

Morgan County Planning Commission
Meeting Minutes
May 24, 2016

I. CALL TO ORDER

Meeting was opened at 7:03 p.m.

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

Members absent: Carl Cowgill, Wayne Omps.

Others present: Richard Parks, P.E.

II. MEETING MINUTES

On a J. Hoyt/E. LaRue motion, the minutes from the April 26, 2016 Planning Commission meeting were unanimously approved.

III. PRELIMINARY PLAT TIME EXTENSION/WAIVER REQUEST

Black Bear Hills Subdivision

Owned and developed by Manish & Meghna Mehta

Project location: West side of Rt. 522, 0.39 miles south of JR Hawvermale Way

Developer is requesting an extension of time for the approval of the Preliminary Plat completion of work to then submit a Final Plat. No work has been started on the project.

Waiver Request: Requesting a waiver of the 36 month (3) year time limit to complete the work described on the Preliminary Plat and submit a Final Plat for Black Bear Subdivision.

Morgan County Subdivision Regulations Section 7.2 – Developer Time Limits – Preliminary Plat and Section 6.0 Waivers.

Staff Report – April 27, 2016 for May 24, 2016 Planning Commission Meeting

Application for Time Extension/Waiver Request

Black Bear Hills Subdivision
Manish & Meghna Mehta
8761 Mountain Valley Road
Fairfax Station, VA 22039

Project location: West side of Rt. 522, 0.39 miles south of JR Hawvermale Way. (Site of old Timber Ridge Hotel and go-cart track.)

Timber Ridge District, Tax Map 8, Parcel 16.1

Approved 7.26.16
RKG

Project Description: Preliminary Plat for one lot subdivision approved May 28, 2013 meeting.

Background Information:

Public notice was posted one time as required by the Ordinance in the Morgan Messenger on April 27, 2016.

A completed waiver application has been received and states the following:

Requesting a Time Extension of one year as per Article 7, Section 7.2 and Article 6 – Waivers; Morgan County Subdivision Regulations.

Summary of Section 7.2 Requirements:

Developer has 36 months from time of approval to complete work and submit a Final Plat;

Developer may request an extension on the three year anniversary based on good cause;

Developer may request an extension of up to one year;

If project is not 30% started, which this project has not been started at all, the developer shall comply with current subdivision regulations in effect. No updates to the regulations have been made since approval of this project.

WV Code 8A-5-12 – Vested property Right

“the vesting period for an approved land development plan and plat which creates the vested property right is five (5) years from the approval of the land development plan and plat by the planning commission.”

Note: At this site, there was extensive demolition and clean up from its previous use. This process did take some time.

Waiver Requested:

1. One year extension of the Preliminary Plat approval making new Preliminary Plat approval deadline of May, 2017.

On a J. Hoyt/S. Parker motion, the Planning Commission approved the request for a one year time extension of the preliminary approval for Black Bear Subdivision. The Preliminary plat approval deadline is now May, 2017. Motion carried.

IV. PHASED PRELIMINARY PLAT TIME EXTENSION/WAIVER REQUEST

Windfall Acres Subdivision

Owned and developed by Twin Knolls, LLC

Project location: Fulton Road, west of the intersection of Fulton Road and Householder Road.

Phased Preliminary Plat was approved January 28, 2014 for 38 lots totaling 116.6 acres, average lot size of 2.0 acres, to be completed in three phases.

Developer is requesting an extension of time for the submission of the Preliminary Plat for Phase I.

Waiver Request: Requesting a waiver of the 24 month (2) year time limit to submit a Preliminary Plat for Phase I for Windfall Acres Subdivision.

Morgan County Subdivision Regulations Section 7.2 – Developer Time Limits – Preliminary Plat and Section 6.0 Waivers.

Staff Report – April 27, 2016 for May 24, 2016 Planning Commission Meeting
Application for Time Extension/Waiver Request

Windfall Acres Subdivision
Twin Knolls, LLC
907 Rolandvue Road
Baltimore, MD 21204

Project location: On Fulton Road, west of the intersection of Fulton Road and Householder Road. Sleepy Creek District, Tax Map 4, Parcel 1.2, 1.4.

Project description: Phased Preliminary Plat for 38 lot subdivision to be completed in three phases was approved on January 28, 2014. Deadline for submission of Phase One Preliminary Plat was January 2016. To date, no Preliminary Plat phases have been submitted for approval.

Background Information:

Public notice was posted one time as required by the ordinance in the Morgan Messenger on April 27, 2016.

A completed waiver application has been received and states the following:

Requesting a Time Extension of one year to submit the first phase of development as per Article 7, Section 7.2 and Article 6, Waivers; Morgan County Subdivision Regulations.
Phased Preliminary Plat approval is valid until January 2019.

Summary of Section 7.2 Requirements:

Developer has 24 months from time of approval to submit the Preliminary Plat drawings for the first phase of development;

If a period of two years lapses without submission of Preliminary Plat drawings for the first phase of construction or a period of five years lapses between subsequent phases, the Phased Preliminary Plat will no longer be considered valid.

Developer may request an extension of up to one year.

WV Code 8A-5-12 Vested property Right

“the vesting period for an approved land development plan and plat which created the vested property right is five (5) years from the approval of the land development plan and plat by the planning commission.”

