

Meeting Minutes
Jefferson County Planning Commission
April 09, 2019

The Jefferson County Planning Commission met on April 09, 2019 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Mike Shepp, Ron Thomas, J Ware and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Alex Beaulieu, Zoning Administrator; Nathan Cochran, Assistant Prosecuting Attorney; and Rachael Burke, Planning Clerk.

J. Ware arrived at 7:08 PM.

Mr. Fisher called the meeting to order at 6:59 PM.

1. Approval of the March 12, 2019 Meeting Minutes. The meeting minutes were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. Public Hearing: Waiver request by Jefferson County Parks & Recreation Commission (File #19-5-PCW). Applicant is requesting a waiver from Appendix B Sections 2.5, 10.4 & 10.5 of the Subdivision and Land Development Regulations to waive the required paved parking and to continue to utilize grass and gravel parking in the park for large events at the amphitheater. The property is designated as Tax District: Charles Town (02); Tax Map: 3; Parcel 12. Zoned: Rural; Size 136.6 acres.

Ms. Brockman provided an overview of her staff report, the new Master Plan for Sam Michael's Park, and the contents of the 2000 Site Plan.

Jennifer Myers, Director of Jefferson County Parks and Recreation, was invited to speak. Ms. Myers explained that in 2000, a Master Plan was approved for Sam Michaels' Park and that in 2006, a Concept Plan for the Community Center was completed which altered locations of a variety of recommendations of the 2000 Plan.

In December of 2018, the Parks and Recreation Board approved the new Master Plan for Sam Michael's Park. She stated that parking was a large discussion as part of this new plan and mentioned some of the events that have been held there previously: Fireworks, Arts & Crafts and others. She explained that these are the seasonal events and that this is not a daily parking concern. She stated that approximately 8,000 -10,000 people park for Fireworks, which is their largest event. The Boy Scouts, Reserve and Sheriff's Department assist with the event parking in these situations. She does not anticipate huge amounts of traffic for the amphitheater events, and estimates approximately 2500 at most. Jefferson County Parks and Recreation is asking to utilize the grass fields off of Job Corps Road for overflow, without having to pave. She estimated that events such as Movie Night usually accommodate 200 people at most. This event will also move to the amphitheater for summer. There are 3 events planned for the use of this new area at this time, but would like approval for 6-8 weeks this summer and fall.

Ms. Brockman pointed out that the construction of the amphitheater is the last thing that they can do under the existing Site Plan. Each time new construction has occurred at the park, the park staff has submitted documentation to Engineering to verify that the stormwater design

from the 2000 Site Plan is still accurate. The construction of the amphitheater is the last impervious that can occur under that site plan. A new overall Concept Plan based on the new Master Plan will be presented to the Planning Commission in the near future prior to any additional construction.

Mr. Saunders spoke to the staff considerations listed in the staff report. He stated that staff recommends limiting approval of the waiver from Memorial Day through Labor Day and suggested a documented parking plan, signage and how weather conditions affect the use of these parking spaces. It was also clarified that the firework parking is the only activity where the Park cannot use the paved lots, due to where the fireworks are set off.

Discussion between the Planning Commission and Jennifer Myers took place regarding pedestrian walking areas; the dog park; and other park plans. Ms. Myers also responded to the staff recommendations by requesting to extend the dates of use for grass parking for the amphitheater past Labor Day for a Bluegrass Festival planned for the fall season; not limiting the number of events to allow the amphitheater to be used for events, to promote people to stay local. She further stated that the Sheriff's Department has a parking plan and the front fields are not mowed. Mr. Mike Shepp asked if the end of October would work better. How many events per week would need overflow parking? Jennifer Myers said potentially 2-3 per week would be ideal. Mr. Saunders suggested a rotation of parking because there are 160 paved spaces and 2 gravel lots with a similar number of spaces total plus the grass parking. Ms. Myers pointed out that in order to adequately control access to the amphitheater for events, the parking preference is the grass.

Mr. Fisher opened the floor for public comment (3 minute reminder).

