

Jefferson County Planning Commission
February 13, 2018

The Jefferson County Planning Commission met on February 13, 2018 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Peter Onoszko, County Commission Liaison; Jack Hefestay, Ron Thomas, J Ware, 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. Gene Taylor was absent with prior notification.

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

1. The minutes from the January 9, 2018 meetings were approved with no objections.
2. Citizen Communications. None
3. Request for postponement. None
4. A Public workshop was held by the Planning Commission for applicant Larry & Donna Boyd for a Concept Plan approval for a proposed 8 Lot Major Subdivision cluster development to be known as Ancient Oaks Estates (PC File# 17-20) to be located on the North side of Middleway Pike west of Willingham Road. The property is zoned Rural and consists of 43.63 acres and requires a minimum of 23.02 acres of greenspace for a cluster development (based on 1988 acreage of 46.040 acres). The subdivision is proposed to include seven (7) single family detached residential cluster lots with a 27.935 acre residue/greenspace.

Ms. Jennifer Brockman provided an overview of the location of the property.

Mr. Mike Roberts, Roberts Land Surveying, surveyor of record for this project spoke. The applicant is proposing 7 - two (2) acre lots with a single cul-de-sac street fronting onto Middleway Pike. The residue parcel is currently improved as a horse farming enterprise and has several stables and outbuildings and an existing single family home. This residue/greenspace parcel will access Willingham Road via the current driveway. Letters were sent out to the various review agencies. A few comments were received from some of these agencies. Stormwater management will be provided on the residue parcel through an easement area.

Ms. Brockman presented the staff report. Soil classifications and Zoning were addressed as part of the Cluster provision in the Zoning Ordinance to ensure that the development does not take place on prime farm land. The Subdivision Regulations require that all lots access off an internal subdivision road. A waiver will need to be applied for to allow the residue/greenspace lot to continue to access off of Willingham Road which may done with the submittal of the Preliminary Plat or prior to that submittal. This is the only outstanding concern staff currently

has with the project. Comments received from outside agencies have been included in the packet.

Mr. Roberts indicated that approval has been received from the addressing department regarding the street names.

Mr. Fisher asked what the acreage of the residue would be.

Mr. Roberts responded that it would be 27.935 acres.

Ms. Brockman wanted to clarify that the stormwater management easement area must be above and beyond the required 50% (23.02 acres). The proposed greenspace will include an additional 1.265 acres for a proposed stormwater management drainage area to be located along the secondary Willingham Road.

Mr. 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 accept the Concept Plan as submitted.

Mr. Wade Louthan seconded the motion. A vote was taken which carried unanimously.

5. A Public Hearing was held for a request by applicant Robert Adkins (PCW#18-01) for a waiver from Section 20.201A (2) that requires all subdivision lots created through the Minor Subdivision Process to have motor vehicle access to a road right-of-way via a 50' access easement which extends from the subdivided lots to the existing road right-of-way.

Ms. Brockman provided an overview of the project. This 124.29 acre property is split zoned. A portion of this property lies in the Residential Growth (RG) Zoning District, while the other portion lies in the Residential /Light Industrial/Commercial (RLIC) District. The applicant is proposing to process a Minor Subdivision in the RG zone to subdivide the tenant house from the existing farm on its own lot and is requesting that each lot be permitted to utilize the existing driveways. The Subdivision Regulations require that lots created through the Minor Subdivision process shall have access to a road right-of-way via a shared 50' access easement. There is an exception for lots with 200' of frontage in the Rural zone but it does not apply in the RG zone. The applicant is requesting to utilize the existing driveways.

Mr. Gary Frey, Project Surveyor spoke. The applicant is requesting to divide off the tenant house that has existed for approximately 50 years with its own access off of Shepherdstown Pike. The existing farmhouse would like to continue to use the existing driveway further north off of Shepherdstown Pike as it has in the past.

Ms. Brockman stated that a letter from the WVDOH would be required stating that they have no issues with the two separate entrances.

Mr. Fisher opened the floor up to Public comment.

Mr. David Tabb, Resident. Mr. Tabb resides close to the property. He spoke in opposition to the request stating that a 50' or 60' easement should be required to allow for future development on this large piece of property.

Mr. Fisher closed the floor to Public comment.

Ms. Brockman reiterated that this request is to divide one lot only off the parent parcel. Any future development of this property will have to adhere to the Subdivision Regulations in place at that time. This waiver request is for this lot only. If the portion to be subdivided off had been in the Rural Zoning designation, this configuration could have been approved administratively.

Mr. Stolipher made a motion to approve the waiver as presented pending approval from the WV DOH.

Mr. Wade Louthan seconded the motion. A vote was taken which carried unanimously.

6. A Public Hearing was held for a request by applicant TeMa USA (PC File#PCW18-02) for a waiver from Section 20.402D which requires no permanent encroachments, structures, fences, or landscaping within an easement area. The applicant proposes asphalt paving over an existing sanitary sewer easement.

Mr. Stolipher and Mr. Peter Onoszko recused themselves from this item citing conflict of interest as they are both members of the Jefferson County Development Authority Board of Directors.

Ms. Brockman provided a brief overview of the property. A Concept Plan is not required for any property located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. A Site plan has been submitted for review. An existing sanitary sewer is located on the property which the applicant is proposing to pave over.

