

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JULY 28, 2009

The Jefferson County Planning Commission met on Tuesday, July 28, 2009, with the following Commission members present: Arnold Dailey, President; Robert Reynolds, Vice-President; Lynne Deming, Secretary; Ed Dunleavy, Ellen May, John Maxey, John Sidor, Jim Surkamp and Thomas Trumble. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Jennifer Snyder, Acting Zoning Administrator; Jonathan Saunders, Engineer and Jennilee Hartman, Planning Clerk.

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

1. Approval of minutes.

The following corrections were recommended by the Commission:

- a. Page 1, after the first paragraph, insert, "*Ed Dunleavy and Ellen May were absent with notification.*"
- b. Page 1, after the correction notations, insert, "*Mr. Sidor seconded the motion to approve the June 9, 2009 Planning Commission minutes as amended. The motion passed 6 for, 0 opposed and 1 abstention (Mr. Trumble).*"
- c. Page 1, ninth paragraph, add a period at the end of the paragraph.
- d. Page 2, fourth item, sixth paragraph, fifth line, change, "*additional*" to "*addition.*"
- e. Page 3, item 4, second paragraph, fourth line, remove the word, "*stated.*"
- f. Page 4, item 4, second paragraph, eighth line, change, "*issued with*" to "*issue of.*"
- g. Page 6, item 5, first paragraph, seventh line, change, "*information*" to "*informed.*"
- h. Page 7, seventh item, first paragraph, third line, change, "*for*" to "*to.*"

The Planning Commission voted 7 for, 0 opposed and 2 abstentions (Mr. Dunleavy and Ms. May) to approve the July 14, 2009 meeting minutes with the aforementioned corrections.

2. Citizen Communications. None.

3. Requests for postponement. None.

4. Request for a variance to extend the Beallair Subdivision, Phase 3 (PC File #08-21) expiration date from August 26, 2009 for a period of 12 months, until August 26, 2010. It is to consist of 34 single-family lots, 22 villa lots, two residue lots (A & F) and 1 commercial lot on approximately 76 acres. The property is located approximately 0.50 miles east of WV Route 24 (County Club Road), approximately 0.10 miles north of the CSX Railroad and Flowing Springs Run and 0.70 miles west of Route 230 (Shepherdstown Pike). (Subdivision Ordinance, Section 6.3). District: Harpers Ferry; Map: 10A; Parcel: RESA

Mr. Michael Wiley gave a presentation to the Planning Commission, commenting on each variance requirement.

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Mr. Maxey questioned if a public hearing would be necessary in order to determine if a denial of the variance request would be a hardship to the existing lot owners of Beallair, as stated by Mr. Wiley. Ms. Deming inquired as to the type of community amenities that are existing and those that are to be built. Mr. Wiley explained the development currently has a landscaped town park, is in the process of rehabilitating an existing community building, has completed rehabilitating the Manor House, redesigned the entrance with a stone wall and gates, in addition to exceeding the requirements of landscaping the entrance. A site plan will be prepared and submitted to staff for the installation of a community pool, pool house and athletic complex. The total cost of the amenities is to be shared by the lot owners once a homeowners association is formed. Currently there are 25 lot owners within Beallair that pay dues while the remaining cost of the amenities and development improvements are being paid by the developer.

Mr. Dunleavy asked why the preliminary plat had been in review for 11 months and to clarify what type of weather conditions presented a problem to the developer as outlined in the variance request. Mr. Wiley explained the time delays in completing the West Virginia Division of Highways (DOH) requirements to make improvements to County Club Road. Scheduling issues between the DOH and the developer occurred due to the DOH's plans to improve County Club Road at the same time as the developer.

Mr. Surkamp expressed his concern with granting the variance, or approving developments, on the basis of receiving an availability letter from the Public Service District (PSD) rather than a guarantee of service. Mr. Wiley explained this letter was a standard letter that the PSD is required to provide.

Mr. Wiley stated an additional reason for the 11-month review of the preliminary plat was because the PATH project had been planned to go through the Beallair development, of which Staff made comment. Mr. Wiley went on to explain that they had spent time addressing this comment and as a result the PATH project was no longer planned to go through the development.

Mr. Maxey had concerns regarding the information provided in the August 2008 variance request to extend the file's deadline and the arguments made therein.

Mr. Reynolds inquired as to the fee to hook up to the Charles Town wastewater treatment plant. Mr. Wiley stated the current connection fee is \$1,200 and that the estimated cost of hook up to the proposed Flowing Springs wastewater treatment plant would be \$7,000.

