

Jefferson County Planning Commission
July 12, 2016

The Jefferson County Planning Commission met on July 12, 2016 with the following Commission members present: Mike Chapman, President; Wade Louthan, Vice President; Donnie Fisher, Secretary; Steve Stolipher, Gary Phalen, Gene Taylor, and Dickie Childs. Staff members present included Jennie Brockman, Director of Planning and Zoning; Lydia Lehman, Assistant Prosecuting Attorney; Jonathon Saunders, County Engineer; and Alexandra Beaulieu, Zoning Administrator.

Mr. Jay Ware was absent with notice.

At present, there is no County Commission Liaison and the Planning Commission consists of eight members until further notice.

Mr. Chapman called the meeting to order at 7:00 PM.

1. Approval of the minutes from the following Planning Commission Meetings

- June 14, 2016

The June 14, 2016 minutes were approved with no objections

2. Citizen Communications. None.

3. Request for postponement: None

4. **Public Hearing:** Request by applicant Jefferson County Convention & Visitors Bureau (PCW#16-05) for a waiver from Appendix B, Section 2.5(C) that requires all parking lots and parking bays (except for parallel parking along a townhouse/ condominium complex street) to be physically separated from the street and confined by curbing, unless other suitable design is approved by the County Engineer. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 7; Parcel: None Assigned; Zoned: Rural (R); Size: 0.64 acres; Owner: Jefferson County Commission; Developer: Jefferson County Convention & Visitors Bureau.

Ms. Brockman provided a summary of the request, noting that Planning and Zoning supported the request. She deferred to Engineering for a recommendation. Mr. Saunders provided an overview of Engineering's recommendation, stating that they were in support of the waiver request.

Ms. Annette Gavin, CEO and Mr. Greg Williamson, project architect, spoke on behalf of the Jefferson County Convention & Visitors Bureau. Ms. Gavin provided an overview of the request.

Mr. Chapman opened the floor to public comment.

Mr. David Tabb spoke in opposition to the request. He stated that the sale of the land from the West Virginia Division of Highways to the Jefferson County Commission was not done in accordance with State Code. He also stated that within the deed, ownership of the house, which is owned by the Jefferson County CVB, was not transferred.

Mr. Chapman closed the floor to public comment.

Ms. Gavin provided a rebuttal. She confirmed that the house was not owned by the Jefferson County Commission but by the Jefferson County CVB. She stated that the land is owned by the Jefferson County Commission and that the Jefferson County CVB is leasing the land for \$1.00/year for 100 years.

Mr. Stolipher motioned to approve the request. Mr. Childs seconded the motion, which carried unanimously.

5. **Public Hearing:** Request by applicant Nina Lynch (PCW#16-06) for a waiver from Section 20.201(A)2 of the Subdivision Regulations which allows lots in the Rural District with a minimum

road frontage of 200' to front on an existing road right of way having a width of 50'. The proposed lot has 40' of access via a pipestem to Leetown Road. The applicant is also requesting a waiver from Appendix B, Section 2.3(A)1 which requires individual lots to be served by internal subdivision roads. The property is designated as Tax District: Middleway (07); Tax Map: 8; Parcel: 3.46; Zoned: Rural (R); Size: 18.19 acres; Owner/Developer: Nina Lynch

Ms. Brockman provided a summary of the request and noted that Planning and Zoning were in support of the request. She deferred to Engineering for a recommendation. Mr. Saunders provided an overview of Engineering's recommendation, stating that they could not support the waiver request.

Mr. Ed Johnson, Surveyor and Ms. Nina Lynch, property owner, provided an overview of the waiver request. Mr. Johnson noted that in speaking with Mr. Todd Wilson of the WV Division of Highways, an updated entrance permit for Merryfield Subdivision, allowing one additional lot to utilize this road, could not be issued unless the owner of Meandering Lane and the adjacent lots, Matt Ridgeway, gave permission. Mr. Johnson stated that the reason for the waiver request was because they could not get permission from Mr. Ridgeway for one additional lot to utilize Meandering Lane. Ms. Lynch provided a detailed history of the property. Ms. Lynch stated that she did submit a written request to Matt Ridgeway but that he never responded to her. She stated that should the Planning Commission grant the waiver, the 40' driveway within the pipestem portion of the lot would only be utilized for the 8 acre parent-to-child lot proposed to be divided from the 18.19 acre (Lot 1) in Merryfield Subdivision. The residue of the parent-to-child division would continue to access Meandering Lane as previously approved. Mr. Johnson added that Todd Wilson with the WVDOH would issue an entrance permit for the 8-acre parcel to access Leetown Road if the Planning Commission approved the waiver request.

