

Jefferson County Planning Commission
January 10, 2017

The Jefferson County Planning Commission met on January 10, 2017 with the following Commission members present: Mike Chapman, President; Wade Louthan, Vice President; Donnie Fisher, Secretary; Gary Phalen, Gene Taylor, J Ware, Steve Stolipher, Peter Onoszko and Dickie Childs. Staff members present included Jonathan Saunders County Engineer; Lydia Lehman, Assistant Prosecuting Attorney; and Rhonda Greenholtz, Planning Clerk.

Ms. Jennifer Brockman, County Planner, was absent due to illness.

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

1. Election of Planning Commission Officers. Mr. Chapman took a moment to thank fellow Planning Commission members for his appointment as 2016 President of the Planning Commission. Mr. Chapman explained the election process and opened the floor for nominations. The election results are as follows:
 - Mr. Mike Chapman nominated Mr. Donnie Fisher for the position of President. Mr. Steve Stolipher seconded the nomination. A vote was taken which passed unanimously.
 - Mr. Wade Louthan nominated Mr. Steve Stolipher for the position of Vice President. Mr. J Ware seconded the nomination. A vote was taken which passed unanimously.
 - Mr. Steve Stolipher nominated Mr. Wade Louthan for secretary. Mr. J Ware Seconded the nomination. A vote was taken which passed unanimously.

Mr. Donnie Fisher presided over the rest of the meeting as new President of the Planning Commission.

2. Approval of the minutes from the following Planning Commission Meetings
 - November 1, 2016

The minutes were approved with no objections.

3. Citizen Communications. None.
4. Request for postponement. None.

Mr. Steve Stolipher recused himself from Agenda Items 5 and 6 citing conflict of interest.

5. A Public Workshop was held for a Concept Plan for an Outdoor Resort (S16-06(CP)) to be located along Millville Road in Harpers Ferry. Owner/Applicant Old Standard Land, LLC is proposing approximately 160 cabin/tent sites/yurts and 169 RV sites in the vicinity of the quarry lake on the 404.68 acre parcel. The applicant is also proposing a lodge, boat rentals and other outdoor recreational activities. The property is currently zoned Residential/Light-Industrial/Commercial (R-LI-C) zoning.

Mr. Donnie Fisher disclosed that it was recently brought to the staff's attention that three of the letters mailed to property owners adjacent to the proposed Outdoor Resort property were addressed with the incorrect zip code.

Mr. Fisher stated the Representative for applicant of the project will speak first and then staff will present their report.

Ms. Kristen Stolipher with Gordon, representative for the applicant Standard Land Company, LLC, presented the project and gave an overview of the location of the proposed amenities. Several areas are to be serviced by "Eloo" type sewage facilities and connection to Jefferson Utilities is being

proposed in other areas. The area between the existing lake and the river will be maintained and preserved, with the exception of the primitive camping areas. Upon approval of the Concept Plan by the Planning Commission, a Site Plan will be submitted in accordance with the new campground regulations and all permitting requirements will be followed at the Federal, State and Local levels.

Mr. Noah Merkham, member of Standard Land Company, LLC spoke briefly about their proposed use for this property. The previously approved rezoning to RLIC provides more flexibility of the use of this property. The proposed use is compatible with the surrounding area.

Mr. Donnie Fisher opened the floor up to Public Comment.

Mr. Paul Rosa, spoke on behalf of the Harpers Ferry Conservancy. Mr. Rosa was the former caretaker for the property during the bankruptcy period of the property. The Conservancy believes this project has great potential for presenting a mosaic of compatible uses in the area. Mr. Rosa provided a summary of the submitted written comments to the Planning Commission.

Mr. Andrew Lee, Representative for the National Park Service (NPS) at Harpers Ferry spoke. Written comments were submitted to the Office of Planning previous to this meeting and were handed out to the Planning Commission members. Visual impacts are of concern to the NPS, particularly the RV site to the north of the Lake. The NPS would like to work with the developer to minimize the potential visual impact the site may have on the battlefield. Mr. Lee stated that this is the most acceptable proposed concept he has seen for this site.

Mr. Donnie Fisher closed the floor to Public comment and turned the floor over to staff to receive their comments.

Mr. Jonathan Saunders spoke that the applicant provided a good overview of the request. Mr. Saunders outlined the Site Plan process. This will process as a Minor Site Development Process with Full Site Plan engineering requirements. Mr. Saunders provided an overview of Ms. Jennifer Brockman's (not present) conditions of approval included in the staff report in the packet. One of the conditions was the merging of previously recorded lots back into the parcel.

Mr. Merkham addressed some comments made and spoke of agreeing with working toward connectivity between the proposed project and trails. He also agreed with the concept of full cut-off lighting because a natural experience is what is being proposed and is the goal for the project. Ms. Stolipher is in agreement with recommendations presented in the staff report and added that outside agency comments will also be addressed.

