

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
MAY 27, 2008

The Jefferson County Planning Commission met on Tuesday, May 27, 2008, with Commission members Robert Reynolds, Vice President; Lynne Deming, Secretary; Arnold Dailey; Jim Surkamp; Edward Dunleavy; Ellen May and John Maxey present. Staff members present included Anthony Redman, Director; Sherry Kelly, Deputy Director of Planning; Damien Davis, County Engineer and Shannon Hayden, Administrative Assistant.

John Sidor and Tom Kane were absent with notification. John Maxey arrived late to the meeting.

Ms. Deming, acting as chair in John Sidor, President's, absence, called the meeting to order at 7:04 PM.

1. Approval of Minutes. Ms. Deming, Ms. May and Mr. Dunleavy abstained from voting on the April 22, 2008, minutes because they were not present at that meeting. Mr. Reynolds moved to approve the minutes of the April 22, 2008 Planning Commission meeting. Mr. Dailey seconded the motion, which carried 3 for and 3 abstentions (Ms. Deming, Ms. May and Mr. Dunleavy).
2. Requests for postponement. Item #7, Community Impact Statement (CIS) Hearing for the King's Crossing Subdivision. On May 21, 2008, the applicant requested postponement. Mr. Reynolds moved to postpone the King's Crossing CIS until the July 8, 2008 Planning Commission meeting. Mr. Kane seconded the motion, which carried unanimously.

Item #12, request by Damien Davis, County Engineer, for direction from the Planning Commission regarding several significant changes between the CIS and the Preliminary Plat for the Chriswood Subdivision. Mr. Redman requested postponement in order to allow Staff time to review additional documents and information submitted to the Department of Planning.

Item #17, correspondence from Jeff Hertrick & Eric Johnson regarding a request to reopen the public hearing for the Chriswood Subdivision CIS. Mr. Redman requested postponement in order to allow Staff time to review additional documents and information submitted to the Department of Planning.

3. Final Plat Public Hearing for the Jerry L. Armstrong Subdivision Lots C, E and F-Residue. Ms. Kelly and Mr. Davis recommended approval of the final plat. Mr. Dunleavy questioned Staff as to who would be responsible for road maintenance as addressed in Item #16 on the final plat. Mr. Davis said that he would confirm that with the applicant. Peter Lorenzen was present to answer Planning Commissioners' questions. Mr. Dunleavy asked that Item #16 on the final plat be more specific as to reflect who would be responsible for the road maintenance. Mr. Lorenzen agreed to put more specific language in Item #16 of the final plat. Ms. Deming opened the public hearing. There were no comments from the public. The

public hearing was closed. Mr. Dunleavy moved to approve the final plat with the condition that specific responsibility for road maintenance cost be reflected in Item #16 of the final plat. Mr. Reynolds seconded the motion, which carried unanimously.

2. Mr. Reynolds moved to postpone Item #7, Community Impact Statement Hearing for the King's Crossing Subdivision; Item #12, Request by Damien Davis, County Engineer, for direction from the Planning Commission regarding several significant changes between the Community Impact Statement and the Preliminary Plat for the Chriswood Subdivision; and Item #17, Letter from Jeff Hertrick & Eric Johnson regarding a request to re-open the public hearing for the Chriswood Subdivision Community Impact Statement to the July 8, 2008 Planning Commission meeting. Mr. Dunleavy seconded the motion, which carried unanimously.
4. Final Plat Public Hearing for the Michael D. & Malisa K. Pindell Minor Subdivision Lots 1, 2 and 3-Residue. Ms. Kelly and Mr. Davis recommended approval of the final plat. Karen Brill with Dewberry was present to answer Planning Commissioners' questions. Ms. Deming opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Dunleavy moved to approve the final plat. Ms. May seconded the motion, which carried unanimously.
5. Final Plat Public Hearing for the 340 South Minor Subdivision Lots 1A-2A and Residue. Ms. Kelly and Mr. Davis recommended approval of the final plat. Mr. Dunleavy questioned Staff to clarify whether Item #12 on the final plat is an easement or a right-of-way and who will be responsible for the maintenance. Ms. Kelly stated that it is an access easement and maintenance of the easement will be designated by deed since there is no Home Owners Association. J. Michael Cassell, Attorney at Law, was present to answer Planning Commissioners' questions. Mr. Cassell stated that maintenance of the easement would be the responsibility of the homeowner whose lot the easement encroaches upon. Ms. Deming opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Dunleavy moved to approve the final plat with the condition that the maintenance of the easement be specified in the deeds. Ms. Deming seconded the motion, which carried unanimously.
6. Final Plat Public Hearing for the Nuannit Vasuvat Subdivision. Ms. Kelly and Mr. Davis recommended approval of the final plat. Kristin Ringstaff, with William H. Gordon Associates, was present to answer Planning Commissioners' questions. Ms. Deming opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Dunleavy moved to approve the final plat. Mr. Surkamp seconded the motion, which carried unanimously.
7. Community Impact Statement (CIS) Hearing for the King's Crossing Subdivision. This item has been postponed until the July 8, 2008 Planning Commission meeting.

