

## **SPECIAL SESSION:**

State of West Virginia, County of Jefferson, to-wit:

At a Special Session of the County Commission of said County and State continued and held at the Old Charles Town Library Ground Floor meeting room thereof on Thursday, January 10, 2013, beginning at 7:00 o'clock p.m.

**PRESENT:** Dale Manuel, President, Lyn Widmyer, Patsy Noland, Jane Tabb and Walt Pellish; Commissioners. Debbie Keyser, County Administrator, Stephanie Grove, Assistant Prosecuting Attorney and Cynthia Schott, Administrative Assistant.

**In re: PUBLIC HEARING - AMEND THE COUNTY ZONING MAP TO CONSIDER REZONING OF PROPERTY DESIGNATED AS TAX DISTRICT: CHARLES TOWN, MAP: 13, PARCEL: 7. THIS PROPERTY IS LOCATED ON THE SOUTH SIDE OF WV 51 NEAR THE TUSCASWILLA HILLS ENTRANCE APPROXIMATELY 2 MILES WEST OF CHARLES TOWN AND IS A TOTAL OF 34.27 ACRES. THIS PROPERTY IS CURRENTLY ZONED RURAL AND A REQUEST HAS BEEN MADE BY THE OWNER, JEFFERSON ASPHALT PRODUCTS, INC., TO CHANGE THE ZONING TO RESIDENTIAL/LIGHT/COMMERCIAL.**

Commissioner Manuel opened the Public Hearing.

Jennifer Brockman, Director of Planning and Zoning, gave a brief overview of the history of the landowner-initiated, Jefferson Asphalt Products, Inc., petition to rezone. Ms. Widmyer inquired as to the notification process used by the Planning and Zoning Department to notify residents of the Public Hearing. Ms. Widmyer was concerned that residents had not had adequate notice. Ms. Brockman assured the Commissioners all legal requirements had been followed.

Annette vanHilst, R. A., The Crossroads Group, on behalf of the applicant, presented a Power Point presentation to the Commissioners. Mr. Dick Sandsbury, on behalf of the applicant, spoke regarding the marsh-land.

A sign in sheet was provided for each person wanting to speak.

Comments were made by the following:

John Maxey – Jefferson County Resident. Mr. Maxey spoke regarding his concern for the preservation of the wetlands. Mr. Maxey distributed an article from the 1990 Spirit of Jefferson concerning the protection of the wetlands. Mr. Maxey requested the rezoning be denied.

Faye Davenport – Jefferson County Resident. Ms. Davenport represented herself and her husband and spoke of their efforts to preserve the wetlands for future generations. Ms. Davenport spoke to the importance of the habitat in regard to the rare plants and animals. She requested the rezoning be denied.

John Thomas – Owner of Jefferson County Asphalt & Jefferson County Resident. Mr. Thomas assured the Commissioners that he and his family were committed to protecting the wetlands. As State Code stands, Jefferson Asphalt can continue with industrial use but he believes that in the future Jefferson Asphalt will relocate to a more appropriate location and would like to rezone to have options for land use.

William Drennen – Owner of Locust Hill Golf Course & Jefferson County Resident. Mr. Drennen stated that the marsh is important to the vitality of Locust Hill Golf Course and would like more information about what changes are being considered. Mr. Drennen also stated that as a neighboring property he had received no notice.

Sam Hansard – Jefferson County Resident. Mr. Hansard expressed his concern that he had received no notice about the rezoning even though he shares a boundary.

The following materials were received:

- Native Note – Altona-Piedmont Marsh Nature Preserve,
- West Virginia's Chesapeake Bay IMDL Final Phase II Watershed Implementation Plan,
- Letter from Amy Cimarolli, Director of Science, The Nature Conservancy,
- Article from the Spirit of Jefferson Advocate 1990,
- Ms. Faye Davenport - County Wetlands Area Protected,
- John Maxey – Watershed Implementation Plan & the letter he read to the Commissioners,
- Copy of Power Point prepared by Annette vanHilst on behalf of the applicant.

The Commission took a short break at 7:40.

The Commission reconvened at 7:45.

State of West Virginia, County of Jefferson, to-wit:

At a Special Session of the County Commission of said County and State continued and held at the Old Charles Town Library Ground Floor meeting room thereof on Thursday, January 10, 2013, beginning at 7:45 o'clock p.m.

**PRESENT:** Dale Manuel, President, Lyn Widmyer,  
Patsy Noland, Jane Tabb and Walt Pellish; Commissioners.  
Debbie Keyser, County Administrator, Stephanie Grove, Assistant Prosecuting Attorney  
and Cynthia Schott, Administrative Assistant.

**In re: PUBLIC HEARING - AMEND THE COUNTY ZONING MAP TO CONSIDER  
REZONING OF PROPERTY DESIGNATED AS TAX DISTRICT: SHEPHERDSTOWN,  
MAP: 8, PARCEL: PART OF 5. THIS PROPERTY IS LOCATED ON THE  
NORTHEAST SIDE OF ALT. ROUTE 45 (POTOMAC FRAMS DRIVE) AND TO THE  
SOUTH SIDE OF ROUTE 45 (MARTINSBURG PIKE) AND IS A TOTAL OF 8.07  
ACRES. THIS PROPERTY IS CURRENTLY ZONED RESIDENTIAL GROWTH AND  
A REQUEST HAD BEEN MADE BY THE OWNER, JOHN D. LOWE, III, TO CHANGE  
THE ZONING TO RESIDENTIAL/LIGHT INDUSTRIAL/COMMERCIAL.**

Jennifer Brockman, Director of Planning and Zoning, gave a brief overview of the history of the landowner-initiated, John D. Lowe, III, petition to rezone.

Mr. Richard Klein, P.E., Alpha Associates, Inc., on behalf of the applicant presented a Power Point presentation to the Commissioners.

A sign in sheet was provided for each person wanting to speak.

Comments were made by the following:

- Eleanor Finn, Jefferson County Resident. Ms. Finn felt that applicant didn't provide enough detail regarding future use of the property and is concerned about traffic issues. Ms. Finn believes that this is spot zoning and the rezoning request be denied.
- Mr. John Reisenweber, Executive Director Jefferson County Development Authority, spoke in support of the rezoning, sighting the creation of additional jobs, growth of county tax base and additional services and amenities for the residents of the area.

No decisions were made on either rezoning request. The Commission agreed to allow an additional comment period of two weeks ending January 24, 2013. Thereafter, a decision will be made.

Upon rising, the Commission recessed at 8:04 p.m. until Thursday morning next beginning at 9:30 o'clock a.m.

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DALE MANUEL, COMMISSION PRESIDENT

