

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JUNE 12, 2012

The Jefferson County Planning Commission met on Tuesday, June 12, 2012 with the following Commission members present: Paul Taylor, President; Eric Smith, Vice-President; Morgan Eppers, Secretary; Kelly Baty, Ed Burns, Gene Taylor, Steve Stolipher 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; Steve Groh, Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. Daniel Hayes was absent with notification.

Mr. P. Taylor called the meeting to order at 7:02 PM.

1. Approval of the minutes for the May 15, 2012 meeting.

Mr. Rivard identified an error on page 4, item #9, 3rd paragraph. He stated that the date should read June 7, 2012, not June 6, 2012. Mr. Stolipher moved to approve the minutes of the May 15, 2012 Planning Commission meeting with the correction as stated by Mr. Rivard. Mr. Burns seconded the motion which carried unanimously.

2. Citizens Communication. None.

3. Request for postponement.

Ms. Brockman stated that the applicants for both items #6 and #7, which were requesting time extensions, requested to be postponed to the June 26, 2012 Planning Commission Meeting. There was no opposition from members of the Planning Commission.

4. Concept Plan Review and Public Workshop for Briggs Animal Adoption Center (PC File #S12-01). This property is located on the west side of US Route 340 approximately 1300 feet north of its intersection with Route 340/2 (Wheatland Road). This project consists of a 10,000 square foot building designated as a cat house and additional parking area. The property is located in Tax District: Kabletown; Tax Map: 11; Tax Parcel: 1.

Mr. Rivard described the location of the property and reported that this project would be considered a minor site plan once the concept plan is approved and would process administratively.

Mr. Randy Keppler, of Greenway Engineering, gave a short presentation describing the project. He explained that there was a maintenance building depicted on the original site plan that was never built. He reported that the applicant would place the 1,000 square foot maintenance building on this site plan with a slight change in location.

Mr. Rivard reviewed the request and presented the staff report. He stated that staff would support a request for a waiver of sidewalk requirements if the applicant were willing to

provide an easement in the event that future development of the area would generate a need for a sidewalk on that property. He also reported that the waiver request would only be applicable to this site plan and would be reevaluated with any future submissions.

Mr. Eric Smith entered the room at 7:12 PM.

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

Mr. Keppler stated that the applicant would prefer not to incur the expense to provide an easement for development that may occur 20 to 30 years in the future although this would be considered if not providing an easement would inhibit the project in any way.

Mr. Stolipher commented that the property is located in a very rural area and that he did not foresee that there would be any need for a sidewalk or an easement at this time. He also implied that there may be a future possibility of a lane expansion on US 340 in that area which may take part of the property.

Mr. Keppler stated that the applicant had suggested providing a note on the site plan which stated that the easement would be given at such a time that a hiker/biker trail or a sidewalk were necessary in development at no cost to the County.

Mr. Smith stated that the applicant should be allowed to keep the land and that, if a sidewalk would be necessary in the future, the County or the State would need to purchase it allowing the money to go toward the Human Society.

Mr. Smith moved to grant the waiver of sidewalks without restrictions. Mr. Stolipher seconded the motion which carried unanimously.

Mr. Stolipher moved to approve the Concept Plan. Mr. Burns seconded the motion which carried unanimously.

Mr. Pellish asked that requirement that 16 full size copies of the Concept Plan be provided to the Planning Department be a burden that is removed from future applicants due to the substantial cost.

- 5. Final Plat Public Hearing for the Aspen Greens Subdivision (PC File #07-15). The property is to consist of 20 single-family lots on 17.054 acres. The property is located northeast of the intersection of Route 24 (Old Country Club Road) and Route 17 (Flowing Springs Road). The owner of the property is Maurice Gladhill. This property is designated as Tax District: 2, Map: 4, Parcel: 19.**

Mr. Rivard described the request and read from his staff report recommending approval. He reminded the Planning Commission that this project did not fall under the provisions of Senate Bill 595.

Mr. Fred Gates, of Gates Associated, gave a presentation describing the project.

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

Mr. Stolipher moved to approve the Aspen Greens Final Plat. Mr. G. Taylor seconded the motion which carried unanimously.