Mr. Justin Nester, Design Concepts, representative for the applicant, stated that TeMa USA is a manufacturer of building products and provided an overview of the project. A sanitary sewer exists under a portion of Lot 21 which is the location that TeMa, USA is requesting to pave over for additional parking.

Ms. Brockman stated that a letter had just been received from the Jefferson County Public Service District (PSD) granting TeMA USA permission to install pavement within the existing sanitary easement located on lots 21 & 22 of the Burr Industrial Park, provided that all manholes and clean outs shall be raised to the finished grade to allow future access for maintenance.

Mr. Fisher opened the floor to Public comment.

No Public comment was made.

Mr. Fisher closed the floor to Public comment.

Mr. Fisher made a motion to approve the request as written.

Mr. Ray Bruning seconded the motion. A vote was taken which carried unanimously.

7. The Planning Commission reviewed a petition for a Zoning Map Amendment by property owner Summit Point Ventures, LLC (File # Z18-01) for a property located at 500 Motorsports Park Circle in Summit Point to determine if the request is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Ms. Brockman stated that this petition has been presented to the County Commission for the purpose of scheduling a Public Hearing and was referred back to the Planning Commission to determine if the request is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. She also provided an overview of the request and a history of the property and its uses. The race track predated zoning and was designated specifically in the Zoning Ordinance as a Non-Conforming use and given certain rights of expansion. Several mergers and lot line adjustments have occurred on the property.

Ms. Brockman further explained how various uses were created on the property relative to automotive research and development and for training purposes. Staff finds that this request is not in conformance with the *Envision Jefferson 2035 Comprehensive Plan* as no public water and sewer are available to the site, it is not located within a Preferred Growth Area, and is not designated as future commercial on the Future Land Use Guide. The Planning Commissions role is to recommend to the County Commission if the request is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. This item will be heard at a County Commission Public Hearing scheduled for March 15, 2018 at 7:00 PM.

Mr. Chad Wallen, Gordon, Representative for the applicant spoke. StaSis, which was an automotive research and development company, divided this lot from the SPARC property and constructed the site in 2014. Mr. Wallen stated that one of the reasons why the applicant believes the request is in conformance with the *Envision Jefferson 2035 Comprehensive Plan* is that a property does not have to be in a Preferred Growth Area to be considered for rezoning. Other factors play into a rezoning, such as economic well-being for the County. He also stated that this is one of the largest existing commercial areas in the whole county. The possibility of this property reverting back to Agricultural is highly unlikely. When the original Site Plan was submitted, it provided commercial setbacks and well and septic to be self-sustaining. Commercial uses exist in the area. The *2035 Comp Plan* tried to address these anomalies. The rezoning to General Commercial would improve the marketability of the site.

Ms. Alex Beaulieu stated the “Non-Conforming” use designation of the property can continue to be utilized for a variety of uses and generally only requires processing a Zoning Certificate. The Board of Zoning Appeals (BZA) can also hear significant changes in non-conforming uses.

Mr. Wallen pointed out that the Zoning is designated as “none” in the Jefferson County Development Authority (JCDA) report.

Mr. Fisher inquired if a Site Plan would be required if the property is rezoned to General Commercial.

Ms. Beaulieu responded that a Site Plan would be required unless the current buildings and parking can be utilized. She also stated that if the property is rezoned the Non-Conforming

Use designation would no longer be valid. If the property is *not* rezoned, then a Conditional Use Permit could be processed in accordance with the uses in Appendix C of the Zoning Ordinance. A CUP is subject to a Public Hearing before the BZA.

Ms. Brockman stated that the Comprehensive Plan does not recommend rezoning areas of the County where public utilities are not available, including recommending delaying rezoning any of the properties located in that area along Rte. 340 South until utilities are available.. Staff believes the request is not consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Mr. Stolipher stated that he respectfully disagrees with Staff's recommendation saying that the property has always been treated as commercial. The rezoning of the property would contribute to the economic well-being of Jefferson County and that the building is existing.

Mr. Stolipher made a motion to recommend to the County Commission that the request is in conformance with the *Envision Jefferson 2035 Comprehensive Plan*.

Mr. J Ware seconded the motion. A vote was taken which carried unanimously.

8. The Commission reviewed Staff's proposed draft amendment to Article 10 of the Zoning Ordinance to allow electronic signs in the County. It was requested to schedule a work session (optional) or Public Hearing (required) on the proposed amendment.

Ms. Beaulieu explained the purpose of the Amendment is the "Terms Defined". They have been moved in the document and are much better explained. The Sections were reorganized for ease of location. Provisions for electronic signs have been added.

Mr. Jack Hefestay made a motion to schedule a Public Hearing on this item at the March 13, 2018 Planning Commission meeting at 7:00 P.M.

Mr. Stolipher seconded the motion. A vote was taken which carried unanimously.

[Note: The Computer shut down at 8:07 PM to perform updates and the video stopped broadcasting.]

9. 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.

Mr. Nathan Cochran stated that this case has been dismissed and no longer needs to appear on the agenda.

10. Planners Memo. Mrs. Brockman presented an overview of the upcoming amendments. The meeting schedule had been revised due to an errors in the "tentative meeting" dates.
11. President's Report. None
12. Actionable Correspondence. None
13. Non-Actionable Correspondence. None

Minutes
Planning Commission
February 13, 2018

Mr. Fisher motioned to adjourn the meeting at 8:18 PM with no objections.