

DRAFT MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JULY 24, 2007

The Jefferson County Planning Commission met on Tuesday, July 24, 2007 with John Sidor, President, as Chair. Arnie Dailey, Lynne Deming, Robert Reynolds, Jim Surkamp, Edward Dunleavy, Tom Kane and Ellen May were present. Staff members present were Roger, Goodwin, Sherry Kelly, Tony Redman, James Casimiro and Jennilee Hartman.

Todd Baldau was absent with notification.

Mr. Sidor called the meeting to order at 7:00 p.m.

1. Minutes.

Mr. Reynolds moved to approve the minutes of the July 10, 2007 meeting with the following changes:

- 1) Page 2, fourth paragraph, third sentence; replace the word "*while*" with "*whole*."
- 2) Page 2, Item # 6, label the report that is mentioned (Site Plan and Building Permit Activity Report).
- 3) Page 3, fourth paragraph, first sentence; replace the word "*Ranger*" with "*Range*".
- 4) Page 3, ninth paragraph, date change from: "*July 24, 2007*" to "*August 14, 2007*".

Mr. Dunleavy seconded the motion, which carried unanimously.

2. Postponements. None.

3. Request by the Bakerton Fire Department for a variance from the site plan process to expedite the construction and completion of the Bakerton Fire Department fire station as required by the WV State Fire Commission, to operate and secure equipment. Ms. Kelly recommended denial of the variance. Mr. Goodwin concurred. Tony James was present to answer Planning Commissioner's questions. Mr. James explained if the trucks were not in a structure by the time cold weather started the fire trucks would be damaged. Ruth Hall and Wanda Mason spoke in favor of the variance. Mr. Sidor opened for public comment. Gloria (last name unknown) provided a handout to the Planning Commission and explained her concerns about the waiver of a site plan. Sandy Slusher and Bobby Bails made comment on the current response time to the Bakerton area. Mr. Redman suggested that staff expedite the site plan once it has been submitted to the office. Mr. Dunleavy moved to deny the variance with the understanding that staff will expedite this project. Ms. Deming seconded the motion, which passed 7 for and 1 opposed (Mr. Surkamp).

4. Request by Rocky Marsh, LLC for a variance from Section 6.0 and 6.1 of the Subdivision Ordinance to allow this subdivision to advance directly to the final plat stage. Ms Kelly recommended approval. Mr. Goodwin stated this was not an engineering issue and therefore he deferred to the planner. The applicant was not present. There was no public comment. Mr.

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Reynolds stated he had questions of the applicant. Mr. Kane moved to deny the variance because the applicant was not present to answer Planning Commissioner's questions. Ms. May seconded the motion, which carried unanimously.

5. Request by Daniel Haynes with Huntley, Nyce & Associates on behalf of Frank Chow for a variance to allow a limited site plan for an addition to existing apartments. Ms. Kelly stated this was an engineering issue and therefore deferred to the engineer. Ms. Kelly did want to note that if a variance was approved the applicant would also have to obtain a zoning variance due to the setback issues it would create. Mr. Goodwin stated the proposed addition was within the expansion rights of the applicant and that the addition would not require any additional parking or site grading and therefore recommended approval. Mr. Chow was present to answer Planning Commissioner's questions. There was no public comment. Mr. Reynolds moved to grant the variance. Mr. Surkamp seconded the motion, which carried unanimously.

6. Community Impact Statement (CIS) Revised Sketch Plat Addendum – Town Run Commons. Mr. Dunleavy recused himself for being an officer and director of a corporation that is the owner of a contiguous parcel of land. Mr. Surkamp recused himself due to pending litigation. Ms. Kelly stated the Planning Commission had approved the original sketch plat and that the developer had promised to return to the Planning Commission when a revised sketch plat had been approved by staff. Ms. Kelly stated the sketch plat was brought before the Board of Zoning Appeals to ensure its conformance with the Conditional Use Permit from which the Board of Zoning Appeals review resulted in a finding that it was not an actionable item and that Staff has the authority to make review decisions regarding Town Run Commons, with the full support from the Board. Chad Wallen with W.H. Gordon Associates was present to answer Planning Commissioner's questions. Mr. Sidor opened for public comment. Bill Lewandowski questioned why the revision was not subject to public notice. Ms. Kelly stated the changes were not substantial and that typically CIS revisions do not come before the Commission but in this particular case the developer had promised to do so due to site plan changes. There are no requirements in the Ordinances that would require posting. Miriam Wilson and Joe Spurges also asked why the property had not been posted. Kristin Ringstaff with W.H. Gordon Associates was also present to answer Planning Commissioner's questions. It was also noted that the developer had sent certified letters to the adjoining property owners and to the Ledge Lowe Estates HOA regarding the sketch plat and the Planning Commission meeting. Questions were raised about clear defined lines between commercial parking and residential parking.

The CD was changed and the meeting resumed at 8:23 p.m.

Mr. Casimiro stated the Planning Commission could do one of two things, 1) Hold another CIS public hearing with notice or; 2) Not vote and simply accept the revised sketch plat as the developer fulfilling an obligation. Mr. Sidor thanked the developer for presenting the revised sketch plat and moved on to the next item. Mr. Dunleavy and Mr. Surkamp returned to the meeting room.

7. Site plan approval and issuance for the Improvement Location Permit for SPARC Training Campus. Ms. Kelly stated the site plan met the technical requirements of the ordinance and

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therefore recommended approval. Mr. Goodwin concurred. There was no public comment. Kristin Ringstaff with W.H. Gordon Associates was present to answer Planning Commissioner's questions. Mr. Surkamp moved to approve the site plan and issuance for the improvement location permit. Ms. Deming seconded the motion, which carried unanimously.

8. Site plan approval and issuance for the Improvement Location Permit for the Summit Point Tactical Training Facility. Ms. Kelly stated the site plan met the technical requirements of the ordinance and therefore recommended approval. Mr. Goodwin concurred. There was no verbal public comment. The letter from Linda Case regarding noise was discussed but no action was taken. Kristin Ringstaff with W.H. Gordon Associates was present to answer Planning Commissioner's questions. Mr. Kane moved to approve the site plan and issue the improvement location permit. Ms. Deming seconded the motion, which carried unanimously.

9. Chief Planner's report on office activities and questions. Discussion regarding the subdivision variances, fees and public notice took place. Mr. Redman provided a handout to the Planning Commission as requested at the previous meeting. Mr. Reynolds stated he could not open the email regarding rewrite timelines sent by Mr. Redman. Mr. Casimiro was questioned about the changing of the ordinances versus making policy changes. Further discussion will take place on the August 14, 2007 Planning Commission meeting.

10. Streamlining commercial permitting and approval process. Discussed under Item #9.

11. Zoning and Subdivision Rewrites. Discussed under Item #9.

12. Report from Legal Counsel. Mr. Casimiro stated he had nothing to discuss in open session.

Mr. Kane moved to go into executive session 9:34 p.m. regarding the Planning Commission vs. Gibson. Mr. Reynolds seconded the motion, which carried unanimously.

At this point staff left the room and did not return allowing the Planning Commission to adjourn at will.

Ms. Deming, Secretary, provided the following information for the minutes:

Ms. Deming moved to come out of executive session at 9:53 p.m. Mr. Reynolds seconded the motion, which carried unanimously.

The meeting adjourned at 9:53 p.m. on July 24, 2007. A detailed transcript of this meeting can be found on CD # 77 & 78. These minutes were prepared by Jennilee Hartman.