

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
MAY 28, 2002

The Jefferson County Planning & Zoning Commission met on Tuesday, May 28, 2002, with the President, Scott Coyle presiding. Other Planning Commission members present were: Arnie Dailey, Rosella Kern, Samuel Donley, Dean Hockensmith, Russell Roper, James Gibson, Renny Smith, Chris Stiles, Mark Schiavone and Elizabeth Blake. Staff members present were Stephen Bockmiller, Roger Goodwin and Rebecca Burns.

David Mills and Philip Coffey were absent with notification. James Vaira and James Gross were absent without notification.

Mr. Coyle called the meeting to order at 7:00 p.m. Ms. Hockensmith motioned to accept the Minutes of the April 23, 2002 regular meeting. Mr. Dailey seconded the motion which carried unanimously.

Mr. Bockmiller noted for the record that the Community Impact Statement for the Thorn Hill Subdivision (item #5) has been withdrawn at this time by the developer and will be re-advertised and re-posted for a future Planning Commission meeting.

1. Final Plat Public Hearing for the Agnes Cook Minor Subdivision, Lots 1 & 2-Residue. Mr. Bockmiller presented the project noting all items of the Ordinances have been met and the Staff and Engineer recommend acceptance of the final plat. There was no public comment. Mr. Donley motioned to accept the final plat subject to the Staff and Engineer's recommendation. Mr. Schiavone seconded the motion which carried unanimously.

2. Final Plat Public Hearing for the Locust Hill Subdivision, Lots 315-365 & Lot A-Residue. Ms. Smith arrived (7:04 p.m.) during Mr. Bockmiller's presentation of the project. The Staff and Engineer recommended acceptance of the final plat. Cheryl Huff, Delores Milstead and Vicki Faulkner spoke in opposition to the project. Paul Burke spoke in support of the project and gave each member present a handout. Joe Coakley, President of the Tusawilla Hills Homeowner's Association addressed concerns about the continued noncompliance with item #16 of the Conditional Use Permit which restricts construction traffic from utilizing any entrance other than Route 13 (Summit Point Road). Mr. Donley motioned to accept the final plat subject to the Staff and Engineer's recommendation. Mr. Stiles seconded the motion. Mr. Hammer motioned to amend the motion to postpone approval of the final plat for an eight (8) month time period to determine if there is adequate schools for the residents of this subdivision and that there is no adverse affect on traffic as a result of this phase of the subdivision since the original CIS is dated. Mr. Schiavone seconded the amendment. Mr. Hockensmith moved the question on the previous motion. Mr. Dailey seconded the motion which carried unanimously. The amendment to the motion failed with a vote of 3 for (Ms. Smith, Mr. Schiavone and Mr. Hammer) and 8 opposed. The original motion passed with a vote of 8 for and 3 opposed (Ms. Smith, Mr. Schiavone and Mr. Hammer).

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3. Community Impact Statement Review for Charles Town Self Storage. Sol Trotter presented the project. Mr. Bockmiller stated the Staff is entertaining a 30' one-way only driveway circulation with adequate signage and recommends acceptance of the CIS. There was no public comment. Mr. Hammer motioned to accept the CIS subject to all lighting meeting the Ordinance requirements outlined in the mixed use zone and being directed downward. Ms. Smith seconded the motion which carried unanimously.

4. Community Impact Statement Review for Carson Enterprises Inc., Lot 2 Kramer Subdivision. Rob Holmes presented the project. The Staff and Engineer recommends acceptance of the CIS. There was no public comment. Mr. Hockensmith motioned to accept the CIS based on the Staff's recommendation. Ms. Kern seconded the motion. Mr. Hammer motioned to amend the motion to require the Staff to monitor the oil containment storage area. There was no second to the amended motion. Mr. Hammer withdrew his amendment to the motion. The original motion passed unanimously.

6. Request by Jefferson Izaak Walton League for a waiver from the site plan process for a 60' x 230' indoor rifle range (Article 4 of the Jefferson County Improvement Location Permit Ordinance and Articles 8 and 11 of the Jefferson County Subdivision Ordinance). Paul Wilmoth represented the request. Mr. Bockmiller stated the Staff recommends denial of the request noting churches and other civic organizations are required and have provided site plans in the past for much smaller projects. Mr. Hammer motioned to allow a limited site plan (Case 2) as outlined in the Jefferson County Improvement Location Permit Ordinance. Mr. Hockensmith seconded the motion which carried unanimously.

