

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JULY 13, 2010

The Jefferson County Planning Commission met on Tuesday, July 13, 2010, with the following Commission members present: John Maxey, President; Thomas Trumble, Vice President; Morgan Eppers, Secretary; Arnold Dailey, Stephen Alemar, Daniel Hayes, Kelly Baty, and Gene Taylor. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathon Saunders, County Engineer; Julie Quodala, Planning and Zoning Office Manager; and Amy Puetz, Planning Clerk.

Frances Morgan was absent with notification.

Mr. Maxey called the meeting to order at 7:06 PM.

1. **Approval of minutes for the June 22, 2010 meeting:**

Mr. Trumble moved to approve the minutes of the June 22, 2010 meeting. Mr. Alemar seconded the motion which carried unanimously.

2. **Citizens Communication:** None.

3. **A call for postponements:** None.

Mr. Hayes and Mr. Dailey entered the room at 7:09 PM.

4. **Update on staff research related to the Chapel View Subdivision issues raised by Jennifer Syron at the June 22, 2010 Planning Commission meeting.**

Mr. Saunders presented his staff report providing the preliminary plat, photographs of road conditions, and a list of remaining bond items. Mr. Saunders stated that the Engineering staff has attempted to contact the developer with no response. He explained that bonding policies are currently being reviewed and that the proposed bonding policy would be stricter.

Mr. Baty entered the room at 7:24 PM.

Mr. Maxey opened the floor for public comment. Jennifer Syron and Barbara Fuller, both residents of Chapel View, provided a detailed presentation on conditions within the subdivision. Ms. Fuller provided the Planning Commission with a copy of the Letter of Credit given to Orchard Knolls, LLC for the Chapel View Subdivision and a map of road condition defects. A bond petition to call in the Letter of Credit was given to Mr. Maxey, who later submitted it to staff. Ms. Syron stated that two civil engineers, Stewart Benny and Cliff Conklin were consulted to investigate road conditions. A visual presentation of photographs and videos of the problem road conditions showed during Ms. Syron's report.

Chris Hicks, resident, confirmed that the roads problems were a result of the absence of dry utilities being placed before the pavement of the road. He stated that as residents contacted Richmond American, the builder, to provide utilities, portions of the road were cut and then

patched with cold asphalt mix. The cold asphalt mix has since settled causing depressions in the road.

Labeta Wade, resident, reaffirmed that the developer has been non-responsive and called for help from the County.

Jeff Fobbe, resident, reiterated conditions and explained that the utility lines were laid directly under the sod, not buried in the ground.

Ms. Fuller asked Mr. Saunders for explanation of why the bonding of the roads was released before houses were built. There was discussion about whether or not the top coat had been laid on the road. Several residents were told that the base and top coat of the roads had been done simultaneously.

Trevor Cole, resident, believes that no top coat has been done. He stated he was told by Richmond American that the top coat would be done later.

Mr. Maxey stated that the Planning Commission would contact our legal department and discuss our options to assist in correcting these conditions.

5. **Request by US Cellular for Approval of the Mitigation of the Visual Impact for a wireless communication tower. The property is designated as Tax District: Charles Town; Map: 20; Parcel: 3.1.**

Mr. Rivard read from the staff report and recommended approval.

Tim Stark, with Wireless Resources representing US Cellular, stated he has made several attempts to contact Mr. and Ms. Provost as per conditions of the Planning Commission meeting held June 8, 2010. Mr. Stark was hoping to schedule a meeting with the residents of the area to discuss the project, however, after leaving several messages he was unable to reach anyone.

Mr. Maxey opened the public hearing. There was no public comment. Mr. Maxey closed the public hearing.

Mr. Alemar moved to approve with the staff recommended motion (attached). Mr. Taylor seconded the motion which carried unanimously.

6. **Blue Ridge Mountain Community Plan:**

Mr. Rivard reported that the first public outreach meeting would be held on Thursday, July 15, 2010, with Down Stream Strategies facilitating.

7. **Reports from Legal Counsel and legal advice to Planning Commission:**

No attorney was present for report.

8. Planning Commission Training.

Ms. Brockman gave an overview of topics to be discussed during training that would take place under the Director's Report.

