

DRAFT

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
MARCH 14, 2006

The Jefferson County Planning & Zoning Commission met on Tuesday, March 14, 2006, with Bill Lewandowski, President presiding. John Sims, Arnie Dailey, Todd Baldau, Russell Roper, John Sidor, and Paul Burke were present. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

Greg Corliss and Tom Kane were absent with notification.

Mr. Lewandowski called the meeting to order at 7:02 p.m. Mr. Burke motioned to amend and approve the minutes of the February 28, 2006 meeting as follows: (1) The third paragraph, 4<sup>th</sup> and 5<sup>th</sup> line should read as follows: (2) Item #12, first line, sixth word change word "he" to "Mr. Sims" referencing John Sims; (2) under Item #16 the fourth line change from old and new State Code allows for the Planning Commission to read old and new State Code requires the Planning Commission; (3) Item #16, 13<sup>th</sup> sentence change from County Engineer to discuss and receive comments regarding Mr. Burke's proposed budget to read County Engineer to discuss and receive comments regarding the Budget Committee's budget; (4) Under Item #18, the first line change to read as follows: A letter to Annette van Hilst with Dewberry from Sue Lawton with the Public Service District regarding updated information on Sheridan. Mr. Baldau seconded the motion which carried unanimously.

4. Final Plat Public Hearing for the Hartzell Gardens Subdivision (formerly The Village at Piedmont) (#05-24). Kristen Ringstaff with W. H. Gordon Associates asked for a postponement until the March 28, 2006 meeting. Ms. Ringstaff waived the 60 day Rule. Mr. Baldau motioned to postpone this item until the March 28, 2006 meeting noting that the applicant has waived the 60 day Rule. Mr. Sims seconded the motion which carried unanimously.

5. Postponed from the February 28, 2006 meeting. Request by Commercial Associates on behalf of The Village at Samuel Station Subdivision (#04-11). For a variance from the minimum lot width requirements of 80' for duplex lots. Staff stated that the Planning Commission may want to hear the variance request before having the Final Plat Public Hearing. Mr. Burke motioned to move Item #5 to be heard before Item #1. Mr. Sims seconded the motion which carried unanimously. Attorney Peter Chakmakian submitted correspondence regarding introductory remarks regarding the consideration of the project and the continued presence in the meeting room of Commissioner, Paul Burke. Mr. Chakmakian presented the variance request. Mr. Lewandowski spoke regarding Mr. Chakmakian's correspondence submittal. Mr. Burke stated he doesn't think it is appropriate to recuse himself. Mark Dyck with W. H. Gordon Associates answered questions from the Planning Commission. Mr. Lewandowski called for public comment. There was no public comment. Mr. Baldau and Mr. Burke were concerned with fire and traffic issues. Mr. Sidor motioned to approve the variance request. Mr. Dailey seconded the motion which passed with a vote of 4 for and 3 opposed (Mr. Baldau, Mr. Burke and Mr. Lewandowski).

1. Postponed from the February 28, 2006 meeting. Final Plat Public Hearing for The Village at Samuel Station Subdivision (#04-11). Mark Dyck with W. H. Gordon Associates made a presentation. The Planning Commission asked Mr. Dyck questions. Mr. Burke asked about the commitment by the developer at the Community Impact Statement Public Hearing to improve the villas. Christopher Shultz, Developer of the project, submitted a picture of the new proposed duplexes. Mr. Lewandowski opened the Public Hearing. There was no public comment. Mr. Lewandowski closed the Public Hearing. There was no rebuttal from Mr. Dyck. Mr. Dyck stated he would like to have the opportunity to answer any questions the Planning Commission may have. Staff stated the plat meets the technical requirements of the ordinance and recommended

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approval conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. Kim Shrader, County Engineer recommended approval of the final plat. Mr. Roper motioned to approve the final plat with staff contingencies. Mr. Dailey seconded the motion. Mr. Sidor made an amendment to the motion to include on the Final Plat it be so noted that the landscaping, buffering and trees that were agreed to as part of the Community Impact Statement and the Preliminary Plat discussions be included, also include on the Final Plat keeping the trees along the border and keeping the main tree in the interior part of the subdivision protected during and after construction and also include on the Final Plat the offer on the proffers in addition to impact fees. Mr. Sims seconded the amendment to the motion which carried unanimously. The original motion passed with a vote of 6 for and 1 opposed (Mr. Baldau).

2. Final Plat Public Hearing for the Pleasant Hills Subdivision, Lots 1, 2 & 3-Residue (#05-28). Kristen Ringstaff with W. H. Gordon stated she is present for any questions. Ms. Ringstaff further stated that she sent out letters by certified mail to the adjoining property owners. Stewart Gibb, property owner spoke. Mr. Lewandowski opened the Public Hearing. There was no public comment. The Public Hearing was closed. Staff recommended approval conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. The County Engineer concurred. Mr. Burke motioned to approve the final plat with staff contingencies and contingent on receiving written permission for the county and the public to copy the copyright plat. Mr. Sims seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the Shirley Estates Subdivision, Lots 1-14 & 15-Residue (#05-12). Mike Shepp with Dewberry stated that he is present for questions. Mr. Lewandowski opened the Public Hearing. There was no public comment. Mr. Lewandowski closed the Public Hearing. Julie Blickenstaff, Developer answered questions from the Planning Commission. Staff recommended approval conditioned on submitting the necessary originally signed copies, making bonding arrangements and recordation within 90 days. Mr. Dailey motioned to approve the final plat with staff contingencies. Mr. Sims seconded the motion which carried unanimously.

