

Minutes
Jefferson County Planning Commission
August 13, 2013

The Jefferson County Planning Commission met on August 13, 2013, with the following Commission members present: Paul Taylor, President; Daniel Hayes, Vice President; Gene Taylor, Secretary; Walt Pellish, Stephen Stolipher, Darlene Truman, Wade Louthan, and Bill McLeod. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, County Planner; Jonathan Saunders, County Engineer; and Alexandra Beaulieu, Planning Clerk.

Planning Commission member Gary Phalen was absent without notice.

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

1. **Welcoming of new Planning Commissioner, William McLeod.**
2. **Approval of the minutes from the July 09, 2013 Planning Commission Meeting.**

Mr. Hayes motioned to approve the minutes. Mr. Pellish seconded the motion, which carried unanimously.

3. **Approval of the minutes from the July 23, 2013 Planning Commission Meeting.**

Mr. Hayes motions to approve the minutes. Ms. Truman seconded the motion. The motion carried unanimously, with two abstentions (Mr. P. Taylor and Mr. G. Taylor).

4. **Citizen Communications (hereinafter known as CC).** None.

5. **Request for postponement.** None.

6. **CIS Amendment Public Hearing: Allstadt's Corner (PC File #07-10) to be amended to Allstadt's Corner Business Center. Property is located at the intersection of Route 340 and Millville Road, where the Flea Market is currently located.**

Mr. Rivard provided a staff report recommending the Planning Commission approve the amended CIS as proposed. He reviewed the changes as outlined within the amended CIS noting that the most significant change would be the elimination of residential lots and the creation of five non-residential lots. Mr. Rivard stated that this change would be permitted as the property was rezoned from Residential Growth to Residential-Light Industrial-Commercial on January 12, 2012.

Mr. P. Taylor invited the applicant to speak.

Mr. Michael Shepp with Appalachian Surveys spoke on behalf of applicants James and Barbara Gibson. He stated that the property was rezoned in response to the public's feedback during the initial CIS workshop indicated a need for additional commercial uses and business opportunities in the county. Mr. Shepp noted that the revised CIS includes a total of six (6) lots, of which five (5) are non-residential and the sixth lot contains the existing Allstadt's House and Ordinary. The five (5) non-residential lots will be used for flex commercial space, office buildings, retail space, etc. as permitted within the Zoning Ordinance. Mr. Shepp stated that the applicants will be required to go through two (2) distinct processes, the first being the subdivision review process which includes the CIS, preliminary plat, and final plat. He stated that the second process would require a site plan be submitted as each lot is sold. Mr. Shepp stated that he would be happy to answer questions from the commissioners.

Mr. P. Taylor opened the floor for public comment. He stated that no one signed up to speak.

Mr. Hayes motioned to close public comment. Ms. Truman seconded the motion, which carried unanimously.

Mr. G. Taylor inquired as to whether any provisions had been made to keep or re-located the existing Flea Market.

Mr. Shepp stated that the owners had not made any provisions to re-locate the Flea Market. He noted that both Wilts Fruit Stand and the Flea Market could purchase a lot to continue in their current location.

Mr. Hayes inquired as to the role of the Planning Commission with regard to the revised CIS.

Mr. Rivard stated that the Planning Commission would need to determine whether the site was a suitable location for the project and whether they approved or disapproved of the revised CIS.

Ms. Brockman stated that the Planning Commission action would not prevent the applicant from moving forward but would make it difficult for the applicant to show they are in conformance with the CIS during the preliminary and final plat stages.

Mr. Shepp stated that the Planning Commission would need to accept or reject the CIS. He noted that rejecting the CIS would not prevent the applicant from moving forward, but that if the Planning Commission were to reject the CIS they would then need to inform the applicant, under the findings of fact and conclusions of law, what changes would need to be made during the rest of the development review process to make the project acceptable.

Ms. Brockman stated that the preliminary and final plat would process under the previous ordinance. She stated that the preliminary plat would process administratively and would not go before the Planning Commission but that the final plat would require a public hearing.

Ms. Brockman confirmed that individual lots would process under the minor site plan review for administrative approval.

