

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
JANUARY 13, 2004

The Jefferson County Planning & Zoning Commission met on Tuesday, January 13, 2004 with Arnie Dailey, President, presiding. Other Planning Commission members present were: Rosella Kern, Russell Roper, Sam Donley, Richard Childs and Rusty Morgan. Staff members present were Paul Raco, Roger Hunter and Sherry Cole.

Renny Smith, William Lewandowski, Barbara Humes and David Mills were absent with notification. Douglas Vaira and David Kemnitzer were absent without notification.

Mr. Dailey called the meeting to order at 7:00 P.M.

Mr. Morgan motioned to accept the Minutes of the December 9, 2003 regular meeting. Mr. Childs seconded the motion which carried unanimously.

1. Election of Officers. Mr. Donley nominated to elect Arnie Dailey for President. Mr. Childs seconded the nomination. Mr. Childs motioned to close the nominations. Ms. Kern seconded the motion which carried unanimously. Mr. Dailey was elected unanimously.

Mr. Childs nominated Rosella Kern Vice President. Mr. Donley seconded the nomination. Mr. Donley motioned to close the election. Mr. Morgan seconded the motion which carried unanimously. Ms. Kern was elected unanimously.

Mr. Morgan motioned to elect Renny Smith as Secretary. Ms. Kern motioned to close the election. Mr. Childs seconded the motion which carried unanimously. Ms. Smith was elected unanimously.

2. Final Plat Public Hearing for the Howard G. and Charlotte P. Demory Minor Subdivision, Lots 1 & 2-Residue. Staff recommended approval of the Final Plat with the removal of the statement on the plat that reads the setbacks meet the Jefferson County Zoning Regs or state that the setbacks are different from the Zoning Regulations, with signed copies, bonding and recordation within 90 days. There was public comment from Howard G. Demory. The Public Hearing was closed. Mr. Donley motioned to approve the final plat with staff contingencies. Mr. Childs seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the Seiders Estate Minor Subdivision, Lots 1 & 2-Residue. Staff recommended approval of the Final Plat with a note added to the plat stating that Lot 1 cannot further subdivide only the residue can further subdivide, copies, and recordation within 90 days. There was no public comment. The Public Hearing was closed. Mr. Childs motioned to approve the Final Plat with staff contingencies. Mr. Donley seconded the motion which carried unanimously.

4. Findings of Fact and Conclusions of Law for the Uniwest Wastewater Treatment Plant Conditional Use Permit denial (# Z03-03). Mr. Donley motioned to approve the Findings of Fact and Conclusions of Law adding the word "with" a score of 59.91 on page 4, paragraph 4. Mr. Morgan seconded the motion which carried unanimously.

5. Request by Peter Chakmakian on behalf of Harvest Hills Subdivision for reinstatement of the Conditional Use Permit; and, action confirming the Commission's acceptance of the Community Impact Statement. Mr. Morgan recused himself from this item on the agenda. Mr. Peter Chakmakian presented this request. Staff recommended that the Community Impact Statement be reinstated and leave the Community Impact Statement open for an additional 567 days pursuant to the two courts' orders. Ms. Kern motioned to reinstate the Conditional Use Permit. Mr. Donley seconded the motion which carried unanimously. Ms. Kern motioned to leave the Community Impact Statement open for an additional 567 days. Ms. Kern seconded the motion which carried unanimously. Mr. Morgan returned to the meeting room for the rest of the meeting.

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6. Request by Gordon & Associates on behalf of the Mission Ridge Subdivision for a variance to allow slopes up to 10% on primary subdivision roads (Article 8, Section 8.2.a.7 of the Jefferson County Subdivision Ordinance). Staff recommended approval of the variance based on Hillside Development Regulations. Mr. Morgan motioned to grant the variance. Ms. Kern seconded the motion which carried unanimously.

7. Request by Steven L. Bittinger for a waiver from the site plan requirements for a proposed 20' x 32' addition to an existing nonconforming use structure (Article 4, Section 4.0 of the Jefferson County Improvement Location Permit Ordinance). Staff recommended denial of the variance as the variance did not meet the four criteria for granting a variance and the applicant does not make the case for granting the variance. Mr. Donley motioned to deny the request based on staff's recommendation. Mr. Child's seconded the motion which carried with a vote of 5 for and 1 opposed (Mr. Morgan)

8. Request by Lisa McCauley on behalf of the Willow Springs Commercial Subdivision for a variance from the 60' wide right-of-way width and road standard requirements (Article 8, Section 8.2a of the Jefferson County Subdivision Ordinance). Joe Kent presented the request. Mr. Morgan motioned to grant the variance. Ms. Kern seconded the motion which carried unanimously.

9. Site plan approval and issuance of the Improvement Location Permit for Harding's Service Center. Staff recommended approval and issuance of the commercial improvement location permit subject to bonding. Mr. Donley motioned to approve the site plan and issuance of the Improvement Location Permit. Mr. Childs seconded the motion which carried unanimously.

10. Request by Renny Smith to discuss ordinance amendments (postponed due to Ms. Smith's absence). Mr. Roper motioned to postpone this item until the January 27, 2004 meeting. Mr. Donley seconded the motion which carried unanimously.

11. Scheduling of Special Meeting for January 27, 2004 to begin at 6:30 p.m., to discuss the Aubrey E. Henry Lawsuits and other matters of litigation. Mr. Donley motioned to schedule a Special Meeting for January 27, 2004 at 6:30 p.m., to discuss the Aubrey E. Henry Lawsuits and other matter of litigation. Mr. Morgan seconded the motion which carried unanimously. This Special Meeting will be closed to the public.

12. Cancellation of May 11, 2004 meeting. Mr. Childs motioned to cancel the May 11, 2004 meeting since it is an official State holiday. Mr. Donley seconded the motion which carried unanimously.

13. Comprehensive Plan. Mr. Morgan stated the Comprehensive Plan is on the County Commission agenda for next week.

14. Correspondence. Staff sent follow up letters to DEP, BPH Environmental Health Services and West Virginia Public Service Commission on January 2, 2004 with no reply yet.

Letter of resignation from Mark Schiavone.

The meeting adjourned at 8:37 p.m. on January 13, 2004. A detailed transcript of this meeting can be found on Tapes # 1 and 2. These minutes were prepared by Sherry Cole.

