

**Morgan County Planning Commission
Meeting Minutes
June 26, 2018
Morgan County Commission Meeting Chambers**

I. CALL TO ORDER

Meeting was opened at 7:05 p.m.

Members present: Jack Soronen, Lori Hansroth, Susan Parker, Justin Andrews, Robert White, Eric LaRue and George Didawick.

Members absent: Scott Swaim, Wayne Omps, Carl Cowgill and Robert Ford.

Others present: Alma Gorse, County Planner.

II. MEETING MINUTES

On a E. Larue/G. Didawick motion, the May 22, 2018 Morgan County Planning Commission meeting minutes were unanimously approved.

III. WAIVER/EXTENSION REQUESTS

A. Kesecker Knoll Subdivision Phase 4B

Owned and developed by J. Philip Kesecker

Project location: East side of Johnson Mill Road, 0.28 miles north of Henry O. Michael Road.

Phased Preliminary Plat was approved January 28, 2010 and again in June 2015 for 74 lots to be developed in 6 phases with an average lot size of 2.77 acres.

Developer is requesting an extension of time for the submission of the Preliminary Plat for Phase 4B.

Waiver Request: Requesting a waiver of the 24 month (2) year time limit to submit a Preliminary Plat for Phase 4B for Kesecker Knoll Subdivision. This is the second extension request.

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

Approved 9.25.18

Morgan County Planning Commission Staff Report
June 26, 2018 Meeting

Extension of Time Waiver Request

Kesecker Knoll Subdivision

Preliminary Plat Submission Extension Request for Phase 4B (16 lots)

Owner/Developer: J. Philip Kesecker

Location: East side of Johnson Mill Road, 0.28 miles north of Henry O. Michael Road

Allen District, Tax Map 18, Parcel 26.1

Waiver Request:

Kesecker Knoll Subdivision Phase 4b – Extension request for one year for submission of Section 4B consisting of 16 lots. Waiver of Developer Time Limits for Submission of a Preliminary Plat for the first phase of development (4B).

Findings of Facts and Project History:

Public Notice was posted one time as required by Section 6.0 of the Ordinance in the Morgan Messenger on June 6, 2018.

Kesecker Knoll Subdivision Phased Preliminary Plat timeline:

Phases 1 thru 3 are completed.

Phased Preliminary Plat was approved in January 2010, expired January 2015.

Re-applied for Phased Preliminary Plat approval in May 2015 and approved June 23, 2015 for Phases 4 thru 6. Because this is considered to be a new Phased Plat, developer has 2 years (24 months) to submit the first phase, which is Phase 4. Subsequent phases, every 5 years.

In February 2017, an application was approved to split Phase 4 into two phases, 4A, 4B.

Phase 4 – 22 lots – deadline for Preliminary Plat is June 2017 (originally)

Phase 4A – 6 lots – Preliminary Plat was approved at the 6.27.17 meeting.

Phase 4B – 16 remaining lots for Phase – One year extension request was approved 6.27.17. Second one-year extension request is being considered for approval 6.26.18.

Phase 5 – 20 lots

Phase 6 – 11 lots

Developer is requesting an extension of one year for Preliminary Plat submission of Phase 4B-16 lots. This is the second extension request for this Section.

Request applicable to:

Morgan County Subdivision Regulations

Article 6 – Waivers Section 6.0

Section 7.2 Developer Time Limits – Phased Preliminary Plat “Developer shall have two years from the date of Phased Preliminary Plat approval to submit the Preliminary Plat drawings for the first phase of development.” The Ordinance allows for two extension requests.

On a E. LaRue/S. Parker motion, the Planning Commission approved the request for a one-year extension of time for submission of the Preliminary Plat for Phase 4B of Kesecker Knoll Subdivision. The deadline for submitting Phase 4B is now June 2019. Motion carried.

B. Country Roads Restaurant

Owned by descendants of Evaun Herndon

Project location: Sleepy Creek District at 11406 Martinsburg Road.

Property owner is seeking approval of a boundary line adjustment Exemption Plat that would adjust the property boundary to include the entire parking area of the restaurant from the western adjoining lot which is owned by the same property owner. The boundary adjustment will result in the restaurant lot being 1.0 acres and the adjacent house lot being 1.0 acre in size making both lots less than the two acre minimum lot size as required by Article 3, Section 3.3 Minor Subdivision-Exemption Procedures.

Waiver Request: Property owner is requesting a waiver of the minimum lot size requirement. Requesting waiver of Article 3, Section 3.3 Minor Subdivision Exemption Procedures, Morgan County Subdivision Regulations.

Planning member Robert White recused himself from the discussion and vote for he has worked with the property owners and assisted the surveyor, Mike Roberts with the plat drawings.

Morgan County Planning Commission Staff Report

June 26, 2018

Exemption Plat Waiver Request

Country Roads Restaurant

Owned by Descendents of Evaun Herndon (Curtis Herndon, Roxanne Cotton c/o Heather Dern Myers) Sleepy Creek District, Tax Map 9, Parcels 17.1 & 18

Property owned by Evaun Herndon, also known as Country Roads restaurant located at 11406 Martinsburg Road.

Property owner is seeking approval of a boundary line adjustment Exemption Plat that would adjust the property boundary to include the entire parking area and well location of the restaurant from the western adjoining lot which is owned by the same property owner. The boundary adjust will result in the restaurant lot being 1.073 acres and the adjacent house lot being 1.0 acre in size making both lots less than the two acre minimum lot size as required by Article 3, Section 3.3 Minor Subdivision-Exemption Procedures.

Property owner is requesting a waiver of this minimum lot size requirement.

Waiver Request: Requesting waiver of Article 3, Section 3.3 Minor Subdivision-Exemption Procedures, Morgan County Subdivision Regulations.

Findings of Facts and Conclusions:

Public Notice was posted one time as required by Section 6.0 of the Ordinance in the Morgan Messenger on June 6, 2018.

As per Section 3.2 Exemptions, Morgan County Subdivision Ordinance, the following material was submitted and facts provided:

Received completed Waiver Application and Plat;

Exemption Plat for Boundary Adjustment between both parcels;

Total acreage of adjustment area is 0.19 acres;

Remaining lands for each lot is 1.00 acre, less than the minimum lot size required as per Section 3.3(b);

Well and Septic locations are not affected by the proposed boundary adjustment and are compliant with the Morgan County Health Department requirements;

Entrance permit requirement not applicable for no new entrances are being proposed.

Additional notes:

The Morgan County Health Department did not have any issues with the restaurant while in operation.

The new owner of the restaurant will need to obtain permits from the Morgan County Health Department to open the restaurant again.

The reason for this boundary adjustment is to have the restaurant parking area and well location on the same lot as the restaurant. This property is going to be sold.

On an E. LaRue/L. Hansroth motion, the Planning Commission approved the waiver requesting approval of a Boundary Adjustment Exemption Plat resulting in lots less than the required minimum lot size as stated in the Morgan County Subdivision Ordinance, for two lots owned by the descendants of Evaun Herndon which includes Country Roads Restaurant property.

One recusal (R. White), motion carried.

IV. OTHER DISCUSSION

J. Soronen stated that Matthew Pennington, Environmental Program Coordinator with Region 9 Planning and Development has scheduled a meeting for July 12th to discuss the next phase of the Morgan County portion of the Chesapeake Bay Initiative Watershed Implementation Plan update.

V. ADJOURNMENT

The meeting adjourned at 8:00 p.m.