6. **Request by James and Barbara Gibson for a variance from the Subdivision Ordinance Article 8, Section 8.1(d) to allow for an extension of time (24 months) to bond and record the Allstadts Corner Subdivision (PC File #07-10). This property is located on the south side of Route 340 (William L. Wilson Freeway); the east side of Route 27 (Millville Road) and on the north side of Route 27/2 (Allstadt's Hill Road) and is designated as Tax District: Harpers Ferry, Map: 9, Parcel: 39.1.**

This item was postponed to the June 26, 2012 Planning Commission meeting.

7. **Request by Wild Goose Farm, LLC for a variance from the Subdivision Ordinance Article 8, Section 8.1(d) to allow for an extension of time (24 months) to bond and record the Wild Goose Subdivision (PC File #08-18). The property is located on Shepherd Grade Road. The site is located across from Terrapin Neck Road and the National Training Conservation Center and is designated as Tax District: Shepherdstown; Map: 3; Parcel: 13 & 13.6.**

This item was postponed to the June 26, 2012 Planning Commission meeting.

Mr. P. Taylor moved item #9 before item #8 since item #8 was given a specific start time of 8 PM.

9. **Continued from the 04/24/2012 PC Meeting: Discussion regarding Proposed Additional Commercial and Industrial Zoning Categories and related amendments to the Jefferson County Zoning and Land Development Ordinance.**

Mr. Barney discussed the proposed amendments and significant changes that were made from the previous draft.

Mr. Pellish inquired as to why commercial uses were limited by the square footage of the building when residences were not in the Neighborhood Commercial district. Mr. Barney explained that traffic impact and parking implications that commercial uses had that residences do not were taken into consideration when determining the square footage requirements. Mr. Pellish asked if an applicant applied for a building somewhat larger than the maximum requirements, would that be defensible. Mr. Groh replied that a variance or waiver is always an option for the applicant.

Mr. Stolipher suggested eliminating distance requirements. He also commented that higher square footage requirements for the Neighborhood Commercial district were needed. He

stated that he would like to see maximum square footages of 7,000 to 8,000 in that district. Mr. Barney explained that staff supports retaining distance requirements within the Zoning Ordinance due to the sensitive nature of some commercial uses. He stated that the staff does understand that changes to the distance requirements may be necessary and suggested pursuing those changes as separate amendments to allow for additional public comment.

Mr. Baty questioned whether these amendments were similar to the type of zoning that was presented a few years ago and placed in a referendum. He reminded the Planning Commission that, at that time, the proposed zoning was voted down. He stated that he felt that the zoning being proposed currently needed to be simplified.

Ms. Brockman discussed the referendum and stated that the zoning map at that time was attached to an entire Zoning Ordinance which was what failed. She explained that the current proposed categories were requested in order to resolve issues regarding rezoning requests that were asking for the broad category of Residential/Light Industrial/Commercial.

Mr. Baty raised concern that the proposed categories allowed spot zoning and bypassed the LESA scoring system.

Mr. Stolipher moved to recommend approval of the draft amendments to the County Commission removing the distance requirements and increase the maximum square footage in the Neighborhood Commercial category to 7000 square feet. There was no second, the motion failed.

Ms. Eters moved to recommend approval of the draft amendments, as written, to the County Commission. Mr. Pellish seconded the motion which passed 7 for and 1 opposed (Mr. Baty).

Mr. P. Taylor called for a break at 8:20 PM. He called the meeting to back to order at 8:35 PM.

8. Public Hearing regarding the US 340 East Gateway Plan.

Ms. Brockman described the US 340 East Gateway Plan and the public process that occurred in order to create the document.

Mr. Rivard reviewed the US 340 East Gateway Plan.

Mr. P. Taylor opened the public hearing.

Ms. Janice Schiltz, a member of the Shore Keepers of Jefferson County, read a letter written by Mr. J. Michael Cassell, the Shore Keepers attorney. The letter stated several points of concern:

- The Bakerton Underpass was described in the 2004 Comprehensive Plan as a “Highway Problem Area”. The underpass contains a sharp curve, poor sight distance and is one lane. The same concerns and safety issues described in 2004 still exist today.

