

**WINFIELD PLANNING COMMISSION
MINUTES
August 9, 2010**

President William Davis on August 9, 2010 at 7:00 PM at Winfield Town Hall, Winfield, West Virginia, called the Winfield Planning Commission meeting to order.

Members Present:

Betty Stone, Kevin Karnes, Dale Vance, William Davis, Jerald Murray, and Terri O'Connor

Members Absent:

George Armstrong

Staff Present:

Ronald Stone – Mayor, Laura Cox – Planning Director, Gloria Chapman – Town Clerk

Staff Absent:

Jackie Hunter – Town Recorder, Jessie Parker – Town Engineer, and Tim LaFon – Town Attorney

Public Present:

Roy Alloman, Dean Cordle, John Capocéfalo, Raymond Bobbitt, Janice Stowers, John Bosley, Steve Baker, Jeff Kiess, Donald Barge, Judy Hale, Phyllis Wallace, Alex Ross, Don Hayes

Minute Approval:

Motion to approve the minutes as corrected of the July 6, 2010 Planning Commission meeting made by Betty Stone. Motion seconded by Jerald Murray. Motion carried.

Public Hearing:

Public Hearing – Rezoning Application #2010-2011-1, submitted by Baker Leasing LLC, requesting the rezoning from R-1 District to C-2 District, being all of Parcel 17 of Tax Map 4 along US Route 817, Winfield, WV and containing approximately 7.3 acres.

President William Davis opened the hearing at 7:03 PM. The legal publication was read into record by President Davis who then called for the applicant or representative to come forth and present their case.

Steve Baker spoke on behalf of Baker Leasing stating he no longer wishes to sell this property. He is requesting the rezoning to utilize the property as it had been used in the past. Mr. Baker also questioned why the zoning reverted to R1 status when there was no permanent structure placed on the property by the tenants. Laura Cox explained why the structure placed on the property violated the non-conforming clause of the ordinance. The zoning of this site has always been R1 with the grandfathered non-conforming use of C1.

President Davis asked the commission if they had any questions for Mr. Baker. No response was forthcoming. President Davis then asked if anyone in attendance wished to speak in favor of the applicant. No response was forthcoming.

President Davis asked if anyone in attendance opposed the rezoning application and wished to speak. The comments that followed from the public attendance were concerns pertaining to the grandfather clause in the zoning, increased traffic flow, increased noise levels, amounts of waste storage if any, safety issues, negative impact on property values and that of the general integrity of the neighborhood which may be compromised due to permanent C-2 zoning.

President Davis asked if any letters or correspondence was received by staff in favor or against the rezoning application. It is noted, no correspondence was received either for or against the rezoning.

President Davis read Planning Director, Laura Cox's recommendation stating as follows:

This application is identical to that brought before the Planning Commission in 2009 and staff knows of no existing or proposed changes in the residential character of the neighborhood surrounding the property since last year.

Since there are no other C-2 properties located in the vicinity, this would be considered a "spot rezoning" and is not consistent with the Town of Winfield's ordinances and practices. Therefore, we do not recommend that Parcel 17 Tax Map 4 along US route 817, Winfield, WV be rezoned from R-1 to C-2.

President Davis declared the Public Meeting closed at 7:35 PM. Motion made by Jerald Murray to deny the rezoning request keeping the zoning as R-1 and send recommendation to Town Council. Motion seconded by Betty Stone. Motion carried.

The Town of Winfield Planning Commission requests Tim LaFon to write a statement addressing the non-conforming issue and loss of property use due to non-conformity.

Staff Actions/Reports:

Planning Director reported July 2010 monthly activity.

Old Business:

1. **Craig – Drainage – Cash Lane - Attorney Report**
Tabled until next regular scheduled meeting

2. **Town of Winfield Comprehensive Plan – Appointment to Comprehensive Plan Committee**
William Davis and Betty Stone volunteered for Comprehensive Plan Committee. Motion made by Jerald Murray to accept William and Betty as staff members for the Comprehensive Plan Committee. Motion seconded by Kevin Karnes.

3. **FEMA – Town Floodplain Mapping and Ordinance - Update**
Tabled until next regular scheduled meeting

4. **Alleged property violation, Falcon Lane and Rocky Step Road**
Tabled until next regular scheduled meeting

5. **WI-FI through the Town of Winfield - Report**
Mayor Stone reports Fibernet has been sold.

6. **Potential Building Permit Application – 3450 Winfield Road**
Conditional permit approved. Applicant to produce new documents showing setbacks as approved by the BZA July 12, 2010.
7. **Resident Complaint – Cane Creek Crossing and surrounding areas**
Town prosecutor reviewing file
8. **Discuss specific criteria for the permit process when removing or delivering mobile homes to designated areas.**
Tabled until next regular scheduled meeting
9. **Building Permit – McDonalds Rebuild**
Site plan approved – construction in progress
10. **Potential Building Permit/Site Plan Approval – DHHR Building**
A special meeting was held on July 27, 2010 to discuss this issue. The commission determined detention was required. After this special meeting, documents were located pertaining to this drain and the original intent of the town. Mayor Stone contacted Jack Ramsey who was the town engineer at that time. Mr. Ramsey is of the opinion that the intent was to install a storm sewer to serve as much of the south side of CR 817 as possible in order to alleviate drainage problems. It was the understanding of Triad Engineering that once the project was complete and bonds were posted, the Town of Winfield would own the drain. The intent of detaining an increase in runoff above 5% was for developments that discharge into areas where drainage is a problem or the downstream cannot handle the increase. Discharging into the Kanawha River would not fall into this category.

Discussion continued regarding actual ownership, funding, construction and capability of this storm water drain. The town cannot legally claim ownership or assume future ownership of this drain as was the original intent. Tim LaFon to research this issue and draft resolution.

Upon re-examination and review of provided additional documentation, the interpretation is now that discharging into the Kanawha River is sufficient applicable to those who participated in the funding and construction of this drainage system. Motion made by Kevin Karnes to allow Mr. Kiess to build the DHHR building without requiring detention continent upon discharge directly into the Kanawha River. Motion seconded by Jerald Murray. Motion carried.

11. **Site plan criteria checklist.**
Site plan checklist submitted for review.

12. BZA Hearing July 12, 2010 – Information Only

BZA 2009-2010-1 Continued to August 16, 2010

BZA 2009-2010-2 Setback Variance granted to Stone Ridge Development

New Business:

1. BZA Hearing August 16, 2010 – 7:00 PM – Information Only

Report pending hearing.

2. Community Challenge Grant – Laura Cox.

Application completed for federal monies to help pay for comprehensive planning.

3. PC regular scheduled meeting to fall on Labor Day Holiday

PC made decision to hold the next PC meeting on September 7, 2010.

Good of the Order:

Adjournment:

Motion to adjourn by Jerald Murray at 8:40 PM until the next regular scheduled meeting for September 7, 2010.

William Davis, President

Terri O'Connor, Secretary