7. Request by Evelyn K. Watson for a variance from the minimum lot size requirements for a proposed merger transfer (Article 8, Section 8.2.a.20(e) of the Jefferson County Subdivision Ordinance). Kelley DeRonda represented the request on behalf of her grandmother, Ms. Watson. Mr. Bockmiller stated the Staff supports the request noting it is a trade off and alleviates the need for a setback variance at the Zoning Board of Appeals. Mr. Schiavone motioned the variance be granted subject to the Staff's recommendation. Ms. Smith seconded the motion which carried unanimously.

8. Request by Summit Point Library Commission/South Jefferson Public Library for a waiver from the storm water management requirements for a proposed 2800 square foot library/community center (Article 8, Section 8.2(1) and (2) and Article 11, Section 11.2.m of the Jefferson County Subdivision Ordinance). Randy Litwin presented the request on behalf of the library. Mr. Goodwin stated if the Commission is of a mind to grant the variance that they make it contingent upon a statement being added to the site plan that the developer/owner accepts liability for property damage caused by storm water run-off and/or flooding. Mr. Hammer motioned to grant the variance contingent upon up to seven (7) parking spots and the access drive only being paved and the remaining parking area to be pervious subject to a storm water analysis

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being conducted at a later date. Ms. Smith seconded the motion which carried with a vote of 10 for and 1 opposed (Mr. Coyle stated he opposed the motion because the Engineer's requirement was not added to the motion).

9. Request for additional time to provide satisfactory bacteriological water test results associated with the Improvement Location Permits issued for homes served by a water well (Article 4, Section 4 of the Jefferson County Improvement Location Permit Ordinance). The following individuals have requested an extension:

- (1) Skaidrite and John Bir #01-1121
- (2) Gerry Crispino #01-317
- (3) William E. Neal #01-1168
- (4) Paul Gestl #01-77
- (5) Brent L. Shiflett #01-785
- (6) Charlie Keeling #01-1079
- (7) Frank & Samantha Spitzer #01-779
- (8) Denver C. Bolyard #01-560
- (9) Zachary Homes #01-1096

Mr. Bockmiller stated this is a requirement of the Improvement Location Permit Ordinance and is required within 6 months of issuance of the permit. Mr. Hammer motioned to authorize the Staff to grant a one time extension at their discretion to these requests as they come to their attention. Mr. Schiavone seconded the motion which carried unanimously.

Mr. Hammer motioned to refer each of the aforementioned requests for an extension of time to the Staff for their consideration. Mr. Schiavone seconded the motion which carried unanimously.

10. Action by the Commission on the Minutes of the April 11, 2002, April 16, 2002 and May 7, 2002 special meetings; and, the April 9, 2002 regular meeting. Ms. Smith motioned to accept the minutes of the April 11, 2002 special meeting. Mr. Schiavone seconded the motion which carried unanimously.

Ms. Smith motioned to accept the minutes of the April 16, 2002 special meeting. Mr. Dailey seconded the motion which carried unanimously.

Mr. Hammer motioned to accept the minutes of the May 7, 2002 special meeting. Ms. Smith seconded the motion which carried unanimously.

Mr. Hammer motioned to accept the minutes of the April 9, 2002 regular meeting. Mr. Schiavone seconded the motion which carried unanimously.

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11. Purging Hunt Field File #00-04. Ms. Smith motioned to allow the Staff to purge the Hunt Field file provided one copy is maintained of all like documents and the City of Charles Town is called to see if they are interested in the purged copies. Mr. Hammer seconded the motion which carried unanimously.

12. Comprehensive Plan. Mr. Bockmiller handed out a draft outline of proposed comprehensive plan organization. Mr. Coyle called a special meeting of the Commission to be held on Tuesday, June 4, 2002 at 7:00 p.m. to discuss elements of the report filed by the Comprehensive Plan consultant, and provide guidance to staff in preparing a draft comprehensive plan.

13. Correspondence: (1) Harpers Ferry Conservancy letter dated 4/23/02 (2) The Laser Disc Gazette's DVD & CD Report dated 4/23/02 (3) Michael Scales letter with opinion dated 5/9/02.

The meeting adjourned at 10:25 p.m. A detailed transcript of this meeting can be found on Tape(s) #53, #54 and #55. These Minutes were prepared by Rebecca Burns.