- Due to the high probability of accidents on Bakerton Road due to hazards such as the narrowness of the road and blind turns, the Shore Keepers feel it would be useful to have statistics on all motor vehicle accidents which have occurred in the entire US 340 Study Area.
- A zip line facility had recently been constructed on the Potomac River which uses the Bakerton Underpass as an access point. The Shore Keepers recommend that there be an official investigation and review of the Zoning Certificate issued for this facility.
- The Bakerton underpass is a single land underpass with no line of sight for traffic flow and is located on a small two lane secondary road. There are no solutions to these safety hazards presented in the US 340 East Gateway Plan. There is also no strategy identified to obtain funding for correcting these issues.
- The Shore Keepers request eliminating and preventing future commercial traffic to improve safety on Bakerton Road.

Ms. Suzanne Malesic, speaking on behalf of Patrick Henry Estates Homeowners Association, had the following comments:

- On page 117, “At the public work session, potential options regarding connections to existing roadways within the Patrick Henry Estates development were also discussed”, Ms. Malesic reported that Patrick Henry Estates roads would not tolerate additional traffic.
- After a substantial court battle with the developer, Patrick Henry Estates now own the development’s roads and they will continue to object to additional traffic.
- Patrick Henry Estates would be in favor of apron roads or connector roads that run along US 340 to assist in solving access issues. However no support will be given to roads connecting to roads within the subdivision.
- Ms. Malesic pointed out that several times the acronym of UGB was transposed to UBG.
- On page 103, points 7, 8, or 11, if the new road construction implies any sort of connection to Patrick Henry Estates roads, residents will object.
- On page 140, a major subdivision is defined as any subdivision containing more than 3 lots according to the *1979 Jefferson County Subdivision Regulations*. Ms. Malesic stated that section should be clarified to state the current definition that a major subdivision contains no more than 5 lots.
- Page 141 contains a list of subdivisions. Ms. Malesic suggested adding information such as how many homes are in each subdivision and which subdivisions are not fully built out.
- On page 142, where it states, “The scenarios are not intended to represent a plan to rezone any individual property or locate land uses on individual parcels”, Patrick Henry Estates residents would like to know how many homes or how many parcels *could* be involved in those scenarios.
- On page 144, end of the first sentence, “...significant properties that have vested development rights”, Patrick Henry Estates residents would like a list of properties that have vested rights.
- On page 149, a definition of Eminent Domain and of Home Destruction Proposal is needed.

Mr. Chip Dorman commented that frontage roads are a great idea. He stated that one solution to the bottleneck of the Bakerton Road underpass would be to adjust the US 340 Corridor Study boundaries to eliminate the Bakerton Road underpass from possible development. He raised concern of the cost of development and infrastructure.

Mr. Carl Jackson commented that acceleration/deceleration lanes were needed on highways. He suggested building overpasses/underpasses to eliminate the need for traffic lights. He also raised concern of how transportation projects would be funded. He requested that a 4 lane highway be built from Bolivar to the Virginia Line where there is currently a bottleneck.

Mr. Grant Smith, representing the Eastern Panhandle Trailblazers, commented that there is a need for more walking/biking connections between Harpers Ferry, Charles Town, Ranson and the existing Route 9 trail. He reported the importance of trails to tourism. He stated that the Trailblazers had identified a Harpers Ferry loop which could be easily put in place from Potomac Street to the Bakerton underpass, then through to School House Ridge North, back to the access road and across the road at the traffic light, then to eventually complete the loop. He stated that the trail is almost in existence currently.

Mr. Bill Yearout, also representing the Eastern Panhandle Trailblazers, stated that the trail vision that the Trailblazers had for US 340 would be a part of a larger regional network which would extend through 3 counties from Harpers Ferry to Berkeley Springs. He commented that the Trailblazers would like to see a pedestrian path and a shared bike path from Harpers Ferry to Ranson along US 340 but not on US 340 in addition to the loop. He suggested that the Planning Commission work with the Department of Highways to ensure safe pedestrian and cycling crossing along US 340 wherever traffic lights are added. He asked that trails be a part of a green space agreement to future developments.

