

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
AUGUST 23, 2005

The Jefferson County Planning & Zoning Commission met on Tuesday, August 23, 2005, with John Sims, Vice President, presiding. Other Planning Commission members present were: Bill Lewandowski, Todd Baldau, Russell Roper, John Sidor, Tom Kane, and Greg Corliss. Staff members present were Roger Goodwin, Kim Shrader and Sherry Cole.

Mary Lehman and Arnie Dailey were absent with notification.

Mr. Sims called the Meeting to order at 7:03 p.m. Mr. Baldau suggested that the minutes be amended as follows: Under Item # 6 change the third sentence to read: Ms. Lehman seconded the motion which failed by a unanimous vote. Under Item # 10 change the second sentence to read: Mr. Lewandowski stated that he will take Mr. Sidor's comments and incorporate them into a draft revision of the By-Laws. Mr. Lewandowski motioned to approve the August 9, 2005 minutes as amended. Mr. Baldau seconded the motion which carried unanimously.

1. Final Plat Public Hearing for the Hezekiah C. Marshall Minor Subdivision, Lots 1 & 2-Residue. Staff recommended approval conditioned on submitting the necessary originally signed copies and recordation within 90 days. Mr. Sims opened the public hearing. There was no public comment. The public hearing was closed. Mr. Baldau motioned to approve the final plat with staff contingencies. Mr. Kane seconded the motion which carried unanimously.

2. Continued from the August 9, 2005 meeting. Community Impact Statement Review for the Village at Piedmont Subdivision. Mark Dyck made a presentation. Braun Hamstead and Mark Dyck answered questions from the Planning & Zoning Commission. Mr. Sims opened the public hearing. There was public comment from Ken Lowe. The public hearing was closed. Mark Dyck and Braun Hamstead rebutted. Mr. Lewandowski motioned to continue this item until the September 13, 2005 meeting, as Sherry Kelly, Planner, was not present. Mr. Baldau seconded the motion which carried unanimously.

3. Postponed from the August 9, 2005 meeting. 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. Mark Dyck presented the variance request. Roger Goodwin, Chief County Engineer, recommended no curb and gutter around the storage areas, but recommended requiring curb and gutter around the office area. Mr. Baldau motioned to grant a partial variance exempting curb and gutter around the storage areas, but requiring curb and gutter around the office area. Mr. Lewandowski seconded the motion which carried unanimously.

4. Request by William Ancarrow and Linda Kirby on behalf of the Rocks Corporation to waive the Community Impact Statement for a proposed seven (7) lot subdivision. Linda Kirby made the request to waive the Community Impact Statement. Mr. Baldau motioned that the Planning Commission deny the request to waive the Community Impact Statement. Mr. Lewandowski seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Corliss).

5. Request by James Francomano for additional time to bond and record the final plats of the Quarter Farm Subdivision. Jamie Francomano presented the request. Mr. Lewandowski motioned to allow 90 days additional time to bond and record the final plats for the Quarter Farm Subdivision. Mr. Baldau seconded the motion which carried unanimously.

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6. Request by Damon and Barbara Reed for a variance from upgrading an existing right-of-way width from 40' to 30' and the road to county standards for a proposed parent to child transfer of land. Barbara Reed presented the variance request. Staff and engineer recommended this request is not contrary to public interest and will have no impact and recommend granting the request. Mr. Baldau motioned to approve the variance request. Mr. Lewandowski seconded the motion which carried unanimously.

7. Request by Stanley and Dorothy Singhas for a variance from upgrading an existing road to county standards for a proposed parent to child lot. Stanley Singhas presented the request. The engineer recommended approval of the variance request. Staff stated that there is no 'grandparent to grandchild' exemption in the ordinance. The conveyance would have to go from parent to child, then that parent to their child. Mr. Lewandowski motioned to grant the variance subject to staff contingencies. Mr. Corliss seconded the motion which carried unanimously.

8. Request by Todd S. Synder, President of the Crosswinds Homeowner's Association for clarification of what is being required pertaining to the storm water management for the waiver of site plan for the basketball court. Todd Synder presented his request. Staff stated that it is clear that the requirement is for a redline showing that the Storm Water Management can handle the additional impervious surface. Roger Goodwin, Chief County Engineer stated that per Section 8.2.g.4 submit a "redline" revision to the approved preliminary plat delineating the basketball court and demonstrating that the required setbacks are met. Provide documentation signed and sealed by a WV licensed professional engineer demonstrating that the addition of the basketball court will meet the storm water management requirements of Section 8.2.c. and Table 8.c.1. Mr. Sims allowed a five minute break. The meeting reconvened.

