

Meeting Minutes  
Jefferson County Planning Commission  
May 14, 2019

The Jefferson County Planning Commission met on May 14, 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 and Ray Bruning. Staff members present included: Alex Beaulieu, Zoning Administrator; Jonathon Saunders, County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; and Rachael Burke, Planning Clerk.

J. Ware, Ron Thomas and Jennifer Brockman were absent with prior notification.

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

1. Approval of the April 09, 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 R & D Investments, LLC. (File # 19-7-PCW). Applicant is requesting a waiver from Sections 24.113-24.115 of the Subdivision and Land Development Regulations to waive the Preliminary Plat because no infrastructure is proposed with this project. The property is designated as Tax District: Shepherdstown (09); Tax Map: 18; Parcel: 5; Zoned: Rural; Size: 12.5 acres.

Ms. Beaulieu asked the applicant to come forward to present their request.

Mike Roberts, surveyor, explained where the property is located and verified the current acreage in question, actually 12.5 acres after subdivision. Rawhide Lane is a recorded existing non-exclusive right of way, which they intend to expand to 50' from the current 40'. The recorded right of way is on the subject property. The applicant is now proposing 4 lots instead of 6, which would take an entrance off 230 and reduce traffic on this road. The average size of lots is 3 acres.

The Planning Commission asked about road maintenance and the location of the potential cemetery, from the previous meeting, per staff recommendations. Mr. Roberts clarified that the cemetery could be near the house on the Greenspace and that no depressions have been found thus far in clean up on this parcel.

Ms. Beaulieu explained that the comment that the developer will work with the Jefferson County Historic Landmarks Commission (JCHLC) to identify and if possible, preserve the possible slave cemetery was discussed during the November 2018 Public Workshop for Pikeview Manor (File #'s: PCW 18-15 & PCW 18-16) and was a condition of approval. Staff recommends that this previous condition be included with the approval of this current waiver. Additionally, staff recommends that the developer document that the Mountain Vista HOA supports the addition of the 4 lots to access Rawhide Lane and that the developer provide a permanent conservation easement on the final plat at the lowest point on each lot in conformance with the criteria of the Stormwater Management (SWM) Ordinance cited in the staff report.

Discussion ensued regarding the road maintenance, highway entrance permit needing to be updated (depending on current waiver approval), the possible slave cemetery and Mr.

Saunders explained that if this waiver is approved, the Preliminary Plat will be waived and Stormwater Management will still be addressed. The applicant is reducing the impervious, therefore the compromise is that the conservation easement be produced by the developer. This easement will be a wooded area to help with water quality, but water quantity which would require further engineering would not be required. This would mean no mowing this area, natural conditions would be at the lowest point on each lot.

Mr. Shepp asked if the owner was okay with the 3 conditions and Mr. Roberts explained they are.

Mr. Fisher opened the floor for public comment.

The following people spoke regarding the request:

Sherry Duncan – 5104 Shepherdstown Pike; She has concerns about further subdivision due to widening of road.

John Dockman – 370 Rawhide Ln.: He stated he attended November meeting and was trying to understand the changes regarding access, amount of homes and the Traffic Impact Study (TIS). Also, HOA concerns with ownership of road, impact to existing homeowners. Ms. Beaulieu addressed the density rights and acreage questions.

Michelle Dockman (same address)

Mr. Fisher closed public comment.

Staff, Planning Commission and Applicant answered questions that came up in public comment. Ms. Beaulieu explained that 12 lots are allowed on a county grade road as proposed. Twelve lots are also permitted per the Family Transfer Provision. Mr. Saunders elaborated that more than 12 lots would require a paved road and Family Transfers would need a waiver due to the 40' road, which would be heard by the Planning Commission. The plat shows Rawhide Lane as an easement across this land. This means the new homes will own the road and have the right to use, but that the HOA upkeeps it. Mr. Saunders explained the HOA has the right to use this land/road.

Mr. Stolipher made a motion to approve the waiver with the following conditions of approval: to obtain a road maintenance agreement with Mountain Vista HOA (to be established for Rawhide Lane), a permanent conservation easement on the final plat on the lowest part of each lot, and the developer agrees to work with the JCHLC to identify and preserve possible slave cemetery. The motion carried.

- 5. Discussion and Action:** For the Planning Commission to vote to approve or deny the Ancient Oaks Preliminary Plat Application (File # 17-20) as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulations, for the purpose of scheduling a Public Hearing for this application. The Property is designated as Tax District: Middleway (07); Tax Map: 20; Parcel 8 Zoned: Rural; Size: 43.96 acres.

Ms. Beaulieu explained that the Planning Commission is required to deem this application as complete, to be able to schedule the public hearing for June, in accordance with the Subdivision Regulations.

Mr. Shepp asked if Mr. Roberts had the appropriate approvals and that we should move forward with the staff approval.

Mr. Stolipher made a motion to deem the file complete and move forward with public hearing, the motion carried.

6. Reports from Legal Counsel

The Planning Commission asked about the status of the sign ordinance update. Nathan stated that it has been discussed and if the RFQ for the ordinance amendments are going to occur, this may be included in these revisions at that time.

Mr. Stolipher announced that the RFQ has been advertise and that applications are due on 6/14/19. If funded, we will include sign provisions of the Zoning Ordinance can be updated as a part of these amendments.

7. Planner's Memo:

8. Actionable Correspondence. None.

9. Non-Actionable Correspondence. None.

Mr. Fisher closed the meeting at 7:42 PM.