Mr. Tom Cardamone, representing the Sheridan Subdivision, suggested providing sensors for traffic lights that provide for 3 minutes each way to assist in solving issues such as the Bakerton underpass.

Ms. Lyn Widmyer, speaking as a Jefferson County resident, raised concern that no parkland and open space map had been made available. Mr. Rivard stated that a map had been posted to our website although technical issues with the website had made access unavailable and that a map could be made available to her. Ms. Widmeyer continued that the land use map does not capture the intent of the text of the document and that there is too much sprawl. She urged that the map be more specific as a master plan especially if floating zones will be proposed in the future.

Mr. David Tabb, member of the US 340 East Corridor Study Citizen's Committee, stated that he had proposed several years ago to the Highway Department to eliminate every stop light along US 340 and utilize elevations and structures and service roads. He commented that the US 340 Gateway Plan would potentially take 50 to 100 years to complete. He stated that he felt too much emphasis was being placed on bike and pedestrian trails and that more emphasis needed to be placed on traffic issues and safety.

Mr. John Maxey, Harpers Ferry resident, commented that there needs to be closer coordination with outside agencies such as the Division of Highways. He stated that the plan needed to be extended to US 340 South. He commented that by ignoring the southern end of US 340, Jefferson County is losing many opportunities and losing money and he urged that this study be done quickly.

Mr. Chris Craig, on behalf of the Trail and Town Alliance of Harpers Ferry and Bolivar, expressed that a high priority needed to be placed on trails that provide a safe byway and preserve scenic corridors.

Ms. Kathryn Reim, Harpers Ferry resident, commented that the Bakerton underpass is dangerous due to the people who try to rush through the tunnel. She stated that more signage may be necessary.

Ms. Betsy Bainbridge, Harpers Ferry resident, asked for support of the suggestions given previously by the Eastern Panhandle Trailblazers. She stated that improved interconnectivity of bike and pedestrian trails would increase tourism to our area. She reported that focusing on these paths would accomplish four positive aspects of the US 340 Gateway Plan by diversifying transportation modes, providing more attractive greenspaces, providing a welcoming environment for residents and visitors, and improve economic development by promoting tourism.

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

Active Litigation:

- **Far Away Farms**
- **Cedar Meadows Airpark**

Mr. Groh reported that litigation regarding Cedar Meadows Airpark had been postponed to October.

11. Director's Report.

Ms. Brockman stated that the County Commission held a public hearing on May 31, 2012 regarding JCCEP's request to extend the provisions of Senate Bill 595 to July 1, 2015. She reported that she would be summarizing comments from that meeting for discussion and possible action at the June 21, 2012 County Commission meeting. She commented that if the County Commission votes to accept the amendment at that time, the June 26, 2012 Planning Commission meeting could be cancelled.

Ms. Brockman stated that Thursday, June 14, 2012 would be the County Commission public hearing for the rezoning of the Capriotti property.

Ms. Brockman stated that she would be working on a proposed timeline related to the 2014 Comprehensive Plan and whether or not the US 340 South study would be included as a part of the Comprehensive Plan or as its own separate process. She stated she would like to discuss this with the Planning Commission before it goes before the County Commission.

12. **County Commission Liaison Report.** None.

13. **Planning Commission Exchange.**

- **Report from the Health Department Meeting Liaison.**
Mr. Burns reported that there was a discussion regarding records and how they would store well and septic and GIS information. He stated that the Health Department was attempting to get a new system that would integrate with the County to store that information.
- **Report from the Public Service District Meeting Liaison.** None.
- **Report from the Parks and Recreation Meeting Liaison.** None.
- **Report from the Jefferson County Development Authority Meeting Liaison.**
Ms. Brockman explained that the summer intern hired by the Planning and Zoning Department would be meeting with the Development Authority along with Planning and Zoning staff to compare data for the 2014 Comprehensive Plan.
- **Report from the Water Advisory Committee Meeting Liaison.** None.

Mr. Burns suggested formalizing a policy regarding how items are placed on the agenda to avoid future confusion.

14. **President's Report.** None.

15. **Actionable Correspondence.** None.

16. **Non-Actionable Correspondence.** None.

Mr. Burns moved to adjourn the meeting at 10:15 PM. Mr. Stolipher 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.