

Jefferson County Planning Commission
April 10, 2018

The Jefferson County Planning Commission met on April 10, 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, 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. J Ware arrived at 7:20 PM.

Mr. Mike Shepp was absent with prior notification.

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

1. The minutes from the March 13, 2018 meetings were approved with no objections.
2. Citizen Communications. None
3. Request for postponement. None
4. A Public Workshop was held for a Concept Plan for the proposed Chestnut Manor Subdivision. (PC File# 18-04) A proposed 19 lot Major Cluster Development including a 49.85 green space. Owner/Applicant: Daniel Zappe.

Ms. Jennifer Brockman provided an overview of the project. This project will process as a Cluster Subdivision. One of the key purposes of a cluster subdivision is to preserve prime agricultural land in the Rural Zoning District; however, the land on the mountain does not contain much prime agricultural land because of the topography. The steepness of the terrain in this part of the County generally requires any residential development to be on the flattest areas which potentially contain the best soils. In this circumstance, the green space provision related to the cluster provisions states that, in addition to retaining active or passive farmland, the cluster can be used to preserve steep slopes, hillsides, wooded, and environmentally sensitive areas, which is proposed in this cluster concept plan. Staff supports the concept of preserving the steeper slopes and having the lots on the limited flatter higher quality soils for the proposed Chestnut Manor development. Provisions regarding steep slopes and resource protection will need to be addressed at the Preliminary Plat stage.

Mr. Mike Roberts, Representative for the project, spoke. The project proposes individual wells and septic systems for each lot, interior streets and a single entrance to the subdivision. He also provided an overview of the layout of the proposed lots. The southeast portion of the property is the most desirable area for development as the grade is flatter. The proposed single entrance will be off of Chestnut Hill Road. The property is dissected by two major power line easements, one of which will be used as a buffer to the residential area, and the other will be used to separate the green space area.

Mr. Daniel Zappe, Owner/Developer stated that the lot is wooded and he desires to retain as much of that as possible. Clearing will mainly done for the houses, well and septic systems. The

entrance will be split with a median in the middle. Technically this will make two entrances so that emergency services will be able to access the subdivision.

Ms. Jennifer Brockman reported that the staff report is a bit more detailed than typical staff reports due to the Cluster provisions and soils information. Responses were received from the Jefferson County Historic Landmarks Commission (HLC) and the WV Division of Highways (WVDOH) after the agenda packets were mailed to the Commissioners and handouts were provided to the Planning Commission members before the meeting. The WVDOH had indicated that they offer no significant comments at this time but they will work with the applicant on the access permit. The Jefferson County HLC reported that there are three "Category 3" resources in proximity but none on the property and they therefore had no objections to the plan as it has been presented. Staff stated that the regulations require the residue access off the internal road and that a waiver request would be required to be approved before approval of the Preliminary Plat to allow for this lot to have its own access point off of Keyes Ferry.

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 accept the Concept Plan as presented by the applicant with the staff recommendations noted in the staff report.

Mr. Wade Louthan seconded the motion. A vote was taken which carried unanimously (7-0).

5. A Public Workshop was held for a Concept Plan for Magnolia Springs Subdivision. (PC File# 18-05). A proposed 301 lot Major Subdivision. Owner/Applicant: Belvedere Family Trust. The property is designated as Tax District: Charles Town (02); Tax Map: 10; Parcels 8 & 8.6. Zoned: Residential Growth. Size: 67.8 acres [corrected by applicant to 120 +/- acres].

Ms. Brockman provided an overview of the project stating that it is located within the Charles Town Urban Growth Boundary and surrounded by City of Charles Town development. She pointed out two proposed entrances to the subdivision, which are required for subdivisions with more than 30 lots. One access will provide connectivity with Euclid Avenue and one is proposed to extend Citizen's Way across WVDOH right-of-way. The Residential Growth zoning designation allows for high density residential development, including single family and multi-family developments. The applicant is proposing 301 single family detached dwelling units. There is a proposed development adjacent to this property located within the City to be called "Jefferson Heights North". Two (2) 40' rights-of-way cross through the Magnolia Springs property in two separate areas which will serve the Jefferson Heights North property and will require coordination between these two developments. She pointed out the sections of the proposed Allegheny Street and Belvedere Drive which will be constructed as a part of the Jefferson Heights North development. Magnolia Springs is also providing the required future access points to a vacant property to its north which is located within the City and is zoned Commercial. Residue portions of the Magnolia Springs property exist across US 340 which have no access as a result of WV DOH highway projects. They are included with the acreage but not the proposed development.

