

Morgan County Planning Commission
Meeting Minutes
May 23, 2017 – 7:00 p.m.
Morgan County Commission Meeting Chambers

I. OPEN MEETING

Meeting was opened at 7:09 p.m.

Members present: Susan Parker, Lori Hansroth, Robert White, Eric LaRue, Wayne Omps, Justin Andrews, Jack Soronen, Scott Swaim.

Members absent: Robert Ford, Carl Cowgill, George Didawick.

II. MEETING MINUTES

On a S. Parker/L. Hansroth motion, the February 28, 2017 meeting minutes were amended and approved. Amendments are:

Phase 4A – 6 lots must be submitted by May, 2017. If this deadline cannot be met, then an extension request must be submitted by May, 2017 for consideration in June 2017. This would extend the preliminary plat deadline for one year; June 2018.

Phase 4B – remaining 16 lots – an Extension Request must be submitted by May, 2017 for review and approval in June 2017. This would extend the preliminary plat deadline to June 2018.

On a S. Parker/G. Didawick motion, the Morgan County Planning Commission granted the developer's request to proceed with a preliminary plat for 6 lots, calling this Phase 4A and the remaining 16 lots Phase 4B for the purposes of discussion and all timelines will remain the same for these preliminary plat submissions. The Planning Commission does not view this request as a subsequent change to the existing Phased Preliminary Plat for Kesecker Knoll Subdivision so no public hearing will be required. Motion carried.

Motion carried.

III. PRELIMINARY PLAT APPROVAL EXTENSION/WAIVER REQUEST

Black Bear Hills Subdivision

Owned and Developed by Manish & Meghna Mehta

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

Preliminary Plat approved 5.28.13 for 1 lot subdivision totaling 2.23 acres.

*Approved
6/29/17*

Created 5 residential lots through the Exemption process behind this lot. All lots will be accessed by the subdivision road.

Developer is requesting a second extension of time for the approval of the Preliminary Plat completion of work (construction of the road). No work has 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 Hills Subdivision.

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

Staff Report - April 28, 2017

Morgan County Planning Commission Meeting – May 23, 2017
Application for Time Extension/Waiver Request

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

Project Location: West side of Rt 522, 0.39 miles north of JR Hawvermale Way. (Site of the old Timber Ridge Hotel and go-cart track).
Timber Ridge District, Tax map 8, Parcel 16.1

Project Description: Preliminary Plat for one lot subdivision approved May 28, 2013 PC meeting. Developer utilized Exemptions for 5 residential lots making this a 6 lot subdivision with a remainder of approximately 8 acres.

Background Information:

Public notice was posted one time as required by the Ordinance in the Morgan Messenger on April 26, 2017.

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, of the 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.

A maximum of two extension requests is permitted.

First extension request approved May 2016 for one year.

This is their second extension request.

WV Code 8A-5-12c 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.”

Waiver Requested:

1. One year extension of the Preliminary Plat approval making new Preliminary Plat approval deadline of May 2018.

Note: At this site, there was extensive demolition and clean up from its previous use. All debris appears to have been removed.

On a W. Omps/R. White motion, the Planning Commission approved the one year extension request of the Preliminary Plat approval for Black Bear Hills Subdivision. Motion carried. This is their second extension request making the deadline for the Preliminary Plat approval May 2018.

IV. DISCUSSION

MORGAN COUNTY SUBDIVISION REGULATIONS

Proposed updates to the Ordinance

J. Soronen opened the discussion by stating that Staff had provided some suggested changes to the Ordinance that are highlighted and/or underlined. The Waiver Section has three examples of language from other ordinances for the group to review.

A committee consisting of A. Gorse, J. Soronen and S. Parker was established to work on the revisions to the ordinance.

V. ADJOURNMENT

The meeting adjourned at 8:35 p.m.