

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JANUARY 10, 2012

The Jefferson County Planning Commission met on Tuesday, January 10, 2012 with the following Commission members present: Paul Taylor, President; Eric Smith, Vice-President; Morgan Etters, Secretary; Kelly Baty, Ed Burns, and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathon Saunders, County Engineer; Stephan Groh, Assistant Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. Daniel Hayes, Mr. Gene Taylor and Mr. Arnie Dailey were absent with notification.

Ms. Etters called the meeting to order at 7:02 PM.

1. Election of Officers.

President:

Mr. Pellish nominated Mr. Paul Taylor for President. Mr. Paul Taylor nominated Mr. Eric Smith for President. The vote was 4 for Mr. P. Taylor and 1 for Mr. Smith.

Mr. P. Taylor assumed the chair of President and continued the meeting.

Vice-President:

Ms. Etters nominated Mr. Eric Smith for Vice-President. Mr. Burns seconded that nomination. There were no other nominations and Mr. Smith assumed the position of Vice-President.

Secretary:

Mr. Smith nominated Ms. Morgan Etters for Secretary. There were no other nominations. Ms. Etters assumed the position of Secretary.

Mr. Baty entered the room at 7:06 PM.

2. Approval of the minutes for the November 8, 2011 meeting.

Mr. Pellish moved to approve the minutes of the November 8, 2011 Planning Commission Meeting. Mr. Smith seconded the motion which carried unanimously.

3. Citizens Communication. None.

4. Request for postponement. None.

5. **Final Plat Public Hearing for the Wild Goose Farm, LLC Subdivision. The property is to consist of 13 Single Family Lots and 1 Non-Residential lot for horse breeding/boarding and will contain a riding/training facility on 173.80 acres. The property is located across from Terrapin Neck Road and the National Training Conservation Center. District: Shepherdstown, Map: 3, Parcel 13 & 13.6.**

Mr. Rivard clarified that the lot is not non-residential as it is approved for one single family residence. He stated that it would be a mixed use lot. Mr. Rivard read from his staff report and recommended approval. Mr. Saunders recommended approval of the plat with the conditions that a Highway Entrance Permit is submitted and that the applicant shows that there are no conflicts or legal issues with the overlap of two right-of-ways on the plat.

Mr. Peter Chakmakian, applicant's representative, gave a history of the project and stated that staff conditions were not onerous and could easily be agreed upon.

Mr. P. Taylor opened the public hearing. There was no comment. Mr. Burns moved to close the public hearing. Mr. Smith seconded the motion which carried unanimously.

Mr. Eric Smith moved to approve the final plat based on conditions recommended by staff. Mr. Pellish seconded the motion which carried unanimously.

6. **Request by Mark O'Dell (340 Defense, PC File #S10-04) for a waiver from the Subdivision Regulations:**

- a. **Section 22.208 and Appendix B 9.6C requiring sidewalks to be provided in non-residential development. The applicant is requesting to dedicate a 10' easement to a bike path/walkway without currently constructing the path as a part of this site plan.**
- b. **Appendix B Section 2.3 and Section 9.5 to allow for a smaller required width of the access and a lesser depth of asphalt.**

This property is located at 263 Berryville Pike, Rippon, West Virginia and is designated as Tax District: Kabletown, Map: 29, Parcel 5.

Mr. Rivard read from his staff report, described the waiver request and recommended approval with the condition that the waivers, if approved, only apply to the property's current use of a shooting range.

Mr. Saunders read from his staff report and recommended approval of the waiver requiring sidewalks. He recommended denial of the waiver to decrease the pavement since the applicant had not demonstrated that a decrease in pavement thickness was adequate for the site's intended use.

Discussion ensued regarding the Engineering Department's denial recommendation and what compromises could be made.

Mr. Dirk Stansbury, Engineer for the project, explained the entrance layout and described the primary paved commercial entrance from which the driveway for the Shooting Range would access. He distributed a copy of Table 2.2-1 in the Jefferson County Subdivision Regulations and explained that the commercial requirements far exceed what would occur at this member's only business. He also distributed examples of area facilities with smaller gravel driveways that accommodate more of the public on a more frequent basis.

Mr. Saunders stated that if Mr. Stansbury could compile his presentation into a report that Engineering may be more agreeable to a recommendation of approval.

Discussion regarding how much traffic the property would see at a given amount of time ensued. Mr. Mark Puszkarczuk verified that it was member's only traffic and that no tournaments would be held at the site.

Mr. P. Taylor opened the public hearing. There was no public comment. The public hearing was closed.

Mr. Pellish moved to approve with the conditions that:

- a) The waiver only applies to this site plan and its current operation.
- b) If an expansion were to occur at a later date, driveway standards would need to be reviewed again.
- c) The waiver is limited to the number of users and associated parking for the site as designated on the site plan.

Mr. P. Taylor seconded the motion which carried 5 for and 1 opposed (Mr. Baty).

7. Recreational Uses potential zoning amendments – update on public feedback received to date.

Mr. Barney gave a summary of the comments heard at the Recreation Meeting held October 21, 2011 and presented a staff recommended direction for drafting amendments to the Zoning Ordinance.

Mr. Burns suggested that a broader outlook be taken when drafting the amendments and that more focus should be given to trails, caves and quarry uses, not just river uses.

