

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
DECEMBER 14, 2004

The Jefferson County Planning & Zoning Commission met on Tuesday, December 14, 2004 with Arnie Dailey, President, presiding. Other Planning Commission members present were: Renny Smith, Bill Lewandowski, Russel Roper, Dan Marken, John Sims, Thomas Kane and Rusty Morgan. Staff members present were Rebecca Burns, Roger Goodwin, Mason Carter, Michael Cassell and Sherry Cole.

Ms. Kern was absent with notification. Mr. Dailey called the Meeting to order at 7:00 p.m. Ms. Smith motioned to accept the Minutes of the November 9, 2004 meeting. Mr. Marken seconded the motion which carried unanimously.

1. Postponed from the September 28, 2004 meeting. Declaration of violation for Mrs. Karen S. Manuel Gregoryk of the Jefferson County Improvement Location Permit Ordinance for placement of construction of a storage shed on property designated as Parcel 13.1 on Tax Map 16 of the Charles Town District as found in Deed Book 673 at Page 666. Staff stated that on November 18, 2004 the Board of Zoning Appeals denied the setback variance request. As such, staff recommended a declaration of violation to proceed with legal action. Attorney Braun Hamstead represented Mr. and Mrs. Gregoryk. John Gregoryk spoke. Mr. Lewandowski motioned to postpone for 90 days to give Mr. and Mrs. Gregoryk time to come into compliance. Ms. Smith seconded the motion which carried unanimously.

2. Declaration of violation for Donald Rockwell/Rockwell's Moving & Storage of the Conditional Use Permit and Jefferson County Improvement Location Permit Ordinance for placement of an office trailer and tractor trailers on property designated as Parcel 17.3 on Tax Map 1 of the Charles Town District as found in Deed Book 938 at Page 383. Mason Carter presented the violation. Mr. Carter stated that this is a violation of the Conditional Use Permit since the office and trailers were not shown on the original Conditional Use Permit application. As such, the Planning Commission does not have the jurisdiction to grant a variance or allow the violation. Mr. Carter further stated that Mr. Rockwell is in violation of the Site Plan approval since the office and trailers were not shown on the original site plan. Staff recommended declaration of violation for the Zoning violation and the Site Plan violation. Donnie Rockwell, Braun Hamstead and Dirk Stansbury spoke. Mr. Lewandowski motioned to postpone this item until the March 8, 2004 meeting. Mr. Roper seconded the motion which carried unanimously.

3. Declaration of violation for Timothy J. Foltz of the Jefferson County Subdivision Ordinance for rent/leasing of hanger space at Cedar Meadows Airpark Subdivision. Mason Carter presented the violation. Mr. Carter stated that the Community Impact Statement was approved based on an addendum to the CIS which states 'The T-hanger and landing strip is for the exclusive use of property owners and Homeowners Association members. No commercial use will be permitted.' Mr. Carter further stated that the Planning Commission cannot allow the use because it is a violation of the Zoning Ordinance. Staff recommended declaration of violation. Ms. Smith motioned to declare Timothy J. Foltz in violation of the Jefferson County Subdivision Ordinance. Mr. Lewandowski seconded the motion which carried unanimously.

4. Final Plat Public Hearing for the Springs at Shepherdstown Subdivision, Lots 1-36 & 2 SWM lots. Staff and engineer recommended approval conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. There was public comment from Jeff Hertrick. The public hearing was closed. Ms. Smith motioned to approve the final plat with staff contingencies. Mr. Morgan seconded the motion which carried unanimously.

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5. Final Plat Public Hearing for the Branch Banking and Trust Property. Staff and Engineer recommended approval of the final plat conditioned on submitting the necessary originally signed copies and recordation within 90 days. There was no public comment. The public hearing was closed. Mr. Roper motioned to approve the final plat with staff contingencies. Mr. Marken seconded the motion which carried unanimously.

6. Final Plat Public Hearing for the Cave Quarter Estates Subdivision, Section C, Lots 48-51 & Residue Lots A & B. Mr. Roper left the meeting room as he is a family member to the developer. Staff and Engineer recommended approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation 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. Kane seconded the motion which carried unanimously. Mr. Roper returned to the meeting room for the rest of the meeting.

7. Final Plat Public Hearing for the Locust Hill Townhouses, Phase III, Lots 56-95. Staff and Engineer recommended approval of the final plat conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. There was no public comment. Mr. Kane motioned to approve the final plat with staff contingencies. Mr. Marken seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Lewandowski).

8. Postponed from the November 9, 2004 meeting. Community Impact Statement Review for Blue Ridge Cabins. Winston Threadgill presented the Community Impact Statement. There was no public comment. Staff and Engineer recommended acceptance of the Community Impact Statement. Ms. Smith motioned to approve the Community Impact Statement. Mr. Roper seconded the motion. John Kusner answered questions from the Planning Commission. The public hearing opened again. There was no public comment. The public hearing was closed. Mr. Lewandowski made an amendment to the original motion that Hillside development be reviewed at site plan. Ms. Smith seconded the amendment to the motion which carried unanimously. The original motion passed with a vote of 5 for and 3 opposed (Mr. Marken, Mr. Sims and Mr. Kane).