Mr. Hayes motioned to approve the revised CIS.

Mr. Stolipher seconded the motion.

Mr. McLeod inquired as to whether there would be additional notices provided to the public regarding the plans to commercially develop the site.

Ms. Brockman stated that there was only one notice period and that it included an ad in the paper and three (3) placards posted on the property.

Mr. McLeod inquired as to whether the public would be provided an opportunity to address the mixed use zoning and proposed plans for the site.

Mr. Rivard stated that the advertising and noticing requirements had been met as provided in the ordinance. He noted that the public was provided the opportunity to attend the public hearing and no one attended.

Ms. Brockman stated that commercial use on the lot had not appeared to be a public concern.

Mr. P. Taylor requested that Mr. Hayes re-state the motion.

Mr. Hayes stated that the motion was to accept the Community Impact Statement as written.

Mr. P. Taylor requested confirmation that the motion had been seconded.

Mr. Stolipher confirmed that the motion had been seconded.

Mr. P. Taylor called the motion to vote and stated that the motion carried unanimously.

7. **Public Hearing: Request by applicant Bloomery Plantation Distillery (File #PCW13-07, -08, and -09) to be represented by Thomas Kiefer and Linda Losey for a waiver from the following sections of the Jefferson County Subdivision and Land Development Regulations:**
- a. **PCW13-07:** Appendix B, Section 2.2: Request for waiver from the requirements for driveway width and depth.
 - b. **PCW13-08:** Appendix B, Section 9.4: Request for an increase in maximum driveway slope requirements from 8% to 20%.
 - c. **PCW13-09:** Appendix B, Section 4.3: Request for a waiver from the requirement to provide stormwater management for all areas of site that are to be disturbed.

Mr. Hayes inquired whether the waiver requests should be considered individually or as a whole.

Ms. Brockman stated that a separate motion should be made for each waiver request. She noted that the presentation could be an overview of the entire project.

Mr. Rivard provided a staff report and recommended the Planning Commission approve the waivers as requested, provided that the width of the existing driveway was no less than 13 feet.

Mr. Saunders provided an engineering report and recommended the Planning Commission deny the waivers as requested. He stated that if the Planning Commission should approve the waiver request for an increase in maximum driveway slope from the previously approved 15% to 20%, the engineering department recommended the access drive be asphalt paved.

Mr. Groh clarified that engineering was recommending asphalt only for the steep grade section of the driveway. Mr. Saunders affirmed.

The Planning Commission members discussed issues that could arise if the waiver request for a reduction in the required minimum depth of stone from nine (9) to six (6) inches was approved. It was noted that the property owners would be responsible for regular maintenance and would be liable if any accidents would occur on the driveway.

Mr. P. Taylor invited the applicant to speak.

Ms. Linda Losey requested that the Planning Commission consider the three waiver requests which would allow the Distillery to maintain the rural aspect of their farm. She stated that the driveway entrance would be widened and paved according to commercial standards and that the waiver request related to the driveway was for the section at the steep grade. Ms. Losey stated that it was in the best interest of the county to preserve the natural resources of the property, including the historic trees.

Mr. P. Taylor opened the floor for public comment.

Mr. Rob Losey stated that the heaviest truck utilizing the driveway was the weekly propane truck and noted that limousines and coach buses access the driveway without any issues.

Mr. John Reisenweber stated that the county should support the preservation of the Losey's farm business. He stated that the creation of the new Route 9 drastically reduced traffic along Route 115, which runs in front of the Distillery entrance.

Mr. Garland Armstrong stated he was Mr. Thomas Weller's Power of Attorney. He stated that Mr. Weller was an adjoining property owner located off to the right side near the

Distillery's entrance. Mr. Armstrong stated that several accidents had occurred on the road in the past. He requested that the Losey's widen and pave the driveway entrance.

Mr. Losey stated that he and Ms. Losey planned to upgrade the entrance of the driveway to meet commercial standards.

Mr. Eric Donnel stated he was in support of the waiver as requested by the applicant.

Mr. P. Taylor noted that no one else was signed up to speak for the public hearing.