Mr. Merkham addressed the merging of lots as Mr. Saunders stated. The subdivision plat was part of a brownfield development and will be cleaned up with this project. The applicant is willing to work on any concerns brought by the public or Jefferson County to ensure compatibility with the area.

Mr. Wade Louthan asked about the second entrance to the site.

Ms. Stolipher showed the entrance to the site and the circulation patterns within the resort area.

Mr. Fisher inquired about building heights. Mr. Merkhams responded that the maximum building height would be the Lodge (proposed to be two-story) that would be no more than 25 feet. Other proposed buildings on the site would not reach that height.

Mr. Peter Oznosko asked that the applicant consider the NPS comments in the letter submitted.

Mr. Gary Phalen asked for clarification on the disclosure of the inaccurate addresses. Ms. Rhonda Greenholtz, Planning Clerk stated that she had mistakenly added the wrong zip code to two of the adjoining property owner letters and assured the Planning Commission that the site was posted and the meeting was advertised. The information has been updated for any future notifications.

Mr. Dickie Childs asked if year round camping would be allowed.

Mr. Merkhams responded that year round camping would be available, but no permanent residence is allowed per the new Campground Ordinance.

Mr. Chapman made a motion to approve the Concept Plan to be able to move to Site Plan submission following the staff recommendations and considerations from public comment. Mr. Gary Phalen seconded the motion. A vote was taken which passed unanimously.

6. A Public Hearing was held for a Waiver request for Waffle House (PCW#16-11). The property is designated as Tax District: Charles Town (02); Tax Map: 8; Parcel: 8.1; Zoned: Residential Light Industrial Commercial (R-LI-C); Size: 2.81 acres; Owner: CTSS, LLC The applicant requested a waiver from the following sections of the Subdivision Regulations:
 - Section 21.402D which requires that no permanent encroachments, structures, fences or landscaping be located within any easement area;
 - Section 20.201B which requires the subdivision of a non-residential lot not located in an approved industrial park or existing non-residential subdivision to process as a Major Subdivision; and,
 - Section 20.204 which requires this project to process as a Major Site Development.

Mr. Fisher recused himself from this agenda item and handed the meeting over to Mr. Wade Louthan, Vice President.

Ms. Kristen Stolipher, Gordon, representative for the applicant CTSS, LLC presented the request. These three waiver requests are needed in order to process the Site Plan for the Waffle house project. Ms. Stolipher explained the need for the various waivers.

Mr. Louthan opened the floor to Public comment. No Public comment was made.

Mr. Louthan closed the floor to public comment.

Mr. Saunders explained the requested waivers and how it correlated with the site development process and recommended that the Planning Commission vote on each request separately.

The Planning Commission then had a brief discussion on each of the requests, asking staff for clarification. A vote was taken on each individual request and the outcome is as follows:

Mr. Chapman made a motion to approve the waiver request from Section 21.402D which would allow encroachments inside of an easement but is contingent upon WVDOH approval. Mr. Childs seconded the motion. A vote was taken which passed unanimously.

Mr. Phalen made a motion to approve the waiver request from Section 20.201B to allow for the subdivision to process as a minor subdivision. Mr. Chapman seconded the motion. A vote was taken which passed unanimously.

Mr. Chapman made a motion to approve the waiver request from Section 20.204 to allow the Site Plan to process as a Minor Site Development. Mr. J Ware seconded the motion which passed unanimously.

Mr. Stolipher and Mr. Fisher returned to the meeting.

Mr. Fisher presided over the rest of the meeting.

7. Review and possible action regarding whether the Planning Commission wishes to send a letter to the County Commission requesting automatic extension for subdivisions vested under the 2010 SB 595.

- Sample letter from 2014 attached.
- Spreadsheet of impacted projects attached.

Mr. Stolipher made a motion that a letter be drafted and sent to the County Commission requesting approval of these projects be extended an additional 36 months.

Mr. Chapman seconded the motion. A vote was taken which passed unanimously.

8. Reports from Legal Counsel and legal advice to the Planning Commission.

a) Active Litigation:

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session.

Ms. Lydia Lehman informed the Planning Commission that a final hearing was recently held and the Judge found in favor of the Planning Commission's position. No attorney fees were awarded and the original agreement was upheld.

- Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.

Ms. Lehman stated no new reports on this case.

9. Planners Memo.

- Update on Zoning Ordinance and Subdivision Regulation amendments.

Mr. Saunders requested to table this item until the next scheduled meeting to be held on February 14, 2017.

Mr. Peter Oznosko provided an update on the status of Zoning Text Amendment ZTA16-01 LESA CUP Cluster Amendment.

The next meeting is scheduled for February 14, 2017.

10. President's Report. None

11. Actionable Correspondence. None

12. Non-Actionable Correspondence. None

Mr. Fisher motioned to adjourn the meeting at 7:53 PM with no objections.