Mr. David Tabb spoke about his concerns with this facility, questioned whether the Planning Commission approved the new plan for the amphitheater, and why they would waive the required parking. He brought up the stormwater plan being maxed out and stated that he will bring these concerns up with DEP. He also stated that these uses were not intended in the deed.

Mr. Fisher closed the floor to Public Comment.

Ms. Brockman clarified there is an approved Site Plan for the Park and every time new construction occurs, a Redline Revision and a Building Permit is completed in-house. It was a 20-year plan and the amphitheater is the last thing to be constructed under this Site Plan. Staff reviews the original Site Plan and the Ordinance and Regulation requirements for every new project at the Park. The Amphitheater was approved under the last redline revision. The Parks and Recreation Commission is responsible for developing the Master Plan for the Park and are aware that a new Site Plan will be required before any additional structures can be constructed. Site Plans are reviewed typically by staff and do not require a Planning Commission meeting.

Mr. Steve Stolipher made a motion to approve the waiver as submitted, excluding number 1 (which outlined the number of events) and Mr. Hefestay seconded the motion, which carried unanimously.

5. Variance Request by Roderick Planes, LLC. for Aspen Greens Phase IIB (File # 19-1-PCV). Applicant is requesting a waiver from Section 8.2a(2) of the 1979 Subdivision Ordinance that

requires two entrances for a subdivision with more than 50 lots. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19; Zoned: Rural; Size 110 acres.

Mr. Nathan Cochran recused himself because he worked on a case at the Supreme Court level regarding this subdivision.

Ms. Brockman provided an overview of her staff report referencing the diagram and where Phase IIB is located and staff recommendations regarding designing and bonding the connecting road as an option to meet the Ordinance requirements.

Mr. Fred Gates, with Gates Associated, presented the variance request. He reminded the Planning Commission that Aspen Greens is processing under the 1979 Subdivision Ordinance. He stated that the proposed Phase IIB will result in a total of 65 dwelling units that will be accessing the Flowing Springs entrance. This is 15 units over the maximum of 50 lots permitted by the Ordinance. He pointed out that the Phase II portion of the plat reflects internal loop roads required by staff at an earlier phase. He believes that the loop of Ladys Thumb Circle provides adequate emergency circulation within Phases IIA and IIB. The full loop of Quaking Aspen Way and Wintergreen Way, which will provide the two required access points, is proposed to with Phases IB and III. Mr. Gates explained the market has been cooling and the completion of the loop requires an expensive drainage crossing. He explained if there is an emergency vehicle situation the access off Flowing Springs Road is designed with have mountable curbs and there should not be any safety issues. Each section also has fire flow hydrants as well.

Mr. Morris Gladhill, developer, then spoke about construction efficiency versus economics. He explained they strip topsoil and do blasting on the entire phase at one time. If they were to grade this road, it would have to be re-done at a later point, thus costing more. They also explained that single family lots are not being purchased at the same rate as they were in the 2000's. By granting these additional lots, they will have more choices for potential buyers to have walk out basements, variety and options for purchase. As they have structured the various phases, they have emphasized the importance of the stormwater, and the proposed Phase IIB lots would remain efficient with their current practices. Last September was the last time the builder has purchased a lot in Aspen Greens.

The Planning Commission asked for clarity about the loop road. Ms. Brockman stated it does meet county grade standards. The applicants stated that the width allows for some room in case passing would need to occur. Mr. Mike Shepp asked how far back the wider boulevard entrance goes. Jonathan Saunders stated that it goes back 200 feet back. The current design is wider than required and there is no fencing or blockage for emergency vehicles.

Mr. Fisher opened the floor for public comment. No public comment was received.

Mr. Fisher closed the public hearing.

Mr. Stolipher moved to approve the variance as requested by the applicant, Wade Louthan seconded it and the motion carried.

- 6. Public Hearing:** Waiver request by Harry & Garnett Catrow (File #19-6-PCW). Applicant is requesting a waiver from Section 20.201A (2) of the Subdivision and Land Development Regulations which states that all lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement. Applicant is requesting that a new lot being

proposed from the Residue of the Catrow Minor Subdivision Lots 1, 2, & 3 (PB25/PG211) be permitted to have direct access to Sandpiper Lane, which is an existing private road within a 40' right of way previously approved to serve Mecklenberg Heights. The property is designated as Tax District: Shepherdstown (09); Tax Map: 7; Parcel: 32.15. Zoned: Residential Growth; Size: 21.998 acres.

