

Meeting Minutes
Jefferson County Planning Commission
June 11, 2019

The Jefferson County Planning Commission met on June 11, 2019 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Ron Thomas, Mike Shepp and Ray Bruning. Staff members present included: Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; and Rachael Burke, Planning Clerk.

J. Ware and Nathan Cochran were absent with prior notification.

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

1. Approval of the May 14, 2019 Meeting Minutes. The meeting minutes were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Request by property owners, Willie & Kristi Haines for a Final Plat Amendment in accordance with Section 24.202A of the Subdivision Regulations. Applicant is requesting to have the single family restriction lifted from Lot 10 of the Fieldstone Estates Subdivision (File # 05-11). This Subdivision can be found in Plat Book 22; Page 87. The note in reference is #6. The property is designated as Tax District: Kabletown (06); Tax Map: 20; Parcel: 2.16. Zoned: Rural; Size: 10.2 acres.

Ms. Brockman explained the 1979 Subdivision Ordinance and why this request requires the approval of the Planning Commission.

Applicant provided clarity, wants a detached in-law suite to include 1 bedroom, kitchenette and bath for Mother-In Law. This will be constructed by a licensed contractor.

Ms. Brockman explained that this use is permitted for properties having over 2 acres but this lot has a single family restriction which was required under the previous Subdivision Regulations to be listed on the final plat.

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

Mr. Fisher closed public comment.

Mr. Stolipher made a motion to approve the waiver as requested. The motion carried unanimously.

Ms. Brockman stated that this approval would allow the applicants to apply for a building permit but asked the Commission to clarify if they agree that if the applicants choose to amend final plat, staff may review and approve the amendment administratively. The commission agreed that the applicant would not have to come back before them to do so.

5. **Public Hearing:** Request by the applicant, Roberts Land Surveying to approve the Preliminary Plat for Ancient Oaks Subdivision (File # 17-20), in accordance with the Sections 24.114 and 24.115 of the Subdivision Regulations. The property is designated as Tax District: Middleway (07); Tax Map: 20; Parcel 8 Zoned: Rural; Size: 43.96 acres.

Ms. Brockman reviewed the location and history of this project. She reported this would be the last public meeting for the Ancient Oaks subdivision and the only item outstanding is the Phase I Archaeological Study.

Mr. Fisher asked if anyone had questions for Mike Roberts, applicant.

Discussion ensued regarding the requirement in the Subdivision Regulations for the Phase I Archaeological Study and another project Mike Roberts is working on, Pikeview Manor.

Mr. Fisher opened the floor to public comment.

Shawn Tuitele, neighbor, stated that he was concerned about traffic and noise but that his questions were answered due to the size of the lots being larger.

Ms. Brockman stated that 50% is being retained as green space/farm which will utilize the existing Willingham Road access and that the proposed subdivision lots will access Middleway Pike.

Mr. Fisher closed Public Comment.

Mr. Stolipher made a motion to approve the Preliminary Plat with a provision that they satisfy the Phase I Archaeological Study requirement. The motion carried.

6. **Public Hearing:** Waiver request by Blossman Gas, Inc. (File # 19-8-PCW). Applicant is requesting a waiver from Section 22.208A and Appendix B Section 10.6 of the Subdivision and Land Development Regulations that requires sidewalks along the road Right-of-Way. Applicant is requesting to waive the required sidewalk along War Admiral Drive and to provide a 10' easement in lieu of the sidewalk. The property is designated as Tax District: Charles Town (02); Map: 1; Parcel: 65. Zoned: Light Industrial; Size: 2.31.

Ms. Brockman provided an overview of the relationship of the right of way for War Admiral Blvd and the proposed site development and the requirements for sidewalks set by the Subdivision Regulations.

Applicant, Chad Wallen with Gordon, pointed out that Section 10.6 of Appendix B allowed staff the authority for an administrative waiver of the sidewalk with a 10' easement in lieu of construction when, in the judgement of staff, this is the preferred option. He stated that there is nothing to connect a sidewalk to currently and the area is fully developed on both sides of the property. This area is part of the Burr Industrial Park, which is not required to have sidewalks.

Ms. Brockman showed lot layout, which reflected how the property sits back off the road. She reminded the Planning Commission that the policy has generally been that the provision for administratively waiving this requirement has only been applied in the Rural zoning district for isolated properties. Requests to waive the sidewalk requirement for property in a commercial or industrial zoning district are generally taken before the Planning Commission for and public hearing and the Commission's approval. consistency rather than administratively waiving within the Light Industrial Zone. She also clarified the other lots that are part of the Burr Industrial Park do not access War Admiral Drive.

Mr. Fisher opened the floor to Public Comment. No public comment was received. The Public Hearing was closed.