Note: Developer stated that obtaining septic and well permits has taken an extensive amount of time resulting in a delay of preliminary plat submissions.

Waiver Requested:

1. One year extension of the Preliminary Plat submittal for Phase One making the new submittal deadline of January 2017.

On an E. LaRue/J. Hoyt motion, the Planning Commission approved the request for a one year extension of the Preliminary Plat submission for Phase One for Windfall Acres Subdivision. The Preliminary Plat submission deadline for Phase One is now January, 2017. Motion carried.

V. COMMERCIAL AND INDUSTRIAL IMPROVEMENT LOCATION PERMIT APPLICATION

Berkeley Club Beverage

Owner/Developer: Berkeley on the Run, LLC

Project location: 4 Howard Street, southwest corner of Howard and Harrison Streets

Project description: Addition to existing drinking water bottling plant – 80' x 105'

Staff report – May 12, 2016 for May 24, 2016 Planning Commission Meeting
Commercial and Industrial Improvement Location Permit Application

Berkeley Club Beverage

4 Howard Street

Berkeley Springs, WV 25411

Project Location: 4 Howard Street; southwest corner of Howard and Harrison Street.

Bath District, Tax Map 3B & 3C, Parcels 12.2, 28, 28.1

Project Description: Construction of an 80' x 105' (8400sf) addition to an existing drinking water bottling plant.

Background Information:

Public notice was posted two times as required by the Ordinance in the Morgan Messenger on April 27, 2016 and May 4, 2016. Sign was posted at the site on April 27, 2016.

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

- Landscape plan;
- Fencing /Buffering;
- Exterior Lighting;
- Interior roadways and parking;
- Pedestrian sidewalks and walkways;
- Provisions for solid waste collection;
- Open space;

Communications antennas- not applicable;
Signs – not applicable;
Proposed land uses, Building Location;
Location of Material Storage;
Location of special facilities for refuse collection, mail delivery if applicable;
Stormwater management provisions/Sediment and Erosion Control;
Traffic Flow and Control Devices;

Other applicable permits/approvals received are:

Floodplain Ordinance requirements for portion of project have been met;
WVDOH Entrance Permit -no new entrances proposed; WVDOH has inspected entrance, no existing permit on file so WVDOH will be issuing permit for site;
Water& Sewer approvals not required – already served by public water & sewer;
WVDEP NPDES Stormwater Permit not applicable – disturbed area under one acre;
WV Fire Marshall Review- review pending;
EPCD sediment and erosion control review – Letter received stating they no longer provide this service –
We do our own stormwater and sediment & erosion control review.

Waivers Requested:

1. Stormwater Management waiver request: Addition is being constructed over existing gravel parking lot so pre and post development peak discharge is less than 10%. Ordinance allows for waivers if under 10%.
2. Setback Requirement waiver request: Ordinance requires a 15ft minimum building setback from property line.

Engineer Report – May 12, 2016
Arro Consulting – Richard Parks, P.E.
Commercial and Industrial Location Permit
Berkeley Club Beverages Expansion
Second Submission

We have reviewed the revised plans for the Berkeley Club Beverages Expansion. We find the plans meet the minimum technical requirements of the Commercial and Industrial Location Permit Ordinance with the following provisions:

1. A stormwater management waiver is required per Section 3(d) of the County Stormwater Management ordinance. We recommend approval of the waiver required for the following reasons:
 - a. The proposed development will not generate more than a 10% increase in the 2-year 24-hour post development peak discharge over the 2-year 24-hour pre-development peak discharge rates.
 - b. The applicant has added water quality improvements including:

- i. Planting native trees (red maples) to line the stream bank and removal of existing pavement/gravel. The trees will help stabilize the stream bank and provide a canopy over the stream to cool the water.
- ii. Added a gravel diaphragm along the entire stream bank (not just the addition) to capture and filter the first flush in accordance with the WV Stormwater Management Handbook.
- iii. Added a regenerative stormwater conveyance ditch per the WV Stormwater Handbook to include pools, rock lining, etc. to remove nutrients.

The plans call for red maples to line the stream bank. Since we are not landscape architects, we would suggest the applicant consult with the Warm Springs Watershed Association or other local environmental group to recommend specific tree species and spacing unless the Planning Commission can offer suggestions.

2. The applicant requires a waiver to install the building addition within the minimum building setback. The applicant has designed the building addition to align with the existing building façade. In addition, the applicant has mitigated the visual impact of the building along the residence property with vegetative screening (white pines).
3. Since a part of the work is within the 100 year floodplain, an approved floodplain application is required.

On a R. White/S. Swaim motion, the Planning Commission approved the stormwater management waiver request for Berkeley Club Beverage Commercial and Industrial Improvement Location Permit application. Motion carried.

On an E. LaRue/G. Didawick motion, the Planning Commission approved the building setback waiver request for Berkeley Club Beverage Commercial and Industrial Improvement Location Permit application. Motion carried.

On a S. Swaim/S. Parker motion, the Planning Commission approved the Commercial and Industrial Improvement Location Permit application consisting of an 80' x 105' sq ft addition to the existing Berkeley Club Beverage bottling plant. Motion carried.

VI. ADJOURNMENT

The meeting adjourned at 7:45 p.m.