

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
APRIL 24, 2007

The Jefferson County Planning Commission met on Tuesday, April 24, 2007 with John Sidor, Vice President, as Chair. Lynne Deming, Todd Baldau, Arnie Dailey, Ellen May, Jim Surkamp and Tom Kane were present. Staff members present were Sherry Kelly, Roger Goodwin and Sherry Cole.

Edward Dunleavy and Robert Reynolds were absent with notification.

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

1. Minutes: Mr. Baldau motioned to approve the March 27, 2007 minutes. Ms. May seconded the motion which passed with a vote of 5 in favor. Ms. Deming and Mr. Kane did not vote, as they were not present for the March 27, 2007 meeting.

Mr. Kane motioned to approve the April 10, 2007 minutes with the following correction: Page 2, Item #3 change from Ms. Deming to Ms. May. Ms. Deming seconded the motion which passed with a vote of 6 in favor. Mr. Baldau stated he was not present for the April 10, 2007 meeting, so he did not vote. Mr. Baldau did not vote.

2. Postponements. Item #6 - Request by Dawnyielle and Raymond Downes for a variance from processing a site plan for the proposed childhood development center, 10 Fingers 10 Toes, in an existing structure. Staff stated that after the engineer's review of the variance request that the proposed use does not require a site plan or a limited site plan, but will require a building permit and a zoning certificate.

3. Postponed from the April 10, 2007 meeting. Community Impact Statement Review for the Kensington Subdivision. Staff stated that all staff issues have been addressed and recommended acceptance of the Community Impact Statement. Mr. Goodwin, Chief County Engineer, recommended acceptance. Dick Klein with Alpha made a presentation. Mr. Sidor opened the public hearing. There was no public comment. Mr. Sidor closed the public hearing. Mr. Baldau motioned to approve the Community Impact Statement conditioned on tree line buffers being maintained by the Homeowners Association. Mr. Dailey seconded the motion which carried unanimously.

4. Community Impact Statement Review for the Stonecrest Subdivision (formerly known as Forest View #06-35). Staff stated that all staff issues have been addressed and recommended acceptance of the Community Impact Statement. Mike Watkins with Harris Smariga Association made a presentation. Mike Glickman with Patton, Harris, Rust & Associates presented a traffic study and answered questions from the Planning Commission. Ed Smariga with Buckeye Development spoke. Mr. Sidor opened the public hearing. There was no public comment. The public hearing was closed. Mr. Kane motioned to approve the Community Impact Statement. Ms. Deming seconded the motion.

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Mr. Surkamp made an amendment to the motion to incorporate Robert Stabley's recommendation pertaining to the issue of sinkholes. Mr. Baldau seconded the amendment to the motion which carried unanimously.

The original motion passed with a vote of 4 for and 3 opposed (Ms. May, Mr. Baldau and Mr. Sidor).

Mr. Sidor allowed a 5 minute break. The meeting reconvened at 8:20 p.m.

5. Community Impact Statement Public Hearing for Town Run Commons Subdivision. Staff stated that the applicant informed her that they wanted to move forward with the Community Impact Statement and sketch plat that was approved by the Department of Planning, Zoning & Engineering. Staff stated that the applicant had submitted a revision to the sketch plat after staff approved the Community Impact Statement with the original layout. Staff further stated that the amended sketch has to go back to the Board of Zoning Appeals. Staff stated the applicant wants to go forward with the public hearing and if the Board of Zoning Appeals is ok with it then the applicant will come back to the Planning Commission. Staff and Mr. Goodwin, Chief County Engineer, recommended acceptance of the Community Impact Statement and the original layout. Mark Dyck with W. H. Gordon Associates asked that the Community Impact Statement be heard this date. Assistant Prosecuting Attorney, James Casimiro, recommended to the Planning Commission that they go forward with the Community Impact Statement Public Hearing. Mark Dyck and Peter Corum made a presentation. Mr. Sidor opened the public hearing. Joe Garner, Mariam Wilson, Mr. Wilson, Joe Spurgas, Beverly Belcheck, Christine Allen and Fred Blackmer spoke. The public hearing was closed. Mark Dyck rebutted. Mr. Kane motioned to approve the Community Impact Statement with the following conditions: (1) the developer identify the 12 units with work force housing using the Jefferson County's definition with the initial sale and any subsequent resales; (2) applicant provide traffic study update (staff to provide the list of subdivisions). Mr. Dailey seconded the motion.

Ms. Deming made an amendment to the motion to lower the speed limit. Ms. May seconded the motion which passed with a vote of 4 for and 3 opposed (Mr. Dailey, Mr. Kane and Mr. Surkamp).

The original motioned passed with a vote of 5 for and 2 opposed (Mr. Baldau and Mr. Surkamp).

7. Site plan approval and issuance of the Improvement Location Permit for Jefferson Crossing, II, Lot 8. Staff recommended approval. Andrew Freeman with Dewberry answered questions from the Planning Commission. Mr. Baldau motioned to approve

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the site plan and issuance of the Improvement Location Permit. Mr. Dailey seconded the motion which carried unanimously.

8. Discussion of WV Code 17-4-50(e) and implications for current and future approval procedures (Request by Jim Surkamp). Mr. Surkamp deferred to James Casimiro, Assistant Prosecuting Attorney. Mr. Casimiro read and reviewed the WV Code 17-4-50(e).
9. Streamlining Commercial Permitting and Approval Process (Requested by Jim Surkamp). Staff read a letter from Commissioner Frances Morgan. Mr. Goodwin stated the ordinances should be updated first.
10. Mr. Surkamp changing vote on Sunnyside Final Plat to Support, on Advice of Counsel (Request by Jim Surkamp). Mr. Surkamp stated he wanted to change his vote.
11. Chief Planner's Report on office activities and questions. Staff spoke to the planning commission regarding Community Impact Statement submissions and asked what messages they are getting when they cannot open Community Impact Submissions. Staff stated she will send out letters stating the Planning Commission does not want certified mail/return receipt.
12. Ordinance rewrites.
13. Reports: Not Addressed.

Executive Committee	Bylaws and procedures
Long Range Planner Committee	PSD
TDR Committee	Budget
Transition Team	
16. Discussion with legal counsel. Assistant Prosecuting James Casimiro stated if something is pending and takes place outside forum it is exparte.

Mr. Casimiro addressed the previous meeting's Sunnyside vote denied/question about the project's variance. Mr. Casimiro said the Planning Commission may reconsider a vote one time as long as there is no new evidence presented.

Mr. Casimiro presented a 60 day waiver agreement form. Mr. Casimiro stated that if the applicant asks for a postponement that the applicant should sign the 60 day waiver agreement. Mr. Casimiro further stated that the 60 day clock starts when final plat and supporting materials are submitted to the office.

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Mr. Sidor stated that he believes the Planning Commission agreed to have the 60 day expiration date on the agenda when there is a final plat public hearing.

Mr. Baldau motioned that the Planning Commission direct staff whenever an applicant wishes to waive the 60 day provision that the applicant sign a copy of the 60 day waiver agreement form including the date. Mr. Dailey seconded the motion which carried unanimously.

14. Actionable Correspondence. Not addressed.
15. Non-Actionable Correspondence. Not Addressed.

The meeting adjourned at 11:30 p.m. on April 24, 2007. A detailed transcript of this meeting can be found on CD #40, #41, #42, and #43. These minutes were prepared by Sherry Cole.