

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
JUNE 13, 2006

The Jefferson County Planning & Zoning Commission met on Tuesday, June 13, 2006, with Paul Burke, President presiding. John Sims, John Sidor, Lynne Deming, Todd Baldau, Russell Roper, Arnie Dailey and Greg Corliss were present. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

Tom Kane was absent with notification.

Mr. Burke called the meeting to order at 7:02 p.m.

Mr. Baldau motioned to amend and approve the May 23, 2006 minutes as follows: Item #1, second line change to Mr. Baldau nominated Mr. Sidor. Mr. Sidor declined. Item #3, fifth line. Add "ed" to the word motion. Mr. Burke's changes were page three, Item #9, the 7<sup>th</sup> sentence should read Mr. Bailey stated the site would have curb and gutter and he would provide copyright releases for all copyrighted items in the Community Impact Statement. Mr. Sidor seconded the motion which carried unanimously.

Mr. Burke asked if there were any postponements. Attorney James Campbell requested that Item #6, #8 and #11 be moved advanced on the agenda. Mike Shepp stated that he is requesting postponement of Item #1, Final Plat Public Hearing for the Maddex Farm Subdivision until the July 11, 2006 meeting. Mr. Baldau motioned to rearrange the agenda to hear Item #6, #11 and #8 first. Mr. Corliss seconded the motion which carried unanimously.

1. Postponed from the April 25, 2006 and May 23, 2006 meetings. Final Plat Public Hearing for the Maddex Farm Subdivision, Phase IV (#06-07). Ms. Deming left the meeting room as the property owner is her ex-husband. Mr. Burke left the meeting room because he spoke at a meeting regarding Maddex Farm. Mr. Baldau motioned to postpone this item until the July 11, 2006 meeting noting that the developer waived the 60 day rule. Mr. Sims seconded the motion which carried unanimously. Ms. Deming and Mr. Burke returned to the meeting room.

6. Postponed from the April 11, 2006, April 25, 2006 and May 23, 2006 meetings. Request by Wolverine Investments, LLC on behalf of the Falcon Ridge Subdivision (#05-09) 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. Attorney Peter Chakmakian made a presentation. Robert Amtower with the Department Of Highways spoke. Attorney Chakmakian spoke again. Staff recommended denial of the variance. Mr. Burke asked if anyone from the public wanted to speak. There was no public comment. Mr. Sidor motioned to deny the variance. Mr. Corliss seconded the motion which carried with a vote of 6 for (Mr. Sidor, Mr. Corliss, Mr. Baldau, Mr. Sims, Ms. Deming and Mr. Dailey) and 2 opposed (Mr. Burke and Mr. Roper).

11. Request by Attorney J. Michael Cassell on behalf of Ryan's Glen (#05-23) to review Mr. Raco's position with regard to the jurisdiction of the Division of Highways (Falcon Ridge Subdivision #05-09). Attorney Michael Cassell made a presentation. Mr. Corliss motioned to support the Staff's interpretation of the Ordinance. Mr. Sims seconded the motion which carried with a vote of 5 for (Mr. Corliss, Mr. Sims, Mr. Sidor, Mr. Baldau, Mr. Dailey) and 3 opposed (Mr. Burke, Ms. Deming and Mr. Roper).

Mr. Burke allowed a 5 minute break. Mr. Burke called the meeting back to order.

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8. Pursuant to Planning Commission action on April 25, 2006, reconsideration of the Final Plat for the Sheridan Subdivision, Phase II (#05-26). Ms. Deming and Mr. Dailey left the meeting room for this item on the agenda as they were not present at the April 11, 2006 meeting. Mr. Burke recused himself for this item on the agenda as he has previously made positive and negative comments regarding the subdivision. Mr. Sims took over as chair. Attorney James Campbell spoke. Robert Amtower with the Department of Highways made a presentation. Mr. Sims opened the meeting to public comment. Beth Haney and Tom Cardomone spoke. Mr. Sims closed the public comment. Mr. Corliss motioned to approve the final plat with the following conditions: (1) No pump and haul for sewage for Phase II; (2) voluntary proffer of \$50.00 per year per house for fire services; and (3) GIS and fire hydrant flows formal document provided to the Jefferson County Fire Departments - the first and second responders. Mr. Roper seconded the motion which carried with a vote of 4 for (Mr. Corliss, Mr. Roper, Mr. Sidor and Mr. Sims) and 1 opposed (Mr. Baldau).

