

**PUTNAM COUNTY PLANNING COMMISSION**  
**Tuesday, August 22, 2017**  
**Putnam County Courthouse Courtroom 202**

**MINUTES**

The Putnam County Planning Commission met on Tuesday, August 22, 2017 at the Putnam County Courthouse, Second Floor Courtroom, Room 202.

Sarah McCallister, president, called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

Roll call was taken and a quorum was present.

Members present: Jason Asbury, Wayne Bennett, John Dill, Ron Foster, Bryan Hoylman, Vic Mays, Sarah McCallister, and Greg Williamson.

Members absent: Scott Chambers, David Hobba, Thor Meeks, Jacob Pack, Steven Perry, and David Powell.

Staff present: Timothy Smith, Melissa Sargent, Tim Keaton, Judy Graley, and Lisa Powell.

Others present who signed in were: Justin Travis, Margaret Waybright, Sharon Paterno, Larry Edmonds, Mark Edmonds, Danny Bess, Jimmy Calhoun, Sudhakar Pillarisetti, Jeff Gwinn, Kathy O'Connor, Patricia Hare, Tamra Rogers, and Paul Rogers.

**APPROVAL OF MINUTES**

The minutes of the July 25, 2017 meeting were reviewed. Motion was made by Wayne Bennett and seconded by Greg Williamson to approve the minutes as presented. The motion carried unanimously.

**PCDA REPORT**

Wayne Bennett reported the following: 1) Annual meeting will be September 14; 2) A list of potential candidates for the PCDA board has been compiled to submit to County Commission; 3) A value for the Putnam Business Park is being determined to aid in negotiations for the possible sale or lease of property to Columbia Gas; 4) Mason and Putnam County Commissioners met recently to discuss the possibility of installing water lines along the county border for future development.

**CITIZEN CONCERNS**

There were no citizen concerns.

**TEXT AMENDMENT**

Paul Rogers Jr. & Tamra Rogers requested a Text Amendment to the Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, WV. The request proposes to add "Movie Theater, Drive-In" to Section 650.04, Special Permit Uses in the "C-2" High Density Commercial District; as well as a revision to "Movie Theater, Drive-In" in Section 1700.17, Requirements for Unique Land Uses.

***Public Hearing***

Sarah McCallister opened the public hearing for the requested Text Amendment by Paul Rogers Jr. & Tamra Rogers. The request proposes to add "Movie Theater, Drive-In" to Section 650.04, Special Permit Uses in the "C-2" High Density Commercial District; as well as a revision to "Movie Theater, Drive-In" in Section 1700.17, Requirements for Unique Land Uses.

### ***Disclosure of Conflict***

No commissioner disclosed a conflict of interest.

Staff presented the Summary, a copy of which is attached and made a part of these minutes.

Applicant comments: Jimmy Calhoun, representative for the applicant, stated that the text amendment was requested to clarify requirements before beginning the design of the project.

Public comments: There were no comments.

There being no further questions or comments, Sarah McCallister closed the public hearing and reconvened the regular meeting.

### ***Deliberation and Action***

Discussion ensued with a question and answer session.

Motion was made by Jason Asbury and seconded by Greg Williamson to recommend approval of the Text Amendment to County Commission with the following changes (shown in red) as stated by Mr. Dill:

Addition to Article 650.04 Special Permit Uses:

S. Movie Theater, Drive-In

Revision of Article 1700.17 Requirements for Unique Land Uses

K. Movie Theater, Drive-In:

1. The ~~location of~~ projection surface of the screen(s) shall not **be visible from any roadway controlled by the West Virginia Division of Highways (WVDOH) within a distance of 750 feet** ~~interfere with surrounding areas or traffic flow.~~
2. A minimum of 300 feet shall be provided for waiting vehicles away from the flow of incoming or outgoing traffic.
3. An approved traffic study, if deemed necessary by the West Virginia Division of Highways (WVDOH), shall determine if acceleration and deceleration lanes are necessary to facilitate the flow of traffic to and from the theater at the points of ingress and egress.
4. Any residential district or residential land use abutting the proposed site shall be screened with one of the following:
  - a. A minimum six (6) foot **solid** fence, wall or earthen mound/berm AND a mix of evergreen trees, deciduous trees and shrubs to soften the fence, wall or mound/berm  
OR
  - ~~b. A minimum six (6) foot vinyl fence OR~~
  - c. A screening area planted and maintained with evergreens at least five (5) feet in height or an evergreen hedge at least four (4) feet in height, situated so as to provide an effective opaque and permanent visual screening upon installation.
5. The movie screen structure shall have a maximum height of seventy (70) feet.

6. All driveways and areas used for loading and parking except for roadways which access the viewing area shall have a an impervious surface with composition as identified in Article 1200.03 – Detailed Standards for Internal Roadways, Off-Street Parking and Loading Areas.
7. The travel ways within the viewing area shall be, at minimum, stone aggregate with a depth of four (4) inches.
8. If a residential structure is located within 200 feet of the screen(s) or projection building(s), then no outside sound system for the movie theater is allowed.

The motion carried unanimously.

### ***Findings of Fact in Support of Decision***

The Planning Commission made the following Findings of Fact with regard to the specific criteria set forth in the Zoning Ordinance:

- A. The Board found the proposed amendment will protect and promote the public health, safety, convenience, morals, and general welfare due to the fact that the current ordinances will address any special conditions which may be applicable to a specific site project.
- B. The Board found the amendment to be consistent with the adopted comprehensive plan specifically with regard to economic activity (page 109) and recreational facilities (page 110).