Ms. Brockman explained request is for one new lot to have direct access to Sandpiper Lane, which would become part of the Mecklenburg Maintenance Association, which submitted a letter of support. This is the final lot allowed, before becoming a Major Subdivision.

Mr. Paul Raco presented the applicant's request. He explained the developer was originally approved for seven lots on this property and this is the last one with this frontage. He reviewed surrounding properties and the acceptance of this new lot by Mecklenburg Maintenance Association. He explained that while 50 feet is now required for new street right of ways, Sandpiper Lane is an existing road that is constructed and maintained within the 40-foot right-of-way without issue and that this will be the last lot to access Sandpiper Lane directly. He stated that this property is within Shepherdstown Preferred Growth Area and their Urban Growth Boundary and is slated for urban level growth.

Mr. Fisher opened the floor for public comment. No public comment was received.

Mr. Fisher closed the public hearing.

Mr. Hefestay made a motion to approve the waiver with staff recommendation that it applies to this one lot. Mr. Stolipher seconded the motion and it carried unanimously.

7. Update on Request for Qualifications (RFQ)

Steve Stolipher reported that the Committee had reviewed the edits that the Planning, Zoning and Engineering staff had made to the draft RFQ and was ok the final draft. Roger Goodwin has informed the Committee that that the Planning Commission needs to place this on the County Commission agenda to get permission to run the ad. The Planning Commission requested that staff to assist with placing it on the next County Commission meeting agenda.

8. Discussion of Potential Zoning Ordinance Amendments

Alex Beaulieu, Zoning Administrator and Mr. Cochran reported that Mr. Cochran recommends delaying the sign ordinance amendments, as they are under legal review. Mr. Cochran would like to review case law further first.

Ms. Beaulieu also reported that a citizen has requested a text amendment to Article 2 Definitions; Section 8.14 Rural Reception/Event Facility; and Appendix C to create a process to allow event facilities in new rural structures as well as existing structures. This request is to incorporate this proposal into the Planning Commission's work plan in accordance with Article 12 and provide some direction regarding this request. The Planning Commission agreed to have staff begin to work on this amendment.

Mr. Lorenzetti asked how Virginia can have so many wineries and Ms. Beaulieu stated she would look into this further. Ms. Brockman stated this may relate to Virginia's state law and Ms. Beaulieu stated that it may have to with building code which is impacting the reuse of existing structures for these uses.

9. Discussion and Action of 3rd Quarterly Report for County Commission

Mr. Stolipher moved that they accept the 3rd Quarterly Report prepared by staff and Mr. Fisher seconded the motion. The motion carried unanimously to send to County Commission.

10. Reports from Legal Counsel

Nathan Cochran drafted the letter to Shepherdstown in response to their request and the Planning Commission took a moment to review the letter. Mr. Shepp made a motion to approve the letter as it is written. Mr. Fisher seconded the motion and it carried unanimously. Mr. Fisher will sign and staff will send on his behalf.

11. Planner's Memo:

Ms. Brockman reported back to the Planning Commission regarding the previous Morgan Grove Market Site. She reported that Mr. Joe Kent, the County's Land Development Inspector, stated the County is holding an early grading bond for \$102,000, posted by Peter Corum. This bond is still in place.

Ms. Brockman also briefly reviewed the pending Zoning Ordinance and Subdivision Regulation Text Amendments that are currently on hold while a consultant is being considered.

Ms. Brockman reported that she will not be in attendance at the May 14, 2019 Planning Commission as she will be attending the WVU's Fourth Annual Statewide Mountain State Land Use Academy. Alex Beaulieu and Jonathan Saunders will be at the meeting.

A reminder of the League of Women Voter's Open Meeting Training was also distributed.

12. President's Report. None.

13. Actionable Correspondence. None.

14. Non-Actionable Correspondence. None.

Mr. Fisher closed the meeting at 8:16 PM.