Mr. Chapman opened the floor to public comment.

Ms. Barbara Pichot, neighboring property owner, spoke in support of the waiver with a specific request that the Planning Commission restrict access to the parent-to-child lot so that no future lots could have access to the proposed driveway. Ms. Pichot stated that she and her husband had maintained the right-of-way for the last 40-years and believed they had the right to utilize the right-of-way. She requested that if the waiver was granted, that she and her husband be granted permission to continue utilizing the right-of-way.

Mr. Chapman closed the floor to public comment.

Ms. Lynch provided a rebuttal. She agreed to allow the Pichot's continued use of the right-of-way should the waiver be granted.

Mr. Stolipher motioned to approve the waiver request with the restriction to allow access for only one lot. Mr. Phalen seconded the motion, which carried unanimously.

There is no public comment for the remaining items.

6. Discussion and action on the proposed text amendment to multiple sections of the Jefferson County Zoning and Land Development Ordinance (ZTA 16-01). This is a follow up to the Planning Commission's recommended language, based on Public Hearing input, voted on at their June 14, 2016 meeting. This text amendment proposes to replace the current nontraditional zoning ordinance with a traditional zoning ordinance by eliminating the DRS/LESA CUP Process (Articles 6 and 7) and replacing it with a traditional Principal Permitted and Conditional Use process; proposes to

increase the density provisions of the Rural Zoning Cluster Development Provisions in Section 5.7; and proposes related rural land use amendments throughout the Ordinance.

Ms. Beaulieu provided an overview of the proposed text amendment pertaining to Accessory Dwelling Units drafted by staff at the direction of the Planning Commission during the June 14, 2016 meeting.

Mr. Chapman recommended that the definition be changed to reflect, "The property owner *or immediate family member* must occupy either the principal dwelling unit or the accessory dwelling unit."

Mr. Stolipher recommended that the two acre restriction for In-Law Suites be amended to reflect, "A *detached accessory dwelling unit*, must be located on a property of at least 2 acres."

Mr. Phalen requested that the word "shed" be removed from the last sentence, "RVs ~~and sheds~~ are prohibited as Accessory Dwelling Units."

Mr. Phalen made a motion to send the proposed amendment to Section 8.15 Accessory Dwelling Units with the Planning Commission's revisions to the County Commission.

Mr. Taylor seconded the motion, which carried unanimously.

7. Reports from Legal Counsel and legal advice to the Planning Commission. None.

a) Active Litigation:

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session.
- Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.

8. Director's Report.

- Ms. Brockman stated that she would be meeting with Roger Goodwin, Director of the new consolidated department. She noted that she would be given direction during that meeting as to the details of her new role in the department.
- Ms. Brockman noted that a fourth Tuesday meeting had been called for July 26, 2016.

9. President's Report. None.

10. Actionable Correspondence.

- Review and consideration of the revised definition of Battlefields as proposed by the Historic Landmarks Commission with input from the Farmland Protection Board.

The Planning Commission discussed the proposed amended definition. Mr. Stolipher stated that he did not want to change the proposed language to include "*and areas within the battlefield boundary*". The Planning Commission was in agreement with this recommendation.

They also unanimously agreed to eliminate the reference to the number of Federally recognized battlefields in Jefferson County in case there are additional battlefields identified down the road. The final approved language recommended unanimously by the Planning Commission was: "*There are Federally recognized battlefields in Jefferson County as determined by the Civil War Sites Advisory Commission. For the purpose of this ordinance, green space includes battlefield core areas.*"

11. Non-Actionable Correspondence. None

Mr. Chapman motioned to adjourn the meeting at 8:13 PM.