Mr. Chad Wallen, Gordon, Representative for the applicant spoke. He pointed out the correct acreage for the property is approximately 120 acres, not the 67 stated in the Staff report. The 108 acres located on the west side of Route 9 are the location of the proposed subdivision. The applicant is looking to build off of the City grid with respect to the existing features of the property. The applicant is proposing to double the open space required by the Ordinance to 14 acres. Five (5) acres are proposed to surround the Belvedere House which will be sold as a separate lot. The applicant is intending to cooperate with the City of Charles Town with respect to the proposed streets: the right-of-way for Allegheny Street is to be increased by 10' and the right-of-way for Belvedere Drive will be expanded by 2' on the Belvedere property and 8' on the opposite side to bring it up to the required 50'.

Ms. Brockman provided an overview of the comments received from outside agencies:

- Office of GIS/Addressing has approved the road name.
- Sheriff's Department supplied a letter regarding their ability to serve the proposed development.
- The Board of Education Transportation Department would like to set up a meeting with the applicant/representative to discuss the location of bus stops and shelters. The alignment of the street is of concern to them. Coordination with the Board of Education before moving ahead with the Preliminary Plat is a recommended condition.
- The WVDOH is reserving their comments until the completion of the Traffic Study for Allegheny Street, which will intersect with Euclid Avenue, and serve both Jefferson Heights North and Magnolia Springs developments. The Citizens Way access will also require WV DOH approval as it will cross a large area of DOH right-of-way.
- Jefferson County Historic Landmarks Commission (distributed at the meeting) objected to the density and the design of the proposed development.
- The City of Charles Town provided comments on the proposed development related to the design of the street lights, the required 10' right-of-way, objecting to one of the waivers the applicant has submitted for consideration after Public Comment for the Concept Plan, requesting extension of the sidewalk along Allegheny Street, and regarding providing bus shelter..

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

Ms. Elizabeth Stacey Carson, Resident of Belvedere Farm Lane spoke in opposition to the development citing concern for traffic flow as the road is very narrow. She feels the development and the proposed new road would have a negative impact on the community.

Mr. Barry Grimm, Resident of Belvedere Farm Lane spoke in opposition to the development stating that a previous minor subdivision was not permitted due to inadequate road width to serve 3 lots. He believes that an entrance from Citizens Way should be a "monumental entrance" and that no entrance to Belvedere Farm Lane would be preferable.

Mr. Guy Chicchirichi, Resident of Charles Town and owner of 4 properties on Belvedere Farm Lane, stated that he believed the Belvedere house should be located on 10 acres instead of the 5 acres proposed to keep the view shed. He is in favor of curbs, gutters and sidewalks.

Mr. Seth Rivard, City Planner, City of Charles Town, spoke that the City of Charles Town has no principal opposition to the subdivision as it is located within the Charles Town Urban Growth Boundary which is keeping with the policies of both Jefferson County and the City of Charles Town. The city also recommends that the connections remain as shown. The 10' ROW dedication and 2' strip ROW dedication that was previously discussed is also agreed to. The City does not support the request of the waiver of curbs and gutters as this an urban area density level area. Future urban level density and infra- structure will occur in this area in the future. The City of Charles Town would like to keep the urban feel of the area. Regarding the other 3 waivers; the City believes that sidewalks should be required on both sides of the streets to provide consistency with the proposed development in the area and street lighting should be in keeping with City Standards for aesthetics. Street light spacing should be 200' apart. Lighting at entrances, intersections and cul-de-sacs would be recommended, preferably no more than 400' apart. Bus shelters should be provided. The City requested there should be a 5 year "sunset clause" as part of the HOA Covenants and Restrictions that will also be put on the Preliminary and Final Plat that would allow the City to acquire, at no cost, all or part of Open Space Areas B and/or D as a Public Park if the land was ever annexed within that time frame. Compatibility should occur between the County and City of Charles Town.