Mr. Pellish asked that draft amendments be presented at a public workshop at the March 13, 2012 Planning Commission meeting.

8. Discussion and possible vote regarding amendments to Articles 20.203 and 26.200 concerning Major/Minor Site Plan Determination.

Ms. Brockman explained to the Planning Commission that the amendments to Articles 20.203 and 26.200 were being reassessed at the request of the County Commission. She stated that staff was tasked with drafting several options as a result of comments heard during public hearings.

Mr. Rivard reviewed each of the four options with the Planning Commission and reported that staff would be recommending Option 1 (which allowed a site plan up to 5,000 square feet to be reviewed administratively, from 5,000 to 50,000 square feet to process as a minor with the exception of the public review of a concept plan, and for any site plan greater than 50,000 square feet to process as a major site plan).
The Planning Commission discussed each option in detail.

Mr. Burns moved to forward to the County Commission the Planning Commission's support for staff's recommendation. Ms. Etters seconded the motion which carried unanimously.

9. Discussion of potential zoning categories.

Mr. Barney reviewed staff's initial draft commercial zoning categories. He stated that staff suggested that any approved new categories be referenced in the 2014 Comprehensive Plan and that no County initiated rezoning of properties would occur in conjunction with the proposed Zoning Ordinance amendment. He gave a brief overview of each of the eight (8) categories.

Mr. Barney suggested that the Planning Commission schedule a public workshop. Ms. Brockman recommended that the workshop be scheduled for the February 14, 2012 Planning Commission Meeting. Mr. P. Taylor agreed.

Mr. Groh suggested a more thorough examination of the Planned Development category as he thought that there may be legal issues with a broadly combined zoning. Mr. Smith suggested that staff work closely with legal when establishing the next draft of categories.

10. Discussion and possible vote on amendments to Section 4.9 of the Jefferson County Planning Commission Bylaws regarding tardiness to meetings.

Mr. Pellish asked for this item to be tabled.

11. Discussion and Vote on the 2012 Planning Commission Meeting Schedule.

Ms. Brockman presented the dates of the scheduled meetings for 2012 and reported that the only conflicted date would be May 8, 2012 when offices are closed for the Primary Election. There was unanimous consent to change the May 8, 2012 meeting to May 15, 2012. Mr. Burns moved to accept the 2012 Planning Commission Meeting Schedule as amended. Mr. Pellish seconded the motion which carried unanimously.

Mr. P. Taylor called for a 5 minute break at 9 PM. Mr. P. Taylor called the meeting back to order at 9:06 PM.

12. Reports from Legal Counsel and legal advice to PC.

Mr. Groh presented the motion to dismiss the Cedar Meadows Airpark Holdings, LLC Petition of Writ of Certiorari to the Planning Commission. He reported that there were no actions on any other pending lawsuits.

13. Director's Report.

Ms. Brockman presented the quarterly report and stated that she would submit the document to the County Commission on behalf of the Planning Commission. Mr. Pellish moved to forward the quarterly report as written to the County Commission. Mr. Burns seconded the motion which carried unanimously.

Ms. Brockman reported that there would be a US 340 Gateway Plan workshop held on January 19, 2012 and provided a summary of what would be discussed at that meeting. She stated that she would be requesting a joint meeting between the County Commission and the Planning Commission for a tentative date of March 1, 2012.

Ms. Brockman stated that she would report back to the Planning Commission regarding the Departments' Proposed FY13 Work Plan and the proposed new non-residential zoning categories in February and regarding the recreation amendments in March.

14. County Commission Liaison Report.

Mr. Pellish reported that Mr. Tim Boyde, County Administrator, would be resigning as of Friday, January 13, 2012 and expressed appreciation for his work with Jefferson County. He stated that Ms. Patsy Noland would remain in the position of President of the Jefferson County Commission and that he would continue to be the Planning Commission liaison.

15. Planning Commission Exchange.

- **Report from the Health Department Meeting Liaison.**

Mr. Burns reported that there was discussion regarding the Health Department's ability to approve well drilling. He stated that the Flowing Springs Wastewater Treatment Plant would not be built and that the Planning Commission should take that into consideration when approving new developments. He also commented that all servers in restaurants were now required to have their Food Handler's Permit visible and shown upon request.

- **Report from the Public Service District Meeting Liaison.** None.

- **Report from the Parks and Recreation Meeting Liaison.**

Ms. Brockman stated that she was asked to sit in on some of the Facilities Committee meetings due to the high public interest and the Planning Department's work with recreation development and amendments to the Zoning Ordinance.

- **Report from the Jefferson County Development Authority Meeting Liaison.**

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Mr. Pellish commented that Jefferson County is one of four locations being considered for development by a large corporation. The identity of the corporation is unknown at this time. He reported that the JCDA would be holding interviews for the Executive Director position.

- **Report from the Water Advisory Committee Meeting Liaison.**
Mr. Baty stated he did not attend.

16. **President's Report.** None.

17. **Actionable Correspondence.** None.

18. **Non-Actionable Correspondence.** None.

Mr. Burns moved to adjourn the meeting at 9:28 PM. Mr. Smith seconded the motion which carried unanimously. An audio recording and/or a video recording of the meeting may be found on our website. These minutes were prepared by Amy Puetz, Planning Clerk.