

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
APRIL 11, 2006

The Jefferson County Planning & Zoning Commission met on Tuesday, April 11, 2006, with Bill Lewandowski, President presiding. John Sims, Todd Baldau, Russell Roper, John Sidor, Paul Burke, Tom Kane and Greg Corliss were present. Staff members present were Paul Raco, Sherry Kelly, Kim Shrader and Sherry Cole.

Arnie Dailey was absent with notification.

Mr. Lewandowski called the meeting to order at 7:02 p.m. Mr. Lewandowski asked if anybody was at the meeting for anything not on the agenda. There was no public comment.

Mr. Baldau motioned to amend the March 28, 2006 minutes as follows: Page 4 - Item #10. The 4th sentence reads - - "Mr. Hankins made a presentation noting there is a proposal for both Evitts Run and Halltown area noting each plant would have a capacity of 3,000 customers and an assurance fee of \$7,500. Per EDU". The sentence should read "Mr. Hankins made a presentation noting there is a proposal for both Evitts Run and Halltown area noting each proposed sewage treatment plant would require 3,000 customers to reach the financial break-even point". Mr. Sims seconded the motion which carried unanimously. Mr. Burke motioned to amend the March 28, 2006 minutes as follows: Page 1, next to the last paragraph, 2nd line, change "process for a project" to read "process for a contract". Page 3, next to the last paragraph, add a sentence, "Ms. Kelly stated that the ordinance does not specifically authorize the construction entrance." Page 6 - Item #11. Add "Mr. Baldau motioned to postpone all remaining items of business. Mr. Dailey seconded the motion which failed with a vote of 5 opposed and 4 in favor (Mr. Baldau, Mr. Burke, Mr. Dailey and Mr. Roper). Mr. Sims seconded the motion to amend the March 28, 2006 minutes which carried unanimously.

1. Postponed from the September 27, 2005 Meeting. Final Plat Public Hearing for the Sheridan Subdivision, Phase II (#05-26). Mr. Burke recused himself for this item on the agenda as he has previously made positive and negative comments regarding the subdivision. Mr. Burke stated that he is also recusing himself for agenda Item #2, Harvest Hills Subdivision, due to legal action against the developer. Staff (Mr. Raco) stated that he recently received an email from one of the planning commissioners requesting additional information regarding the traffic study. Staff read the minutes from the January 24, 2006 meeting. The minutes indicated that the developer needed to make the presentation to the Planning Commission. Mr. Baldau stated that the staff's understanding of who should hear the presentation is correct. Staff further stated they technically are recommending approval of the Final Plat based on the existing Community Impact Statement or postpone the final plat public hearing until a formal staff review meeting is held for the updated Community Impact Statement. Attorney James Campbell stated that he would like the Planning Commission to hear from their experts and that the Planning Commission extended the deadline until today. Mr. Campbell stated that the Planning Commission would have to further extend the deadline. Mr. Lewandowski asked if there was any public comment regarding hearing the final plat public hearing tonight. There was no public comment. Mr. Kane motioned to open the developer's statement and public input. Mr. Baldau seconded the motion which carried unanimously. Mr. Campbell made a presentation. Mr. Lewandowski opened the public hearing. There was public comment from Beth Haney and William Gregg. Mr. Kane left the meeting room at 7:40 p.m. Mr. Lewandowski allowed a 5 minute break. Mr. Lewandowski called the meeting back to order at 7:45 p.m. Mr. Kane returned to the meeting room. Mr. Campbell rebutted. Mr. Campbell stated that they would give \$50.00 per house per year toward fire services. Mr. Campbell stated the sewer plant/pipes should be completed in 6 months. Mr. Campbell stated there would be no pump and haul for Phase 2. Herb Jonkers, Linda Lineback, Sales Manager and Annette van Hilst with Dewberry answered questions from the Planning