Mr. Fisher closed the floor to Public Comment.

Ms. Brockman clarified that the 40' easement along Belvedere Farm Lane is existing. A 50' right of way is required. This will be discussed with the waivers portion of this meeting unless the applicant can document that a 50' access right-of-way exists.-

Mr. Wallen responded that they will work with the Board of Education (BOA) regarding bus shelter locations. A request for a waiver will be applied for if the 50' easement requirement is unable to be met. A traffic study is currently underway and detailed information will be provided with the completion of the study. The applicant respects the opinion of the Jefferson County Historical Landmark Commission (JCHLC) however, only the existing structure is on the register, not the site. It is believed that the 5 acres reserved is sufficient. Waivers will be discussed under the next agenda items. A discussion with the City has been held to try to identify some common ground. Several comments from the City of Charles Town letter dated 4/10/18 were agreed upon; Item # 1 (connections proposed endure throughout the life of this project); #2 regarding increased right-of-way with the exception of 2' for Belvedere Drive to bring it up to 50'; #3 curbs and gutters will be discussed with the waiver portion of this meeting, #4 the applicant will only provide sidewalks on one side of the street in conformance with the County's requirements – their proposed layout and design will avoid congestion with crosswalks and not increase impervious areas. The applicant agrees with request #5 -- they will match the City's street light shape and style. The spacing will be maintained as provided per the County. #6 bus shelters were discussed earlier and is agreed that they will be provided. #7 the HOA will be the deciding factor as to whether the City will be able to acquire the open space property if annexed into the City boundary. #8 amenities will be provided but the plans are not at that point in the design stage yet.

Public comment concerns were mainly traffic concerns on Euclid Avenue. Upgrades are planned up to that intersection. If right of way widths cannot be met, the applicant will

appear before the Planning Commission with a waiver request for that standard requirement. This would require another Public Hearing where additional public comments can be made. The construction of the sidewalks along the proposed Belvedere Drive and Allegheny Street were not discussed as they are not part of this project, they are part of Jefferson Heights North subdivision plans. Magnolia Springs is dedicating land to that project and the burden of construction should be part of that project.

A discussion ensued between the Planning Commission and Mr. Wallen regarding the existing stream (which is currently being studied); the possibility of the open space being annexed into the City, sidewalks and street lighting requirements.

Mr. Steve Stolipher made a motion to accept the Concept Plan as presented with agreed upon recommendations from County Staff and The City of Charles Town as stated below:

- Coordination with the BOE and City of Charles Town on the design and location of bus shelters.
- It has been acknowledged that a traffic study is underway and once feedback has been received the design of the entryways may be completed. A waiver may be needed if County standards cannot be met.
- 5 acres will be maintained around the historic house located on the property.
- An additional 10' of right-of-way along the proposed Allegheny Street will be provided.
- An additional 2' of right-of-way along proposed Belvedere Drive will be provided
- Sidewalks are to be located along one side of street in accordance with the Subdivision Regulations of Jefferson County.
- Street lighting shall be matched with the City of Charles Town lighting style but meet the County spacing requirements.
- No requirement that the open space land be given to the City if the property is annexed in the city boundary. A provision shall be added that this will be at the discretion of the HOA.
- The construction of the sidewalk along the proposed Allegheny Street and Belvedere Drive will occur up to the point where Allegheny Street is to be used by this project.

Mr. Ron Thomas seconded the motion. The motion passed with a vote of 6 for to 2 against. Mr. Peter Osnozko and Jack Hefestay opposed both stating that they feel a more robust discussion should have been had.

