

Morgan County Planning Commission
Meeting Minutes
December 1, 2015

I. CALL TO ORDER

Meeting was opened at 7:04 p.m.

Members present: Jack Soronen, Scott Swaim, Eric LaRue, Robert Ford, George Didawick, Carl Cowgill, Robert White, Jim Hoyt and Susan Parker.

Members absent: Wayne Omph.

Others Present: Alma Gorse, County Planner
Lucinda Stevens, substituting for Richard Parks, both from Arro Consulting.
See attached sign-in sheets.

II. MEETING MINUTES

On a S. Parker/G. Didawick motion, the Planning Commission unanimously approved the September 22, 2015 meeting minutes.

III. FINAL PLAT PUBLIC HEARING
OAKLAND OVERLOOK PLANNED UNIT DEVELOPMENT SUBDIVISION

Project Description:

Oakland Overlook Planned Unit Development, owned by Cacapon Associates, Developed by Cross Development, LLC

Located in Timber Ridge District, northeast corner of the intersection of Route 522 south (Valley Road) and Oakland Road.

Preliminary Plat approved: February 17, 2015

The proposed subdivision is a re-platting of an existing single family development, Oakland Overlook. The Planned Unit Development consists of 9 lots totaling 8.07 acres; one (1) commercial development lot size of 2.5 acres (merged lots 8,9,10,11) and the eight (8) remaining single family subdivision lots of record will remain unchanged and total 5.56 acres.

S. Swaim recused himself from discussion regarding this project. He stated it was not due to a financial interest; a family member is connected with the lawsuit currently filed with the West Virginia Supreme Court of Appeals. (Donadieu, etal vs. Morgan County Planning Commission).

The Final Plat public hearing was opened for public comments:

There were no public comments received.

Staff provided the Report on Findings of Facts for this application:

Public notice was posted one time as required in Section 4.8 of the Ordinance in the Morgan Messenger on November 4, 2015. A Sign was posted at the site on November 3, 2015.

As per Section 4.7 of the Subdivision Ordinance, the following requirements were submitted and approved 30 days prior to this public hearing:

- Final Plat that complies with Section 13.2 of the Ordinance;
- Executed and recorded Property Owners Association documents;
- Evidence of financial guarantees - not applicable with this application;
- WV Dept. of Highways Access permit;
- Morgan County Health Department Well permit;
- Approved modifications of the existing WV Dept. Of Environmental Protection and WV Dept. of Health Sewage Permits which remove 4 residential users and add one commercial/retail user;
- WV Dept. Of Environmental Protection NPDES Stormwater Permit was not applicable – Disturbed area under one acre (Construction of T-Turnaround);
- As built road profiles;
- Stormwater Management design was approved and installed prior to final plat approval on June 26, 2007;
- Eastern Panhandle Conservation District approved the Sediment & Erosion control plan back on Sept. 14, 2006, with original subdivision application;
- Construction of T-Turnaround was completed as required on the Preliminary Plat and by our Ordinance.

Engineer Report: Lucinda Stevens representing Arro Consulting reported that Richard Parks, Planning Commission engineer, had reviewed the final plat and reported that all items have been addressed and the project meets the technical requirements of the Ordinance.

J. Hoyt posed the question to the President, J. Soronen regarding action taken by the Planning Commission and would this jeopardize the court case associated with this project.

J. Soronen stated that the Planning Commission Office has not received any information from the courts regarding the matter.

Upon conclusion of the review of Findings of Facts regarding the Final Plat for the re-platting of the Oakland Overlook Planned Unit Development Subdivision, the following action was taken:

On a George Didawick/Susan Parker motion, based on the completion of the application, the Morgan County Planning Commission approved the final plat for Oakland Overlook Planned Unit Development. Unanimous vote in favor of project; Motion carried.

IV. COMMERCIAL AND INDUSTRIAL IMPROVEMENT LOCATION PERMIT APPLICATION
DOLLAR GENERAL RETAIL STORE

Project Description:

Dollar General Store, developed by Cross Development, LLC

Property owned by Cacapon Associates

Located in Oakland Overlook Planned Unit Development, merged lots 8,9,10,11; at the northeast corner of Rt. 522 (Valley Road) and Oakland Road.

The project consists of 9100 square foot building and paved parking area with access off of Oakland Road.

The public hearing was opened for public comments:

Paul Stern: Asked Commission to please provide information on lighting and signage.
(Information will be provided when Planning Commission does their review of the site plan.)

Carol York: As a representative of the Morgan County Economic Development Board, she presented the Planning Commission a signed Resolution passed by the Economic Development Board in support of the Dollar General Development.

Russell Mokiber: Represents community where store is to be located; provided 400 signatures opposing the development and they will proceed to oppose the project in court; Postcards are being sent to the Dollar General CEO's home in opposition of the store; All around the country Planning Commission's are opposing the store's placement in rural areas; The store should not be placed close to a church and a State Park, this is not the place for it; Concerned with robberies, crime, accidents; Should be placed in the Business Park located further south on Rt. 522; Not in the best public interest.

Debra Letz: She lives across the street from the proposed store location; Store will kill her pond; Realizes that there is no zoning but Dollar General does not belong there; There will be crime and it will disturb the neighborhood; Across from a daycare and they will be selling alcohol, there will be robbing and drinking on our land; Hates Dollar General and hopes her neighbors win in court; No one will build (residential) next to Dollar General; Developer will do more re-zoning in future; Not sure she is staying in community.