Mr. Hayes motioned to close public comment.

Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Stolipher motioned to approve all three waivers as requested.

Mr. Hayes inquired on the traffic flow to the Distillery.

Mr. Losey stated that there were occasional deliveries from UPS/FedEx trucks and that there was a weekly propane delivery. He noted that there was full line of sight from the bottom to the top of the hill. Mr. Losey estimated that two-way traffic occurred a dozen times over a weekend.

The Planning Commissioners discussed the proposed increase in impervious area. It was determined by staff that based on the site plan, which proposed a parking area of seven (7) spaces near the building, that the overall increase in impervious area would be roughly 10% or approximately 2,000 square feet. It was noted that the increase would be nominal and that the existing trees and rock outcroppings served as natural buffers.

Ms. Brockman stated that in order to implement the stormwater management component they would have to disturb trees and rock outcroppings, which would create more drainage issues and sedimentation. She stated that it was important for the Planning Commission to consider the nuances unique to the Distillery.

Mr. Stolipher restated the motion to approve all three waivers as requested.

Mr. Pellish seconded the motion, which carried unanimously.

8. **Request withdrawn by applicant:** *Public Hearing: Request by Jefferson County Parks and Recreation (PCW13-10) for a waiver from Appendix B, Section 3.1.A and Appendix A, 1.3.A.24 of the current Jefferson County Subdivision and Land Development Regulations requiring a permit from the Jefferson County Health Department prior to approval of the Preliminary or Final Plat.*
9. **Discussion and possible recommendation regarding the proposed text amendments to the following sections of the Zoning and Land Development Ordinance: 2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2. Review comments compiled from June 11, 2013 meeting.**

Ms. Brockman reviewed comments compiled from the June 11, 2013 Planning Commission meeting.

The Planning Commissioners discussed the need to keep the regulations flexible.

Mr. Stolipher motioned to send the proposed amendments to the County Commission with a recommendation for approval.

Mr. Pellish seconded the motion, which carried unanimously.

Mr. P. Taylor called for a recess 8:37 PM. Mr. P. Taylor called the meeting to back to order at 8:42 PM.

10. Discussion and possible recommendation regarding the Proposed Stormwater Management Ordinance and Text Amendments for the Subdivision and Land Development Regulations and to amend such other articles, sections, subsections, and provisions of the regulations as necessary to implement and maintain consistency with the foregoing amendments.

Mr. Erik Genga with Delta Development Group reviewed public comments received since the July 9, 2013 public hearing meeting. Mr. Genga confirmed that the only comments received were those submitted by Gordon and Associates and Mike Wiley during the previous meeting.

Mr. Goodwin stated that there were two opportunities for the public to submit comments related to the Stormwater Management Ordinance prior to the July 9, 2013 Planning Commission Public Hearing and that at each meeting there were 3-4 stakeholders in attendance. He noted that the comments provided during those two meetings were incorporated into the draft version of the Stormwater Management Ordinance that came before the Planning Commission for review.

Mr. Hayes motioned to forward the revised Subdivision Regulations and the Stormwater Management Ordinance as presented on August 13, 2013 to the County Commission with a recommendation for approval.

Ms. Truman seconded the motion. The motion carried unanimously, with one abstention (Mr. McLeod).

11. Reports from Legal Counsel and legal advice to the Planning Commission. None.

12. Director's Report.

- **Update on 2014 Comprehensive Plan.**

Ms. Brockman stated there was still a need for volunteers to participate in the fair by sitting at the booth. She requested that any of the Planning Commissioners who may be interested contact staff.

Ms. Brockman updated the Planning Commissioners on the status of the US 340 South study. She stated that on July 11, 2013, action was postponed as the result of budget concerns.

13. Planning Commission Exchange and Liaison Reports: No updates.

14. President's Report. No updates.

15. Actionable Correspondence. None.

16. Non-Actionable Correspondence. None.

17. Signing of approved Motions for US Coast Guard Waiver Requests PCW13-04, -05, and -06.

Mr. Hayes motioned to adjourn the meeting at 9:42 PM.

Mr. G. Taylor seconded the motion, which carried unanimously.