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Commission. Mr. Lewandowski asked Mr. Campbell if the developer would be willing to make a reasonable proffer for ambulance. Mr. Campbell stated they would make a \$50.00 proffer per house. Robert Denton, professional geologist made a presentation. Steven Schmidt, Traffic Engineer, answered questions from the Planning Commission. Beth Haney spoke again. Mr. Schmidt answered more questions from the Planning Commission. Mr. Lewandowski closed the Public Hearing. Mr. Roper motioned to go into a committee as a whole for discussion of a motion. Mr. Sidor seconded the motion which carried unanimously. Mr. Sims motioned to come out of the committee of a whole. Mr. Sidor seconded the motion which carried unanimously. Mr. Sims motioned to approve the final plat for Sheridan Subdivision, Phase 2 with the following conditions: (1) no pump and haul for sewage; (2) voluntary proffers of \$50.00 per year per house for fire services and \$50.00 per year per house for ambulance services; (3) fire hydrant flow formal document provided to the Jefferson County Fire Departments - the first and second responders and the Jefferson County 911 Communications Center. Mr. Roper seconded the motion. Mr. Sidor made an amendment to the motion requiring before an occupancy permit is granted that all State Highway Department improvements are made to Shipley Road. Mr. Sims seconded the motion which failed with a vote of 3 for (Mr. Sidor, Mr. Sims and Mr. Lewandowski) and 4 opposed. The original motioned failed with a vote of 3 for (Mr. Corliss, Mr. Kane and Mr. Roper) and 4 opposed (Mr. Baldau, Mr. Lewandowski, Mr. Sidor and Mr. Sims). Mr. Baldau motioned to disapprove the final plat. Mr. Sims seconded the motion. Mr. Kane stated the motion is unnecessary. The motion passed with a vote of 4 for and 3 opposed (Mr. Corliss, Mr. Kane and Mr. Roper).

Mr. Lewandowski allowed a 5 minute break at 9:25 p.m. Mr. Lewandowski called the meeting back to order at 9:30 p.m.

2. Final Plat Public Hearing for the Harvest Hills Subdivision, Section 1, Phase 1, Lots 28-50 (#01-42). Mr. Corliss recused himself from this item on the agenda because of legal involvement. Staff (Mr. Raco) stated a request for postponement was received from Randy Kepler with Greenway Engineering. Mr. Kepler spoke and asked for postponement of the final plat public hearing until the May 23, 2006 meeting. Mr. Lewandowski asked if there was any member from the public that wanted to speak. There was no public comment. Staff stated that a transfer of land to the school board and church have not taken place per the Conditional Use Permit. The final plat was not resubmitted. Staff stated that the conditions of the Conditional Use Permit are not met. Carla Coffey with Arcadia waived the 60-day Rule contingent upon being on the May 23, 2006 agenda. Mr. Kane motioned to postpone the Final Plat Public Hearing until the May 23, 2006 meeting with no re-advertisement. Mr. Roper seconded the motion which carried unanimously.

Mr. Corliss and Mr. Burke returned to the meeting room for the rest of the meeting. Mr. Burke asked Mr. Lewandowski if the Planning Commission could hear the two variance postponements before going to Item # 3. Mr. Lewandowski granted this request.

5. Request by Paul E. Dailey et al for a variance to allow an exception from the requirements of the Subdivision Ordinance requiring access to the public road for a more than 3 lot minor subdivision via a County grade road and right-of-way which serves more than three lots. Mike Shepp with Dewberry asked for a postponement until the April 25, 2006 meeting. Mr. Baldau motioned to postpone this item until the April 25, 2006 meeting. Mr. Sims seconded the motion which carried unanimously.

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4. Request by Wolverine Investments, LLC for a variance from the requirement to have deceleration lanes on primary and secondary routes where the operating speed on the State Highway is 45 miles per hour or greater and a variance from the eight (8) foot wide, WVDOH specification, paved shoulder across the front of the property on a secondary road. (Falcon Ridge Subdivision #05-09). Eric Spencer with William H. Gordon asked for a postponement until the April 25, 2006 meeting. Mr. Baldau motioned to postpone this item until the April 25, 2006 meeting. Mr. Sims seconded the motion which carried unanimously.

3. Community Impact Statement Public Hearing for the Oakwood Subdivision (#05-56). Mark Dyck with William H. Gordon Associates and Attorney Braun Hamstead made a presentation. Mr. Lewandowski opened the public hearing. There was public comment from Dick Latterell, Karen Cox, Christine Marshall, Dan Marken, Rick Swoop, Robert Park, Stewart Speckler, Paul Marshall, Dave Myers, Lee Taylor, Sally Kimmel, Fred Wells, Frances Latterell, Bob Borden, Robert Keith and Lynn Yellette.