6. Request by Eric & Stacy Lindberg for a variance to allow the residue lot of the Barleywood Subdivision (#04-16) to be accessed from Route 51/2 (Ambler Road). Eric Lindberg made a presentation and submitted for the record a letter dated March 6, 2006 from the West Virginia Department of Transportation Division of Highways stating that Mr. Lindberg has applied for a highway entrance permit. Mr. Lewandowski opened for public comment. There was public comment from Jamie Francomano with Dan Ryan Builders and Mike Magaha. Mr. Lewandowski closed the public hearing. Staff stated that they met with the Lindbergs and she supports the variance. The County Engineer recommended approval of the request conditioned on submission of a Highway Entrance Permit or a letter from the Department of Highways stating that none is required. Mr. Baldau motioned to approve the variance to allow lot 24 of the Barleywood Subdivision to be accessed through the residue lot via Route 51/2 (Ambler Road) to renovate the historic manor house "Barleywood Manor" and upon completion of the subdivision roads access to lot 24 will be via the internal subdivision roads' and, access to the residue for agricultural use only from Route 51/2 (Ambler Road) with staff contingencies. Mr. Sims seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Burke).

Mr. Lewandowski asked Mr. Dailey to be a one man committee and meet with the Department of Highways regarding Ambler Road. Mr. Dailey accepted the appointment.

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7. Long Range Planner. Mr. Lewandowski stated that he would like to get together and talk about what the Planning Commission would like the Long Range Planner to do. There was no comment/input from the Planning Commission. Mr. Lewandowski stated that the Executive Committee will have a meeting to discuss what they would like the Long Range Planner to do. There was no date set for the meeting.

8. Contract for new Zoning and Subdivision Ordinances. Mr. Lewandowski stated that the contract was signed and mailed back. Mr. Lewandowski further stated that he would get a status from the County Commission.

9. Discussion and/or action on copyright information on plats. Mr. Burke submitted his written motion for the record. Mr. Burke motioned to request an opinion from the Prosecuting Attorney's office on treatment of copyrighted materials already submitted and in County files: (1) If someone submitted material which was copyrighted by an applicant or the agent of an applicant, is there implicit permission or "fair use" authority for us and the public to copy the materials? (2) If someone submitted material which was copyrighted by a third party (such as placing an excerpt of an Explore Maps map on a final plat). (i) what right do we have to copy the materials; (ii) do we need to get a license from the copyright holder, and (iii) what authority do we have to insist the submitter obtain for us a license for material already submitted? (3) What wording would be needed for people who want to provide a copyright release or license, allowing county offices and the public to copy the material? Mr. Baldau seconded the motion which passed with a vote of 5 for and 2 opposed (Mr. Dailey and Mr. Roper).

Mr. Burke motioned to ask staff not to accept any copyrighted material in the future, unless it is accompanied by a release or license allowing County offices and the public to copy the material. Mr. Baldau seconded the motion which failed with a vote of 1 for (Mr. Burke) and 6 opposed.

10. Green Infrastructure Study. Mr. Lewandowski postponed this item until the March 28, 2006 meeting as Mr. Corliss is absent.

11. Committees and committee reports: Budget Committee: Mr. Burke stated that a copy of the budget is in the packets tonight and the budget was also sent by email. Mr. Sims motioned to accept the budget as proposed and send it to the County Commission. Mr. Burke seconded the motion which carried unanimously. Mr. Lewandowski stated he would write a transmittal letter and send the Budget to the County Commission.

Bylaws Committee Report: Mr. Sims stated that the revised Bylaws were sent to Assistant Prosecuting Attorney, Stephanie Grove and she is working on the Bylaws. He stated that he expected to have an answer from her by tonight, but didn't.

HB3262 Committe: Mr. Lewandowski stated that this item can be removed from the agenda.

PSD Committee: Mr. Sidor stated that it is his understanding that Sue Lawton with the Public Service Commission is coming to the March 28, 2006 meeting. Mr. Sidor stated that Ms. Lawton is scheduled to speak after the variances, but no later than 8:00 p.m.

Subdivision and Zoning Rewrite Committee: None.

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12. Discussion and/or action on Correspondence: Letter dated March 6, 2006 from the County Commission to Mr. Lewandowski requesting a Transfer of Development Rights Committee be selected by March 28, 2006. Mr. Lewandowski appointed Mr. Dailey to serve on the TDR Committee.

Mr. Burke stated that a copy of the internal trial run of the timed agenda from the February 28, 2006 meeting is enclosed in the Planning Commission packets tonight along with the timed agenda for the March 14, 2006 meeting. Mr. Roper made a motion that the Planning Commission consider the matter. Mr. Dailey seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Burke).

Mr. Lewandowski stated that he noticed there were two people left in the audience and asked if they would like to speak. They stated they did not want to speak.

13. Non-Actionable Correspondence. None.

Mr. Roper motioned to adjourn the meeting. Mr. Sims seconded the motion which carried unanimously.

The meeting adjourned at 10:23 p.m. on March 14, 2006. A detailed transcript of this meeting can be found on CD #40, #41 and #42. These minutes were prepared by Sherry Cole.

