

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
AUGUST 9, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, August 9, 2005 with Arnie Dailey, President, presiding. Other Planning Commission members present were: John Sims, Bill Lewandowski, Todd Baldau, John Sidor, Mary Lehman, Tom Kane and Greg Corliss. Staff members present were Sherry Kelly, Kim Shrader and Sherry Cole.

Russell Roper was absent with notification.

Mr. Dailey called the Meeting to order at 7:04 p.m. Mr. Baldau motioned to amend the minutes of the July 26, 2005 meeting as follows: Under Item #4 change from Mr. Lewandowski motioned to deny the Community Impact Statement to Mr. Lewandowski motioned to disapprove the Community Impact Statement. Under Item #4, (3) additional emergency services - change to additional information on emergency services. Under Item #16 change from Mr. Lewandowski motioned to go into Executive Session change to Mr. Baldau motioned to go into Executive Session. Under Item #16 change from Mr. Sims seconded the motion which carried unanimously to Mr. Lewandowski seconded the motion which carried unanimously.

4. Community Impact Statement Review for the Village at Piedmont Subdivision. Staff stated that the applicant asked for a postponement until the August 23, 2005 meeting. Mr. Lewandowski motioned to postpone the Community Impact Statement until August 23, 2005. Ms. Lehman seconded the motion which carried unanimously.

1. Postponed from the July 26, 2005 meeting. Final Plat Public Hearing for the Ernest S. Moyer Minor Subdivision, Lots 1 & 2-Residue. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. Staff recommended approval of the final plat conditioned on submitting the necessary signed copies and recordation within 90 days. Ms. Lehman motioned to approve the final plat subject to staff contingencies. Mr. Kane seconded the motion which carried unanimously.

2. Postponed from the July 26, 2005 meeting. Community Impact Statement Review for the Falcon Ridge Subdivision. Danny Bainbridge made a presentation. Mr. Dailey opened the public hearing. There was no public comment. The public hearing was closed. Staff recommended acceptance of the Community Impact Statement. Mr. Lewandowski motioned to accept the Community Impact Statement with staff contingencies and petition that at final plat stage that the recommendations made by Triad Engineering are followed. Mr. Sims seconded the motion which carried unanimously.

3. Community Impact Statement Review for Ryan's Glen Farm Subdivision. Lou Athey and Rob Holmes made a presentation. Mr. Dailey opened the public hearing. There was public comment from Glen Hetzell. Mr. Dailey closed the public hearing. Mr. Athey rebutted. Staff stated that not all staff comments have been addressed and that the applicant was given a chance to postpone. The applicant chose to go forward. Staff recommended denial. Staff verbally gave the Planning Commission a list of items that still needed to be addressed by the applicant. Mr. Lewandowski motioned to continue the public hearing until the September 13, 2005 meeting and re-advertise. Mr. Sims seconded the motion which carried unanimously.

5. Motion to reconsider by Chris Smith on behalf of Route 340 Business Center for a partial variance from providing roads with curb, gutter and sidewalks. Mr. Lewandowski motioned to reconsider this variance request. Mr. Sims seconded the motion which carried unanimously. Mark Dyck presented the variance request. Staff recommended postponement until the August 23, 2005 meeting as Mr. Dyck presented a plat different than the plat that the staff and the

MINUTES - JEFFERSON COUNTY PLANNING & ZONING COMMISSION
AUGUST 9, 2005
PAGE TWO

Planning & Zoning Commission had received. Mr. Lewandowski motioned to postpone this item until the August 23, 2005 meeting. Mr. Lehman seconded the motion which carried unanimously

6. Motion to reconsider by Timothy L. Grim and Brenda L. Turner of the Final Plat Public Hearing for the Timothy Lee Grim and Brenda Lee Turner Minor Subdivision, Lots 1, 2 & 3-Residue. Mr. Lewandowski motioned to allow reconsideration of the final plat. Ms. Lehman seconded the motion which failed by a unanimous vote.

7. Request by Carl Taylor for a variance from upgrading a portion of an existing right-of-way and road to county standards for a proposed 2 lot subdivision; and, advancement to the final stage for the proposed subdivision. Staff recommended approval of the variance and move forward to final plat. Mr. Kane motioned to approve the variance and advance to final plat with staff contingencies. Mr. Lewandowski seconded the motion which carried unanimously.

8. Findings of Fact and Conclusions of Law for the Benview Subdivision Final Plat Public Hearing held on June 28, 2005. Mr. Lewandowski motioned to approve the Findings of Fact and Conclusions of Law for the Benview Subdivision. Mr. Kane seconded the motion which carried unanimously.

9. Postponed from the July 26, 2005 meeting. Discussion by the Planning Commission and the County Commission on the issue of agencies such as fire and rescue not responding to applicant's requests for letters addressing service availability at the Community Impact Statement stage. Mr. Baldau prepared and passed out a handout to the staff, the Planning & Zoning Commission and four of the County Commissioners (Mr. Corliss, Mr. Morgan, Mr. Manuel and Mr. Surkamp) that were present at the meeting. There was discussion among the Planning & Zoning Commission and the County Commissioners.

10. Postponed from the July 26, 2005 meeting. Planning Commission discussion of their By-laws. Mr. Lewandowski stated that he will take Mr. Sidor's comments and incorporate them into a draft revision of the By-Laws. Mr. Lewandowski further stated that he would based upon the Planning & Zoning Commission's comments of what should be in the By-Laws that he would put it together in a document and bring it before the Planning & Zoning Commission. Mr. Sims motioned to have Mr. Lewandowski take another look at the revisions of the By-laws and present to the Planning & Zoning Commission at the September 13, 2005 meeting. Mr. Sidor seconded the motion which carried unanimously.

11. Correspondence: Consistency with Comprehensive Plan for proposed changes to the Jefferson County Zoning and Land Development Ordinance. Staff stated that she can not make a recommendation at this time and recommended postponement until the August 23, 2005 meeting in order to give her time to review the changes. Mr. Lewandowski motioned to postpone this item until the August 23, 2005 meeting. Ms. Lehman seconded the motion which carried unanimously.

Mr. Lewandowski motioned to refer the document Re: Smith and Kiss Variance - requested in favor of Deborah Kiss and Brandon Starkey document dated July 29, 2005 be referred to the prosecuting attorney's office for legal review. Mr. Sims seconded the motion which carried unanimously.

MINUTES - JEFFERSON COUNTY PLANNING & ZONING COMMISSION
AUGUST 9, 2005
PAGE THREE

Mr. Lewandowski motioned to have public hearings for public input on potential changes to the current Section 8A of the West Virginia State Code and to let staff schedule the dates. Ms. Lehman seconded the motion which carried unanimously.

The meeting adjourned at 9:38 p.m. on August 9, 2005. A detailed transcript of this meeting can be found on CD #116 and #117. These minutes were prepared by Sherry Cole.