Mr. Lewandowski allowed a 5 minute break at 11:10 p.m. Mr. Lewandowski called the meeting back to order at 11:18 p.m.

The public hearing was closed. Mr. Dyck and Attorney Hamstead rebutted. Attorney Hamstead stated they would agree to a proposal to send \$100.00 per lot per year for road maintenance. Mr. Dyck stated the he would mail certified letters to the adjoining property owners advising them when the preliminary plat is submitted to the Planning, Zoning & Engineering Department. Mr. Dyck stated that the developer committed to replace any driveways disturbed by developer. Staff (Ms. Kelly) stated that member of the public commented regarding proper public notice. Staff stated that the Community Impact Statement was advertised in the Spirit of Jefferson on March 23, 2006 and March 30, 2006 and that the property was posted. Staff recommended acceptance of the Community Impact Statement. Kim Shrader, County Engineer recommended acceptance of the Community Impact Statement. Mr. Kane motioned to disapprove the Community Impact Statement. Mr. Baldau seconded the motion. Mr. Kane stated that although the Community Impact Statement meets the majority of technical requirements that it fails in spirit, and that he is keeping consistent in disapproving subdivisions of this type, safety concerns and emergency services because of access through an existing subdivision. There was concern the Community Impact Statement had no evaluations of service capacity. There was concern the Community Impact Statement pages were out of order and hard to follow. There was concern the Community Impact Statement was incomplete, for example with outdated school data, reference to non-existent 2003 Census, missing attachments in exhibit 30 (Hamstead letter), no sinkhole map in the Community Impact Statement was mailed to the members. There was also concern that covenant 5 in exhibit 30 forbids Mr. Borden from grant Right-Of-Way to the 15 new home buyers and that Subdivision Ordinance 13.1 would require the new Homeowners Association to own the roads in the old section, which creates a difficult situation. There was also concern that intersections on River Road would be unsafe, and that 8.2.a.16 would require all of existing Oakwood Drive to be paved, in both directions. Poor use of and access to natural features. The motion passed with a vote of 7 for and 1 opposed (Mr. Roper). The Community Impact Statement was disapproved.

6. Site Plan for Dodson's Septic Service (#S05-22). Mr. Lewandowski stated that he spoke with the developer and the developer asked for a postponement until the April 25, 2006 if they could be the first item on the agenda. Mr. Burke motioned to postponement this item until the April 25, 2006 meeting and placing the site plan first on the agenda. Mr. Kane seconded the motion which carried unanimously.

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7. Long Range Planner. None.

8. Green Infrastructure Study. Mr. Lewandowski stated there was information in the packets regarding Green Infrastructure.

9. Committees and committee reports: Bylaws: Mr. Sims motioned to authorize President Bill Lewandowski to arrange for further discussion of the bylaws and discuss legal representation with their attorney. Mr. Baldau seconded the motion which passed with a vote of 6 for and 2 opposed (Mr. Kane and Mr. Roper).

Mr. Kane left the meeting room at 12:25 a.m. and did not return.

Budget Committee: Mr. Baldau motioned to have staff to look into recording equipment and to coordinate with Leslie Smith who is looking into recording equipment for the County Commission (per Mr. Corliss). Mr. Sidor seconded the motion which carried unanimously. Sherry Kelly volunteered to look into this for the Planning Commission.

Mr. Lewandowski motioned to table the rest of Item #9, #10, and #11 until the April 25, 2006 meeting.

12. Discussion and/or action on Correspondence. Mr. Lewandowski stated that Sheila Birnbach was here for the whole meeting. Mr. Lewandowski stated he would like to schedule a Special Meeting around the week of May 10, 2006 so that Sheila Birnbach can meet with the Planning Commission. Mr. Lewandowski further stated that he would email the special meeting date.

13. Non-actionable Correspondence. Mr. Sidor and Mr. Lewandowski asked if the Long Range Planner had been advertised. Ms. Kelly stated she would check into this and advise.

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

The meeting adjourned at 12:40 a.m. on April 12, 2006. A detailed transcript of this meeting can be found on CD #51, #52, #53, #54, #55 and #56. These minutes were prepared by Sherry Cole.