2. Final Plat Public Hearing for the Hawes Minor Subdivision (#06-12). Ms. Deming, Mr. Dailey and Mr. Burke returned to the meeting room. Mr. Burke took over as chair. Ed Johnson was present for any questions. Mr. Johnson stated that his client came from Pennsylvania and he did not appreciate the Planning Commission rearranging the agenda. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Sidor motioned to approve the final plat with staff contingencies. Mr. Dailey seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the Denise K. Jones Minor Subdivision (#06-13). Ed Johnson answered questions from the Planning Commission. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Dailey motioned to approve the final plat with staff contingencies. Mr. Roper seconded the motion which carried unanimously.

4. Final Plat Public Hearing for the John & Barbara Plunket Minor Subdivision (#06-14). Mike Shepp was present for any questions. Mr. Burke opened the public hearing. There was no public comment. Mr. Burke closed the public hearing. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Baldau motioned to approve the final plat with staff contingencies. Mr. Roper seconded the motion which carried unanimously.

5. Community Impact Statement Public Hearing for Potomac Crossing at Shepherdstown Subdivision (#04-40). Sarah Kleckner with Resource International made a presentation. Deepinder Graywall, Owner/Developer of the subdivision spoke. Mr. Burke opened the public hearing. There was public comment from Mike Pratt and John Staley. Mr. Burke closed the public hearing. Don Bailey with Resource International spoke. Staff recommended acceptance of the Community Impact Statement. Mr. Baldau motioned to deny the Community Impact Statement due to lack of specifics in regards to Storm Water Management and lack of specifics in the Homeowners Association Covenants to age requirements. Mr. Sims seconded the motion. Mr. Sims made an amendment to the motion for protection of the wetland marl marsh adjoining Town Run and to deal with the storm water management scheme in the portion of the property adjoining Route 230. Mr. Sidor seconded the amendment to the motion which passed with a vote of 5 for and 3 opposed (Ms. Deming, Mr. Dailey and Mr. Roper). The main motion passed with a vote of 5 for and 3 opposed (Ms. Deming, Mr. Dailey and Mr. Roper).

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7. Postponed from the April 11, 2006, April 25, 2006 and May 23, 2006 meetings. 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 subdivision via a County grade road and right-of-way which serves more than three lots. Mr. Dailey left the meeting room as he is his brother. Annette van Hilst made a presentation. Mr. Burke asked if there was public comment. There was no public comment. Kim Shrader, County Engineer, stated the existing road has a sixty foot right-of-way and has been serving three single family lots for over 10 years. The road is stabilized and has an adequate gravel base. It measures approximately 15' wide with no horizontal or vertical alignment issues. There was no visible drainage or safety problems. The county engineer recommended approval contingent on obtaining a highway entrance permit. Mr. Baldau motioned to approve the variance request with engineer contingencies. Mr. Roper seconded the motion which carried unanimously.

9. Request by James K. Ruland/RAI Properties, LLC (Burr Industrial Park, Lot 44) for a variance to allow further development in the area near the Jefferson County Regional Office of the Department of Motor Vehicles on Lot 44 and to treat such single-owned development as a single site plan, utilizing the Site Plan Standards found in Article 11 only. (Variance from Section 8.3.1a, Definitions - Principle Building). James Ruland made a presentation. There was no public comment. Mr. Burke asked for public comment. There was no public comment. Staff recommended approval of the variance. Mr. Baldau motioned to grant the variance request. Mr. Sims seconded the motion which carried unanimously.