9. Request by Chris Smith on behalf of Robert H. and Mary Borden for a variance from the right-of-way width from 50' to 40' for approximately 350 linear feet for a proposed subdivision. Mark Dyck presented the variance request. The county engineer recommended approval of the variance request contingent on using closed section roadway. Staff recommended postponement until the following is provided: (a) Evidence that a county grade paved road can be physically built in the 40 feet ROW; (b) Proof that Oakwood Road is a State road or meets county grade standards; (c) Oakwood HOA approval on using their road. Mr. Lewandowski motioned to approve the variance request with engineering contingencies. Mr. Kane seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Sidor).

10. Request by Chris Smith on behalf of Greg Burch for a variance from the entrance road slope requirements of less than a three percent grade fore at least 1200 linear feet into a subdivision for a proposed 3 lot subdivision. Mark Dyck presented the request. The county engineer recommended approval. Mr. Lewandowski motioned to approve the variance request. Mr. Sidor seconded the motion which carried unanimously.

11. Request by Andrew Seredinsky on behalf of the Kabletown United Methodist Church (UMC) for a waiver from the site plan requirements for a temporary single wide portable classroom for additional Sunday School classes. Andrew Seredinsky presented the request. Michael Seagood spoke. Engineer recommended approval of the variance request contingent on (1) meeting all setback requirements; (2) obtaining a site plan approval for the proposed future addition; (3) setting a 5 year time limit for the temporary portable classroom; (4) obtaining a building permit. Mr. Baldau motioned to approve the variance request with staff contingencies. Mr. Sidor seconded the request which carried unanimously.

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12. Postponed from the August 9, 2005 meeting. Consistency with Comprehensive Plan for proposed changes to the Jefferson County Zoning and Land Development Ordinance. Staff stated that since it expands opportunity to farmers in the Rural Zone, that staff agrees that it is consistent with the Comprehensive Plan. Mr. Lewandowski finds that the proposed amendments are consistent with the Comprehensive Plan. Mr. Kane seconded the motion which carried unanimously.

13. Update on the Request for Proposals. Staff stated that the commissioners have a letter in their packet from Paul J. Raco to Sherry Kelly. Staff stated that eight proposals were put on the table for the commissioners. Staff also stated that the acting chair needs to select 3 people to review and rank the proposals pursuant to the letter and email them to Mr. Raco by August 30, 2005. Mr. Corliss agreed that this is the correct procedure. Mr. Sims selected Mr. Sidor, Mr. Lewandowski and himself to be on the review committee. The commissioners agreed.

14. Update on the Long Range Planner. Staff stated that there is a letter in the commissioners' packets. Staff also stated that the proposed job description and ad are in the commissioners' packet. The commissioners agreed to review the proposed job description and report back at the September 13, 2005 meeting.

15. Proposed new Community Impact Statement Policy.

16. Proposed new agenda cut-off policy. Mr. Baldau motioned to postpone Item #15 and Item #16 until the September 13, 2005 meeting. Mr. Kane seconded the motion which carried unanimously.

17. Correspondence. (a) Letters from Ms. Kiss and Greg Jones, Assistant Prosecuting Attorney regarding Ms. Kiss' 4 to 4 vote on her parent to child variance. Staff stated that the Commission needs to decide to docket it on a future agenda or consider it a final decision and certify to the judge that the Planning Commission cannot come to a decision, so that Ms. Kiss can appeal to the Circuit Court. Mr. Baldau motioned to re-docket the Kiss variance request and have the staff coordinate with the applicant to schedule a meeting date. Mr. Roper seconded the motion which carried unanimously.

(b) Answer to Faulkner Writ of Mandamus to the Circuit Court; (c) Information that the suit that the Planning Commission was served on has been turned over to Greg Jones.

Mr. Kane and Mr. Baldau stated that they would like the Department of Planning, Zoning & Engineering Staff to accept service on items in lieu of being served by the Sheriff's Office. Mr. Lewandowski, Mr. Sidor and Mr. Sims stated they want to be served individually.

The meeting adjourned at 10:18 p.m. on August 23, 2005. A detailed transcript of this meeting can be found on CD #123, #124 and #125. These minutes were prepared by Sherry Cole.

