

Jefferson County Planning Commission
December 12, 2017

The Jefferson County Planning Commission met on December 12, 2017 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Peter Onoszko, County Commission Liaison; Jack Hefestay, Gene Taylor, J Ware, Ron Thomas and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Alex Beaulieu, Zoning Administrator; Nathan Cochran, Assistant Prosecuting Attorney; and Rhonda Greenholtz, Planning Clerk

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

1. Approval of the November 14, 2017 minutes.
The minutes were approved with no objections.
Approval of the November 28, 2017 minutes.
The minutes were approved with no objections.
2. Citizen Communications. None
3. Request for postponement. None
4. A Public Hearing was held by the Planning Commission for applicant Bradley & Paloma Dugan (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 30' of access via a pipestem from Possum Trot Lane.

Applicant Bradley and Paloma Dugan presented their request. The applicant stated that they are requesting the waiver to be able to utilize the current 30' pipestem for access to a future Family Transfer Lot.

Ms. Jennifer Brockman stated that in the Rural zoning district there are two access alternatives; 1) is to access a 50' access easement or; 2) is to have a minimum of 200' of road frontage onto an existing right of way. Part of Possum Trot is a right of way and part of it is an easement. The applicant will be creating a "Family Transfer lot" and is requesting to be able to access the newly created lot via the 30' pipestem. The balance of the remaining lot will be required to access via the right of way portion of Possum Trot Lane.

Mr. Donnie Fisher opened the floor to Public Comment. No Public comment was made.
Mr. Fisher closed the floor to Public Comment.

Mr. Steve Stolipher made a motion to approve the waiver request to access the 30' pipestem easement as requested.

Mr. Jack Hefestay seconded the motion, which carried unanimously.

- 5. Discussion and Possible Action:** Petition by Mr. Richard Nickell, in conformance with Section 12.4(b) of the Jefferson County Zoning Ordinance, to amend Section 5.7(D) the Zoning Ordinance Text to allow for the continuation of subdivisions utilizing pre-existing development rights.

Ms. Brockman explained that while State Law does not have a provision by which an individual or group of citizens can initiate a Zoning Ordinance text amendment, a process by which an individual can request a text amendment has been incorporated into Article 12 of the Zoning and Land Development Ordinance. Ms. Brockman explained the process and stated that is the purpose of this petition.

Mr. Paul Raco, Representative for the applicant, explained that when the Zoning Ordinance was amended to eliminate the LESA system, previous subdivision rights that had used the 1 lot per 10 acres provision had inadvertently been impacted. The "1 per 10" had been removed and replaced with a higher density of "1 lot per 5 acres" with a required 50% greenspace retention in an effort to implement one of the recommendations of the "*Envision Jefferson 2035 Comprehensive Plan*". Mr. Raco stated that property owners that had once utilized the 1 per 10 provision, and still had rights under that provision, should be able to continue to do so provided there is a note included on either the Plat, CIS (Community Impact Statement) or PPC (Pre-Proposal Conference) memo stating the maximum lots anticipated with full build out under the 1 lot per 10 acre provision.

Mr. Raco requested that the Planning Commission schedule a Public Hearing on this proposed text amendment.

Mr. Peter Onoszko suggested adding a date to the amendment. Possible language, "If previously subdivided utilizing the 1 lot per 10 acres as of March 16, 2017".

Mr. Donnie Fisher stated that this will not exclude the 1 lot per 5 acre provision (if any rights remain on the property) as stated in Section 5.7 (D) of the Zoning and Land Development Ordinance.

Mr. Steve Stolipher made a motion to hold a Public Hearing at the next Planning Commission meeting scheduled for January 9, 2018 with the addition of the proposed language.

Mr. Wade Louthan seconded the motion, which carried unanimously.

6. **Discussion and Possible Action:** Planning Commission action to recommend approval of the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA 16-02, to the County Commission. The text amendment, in accordance with WV Code §8A-7-13 proposes revisions and additions to multiple sections of the Zoning Ordinance including Section 2.2, Terms Defined; Section 3.4 Boards and Commissions; Section 4.6, Distance requirements; Section 4.14 Historic Preservation; Section 5.10, Village (V) District; Section 8.19, Adaptive Reuse of Historic Structures; Section 10.4, Signs Requiring a Zoning Permit and Appendix C: Principal Permitted and Conditional Uses Table.

Ms. Alex Beaulieu presented both a clean copy and the previously “red-lined” version for a comparison of the revisions that were made to the proposed document for review. A discussion ensued regarding the revisions made.

Mr. Peter Onoszko made a motion to send ZTA16-02 to the County Commission with the recommended changes incorporated for the purpose of scheduling a Public Hearing and with the Finding that the proposed revisions are consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Mr. Ron Thomas seconded the motion, which carried unanimously.

7. Review and approval of the revised 2018 Planning Commission Meeting Schedule. The revision was due to the approval of the Holiday schedule by the County Commission which included May 8, 2018 as a holiday due to it being an Election Day.

Mr. Donnie Fisher made a motion to move the May 8, 2018 Planning Commission meeting to May 1, 2018.

Mr. J Ware seconded the motion, which carried unanimously.

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

a) Active Litigation:

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

No new updates on this item.

9. Planners Memo.

- Next PC Meeting:
Special-called Meeting: December 19, 2017 Re: Colonial Hills Phase 3A Preliminary Plat Public Hearing
- WV45 Gateway Design Standards review and update on Shepherdstown Planning Commission meeting
- Upcoming PC meeting:
Next Regular Meeting: January 9, 2018

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10. President's Report. None

11. Actionable Correspondence.

- Letter from Corporation of Shepherdstown regarding SDA (Special Design Area)

12. Non-Actionable Correspondence. None

Mr. Fisher motioned to adjourn the meeting at 8:02 PM with no objections.