### **RIGHT OF WAY VARIANCE**

Larry Edmonds requested a variance to subdivide a 1.14 acre lot from 2.24 acres off of County Route 33 to the existing 18' right-of-way on Perry Lane instead of the required 40' right-of-way. This property is located on Part of Parcel 76 on Tax Map 214, Scott Depot, WV.

### ***Public Hearing***

Sarah McCallister opened the public hearing for the requested variance to subdivide a 1.14 acre lot from 2.24 acres off of County Route 33 to the existing 18' right-of-way on Perry Lane instead of the required 40' right-of-way. This property is located on Part of Parcel 76 on Tax Map 214, Scott Depot, WV.

### ***Disclosure of Conflict***

No commissioner disclosed a conflict of interest.

Staff presented the Summary, a copy of which is attached and made a part of these minutes.

Applicant comments: Jimmy Calhoun, engineer for the applicant, stated that he was available for questions. Larry Edmonds stated that neither vehicles nor landscaping materials from his son's landscaping business would be entering the property from Perry Lane. He further stated that consideration would be taken to protect neighboring properties.

Public comments: Jeff Gwinn, HOA president of The Woods subdivision, stated that several homeowners were present and wished to speak.

Margaret Waybright – 125 Hardwood Drive, had concerns regarding the proposed construction and stormwater drainage. She also questioned if shrubbery or fencing would be installed along the property line and asked the board to consider her concerns before granting the variance.

Danny Bess – 113 Hardwood Drive, expressed concern with the roadway design with regard to water drainage and traffic issues.

Sudhakar Pillarisetti – 95 Hardwood Drive, stated concerns regarding the possible increase in traffic on Perry Lane.

Dusty Travis – 67 Hardwood Drive, stated concerns with stormwater drainage.

There being no further questions or comments, Sarah McCallister closed the public hearing and reconvened the regular meeting.

### ***Deliberation and Action***

Discussion ensued with a question and answer session.

Motion was made by Wayne Bennett and seconded by Jason Asbury to approve the variance request with the following conditions:

- The owner(s) of the 1.10 acre parcel and the 1.14 acre parcel shall be responsible for paying a pro rata share of the access road maintenance.
- There shall be no further subdivision of land until the requirements of the *Putnam County Subdivision Regulations* are met.

The motion carried unanimously.

### ***Findings of Fact in Support of Decision***

The Planning Commission made the following Findings of Fact with regard to the specific criteria set forth in the Zoning Ordinance:

- A. The Board found that granting of the waiver or variance will not be detrimental to the public safety, health, welfare, or injurious to other property due to the fact that only a subdivision of land was being considered.
- B. The Board found the conditions upon which the request for a waiver or variance are based arise from special conditions or attributes which pertain to the property for which a waiver or variance is sought and were not created by the person seeking the waiver or variance because Perry Lane pre-existed the current zoning ordinance.
- C. The Board found the waiver or variance would eliminate an unnecessary hardship, as distinguished from a mere inconvenience, and would allow the intent of the subdivision regulations to be observed and substantial justice done due to the fact that the current subdivision regulations allow for the subdivision of land.
- D. The Board found the waiver or variance will not in any manner vary the provisions of any other regulations, ordinance, or plans adopted by the County because the variance does not infringe on any other County ordinance.
- E. In approving waivers or variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards, or requirements of these

regulations. The Board found this criterion to be met with the two conditions recommended by staff and made a part of the motion.

- F. A petition for any such waiver or variance shall be submitted in writing by the applicant. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The Board found this criterion to be met as evidenced by the packet submitted by the applicant.

### **VIOLATIONS REPORT – FRUTH PHARMACY**

Fruth Pharmacy has a changeable copy sign that is scrolling and changing more than 8 times per day in the zoned area of Putnam County at 4012 Teays Valley Road, Scott Depot on Tax Map 223, Parcels 28 and 28.3. Ms. Fruth did not obtain a permit for the digital changeable copy sign.

Staff presented the Summary, a copy of which is attached and made a part of these minutes.

Motion was made by Ron Foster and seconded by John Dill to send a certified letter to Ms. Fruth followed by a personal telephone call from Timothy Smith requesting that she apply for a sign permit within ten (10) days from the date of the letter as well as informing her that a variance may be requested, if required.

The motion was amended by Mr. Dill requesting Timothy Smith to first give Ms. Fruth a courtesy call and inform her that a certified letter would be forthcoming requesting that she apply for a sign permit as well as informing her that a variance may be requested, if required.

Motion was made by Jason Asbury and seconded by Bryan Hoylman to accept the amendment to the motion. The motion carried unanimously.

A vote was taken on the amended motion by Mr. Foster and seconded by Mr. Dill. The motion carried unanimously.

### **ADMINISTRATIVE SUBDIVISION REPORT**

Staff presented a summary of the administrative subdivision approvals for June. There were no comments or questions.

### **FINANCIAL REPORT**

Financial information was not available for July due to fiscal year-end procedures.

### **MONTHLY REPORTS**

Staff presented the monthly reports for July summarizing the building/zoning permit approvals. There were no comments or questions.

### **STAFF REPORT**

Staff reported that there is an agenda for September. John Dill inquired about the decision made by the Ethics Commission regarding a possible conflict of interest with Planning Commission members who are also members of the Sign Committee. Staff reported that there is no conflict of interest for Sign Committee members to vote on any issue as long as more than five (5) individuals are affected.

### **OLD BUSINESS**

There was no old business to discuss.

**NEW BUSINESS**

There was no further new business to discuss.

**ADJOURNMENT**

Motion was made and seconded to adjourn. Motion carried unanimously. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Signed: \_\_\_\_\_, Lisa Powell, Secretary

Attest: \_\_\_\_\_, Presiding Officer

Minutes were approved: \_\_\_\_\_