9. Postponed from the November 9, 2004 meeting. Community Impact Statement Review for the Miller Station Subdivision, Lot 5, Tire Center. Yolanda Hipske and Dr. Gerald Miller presented the Community Impact Statement. There was public comment from Jonathan Freeman, Karen Rosier and David Temple. The public hearing was closed. Ms. Hipske rebutted. The staff and engineer recommended acceptance of the Community Impact Statement. Mr. Kane motioned to approve the Community Impact Statement. Mr. Roper seconded the motion. Mr. Morgan motioned to table this item on the agenda until the January 11, 2005 agenda. Mr. Lewandowski seconded the motion which carried unanimously. Mr. Morgan motioned for the County Engineer to write a letter to the Department of Highways regarding the priority of repairs of Patrick Henry Way. Mr. Lewandowski seconded the motion which carried unanimously.

10. Public Hearing and possible action on the Conditional Use Permit for Town Run Commons Subdivision. Ms. Smith, Mr. Lewandowski and Mr. Morgan left the meeting room for this item on the agenda. Mr. Cassell stated that this item was remanded back to the Planning & Zoning Commission. Attorney Gutsell stated in regards to Item # 4 on the Staff Report that they agreed to reducing the number of townhouses from 76 to 51 units. Attorney Gutsell stated they agree to item #10 which limits the height of the town homes to 20 feet and also agree to item #11 voluntarily paying impact fees for school. Aubrey Henry spoke and answered questions from the

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Planning & Zoning Commission. There was public comment from Attorney Braun Hamstead representing the Shepherdstown Men's Club, Dr. Peter Villa, Ethel Mary Elliott, Paul Burke, Joe Spurgis, Mariam Wilson, Fred Wells, Joyce Lewandowski and Hank Butler. The public hearing was closed. Rebuttal was presented by Attorney Linda Gutsell. Mr. Kane motioned to continue this item until the January 11, 2005 meeting for Planning Commission discussion. Mr. Marken seconded the motion which carried unanimously.

Ms. Smith, Mr. Lewandowski and Mr. Morgan returned to the meeting room for the rest of the meeting.

11. Request by Patricia Sanderson for permission to start and continue to build a barn and training/boarding facility for her horses as well as the continuation of farming activity on the property during the planning and review process for a proposed subdivision. Patricia Sanderson presented the request. Staff stated that since farming is a desirable use and the barn is for the applicant's own horses at this time, the staff has no problem with the request. As such, the staff recommends approval conditioned on that if the barn converts to a commercial facility, it process through the necessary ordinances. Ms. Smith motioned to grant the request. Mr. Sims seconded the motion which carried unanimously.

12. Site plan approval and issuance of the Improvement Location Permit for Walls Nursery. Staff and engineer recommended approval of the site plan and issuance of the Improvement Location Permit. All items of the Land Development Ordinances have been met. Staff and Engineer recommend approval of the site plan and issuance of the Improvement Location Permit conditioned on finalizing bonding arrangements. Mr. Roper motioned to approve the site plan and issuance of the Improvement Location Permit with staff contingencies. Mr. Morgan seconded the motion which carried unanimously.

13. Possible presentation of Zoning Amendments by the County Commission. Since they are not ready yet Mr. Morgan asked that this item be put on the Agenda for the January 11, 2005 meeting.

14. Ordinance revisions. The County has received 6 proposals for the Subdivision Ordinance rewrite. The 6 proposals were with the PC folders at the meeting. Mr. Dailey selected Mr. Kane, Mr. Lewandowski, Mr. Marken and Mr. Sims to participate with the two County Commission members, the Executive Director and the County Administrator to interview and select the consultant.

15. Correspondence. (1) Notice dated December 7, 2004 from the WV Department of Environmental Protection concerning the Public Hearing on a proposed treatment plant located on the Standard Quarry Property. (2) Public Service District Minutes dated October 4, 2004. (3) Letter dated November 14, 2004 from the Ambulance Authority concerning a subdivision that is not on the agenda today. (4) Email dated November 15, 2004 from Fred Blackmer concerning law enforcement and road maintenance.

Mr. Lewandowski asked staff to write a letter to Sheriff Boober to invite him to meet with the Planning & Zoning Commission. Mr. Sims suggested having one of the speakers from the Conference on Karst come speak to the Planning & Zoning Commission. The meeting adjourned at 11:45 p.m. on December 14, 2004. A detailed transcript of this meeting can be found on CD #104, #105, #106, and #107. These minutes were prepared by Sherry Cole.

