

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
JANUARY 14, 2003

The Jefferson County Planning & Zoning Commission met on Tuesday, January 14, 2003 with Arnold Dailey, President, presiding. Other Planning Commission members present were: Rosella Kern, James Gibson, David Hammer, Russell Roper, Rusty Morgan, Sam Donley, Renny Smith, Chris Stiles, Mark Schiavone, Richard Childs, and Barbara Humes. Staff members present were Stephen Bockmiller, Roger Goodwin, Mason Carter, Sherry Cole and Michael Cassell.

Clark Draper and David Mills were absent with notification. Douglas Vaira and David Kemnitzer were absent without notification.

Mr. Dailey called the meeting to order at 7:00 P.M.

Dr. Gibson motioned to approve the Minutes of the December 10, 2002 regular meeting with an amendment. Dr. Gibson stated that on page two, item two that he voted against the certificate of adequate capacity from the Board of Education. Ms. Smith seconded the motion to adopt the amended minutes which carried unanimously.

1. Election of Planning Commission Officers. Mr. Schiavone nominated Arnold Dailey for President. Ms. Smith seconded the motion. Mr. Morgan motioned to close the nominations. Mr. Stiles seconded the motion. Mr. Dailey was elected President by unanimous consent. Ms. Smith nominated Rosella Kern for Vice President. Mr. Stiles seconded the motion. Dr. Gibson motioned to close the nominations. Mr. Donley seconded the motion. Ms. Kern was elected Vice President by unanimous consent. Ms. Kern nominated Jim Gibson for Secretary. Mr. Stiles seconded the motion. Mr. Stiles motioned to close the nominations. Mr. Donley seconded the motion. Dr. Gibson was elected Secretary by unanimous consent.

2. Final Plat Public Hearing for the Quail Ridge Subdivision, Section 2, Phase I, Lots 44-48, 51-81 & Residue Lot. Staff stated the Final Plat is in compliance with the requirements of the Jefferson County Ordinance. Richard Klein presented the project. There was public comment from Paul Burke. Mr. Stiles motioned to approve the Final Plat. Ms. Smith seconded the motion which carried with a vote of 8 for, 2 opposed (Hammer and Morgan).

Russell Roper arrived at 7:25 P.M.

3. Final Plat Public Hearing for the Maddex Farm Subdivision, Phase I, Lots 75-112, 184 & Lot A-Residue. Staff stated the Final Plat meets the requirements of the Ordinance. Mike Shepp presented the project. There was public comment from Vicki Faulkner. Mr. Donley motioned to approve the Final Plat. Mr. Stiles seconded the motion which carried unanimously.

4. Final Plat Public Hearing for the Robert V. Foder et al Minor Subdivision, Lots 1, 2 & 3-Residue. Staff stated the Final Plat meets the requirements of the Ordinance. Ed Johnson

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presented the project. There was no public comment. Mr. Gibson motioned to approve the Final Plat. Mr. Schiavone seconded the motion which carried unanimously.

5. Final Plat Public Hearing for the R&M Properties Minor Subdivision, Lots 1, 2 & 3-Residue. Staff stated that the Final Plat meets the requirements of the Ordinance. There was no public comment. Mr. Roper motioned to approve the Final Plat. Ms. Kern seconded the motion which carried unanimously.

6. Postponed from the December 10, 2002 meeting. Community Impact Statement Review for the SCOP Commercial Subdivision. Mike Wiley and Alex Rahmi presented the project. There was public comment from Richard Ring. Mr. Stiles motioned to approve the Community Impact Statement. Mr. Donley seconded the motion. Mr. Hammer moved to amend the motion with the stipulation requiring the developer to seek and if necessary fund installation of a traffic signal (Section 8.2, 20F, Pg. 46) at the intersection of Somerset Way and Frontage Road to be synchronized with the signal at U.S. 340 and Somerset/Patrick Henry Way. Mr. Schiavone seconded the amendment to the motion which passed with a vote of 10 for and 1 opposed (Stiles). The vote on the amended motion was approved unanimously.

7. Community Impact Statement Review for the Eastland Subdivision, Section V, Lots 103-123. Steve Bittinger presented the project. There was public comment from Delores Milstead, Leigh Koonce and Paul Burke. Staff stated the Community Impact Statement meets the requirements of the Ordinance, but that the developer will need to seek a variance later for a pipe stream lot access or correct it at the preliminary plat stage. Dr. Gibson moved to approve the Community Impact Statement. Mr. Roper seconded the motion which passed with a vote of 10 for and 1 opposed (Hammer).

8. Postponed from the December 10, 2002 meeting. Public Hearing on the unresolved issues and action on the Conditional Use Permit for Shenandoah Professional Center & Mini Storage. Dr. Gibson recused himself from this item on the agenda as he owns neighboring property. Trish Sanderson, David Leonard and Dan Llewellyn presented project. There was public comment from Paul Burke and Vicki Faulkner. Mr. Hammer moved to reject the mini storage units as it is incompatible with the area. Ms. Smith seconded the motion which carried unanimously. Mr. Schiavone motioned to remove all conditions associated with mini storage facility. Mr. Hammer seconded the motion which carried unanimously. Ms. Smith moved to grant the Conditional Use Permit for the office building only subject to the agreed upon conditions relating to that use. Ms. Kern seconded the motion which carried unanimously. Dr. Gibson returned to the meeting room.