Jeri Mahan: Lives in Cacapon South; There will be more accidents occurring, Recent semi accident that closed Rt. 522 for 3 hours; Concerned about turning radius for delivery trucks.

Rita Donadieu: Lives closest to the location of the store and is concerned about the effect on her property; There is much family history in the area and does not want to see it change; Traffic will be heavier and it will be disturbing personally; Does not want them here and the Business Park would be perfect location.

Bibi Hahn: Did the Planning Commission ask why the Dollar General rejected the Business Park Location?; Many safety issues.

J. Soronen: The Planning Commission is not the entity to ask about location, it is not within our jurisdiction.

Rita Donadieu: Developer had stated previously that they don't go into Industrial parks, they go into communities.

Debra Lutz: They (developer) did not provide a copy of the marketing study to the public.

Portia Henry: Lives across from Cacapon South Subdivision and was upset when that area was developed and trees cut down but now we have beautiful people who live there and a larger tax base; Why are we trying to tell someone else what we want on their property; Always a need for more money for schools, store will be closer for her; Times change and we don't like it but why are we here telling someone else what to do with their property? We don't pay their taxes.

Ginger Johnson: Submitted a petition in support of the Dollar General; Will be more convenient for her and agrees with Ms. Henry's comments.

Russell Mokiber: If a strip club wanted to be located across the street we can tell them they can't go there; A corporate predator is okay but a strip club is not okay.

Dennis Neely: It's outrageous to compare a strip club with a Dollar General Store; Convenient for shopping.

Debra Letz: Not opposed to Dollar General, does not want it in her backyard; Will get robbed; Needs to go in a place that makes sense.

Portia Henry: Do we have facts about more crime?; She has been robbed (without store being there); How do we know?

Debra Letz: Every Dollar General Store has been robbed in Morgan County.

Public comment period closed.

Staff provided the Report of Findings of Facts for the application:

Public notice was posted two times as required by the Ordinance, in the Morgan Messenger on November 4, 2015 and November 12, 2015. Sign was posted at the site on November 3, 2015.

A completed application has been received and the site plan addresses, if applicable, the requirements listed in Section 3.2 of the Ordinance and they are specifically:

Landscape plan;

Fencing – not applicable – developer has chosen to use greenery for buffering;

Exterior Lighting;

Interior roadways and parking;

Pedestrian sidewalks and walkways;

Provisions for solid waste collection;

Open space;

Communications antennas which is not applicable;

Signs;

Proposed land uses, Building Location;

Location of Material Storage;

Location of special facilities for refuse collection;

Stormwater management provisions/Sediment and Erosion Control;

Traffic Flow and Control Devices;

Other applicable permits received and approved are:

WV Division of Highways Entrance Permit;

Morgan County Health Department Well Permit;

Modified and approved Sewage Permits from WV Dept. of Environmental Protection, WV Dept. of Health & Cacapon Associates Utility;

WV Dept. Of Environmental Protection NPDES Stormwater Permit Notice of Intent;

WV Fire Marshall Review and Approval;

Eastern Panhandle Conservation District sediment and erosion control review – Staff received letter stating that they no longer provide this service ;

We do our own stormwater and sediment & erosion control review and it is compliant with our Ordinance.

Josh Allen, representing Cross Development, reviewed the lighting details on the site plan. Mr. Allen stated that the store lights, pole lights and perimeter lights will turn off one (1) hour after store closes. There will be a sign on the building and one pole sign at the intersection. The top of the pole sign will be 20 feet from the ground and about 5 feet wide. He also stated that he had spoken with the person representing the Observatory regarding the lighting details and they were satisfied with the proposal. The proposed buffering of trees and shrubs will also have an influence on the lighting. The plans show no spillage of light outside of the property boundaries.

J. Hoyt asked about handicap parking; there are two handicap spots shown.

Engineer Report: Lucinda Stevens stated that the technical requirements of the ordinance have been met; the landscaping plan proposes a fast growing evergreen; the lighting plan proposes fixtures where light will not spill over on adjacent lands.

J. Hoyt stated that if zoning were in place, this location would be zoned commercial and the Planning Commission cannot say no (regarding location of project).

Upon conclusion of the review of Findings of Facts regarding the Commercial and Industrial Improvement Location Permit application for Dollar General, the following action was taken:

On a Susan Parker/George Didawick motion, based on all the information before them, the Morgan County Planning Commission approved the Commercial and Industrial Improvement Location Permit application for the Dollar General Retail Store. Unanimous vote in favor of application; Motion carried.

Additional public comment:

Russell Mokiber: All Dollar General Stores don't have big gaudy signs; Would like to see Dollar General alter the sign for this location similar to the store located in Stephen City, VA.

Ken Troy: Has attended about three meetings relating to this project; The county cannot continue to depend on old folks as a tax base, commercial businesses are needed; (Addressing Mr. Josh Allen, Developer) He is retired from a large corporation that had built a new building along a highway and the company thought about the residents living there. The company approached the Highway Department about installing a traffic light, provided two way radios and established a neighborhood watch; Recommends that the developer be proactive and work with the residents in the area of the new store.

V. ADJOURNMENT

On a C. Cowgill/J. Hoyt motion, the meeting adjourned at 8:12 p.m.