10. Request by James Newman/Sylvannah Baptist Church (New School Baptist Church) for a waiver from the site plan process for an extension to a gravel parking lot. James Newman made a presentation. Mr. Burke asked for public comment. There was no public comment. Kim Shrader, County Engineer, stated that a variance request for a waiver of the site plan process for a gravel parking lot was granted December 13, 2005 contingent on prior to any further expansion or construction on the property, that the property owner obtain an Improvement Location Permit and process a site plan that addresses storm water management, sediment and erosion control, setbacks, landscaping, buffer requirements, highway entrance permits and handicapped accessibility. An as-built survey is also required to satisfy the approval. The county engineer recommended denial of the variance request and require a site plan for this expansion along with an as-built survey and an Improvement Location Permit. The County Engineer stated that they also need to address parking requirements and handicap spaces. Pastor Wilson spoke. Mr. Corliss motion to grant the variance for the 20 feet additional parking area. Ms. Deming seconded the motion which carried unanimously.

12. Staff Issues and Concerns (Requested by Todd Baldau). None.

13. Postponed from the May 23, 2006 meeting. Discussion of legal representation (Requested by John Sidor). Mr. Sidor motioned to postpone Item #13, Item #17 and Item #18 until the June 27, 2006 meeting. Mr. Baldau seconded the motion which carried unanimously.

17. Postponed from the May 23, 2006 meeting. Discussion on Department of Planning, Zoning & Engineering reports (Requested by John Sidor). See Item #13.

18. Postponed from the May 23, 2006 meeting. Discussion of Planning Commission's approval of final plats with conditions (Requested by John Sidor). See Item #13.

14. Set policy for reconsideration of votes (Requested by John Sims). Mr. Sims passed out a draft motion for review by the Planning Commission and stated that they will take this item up at a special meeting or another meeting. Mr. Baldau passed out a draft reconsideration process to the commissioners.

15. Green Infrastructure Study. Mr. Burke stated that the Conservation Fund sent the Planning Commission a monthly report. Mr. Burke stated that basically they are still working on getting the data into GIS.

16. Committees and committee reports:

Budget Committee: Mr. Burke stated there was no business.

Bylaws Committee: Mr. Sims stated that everyone has received a copy of the draft bylaws. Mr. Burke asked Mr. Sims if he would consider changing the name from Bylaw Committee to Bylaws & Procedures Committee. Mr. Sims stated he would not mind at all. Mr. Sims motioned to change the Bylaws Committee name to Bylaws & Procedures Committee. Mr. Sidor seconded the motion which carried unanimously. Mr. Sims suggested a special meeting to discuss the draft bylaws. Mr. Burke suggested having the planning commissioners email or fax to him their suggested meeting dates.

PSD Committee: Mr. Sidor stated there is no report.

Subdivision & Zoning Ordinance Rewrite Committee: None.

Long Range Planner: Mr. Sims appointed himself as chair of this committee.

TDR Committee: Mr. Dailey stated there is no report.

19. Postponed from the April 25, 2006 meeting. Request from Paul Raco - Advice of the Planning Commission on whether or not the County Commission's proposed Zoning Ordinance amendments dated April 13, 2006 are consistent with the Jefferson County Comprehensive Plan. Mr. Burke passed out a handout. Mr. Baldau motioned to postpone this item until the June 27, 2006 meeting. Mr. Sims seconded the motion which carried unanimously.

20. Request by Greg Corliss - Re-Blast Survey. Mr. Corliss stated that Dianna Sutenfield was at a County Commission Meeting last week and made a presentation on concerns relative to blasting at Tollhouse Woods Subdivision and the impact it could have on some of the historic structures and streams. Mr. Corliss stated it was the County Commission's request to pass this Pre-Blast Survey onto the Planning Commission for review and comments. Mr. Corliss further stated it was also passed to the county attorney to see if there is any authority for doing something about this. Mr. Burke suggested that staff copy the blasts survey and mail a copy to each planning commissioner. Fred Blackmer asked is the direction to the Planning Commission to comment solely on one individual's presentation of blasting policy request or is it for the Planning Commission to review the entire Blasting issue to include a review of current State and Federal Regulations and propose a complete policy. Mr. Burke stated that the Planning Commission is not capable of answering the question of what the request was and stated that Mr. Blackmer would have to check the County Commission's minutes.

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21. Actionable Correspondence. None.

22. Non-actionable Correspondence. None.

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

The meeting adjourned at 11:47 p.m. on June 13, 2006. A detailed transcript of this meeting can be found on CD # 77, #78, #79, #80, #81. These minutes were prepared by Sherry Cole.