Items 6-9: *Mr. Fisher announced the following waivers will be heard at one time as they are all related to the previous agenda item "Concept Plan for Magnolia Springs". Owner/Applicant: Belvedere Family Trust. The property is designated as Tax District: Charles Town (02); Tax Map: 10; Parcels 8 & 8.6. Zoned: Residential Growth. Size: 120 +/- acres. Staff recommendations and motions for the requests are found at the end of the request portion of these minutes. *

6. A Public Hearing was held for a Waiver Request for Magnolia Springs Subdivision. (PCW#18-03) Applicant is requesting a waiver from Section 21.101.A of the Subdivision

Regulations that require a block length to not exceed 6 lots. The applicant is requesting a block length of 12 lots on one side of the street.

7. A Public Hearing was held for a Waiver Request for Magnolia Springs Subdivision. (PCW#18-04) Applicant is requesting a waiver from Section 21.104.A of the Subdivision Regulations that requires a minimum lot frontage width of 80'. The applicant is requesting a minimum lot frontage of 70'.
8. A Public Hearing was held for a Waiver Request for Magnolia Springs Subdivision. (PCW#18-05) Applicant is requesting a waiver from Section 21.306 of the Subdivision Regulations due to shallow block depth, topography and natural resources.
9. A Public Hearing was held for a Waiver Request for Magnolia Springs Subdivision. (PCW#18-06) Applicant is requesting a waiver from Section 2.2.K.1.a of the Subdivision that require Roadway, curbs, gutters and sidewalks be required in residential conventional subdivisions where net residential density is greater than three dwelling units per acre of land where lot frontages are 80' or less. Applicant is requesting curb and gutters not be required if previous waiver (PCW18-04) of lot frontages has been approved.

Ms. Brockman presented a brief overview of the nature of the waivers and asked that the applicant explain the necessity of the requests and then the staff will provide feedback. The requests are integrated into the design of the project.

Mr. Jason Gerhart and Mr. Chad Wallen, Gordon spoke that all these waivers are intertwined.

#6: and #7 Block "lots" along Belvedere Farm Lane and High Street varied between 11 and 14 lots per block and were measured to be approximately 70' to 75' in width. The 80' requirement could be achieved but would result in the lessening of the open space which has been provided (twice the amount required.) It is being requested to be reduced to 70'. If the lots are smaller it is believed that the block length should be allowed to be longer. It would be more in keeping with the surrounding neighborhoods.

#8: It is believed that the required intersection spacing requirement has been met and it is unclear if this waiver is required. The development design includes provisions to protect the intermittent stream that is located on the property. A written determination is requested before full design of the engineering.

#9: The County's Stormwater Management Ordinance supports open ditch section. This is best management practice for infiltration and is better for the environment. Mr. Gerhart added that the curb and gutter was triggered by the lot width.

Ms. Brockman stated this is the first time the regulations for a major subdivision have been used since their adoption in 2008 and it has come to the staff's attention that some sections

are unclear or are contradictory. As some sections have never been used, further amendments to the Subdivision Regulations may be necessary.

#6: PCW 18-03 (Block Length): Planning and Zoning staff recommends that the waiver be granted to allow block lengths up to 12 lots on one side of the street, with the condition that pedestrian connectivity be provided to common open space areas. The request results in a subdivision design that integrates open space and parkland into the development and results in open space areas that protect the natural terrain and buffer the stream while still providing adequate interconnectivity to adjoining lots and developments.

#7: PCW18-04 (Lot frontage): Planning and Zoning staff recommend that if the decrease in the lot frontage requirements for this subdivision provides greater open, meets all other land development standards set forth by the County, and does not negatively impact the surrounding neighborhoods, the waiver request meets the criteria for approving such waivers.

#8: PCW18-05 (Intersection Spacing): Planning and Zoning staff recommends that the waiver be granted as the request is consistent with the site design and layout which reflects the topography and provides open space along natural features. Consideration should be given to interconnecting Roads 11 and 16 which may enhance traffic flow and circulation.

#9: PCW18-06 (Curb and Gutter): The stormwater management ordinance encourages the reduction of impervious surface for water quality. A grass swale/ditch can be credited as a water quality structure that filters water as it drains. Therefore, the Engineering Department recommends approval of this waiver due to the decrease in impervious surface.

Mr. Fisher opened the floor to Public Comment

Ms. Elizabeth Carson signed up to speak but declined.

