

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
NOVEMBER 9, 2004

The Jefferson County Planning & Zoning Commission met on Tuesday, November 9, 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 and Sherry Cole.

Renny Smith was absent with notification for the Special Meeting. Rusty Morgan was absent with notification for the entire meeting. Mr. Dailey called the Special Meeting to order at 6:30 p.m. Mr. Roper motioned to adjourn for a client/attorney privilege meeting. Mr. Sims seconded the motion which carried unanimously.

Mr. Dailey brought the regular meeting to order.

Ms. Smith motioned to accept the Minutes of the October 26, 2004 meeting. Mr. Sims seconded the motion which carried unanimously.

1. Planning Commission will discuss with Staff and Legal Counsel and possibly take action on how to proceed with Aubrey E. Henry's request to redocket the Conditional Use Permit for Town Run Commons and pending lawsuits pertaining to Mr. Henry. Mr. Lewandowski and Ms. Smith recused themselves from this item on the agenda. Staff recommended to redocket the Conditional Use Permit on unresolved issues and a new hearing scheduled for December 14, 2004. Mr. Kane motioned to redocket the Public Hearing on the unresolved issues only for the December 14, 2004 meeting. Mr. Marken seconded the motion which carried unanimously. Ms. Smith and Mr. Lewandowski returned to the meeting room for the rest of the meeting.

2. Postponed from the October 26, 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. Staff recommended a motion to remove this item from the agenda. Staff also recommended an automatic declaration if the sea containers reappear. Ms. Smith motioned to remove this item from the agenda and recommended an automatic declaration if the sea containers reappear. Mr. Marken seconded the motion which carried unanimously.

3. Postponed from the October 26, 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 December 14, 2004 meeting for the final plat public hearing and to readvertise. Mr. Lewandowski motioned to open the final plat public hearing. Mr. Sims seconded the motion which carried unanimously. There was public comment from Jeff Burnaselli, Diane Thomas, George Stebbins and Cathy O'Connor. The public hearing was closed. Dick Klein spoke. Mr. Kane motioned to disapprove the final plat based on (1) the fact that a letter was received stating that water cannot be provided to the lot; (2) Health Department refused to issue a well permit. Mr. Sims seconded the motion which carried unanimously.

4. Final Plat Public Hearing for the Shepherdstown Volunteer Fire Department Subdivision. Mr. Marken recused himself from this item on the agenda as he is an officer for the fire department. Staff and engineer recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. There was no public comment. Ms. Smith motioned to approve with staff contingencies. Mr. Roper seconded the motion which passed with a vote of 6 to 1 opposed (Mr. Lewandowski). Mr. Marken returned to the meeting room for the rest of the meeting.

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5. Postponed from the September 14, 2004 meeting. Community Impact Statement Review for the Route 340 Business Center and Item #11 on the Agenda the Variance Request by William H. Gordon Associates on behalf of Route 340 Business Center for a variance from the minimum spacing between condominium buildings containing non-residential uses (Article 9, Section 9.2(e)-6(c) of the Jefferson County Subdivision Ordinance). Mark Dyck presented the project and the variance request. Mark Smith spoke. There was no public comment. The public hearing was closed. Staff stated that there needs to be a limit on the RV and boat outdoor storage areas as shown on the plat. Staff recommended acceptance of the Community Impact Statement and recommended granting the variance of the separation standard for one way traffic. Mr. Marken motioned to grant the variance. Mr. Kane seconded the motion which carried unanimously. Mr. Lewandowski motioned to accept the Community Impact Statement with staff contingencies (Department of Highway approval and Zoning Board of Appeals approval) which carried unanimously.

6. Community Impact Statement Review for Blue Ridge Cabins. John Kusner asked for a continuation until the December 14, 2004 meeting. Ms. Smith motioned to postpone this item until the December 14, 2004 meeting. Mr. Marken seconded the motion which carried unanimously.

7. Community Impact Statement Review for the Miller Station Subdivision, Lot 5, Tire Center. Staff recommended postponement until the December 14, 2004 meeting due to lack of information. Dr. Gerald Miller asked for a continuance to review data and come back for the December 14, 2004 meeting. Mr. Kane motioned to postpone this item until the December 14, 2004 meeting. Mr. Lewandowski seconded the motion which carried unanimously.

8. Request by Phyliss Swartz for waiver from the site plan process to replace an existing single wide mobile home with a hair salon with a double wide mobile home with a hair salon (Article 4 of the Jefferson County Improvement Location Permit Ordinance). Sherman Loy presented the request. Staff recommended granting the waiver from the site plan process with ADA compliance. Ms. Smith motioned to grant the request for waiver from the site plan process with staff contingencies. Mr. Lewandowski seconded the motion which carried unanimously.

9. Request by Richard S. Crum for a waiver from the site plan process to allow the use of one room within his existing home for conversion to retail art gallery (Article 4 of the Jefferson County Improvement Location Permit Ordinance). Staff and engineer recommended approval for a waiver from the site plan process conditioned on (1) Utilize the existing 38' wide x 42' parking area to satisfy the four parking space requirement for a retail establishment. One parking space will be paved a minimum of 13' x 20' for a handicapped parking space, with a hard surface walkway to the existing handicapped access ramp at the structure; (2) Maintain a 15' screened buffer along the side and rear lot lines, utilizing the existing vegetation (hedge, bushes, trees, etc.); (3) Install a storm water collection system for the garage/outbuilding roof runoff, and to pipe it to a 7'x7'x2' dry-well pit filled with stone, to act as a storm water quality control infiltration system; (4) Provide a sketch, prepared by Mr. Crum, of the property showing the location of all structures, parking area, screened buffers, and building set-backs; (5) If it is determined in the future, by the Planning Commission, that storm water management is necessary, then you will submit a storm water management system design by a professional engineer and install the storm water management facility. Mr. Lewandowski motioned to grant the waiver from the site plan process with staff contingencies. Mr. Marken seconded the motion which carried unanimously.

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10. Request by Gaye T. Snyder for a waiver from the site process for a pre-school conducted within the home (Article 4 of the Jefferson County Improvement Location Permit Ordinance). Ms. Gaye Snyder presented the variance request. Staff and engineer recommended approval of the variance with adequate parking needs provided. Mr. Marken motioned to grant the variance Mr. Kane seconded the motion which carried unanimously.

12. Ordinance Revisions. Staff stated that he is waiting on the proposals generated from the RFPs.

13. Correspondence. (1) Mr. Lewandowski handed out a Draft Version 1.7 of the By-Laws. (2) Letter from Ranson regarding annexing Jefferson Orchard property. (3) Letter from Gerald MacFarlane dated October 22, 2004 regarding Rock Ferry Station.

The meeting adjourned at 8:58 p.m. on November 9, 2004. A detailed transcript of this meeting can be found on CD #91 and #92. These minutes were prepared by Sherry Cole.