Ms. Hartman read the following from her staff report:

“The preliminary plat, which is currently in its second review, has been reviewed by the Engineer. The Planning Department will return the preliminary plat with comments to the applicant the week of July 27th. While the applicant's summary of the subdivision process projects an anticipated recordation date of

December 2009, staff recommends granting the extension request to allow for sufficient review time and additional time to deal with any unforeseen delays in processing.”

Ms. Brockman stated that staff comments and review time of the preliminary plat was lengthy. Ms. Brockman also stated that there has been a significant investment made by the developer.

Mr. Dunleavy questioned the bonding timeframe that would be applied to the project. Ms. Brockman stated the applicant had 90 days from final plat approval to bond and record.

Mr. Maxey stated he had concerns about the project because it was originally proposed in 2002 and by the time the development is built out the Community Impact Statement (CIS) would be at least 12 years old. In addition, the CIS references a Comprehensive Plan that is 11 years old.

Mr. Saunders gave his report stating a time extension for a final plat is a processing issue and therefore defers to the County Planner for a recommendation.

Mr. Reynolds moved to grant the variance request to extend the file's deadline from August 26, 2009, to August 26, 2010. Ms. Deming seconded the motion. Mr. Sidor moved to amend the motion to extend the file's deadline to December 31, 2009. Mr. Surkamp seconded the motion to amend, which passed 5 for and 4 opposed (Mr. Dailey, Ms. Deming, Mr. Trumble and Mr. Reynolds).

Discussion ensued regarding each Commissioners viewpoint on the matter. Mr. Reynolds called the question which passed 8 for and 1 opposed (Mr. Maxey). The motion to grant the variance request to extend the file's deadline from August 26, 2009, to December 31, 2009, passed 7 for and 3 opposed (Mr. Dailey, Ms. Deming and Mr. Maxey).

Mr. Dailey called for a break to change the CD at 8:16 PM. The meeting resumed at 8:25 PM.

Mr. Dailey pointed out that a motion to approve the July 14, 2009 minutes had not formally been made. Mr. Trumble motioned to approve the July 14, 2009 minutes as amended. Ms. Deming seconded the motion, which carried 7 for, 0 opposed and 2 abstentions (Mr. Dunleavy and Ms. May).

5. Director's Report. Ms. Brockman spoke about the following items:

- a) Activity Report. Ms. Brockman shared her calendar of events for the remainder of July.
- b) SPARC/STaSIS update. Ms. Brockman stated the applicants had been in contact with the office. She reminded the Commission that they would not be reviewing the site plan because a minor site plan is a Staff function.

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- c) Status of Application/Establishment of Interview Team. The Planning Commission expressed their confidence in Ms. Brockman's selection of Planner and Zoning Administrator candidates.
 - d) Status of proposed revisions to Subdivision Regulations. Ms. Brockman informed the Commission that the current Subdivision Regulations would not be rescinded and that Staff is working on an amendment to the minor subdivision process in order to establish regulations.
 - e) Joint Meeting with County Commission re: Far Away Farms 8/18/09, 7 pm. Ms. Brockman explained that the meeting room for the 18th was previously booked, though Staff is attempting to move the group to another location. Ms. May stated she would not be present for the joint meeting. The Planning Commission questioned the reason the Far Away Farms joint meeting with the County Commission. Ms. Brockman stated she believed the point of the meeting was to understand the overall purpose of the lawsuit.
 - f) Open House 8/28/09. Ms. Brockman stated the Planning Department would be having an open house for consultants, Commissioners and the general public.
 - g) EDA Board Meeting and coordination. Ms. Brockman stated she had attended the Economic Development Authority meeting and is coordinating with its Director on future meetings and projects.
 - h) Residential Re-Entry Center request. Ms. Brockman provided the Planning Commission with a copy of the request and informed them that she was attempting to obtain a copy of the RFP.
 - i) Thursday 7/30/09 County Commission Meeting. Ms. Brockman stated the County Commission would be meeting on the 30th.
6. County Commission Liaison Report. None.
7. Planning Commission Exchange. Ms. May asked if the office would be holding any educational public hearing regarding the proposed Zoning Ordinance. It was stated that the County Commission did not want any public hearings. Discussion ensued.
8. President's Report. None
9. Reports from Legal Counsel and legal advice to PC. Legal was not present to report. The Planning Commission questioned the necessity of Findings of Fact and Conclusions of Law with regard to their approvals and denials of projects and variances. Discussion ensued.
10. Actionable Correspondence. None.

Mr. Dunleavy moved to adjourn the meeting at 9:08 PM. Mr. Maxey seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CD # . These minutes were prepared by Jennilee Hartman.