Mr. Seth Rivard, Planner, City of Charles Town spoke on the waiver request regarding curb and gutter. The City believes that if the waiver for the curb and gutter is granted, it should be off-set by sidewalks on both sides of the streets. The city would also like the developer to install sidewalks along Allegheny Street and Belvedere Drive. .

Mr. Fisher closed the floor to Public comment.

Mr. Chad Wallen responded to Public comment made by Mr. Seth Rivard stating that the full construction of Allegheny Street is not required for this project and that the sidewalk would only be constructed along the section of road that is constructed for Magnolia Springs. Belvedere Drive is also not required for Magnolia Springs. He also responded that having sidewalks on one side of the street ensures that crosswalks would be safer.

Further discussion on the above waiver requests ensued.

The motions to each of the following requests are as follows:

PCW18-03 (Block length):

Mr. Steve Stolipher made a motion to approve the waiver requested as presented to allow the block length to include no more than 12 lots.

Mr. Ron Thomas seconded the motion.

A vote was taken and passed with a vote of 7 to 1. Mr. Peter Onoszko opposed.

PCW18-04 (Lot frontage)

Mr. Steve Stolipher made a motion to accept the waiver request to allow for a minimum 70' lot frontage.

Mr. Ron Thomas seconded the motion.

A vote was taken and passed with a vote of 7 to 1. Mr. Peter Onoszko opposed.

PCW18-05 (Intersection spacing)

Mr. Steve Stolipher made a motion to accept the waiver request as presented to allow intersection spacing to be 175' and not the required 300'.

Mr. Ron Thomas seconded the motion.

A vote was taken and passed with a vote of 7 to 1. Mr. Peter Onoszko opposed.

PCW18-06 (Curb and gutter)

Mr. Steve Stolipher made a motion to accept the waiver request that curb and gutter not be required. Sidewalks are not part of this request.

Mr. Ron Thomas seconded the motion.

A vote was taken which passed unanimously. (7-0)

Reconsideration of Concept Plan for Magnolia Springs Subdivision. (PC File# 18-05)

Mr. Steve Stolipher made a motion to modify the previous motion approving the Concept Plan to clarify that if the city approved the design of Allegheny Street does not meet the County Subdivision Regulation requirements, then the City of Charles Town requirements will prevail.

Mr. Wade Louthan seconded the motion. A vote was taken which carried unanimously (8-0).

Mr. Fisher called for a 10 minute break at 8:55 PM.

The meeting reconvened at 9:05 PM.

10. A Discussion was held for possible action on the public comment received on proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA17-01. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 10 Provisions for Signs. The primary purpose of this amendment is to create provisions to allow electronic signs in Jefferson

County. The amendment also includes reorganization of existing text for clarification. (*This item was left open for two weeks after the 3/13/18 Public Hearing for written comments.*)

Ms. Alex Beaulieu gave an overview of public comment received. The majority of comments were a concern for the brightness level (NIT). The manufacturer of the lights can preset the brightness level. She stated that the proposed draft language of 600 NITS was recommended as a starting point for the brightness level at night.

Mr. Ray Bruning suggested reducing the NIT level from the draft's 7,000 during the day to 3,000 during the day and from the draft's 600 at night to 100 at night in rural areas and 150 at night in brighter areas.

Ms. Beaulieu suggested that variances may could be sought for brighter NIT levels.

Mr. Bruning made a motion to amend the text to allow for a brightness of 3,000 NITS during the day and 100 NITS at night.

Mr. Stolipher seconded the motion. A vote was taken which carried unanimously (8-0).

Mr. Onoszko suggested that a comment be included in the packet to the County Commission that explains why there is a need for a sign to be brighter during the day.

Ms. Brockman reminded the Planning Commission that this item will be heard at a Public Hearing held by the County Commission.

Discussion ensued.

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

a) Active Litigation:

- None

12. Planners Memo.

13. President's Report. None

14. Actionable Correspondence. None

15. Non-Actionable Correspondence. None

Mr. Fisher motioned to adjourn the meeting at 9:23 PM with no objections.