

Morgan County Planning Commission
Meeting Minutes
May 22, 2012

I. CALL TO ORDER

Meeting was opened at 7:04 p.m.

Members present: Mary Ellen Largent, Scott Swaim, Susan Parker, Jack Soronen, Wayne Omps, Amy Lane, Jim Hoyt, Eric LaRue.

Members absent: Carl Cowgill, Brenda Hutchinson, Brian Carter.

II. MEETING MINUTES

On a Mary Ellen Largent/Scott Swaim motion, the minutes from the April 10, 2012 special meeting were unanimously approved.

III. WAIVER REQUESTS – PRELIMINARY PLAT APPROVAL EXTENSIONS
MORGAN COUNTY SUBDIVISION REGULATIONS

Section 7.2 – Developer Time Limits-Preliminary Plat
Applicable to Section 7.3 – Waiver of Time Limits

A. Ancora Estates, owned by Kent Kesecker

Bath District, Tax Map 4, Parcel 38.8

Located 0.9 miles north of Route 9 West on Sir Johns Run Rd

Timeline of Preliminary Plat Approvals:

August, 2006 – Preliminary Plat approval for 11 lots

January, 2008 - Revised Plat approval for 7 lots

February, 2009 - First Extension Request approved

Current approval is valid until July 1, 2012

Waiver Request: Requesting a waiver of Section 7.2
Developer Time Limits-Preliminary Plat

Staff had supplied the Commission with photographs of the site and reported that the proposed subdivision consisted of 7 lots, all over two acres in size. Construction had started at the site (2007), the upper road was cut in and two sediment traps were installed. The developer then scaled back the project (2008) and reduced the number of lots by enlarging them thus eliminating the requirement for stormwater management. The West Virginia Department of Environmental Protection NPDES permit required that one sediment trap remain for the site. The main entrance road is in good condition and the site is stabilized. The current developer/owner is requesting a second one year extension of the preliminary plat approval.

On a Jim Hoyt/Scott Swaim motion, the Planning Commission approved the waiver request of Section 7.2 Developer Time Limits for Ancora Estates Subdivision and extended the preliminary plat approval for one year. This approval is now valid until July 1, 2013. Motion carried.

- B. Parkside Estates Section III, developed by G. Larry Omps
Rock Gap District, Tax Map 7, Parcel 3
Located behind Dawson's Hardware on the east side of Route 522.

Timeline of Preliminary Plat Approval:

March, 2009 – Preliminary Plat Approval for 10 lots
Current approval valid until July 1, 2012

Waiver Request: Requesting a waiver of Section 7.2
Developer Time Limits-Preliminary Plat

Staff had supplied the Commission with photographs of the site and reported that the proposed subdivision consisted of 10 lots all over two acres in size. There is an existing road, Cannon Drive, which serves a few exempt lots that were created behind Section III. Construction of the upgraded road proposed for Section III has not started. The developer is requesting an extension of the preliminary plat approval for one year.

On an Amy Lane/Mary Ellen Largent motion, the Planning Commission approved the waiver request of Section 7.2 Developer Time Limits for Parkside Estates Section III and extended the preliminary plat approval for one year. This approval is now valid until July 1, 2013. Planning member Wayne Omps abstained from voting due to a family connection with this project. Motion carried.

- C. Sleepy Creek Forest Section II, developed by MDG-Willhide Acres
Rock Gap District, Tax Map 17, Parcel 10
Located on Highland Ridge Road east of intersection with
Winchester Grade Road

Timeline of Preliminary Plat Approvals:

July 2007 – Preliminary Plat approved for 14 lots
June, 2008 -1st extension request approved
September, 2009 – 2nd Extension Request approved
October, 2010 – 3rd Extension request approved
Current approval is valid until July 1, 2012

Waiver Request: Requesting a waiver of Section 7.2
Developer Time Limits-Preliminary Plat

Staff had supplied the Commission with photographs of the site and reported that the proposed subdivision consisted of 14 lots total, 13 residential lots on one lot designated

as common area, all over two acres in size. Construction has not started for this project. The developer is requesting a fourth one year extension request of the preliminary plat approval.

On a Jim Hoyt/Eric LaRue motion, the Planning Commission approved the waiver request of Section 7.2 Developer Time Limits for Sleepy Creek Forest Subdivision Section II and extended the preliminary plat approval for one year. This approval is now valid until July 1, 2013. Motion carried.

