the Community Impact Statement contingent that after the Preliminary Plat Staff Review Hearing that Staff would present the Planning Commission with notes then the Planning Commission can approve separate things because of Hillside Development. Ms. Kern motioned to approve the Community Impact Statement contingent upon (1) at preliminary plat that there be a presentation of the Hillside issues and a recommendation for the Commission to discuss and resolve at a regular meeting and (2) formal presentation of how the program for the conservation easement and the maintenance program. Mr. Kane seconded the motion. Ms. Smith amended the motion to discuss the traffic issues and have DNR take a second look at the bald eagle habitat. Mr. Morgan seconded the motion. Mr. Morgan withdrew his second to the motion. Mr. Lewandowski seconded the motion. The motion failed with a vote of 3 for (Ms. Smith, Mr. Sims and Mr. Lewandowski) and 6 opposed. Mr. Morgan amended the motion to

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have DNR do a study. Mr. Marken seconded the amendment to the motion which carried unanimously. The original motion carried unanimously.

4. Community Impact Statement Review for the Route 340 Business Center. Staff recommended postponement of this item until the November 9, 2004 meeting as there are still matters that need to be addressed by the developer's engineering firm. Ms. Smith motioned to postpone the Community Impact Statement. Mr. Roper seconded the motion which carried unanimously.

5. Postponed from the October 12, 2004 meeting. Request by Orchard Knolls, LLC to reopen the file for the Chapel View Subdivision and additional time to bond and record the final plats (Article 8, Section 8.1(d) of the Jefferson County Subdivision Ordinance). Staff recommended reopening the file and allowing an additional 90 days to bond and record. Mr. Kane motioned to reopen the file and provide 90 days additional time to bond and record the final plat. Ms. Kern seconded the motion which carried unanimously.

6. Request by Matt Ridgeway to reopen the file for the Merryfield Subdivision and additional time to bond and record the final plats (Article 8, Section 8.1(d) of the Jefferson County Subdivision Ordinance). Staff recommended reopening the file and allowing an additional 90 days to bond and record. Ms. Smith motioned to reopen the file and allow 90 days additional time to bond and record the final plat. Ms. Kern seconded the motion which carried unanimously.

7. Request by Ed Johnson on behalf of the Shepherd's Retreat Subdivision for an extension of time of the Community Impact Statement (Article 6 of the Jefferson County Subdivision Ordinance). Ed Johnson presented the request. Staff recommended reopening the Community Impact Statement and extending the time for 1 year due to the death of the developer's engineer and a hold up with the PSD. Ms. Kern motioned to reopen the file and to grant a 1 year extension. Mr. Morgan seconded the motion which passed with a vote of 7 for and 2 opposed (Mr. Sims and Mr. Lewandowski).

8. Ordinance revisions. Staff stated that the RFP is in the packets and advertisement is in the newspapers.

9. Correspondence. Letter from Mike Cassell dated October 18, 2004 regarding the Conditional Use Permit Application filed by Gene Henry. Invitation to the HEPMPO Meeting.

10. Cancellation of November 23, 2004 and December 28, 2004 meetings. Mr. Kane motioned to cancel the December 28, 2004 meeting. Mr. Marken seconded the motion which carried unanimously.

Mr. Lewandowski motioned to cancel the November 23, 2004 meeting. Mr. Morgan seconded the motion which carried unanimously.

The meeting adjourned at 9:45 p.m. on October 26, 2004. A detailed transcript of this meeting can be found on CD #87 and #88. These minutes were prepared by Sherry Cole.