Mr. Stolipher stated that he thinks the Department of Highways would be responsible for constructing any sidewalk along War Admiral Drive and therefore, he moved to approve the waiver of the sidewalk requirement and moved to waive the alternative 10' easement provision due to the width of the right-of-way .

Ray Bruning seconded the motion. The vote was 7 for and 1 opposed (Ron Thomas). The motion carried.

7. **Discussion and Possible Action:** Shepherdstown Planning Commission to discuss next steps regarding the drafting of the WV 45 Special Design Area Guidelines, originally presented outline from May of 2018.

Ms. Brockman explained that there is a list of amendments the Planning Commission and staff would like to pursue and that the Planning Commission is in the process of requesting qualifications to hire a consultant to assist with this effort. The Shepherdstown Planning Commission is offering to help draft the amendment and bring this back to the Planning Commission to review. All work done could be given to the consultant if one was hired as a result of the RFQ. She also reviewed the request of the Shepherdstown Planning Commission to designate a member of the Shepherdstown Planning Commission to attend JCPC meetings as an "Advisory Member" and stated that she spoke with Nathan Cochran. He determined that it was not necessary to be that formal, but anyone is welcome to attend and comment on behalf of the Shepherdstown Planning Commission. The Shepherdstown Planning Commission approved Commissioner Christopher Cafiero as an "Advisory Member" to the Jefferson County Planning Commission and he was present at the meeting. It was noted that all agendas and Planning Commission packets are posted on the County website and anyone can sign up to receive the alerts when they are posted.

8. **Discussion and Possible Action (Zoning Text Amendments):**

- Petition by Pastor Tanie Guy, Church of the Ascension, in conformance with Section 12.4(b) of the Jefferson County Zoning Ordinance, to amend "Appendix C: Principle Permitted and Conditional Uses Table" to change the provision for Churches in the IC Zone from Not Permitted (NP) to a Conditional Use (CU). A Public Hearing may be scheduled to address this petition.
- ZTA19-01 Proposed at the 4/9/19 PC meeting regarding proposed revisions 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 (draft language included). A Public Hearing may be scheduled to address this petition.

Ms. Brockman provided an overview of these proposed Zoning Ordinance text amendments and the process for the Planning Commission to consider them. These can be placed on July 9, 2019 agenda for a Public Hearing if the Planning Commission is ready to proceed. She explained the difference between the proposed text amendment and the current Rural Reception requirement. The Planning Commission and staff discussed the amendments and process.

Mr. Fisher made a motion to hold a Public Hearing for these amendments at the next scheduled meeting, July 9, 2019 and Mr. Stolipher seconded the motion; The motion carried.

9. **Discussion and Possible Action:** League of Women Voters' Open Governmental Meetings Act questionnaire for Planning Commission response due June 18, 2019. Planning Commission member to participate in LWV interview should be selected.

Ms. Brockman walked through the questionnaire answers and stated that the League of Women Voters want a staff and board member to participate in a follow up interview to ensure that all meetings and actions comply with the Open Meetings Act.

Mr. Stolipher moved to nominate Wade Louthan, Secretary, to meet with the League of Women Voters to follow up with an interview. Mr. Hefestay seconded the motion.

10. Reports from Legal Counsel. None.

11. Planner's Memo:

- RFQ Update, Mrs. Brockman explained that the RFQ was posted and that we have had 2-3 e-mails with questions and 1 application received at this time. She suggested a PC Committee meeting to review these and then touching base with staff. Mr. Stolipher stated the committee consists of Mr. Fisher, himself and Mr. Shepp.

12. Actionable Correspondence. None.

13. Non-Actionable Correspondence: 2 letters received with concerns about a recently approved Boundary Line Adjustment reconfiguring three small lots on Euclid Ave. The Boundary Line Adjustment was administratively approved and does not require Planning Commission approval.

A member of the public stated that their water line was hit during construction. Ms. Brockman explained that the Charles Town Utility Board is now involved in this matter and the Building Department has been handling this permit approval. These are small lots with small setbacks.

Mr. Fisher stated that the people should have signed up for Public Comment. The gentlemen asked who has jurisdiction over this. Ms. Brockman explained that Staff reviewed the Boundary Line Adjustment and that Planning Commission has no purview in this situation. The building lines are set in the ordinance and the builder is meeting the setbacks at this time. The lines were indicated, but there were no utility easements identified on the merger plats. She also clarified that there are two houses under construction at this time. Ms. Burke, Planning Clerk clarified discussions with Ms. Baumgardner had in our office with Becky Burns, Office Manager, and herself.

Mr. Fisher closed the meeting at 7:59 PM.