IV. SALVAGE YARD ORDINANCE VIOLATION COMMERCIAL AND INDUSTRIAL IMPROVEMENT LOCATION PERMIT PRE-APPLICATION

- A. Robert & Susan Summers
Property located at 110 Daisy Lane, Berkeley Springs, WV
Cacapon Acres Subdivision, Timber Ridge District
Tax Map 8, Parcel 25.3

Applicant is proposing to construct a 54' x 39' building and a 17' x 16' office addition off of an existing building. (Initial request on 4.19.12 was for a 40' x 46' building, 17' x 16' office addition. Applicant's current request is over the 2,000 square foot requirement therefore a professional site plan is now required.)

Mr. Summers is currently in violation of the Salvage Yard Ordinance and the WV Division of Highways Salvage Yard regulations as indicated by Barbara Abe, WVDOH Inspector. (More than three unlicensed, untagged vehicles constitute a salvage yard.)

Mr. Summers is requesting approval of the permits to operate an auto dealership/auto repair business to rectify the violations.

Staff had provided the Commission with photographs of Mr. Summers property which showed numerous unlicensed, untagged vehicles verifying the violation of the Morgan County Salvage Yard Ordinance. Staff also reviewed the property history and stated that since 1999, Mr. Summers has received citations on two occasions, both served by the West Virginia Department of Highways for operating an unlicensed salvage yard. Mr. Summers had removed the vehicles on both occasions, and then brought the vehicles back at a later date.

Mr. Summers submitted a Commercial and Industrial Improvement Location Permit Pre-Application dated May 4, 2012 for the construction of a 54'x 39' building and a 16'x 17' addition to an existing building. The large building will be used for an auto dealership

business to store the vehicles in and the smaller addition is to be used as an office. According to Mr. Summers, the construction of these buildings is also a requirement of the West Virginia Department of Highways to obtain an auto dealership license. Mr. Summers had stated that if the permit was approved for the construction of these structures, the Salvage Yard Ordinance violation would be resolved. Staff had indicated that because of the size of the buildings, total of 2,378 square feet, Mr. Summers would need to submit a professionally prepared site plan that meets the criteria of the Commercial and Industrial Improvement Location Permit Ordinance. The site drawing that was submitted with the application does not meet these requirements.

The Planning Commission discussed several issues with the owner relating to the commercial application such as access to the site, road width requirements and the existing rights-of-ways in place along with the time it would take for the property owner to complete the construction of the two buildings.

As a result of the continued discussion relating to the Salvage Yard Ordinance Violation currently in place at the property owned by Robert and Susan Summers; and the Commercial and Industrial Improvement Location Permit Pre-Application submitted by Mr. Summers, d/b/a Cacapon Motors as a solution to the Salvage Yard Ordinance violation; the Planning Commission took the following action.

Relating to the Morgan County Commercial and Industrial Improvement Location Permit Ordinance Pre-Application:

On a Susan Parker/Jim Hoyt motion, the Planning Commission denied the Commercial and Industrial Improvement Location Permit Pre-Application submitted by Mr. Robert Summers, d/b/a Cacapon Motors, to construct a 39' x 54' storage building and 17' x 16' office addition to an existing building at 110 Daisy Lane, Berkeley Springs, WV for the purposes of operating an auto dealership, due to the incompleteness of the application. Motion carried.

Relating to the violation of the Morgan County Salvage Yard Ordinance:

On a Mary Ellen Largent/Jim Hoyt motion, the Planning Commission instructed staff to delay enforcement of the violation proceedings until their next regular meeting (June 26, 2012) to allow Mr. Summers time to meet the Morgan County Salvage Yard Ordinance requirements. No Improvement Location Permits (building permits) are to be issued for this location while the violation exists as per Planning Commission policy.

Vote: In favor: Eric LaRue, Amy Lane, Jim Hoyt, Mary Ellen Largent.

Against: Susan Parker, Wayne Omms, Scott Swaim.

Motion carried.

Staff will place this matter on the June 26, 2012 Planning Commission meeting agenda for review.

V. OTHER DISCUSSION

A. Chesapeake Bay Accountability Grant Award Update on status of project by Arro Consulting

Planning staff informed the Commission that the consultant, Richard Parks of Arro Consulting, had stated that they are continuing to work on the three sample site plans and should have them completed for the Planning Commission's review by the June meeting.

B. Cacapon River Watershed Map

Staff had handed out copies of the Cacapon River Watershed Map currently being proposed by the Cacapon and Lost Rivers Land Trust. This map highlights resources and recreational opportunities such as public access points within the Cacapon River Watershed. There are two meetings scheduled to allow the public an opportunity to review and provide comments on the map. The first was scheduled on May 18, 2012 in Hampshire County and the second is scheduled for June 2, 2012 from 11:00 to 12:00 noon at the Head Start School in Great Cacapon. The map is also available for review at the Planning Commission office.

VI. ADJOURNMENT

The meeting adjourned at 9:10 p.m.