8. Community Impact Statement (CIS) Hearing for the Mountain Vista Farms Subdivision. Ms. Kelly and Mr. Davis recommend acceptance of the CIS. Mr. Dunleavy stated that, according to the additional comments on page A-4, the CIS did not meet the 1 lot per 10 acres requirement and asked Staff if a CUP would be needed. Ms. Kelly stated that, since the Judge Steptoe decision was made, the current requirements were met. Mr. Dunleavy stated that the soil study provided by Test America did not specify the locations of the soil samples that were taken for the study and the letters provided by the Jefferson County Health Department and the West Virginia State Police did not indicate a specific subdivision name, as they should.

John Maxey arrived at 7:34 PM.

Jason McDonald, with P.C. DiMagno, and Douglas Copenhaver, property owner, were present to answer Planning Commissioners' questions. Ms. Deming opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Dunleavy moved to accept the Mountain Vista Farms Subdivision CIS with the stipulation that Test America provides soil sample locations and the Jefferson County Health Department and the West Virginia State Police letters indicate a specific subdivision name along with approval by the Planner. Mr. Reynolds seconded the motion, which passed unanimously.

9. Site Plan Review, Approval and Issuance of an Improvement Location Permit (ILP) for the IHOP Restaurant. Ms. Kelly and Mr. Davis recommended approval of the site plan and issuance of the ILP. Andrew Freeman with Dewberry was present to answer Planning Commissioners' questions. Ms. Deming opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Dunleavy moved to approve the site plan and issuance of the ILP. Ms. May seconded the motion, which carried unanimously.
10. Site Plan Review, Approval and Issuance of an Improvement Location Permit (ILP) for Jefferson Crossing, Lot 2. Ms. Kelly and Mr. Davis recommended approval of the site plan and issuance of the ILP. Andrew Freeman, with Dewberry, was present to answer Planning Commissioners' questions. Ms. Deming opened the public hearing. There were no comments from the public. The public hearing was closed. Mr. Dunleavy moved to approve the site plan and issuance of the ILP. Mr. Dailey seconded the motion, which carried unanimously.
11. Postponed from the April 2, 2008 Planning Commission meeting. Request by Samuel & Sharon Hansard for a variance to allow the lease of a 50' by 40' compound area for a proposed wireless telecommunication facility. Ms. Kelly stated that there was no need for a variance, and that the variance request should be withdrawn. Mr. Davis deferred to the Planner. Stephanie Petway, with Verizon Wireless, was present to answer Planning Commissioners' questions. Ms. Petway stated that the variance would be withdrawn and a Site Plan would be submitted.

12. Request by Damien Davis, County Engineer, for direction from the Planning Commission regarding several significant changes between the Community Impact Statement and the Preliminary Plat for the Chriswood Subdivision. This item has been postponed until the July 8, 2008 Planning Commission meeting.
13. Director's Report on office activities and questions. See Item #15.
14. Planning Commission Exchange. None.
15. Discussion of PC action on zoning and subdivision ordinance rewrites. Recommendation of Proposed Draft Subdivision Regulations to County Commission. Discussion of format of the Proposed Draft Zoning Ordinance and Draft Zoning Map. Mr. Redman informed the Planning Commission of a tentative public hearing scheduled for June 17, 2008, with regards to the redline, strikeout version of the Proposed Zoning Ordinances and Subdivision Regulations. The Planning Commission discussed the option of a holding a workshop before the public hearing. Mr. Maxey moved to cancel the June 17, 2008 public hearing. Mr. Reynolds seconded the motion, which passed unanimously. Mr. Reynolds moved to schedule a Planning Commission Workshop on June 2, 2008, to address the issues handed down by the County Commission. Mr. Dunleavy seconded the motion, which passed unanimously.
16. Reports from Legal Counsel and legal advice. Mr. Dailey asked if municipalities are allowed to vote on the proposed Zoning Ordinances. James Casimiro, Assistant Prosecuting Attorney, stated that only people who are affected by the Ordinances are allowed to vote, however, all comments should be listened to and considered as public comment.
17. Actionable Correspondence. Letter from Jeff Hertrick & Eric Johnson regarding a request to re-open the public hearing for the Chriswood Subdivision Community Impact Statement. This item has been postponed until the June 10, 2008, Planning Commission meeting.
18. Non-Actionable Correspondence. None.

Mr. Dunleavy moved to adjourn the meeting at 8:40 PM. Mr. Maxey seconded the motion, which carried unanimously. A detailed transcript of this meeting may be found on CDs # 60 & 61. These minutes were prepared by Shannon Hayden, Jennifer Snyder and the Deputy Director of Planning.