9. Site plan approval and issuance of the Improvement Location Permit for Harpers Ferry Plumbing & Heating. Ms. Kern recused herself from this item because of business relations. Mr. Hammer motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Schiavone seconded the motion which carried unanimously. Ms. Kern returned to

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the meeting room.

10. Request by William C. Donley for a variance from the general review process as allowed by Article 6, Section 6.0 of the Jefferson County Subdivision Ordinance for a proposed apartment complex. Sam Donley recused himself from this item on the agenda as he is a relative of the applicant. Ms. Smith motioned to approve the variance. Ms. Kern seconded the motion which passed unanimously. Mr. Donley returned to the meeting room.

11. Request by Christopher Shultz for reconsideration of the Windmill Crossing Community Impact Statement (Planning Commission File 02-20). Peter Chakmakian presented the request. Mr. Hammer motioned to deny the request for reconsideration. Ms. Smith seconded the motion. The motion failed with a vote of 4 for (Hammer, Kern, Schiavone, Smith), 6 opposed and 1 abstention (Morgan). Dr. Gibson motioned to reconsider the Community Impact Statement. Mr. Childs seconded the motion. Ms. Smith moved to amend the motion to reconsider the Community Impact Statement at the next meeting. Mr. Hammer seconded the motion. The amendment to the motion failed with a vote of 5 for and 5 opposed. The original motion failed with a vote of 5 for and 5 opposed (Donley, Hammer, Kern, Schiavone, and Smith).

12. Request by Jim Gibson for a possible reconsideration of the Windmill Crossing Community Impact Statement (Planning Commission File #02-20). Dr. Gibson stated this item was discussed in item 11.

13. Site plan approval and issuance of the Improvement Location Permit for Jefferson County Fairgrounds. Mr. Childs recused himself from this item as he is a member of the Fair Association. Staff recommended approval of the site plan. Mike Shepp presented the case. Mr. Donley motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Hammer seconded the motion which carried unanimously. Mr. Childs returned to the meeting room.

14. Declaration of violation for Mr. Mike Skigen, WWW General Partnership, Skigen Associates, of the Jefferson County Salvage Yard Ordinance and Zoning and Development Review Ordinance for property designated as Parcel 1.2 on Tax Map 11 of the Harpers Ferry District as found in Deed Book 609 at Page 143. Dr. Gibson recused himself from this item on the agent stating a tenant of his is a competitor of Mr. Skigen. Staff presented the case. Mr. Skigen was not present. Mr. Schiavone moved to find in declaration of violation. Mr. Hammer seconded the motion which carried unanimously. Dr. Gibson returned to the meeting room.

15. Declaration of violation for Mr. Peter Chakmakian of the Jefferson County Improvement Location Permit Ordinance for numerous storage bins on property designated as Parcel 9.12 on Tax Map 10 of the Charles Town District as found in Deed Book 929 at Page 313. Staff presented the case. Mike Shepp represented Mr. Chakmakian. Mr. Shepp stated that he is in the

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process of submitting a Site Plan and a Community Impact Statement. Mr. Donley motioned to postpone the declaration for nine months so that the applicant may process the Site Plan and Community Impact Statement. Ms. Smith seconded the motion. Mr. Hammer moved to amend the motion to find in declaration of violation for running a business, to have the business cease, but allow the containers to remain and give them nine months to process the Site Plan and Community Impact Statement. Mr. Schiavone seconded the motion which failed with a vote of 5 for and 6 opposed. The original motion passed with a vote of 9 for and 2 opposed (Schiavone and Morgan).

16. Draft Zoning Ordinance amendments for Adult Uses. Ms. Kern motioned to have one public hearing on February 18, 2003 at 7:00 p.m. Mr. Stiles seconded the motion. Mr. Hammer moved to amend the motion to make a presentation of the proposal the same night before taking testimony. Ms. Smith seconded the amendment to the motion which carried unanimously. The amended motion passed with a unanimous vote.

17. Comprehensive Plan. Public Information Meeting on Tuesday, January 21, 2003 at 7:00 p.m.

18. Correspondence. Mr. Roper denied that he has any conflict of interest as a alleged in Steven Kubik's letter.

Mr. Hammer expressed the need for revisions to the Ordinances dealing with the review of Community Impact Statements. Ms. Kern recommended having volunteers for a subcommittee to investigate revising the Jefferson County Ordinances pertaining to Community Impact Statement review time tables. Mr. Dailey stated this would all be considered at the meeting on January 28, 2003.

The meeting adjourned at 11:55 p.m. on January 14, 2003. A detailed transcript of this meeting can be found on Tape(s) #4, #5, #6, and #7. These minutes were prepared by Sherry Cole.