9. Director's Report:

- a) Ms. Brockman introduced Steve Barney, the new Zoning Administrator, who was approved by County Commission on July 8, 2010.
- b) Activity Report. Ms. Brockman distributed activity reports and an attachment detailing average monthly calls and walk-in customers and the amount of merger deeds and information requests submitted since the last Planning Commission meeting. Ms. Brockman described changes that have been made in clerical staff responsibilities. A short discussion on activity tracking ensued.
- c) Update on Land Development Fees. Ms. Brockman reported that a Roundtable Discussion was held July 8, 2010 by the County Commission. She discussed the questions raised at the meeting and stated that staff would research the information and report to the County Commission.
- d) Subdivision Regulation Amendments. Ms. Brockman notified the Planning Commission that two public hearings had been scheduled. The first would be held on Wednesday, August 4, 2010 at Blue Ridge Elementary School and the second would be held on Monday, August 9, 2010 in the Library Basement Community Room.

Mr. Maxey called for a break at 8:24 PM to allow staff to change the CD. Mr. Maxey called the meeting to order at 8:26 PM.

- e) Update on the effects of the local interpretation of Senate Bill 595. Ms. Brockman distributed a chart detailing the projects still outstanding and how SB 595 would apply to each. Three of the projects required discussion:
 - 1) Beallair West (PC file #07-30) and Allemont (PC file #07-21) had submitted their preliminary plat and the first review with comments had been completed. Ms. Brockman asked if this could be considered approved with conditions. Mr. Maxey moved that the Planning Commission accept approval with conditions as equivalent to preliminary plat approval and acceptable under the terms of the adopted policy for determination of the application of SB 595. Mr. Trumble seconded the motion which carried unanimously.
 - 2) Sloan Square Apartments (PC file #08-17) has not submitted a preliminary plat, however, had an approved Community Impact Statement on file. The Final Plat and Public Hearing were required by June 27, 2010 for this project. Ms. Brockman stated that a representative for this project had come to our office in late May/early June at which time, due to staff interpretation, the representative was told that SB 595 would apply to the project. Mr. Maxey stated that since no preliminary plat was submitted that the applicant could apply for a variance. Ms. Brockman explained that the file had expired and encouraged the Planning Commission to allow a waiver to reopen the file. Discussion ensued about whether a variance would be necessary or if staff's

verbal assurance should stand. Mr. Maxey moved that a variance be required for Sloan Square Apartments on the grounds that they did not meet the conditions of the Planning Commission's adopted policy. Mr. Alemar seconded the motion which carried 7 for and 1 against (Mr. Trumble).

- f) Old Standard Quarry. Ms. Brockman provided the Planning Commission with a recorded plat, a copy of State Code §5B-2-6a, a copy of HB 2816, and a print out of a web page advertising the Old Standard Quarry property. She explained that the property had been given a Brownfield status by the State of West Virginia which allowed them to circumvent the provisions of 8A and permitted them to record with the County Clerk's office without Planning and Zoning review.

Mr. Maxey moved to issue a Freedom of Information Act request to the West Virginia Development Office requesting any documents related to the designation of Old Standard as a Brownfield Economic Development District and to have that copied to the County Commission and to Stephanie Grove, Assisting Prosecuting Attorney. Mr. Trumble seconded the motion which carried unanimously.

- g) Public Service District Reports. Ms. Brockman presented the reports staff provided to the Public Service District. Mr. Maxey requested that staff draft a letter from the Planning Commission to the Board of Health supporting their intent to have files viewed electronically and to offer the Planning Commission's assistance with anything they may need.
- h) Planning Commission Training. Mr. Rivard and Ms. Brockman provided a brief training on the different types of projects and reviews that are processed through our office.

Mr. Maxey called for a break at 9:46 PM to allow staff to change the CD. Mr. Maxey called the meeting to order at 9:48 PM.

10. County Commission Liaison Report: None.

11. Planning Commission Exchange: None.

12. President's Report: Mr. Maxey reported that Good Shepherd Volunteer Caregivers had appeared before the County Commission to ask for a refund of their rezoning request instead of a waiver from the Conditional Use Permit Fees as originally expected.

13. Actionable Correspondence: None.

14. Non-Actionable Correspondence: None.

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Mr. Alemar moved to adjourn at 9:52 PM. Mr. Taylor seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CDs #__, #__ and #__.
These minutes were prepared by Amy Puetz, Planning Clerk.