

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
OCTOBER 11, 2011

The Jefferson County Planning Commission met on Tuesday, October 11, 2011, with the following Commission members present: Daniel Hayes, President; Morgan Etters, Secretary; Gene Taylor, Kelly Baty, Ed Burns, Paul Taylor, Eric Smith and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jonathon Saunders, County Engineer; Stephanie Grove, Assistant Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. Arnold Dailey was absent with notification.

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

1. Approval of the minutes for the September 13, 2011 meeting.

Mr. Pellish moved to approve the minutes of the September 13, 2011 Planning Commission meeting. Mr. Taylor seconded the motion which carried 5 for and 1 abstention (Ms. Etters).

2. Citizens Communication.

Ms. Kathy Knight, Homeowner's Association (HOA) President of Carriage Park I, discussed her concerns regarding the Home Business and Cottage Industry Amendments. She questioned which body, the Planning Commission or the HOA, would be the enforcer of the HOA covenants that do not allow home businesses in their subdivisions. Ms. Knight commented that the HOA should be notified when a home business is being proposed within their subdivision. She distributed a form that she suggested to be completed and notarized with each Home Business/Cottage Industry applied for when the residence is located in a subdivision with an active HOA.

Mr. Hayes reminded Ms. Knight that the Planning Commission had already forwarded the amendments on to the County Commission for approval. Ms. Brockman stated that the County Commission had left the public hearing on this topic open for public comment which would again be discussed on November 3, 2011.

Ms. Knight continued to explain the proposed form and requested that the legal department make necessary edits to the document. Discussion regarding enforcement of covenants ensued. Ms. Brockman agreed to forward the proposed form to the County Commission for review.

3. Request for postponement. None.

4. Concept Plan Review and Public Workshop for Hite Road Park (PC File #S11-15). This property is located on the north side of Hite Road, approximately 2 miles south of the intersection of State Route 9 (Charles Town Road) and County Route 1 (Kearneysville-Virginia Line Road). This project consists of a 119 acre property owned by Jefferson County Parks and Receptions, dedicated for public use to include

walking trails, picnic and park areas, athletic fields, sports courts, a skate park, miniature golf course, and sports support facilities. The property is located in Tax District: Middleway; Tax Map: 9 Tax Parcel: 2.17.

Mr. G. Taylor recused himself due to being a member of the Jefferson County Parks and Recreation Committee (JCPRC) and he left the room.

Mr. Zac Lette, of Land Planning Development Association, representing JCPRC gave a detailed visual presentation of the project.

Mr. Baty entered the room at 7:17 PM.

Mr. Denny Dunlap, of Triad Engineering, reviewed the infrastructure on the property.

Mr. Rivard read from his staff report recommending approval with the condition that a required traffic study be submitted with the site plan and that the walking trail be extended across the roadside of the park to replace sidewalks.

Mr. Wesley Wendell, previous property owner, explained the history of the project.

Mr. Hayes opened the public hearing. Mr. David Tabb, Jefferson County resident, questioned if all Environmental Protection Agency (EPA) issues had been addressed and if the chemicals had been removed from the property to avoid a health risk.

Mr. James Wells, owner of an adjoining property, suggested that the park may need security and raised concern that foot traffic from a nearby subdivision may destroy the park.

Mr. Burns moved to close the public hearing. Mr. G. Taylor seconded the motion which carried unanimously.

Mr. Lette explained that a Phase I Environmental Site Assessment was completed to satisfy EPA issues and security would be addressed with a closed gate preventing vehicular access after-hours.

Mr. Burns moved to approve with the staff recommended motion (attached). Mr. Pellish seconded the motion which carried unanimously.

Mr. G. Taylor reentered the room at 7:45 PM.

- 5. Determination of Completeness of a Site Plan for Jefferson Asphalt Products (PC File #S11-12). This property is located at 9390 Middleway Pike on WV Route 51 near Tusawilla Hills. The property is located in Tax District: Charles Town; Tax Map: 13 Tax Parcel: 7.**

Mr. Smith entered the room at 7:46PM.

Mr. Rivard read from his staff report and recommended finding the site plan complete. Mr. Pellish moved to approve for completeness and to schedule the site plan public hearing for November 8, 2011. Mr. Smith seconded the motion which carried unanimously.

Mr. Dirk Stansbury, engineer for Jefferson Asphalt Products, requested that the Planning Commission allow him to pour concrete on the site before the site plan public hearing. There was discussion regarding legal aspects of allowing this activity for the project and if a decision could be made at this meeting since it was not placed on the agenda for voting. Mr. Hayes suggested that Mr. Stansbury work with staff to discuss options of commencing early construction properly.

6. **Request by Middleway Volunteer Fire Company (Marshall Edwards) for a waiver from the Subdivision Regulations Appendix B Section 9.6 A and C requiring sidewalks to be provided in non-residential development. This property is located at Leetown Rd. and Darke Hill Rd across from Hinton Rd and is designated as Tax District: Middleway, Map: 24, Parcel: 2.**

Mr. Rivard explained the history of the project and read from his staff report recommending approval of a waiver from sidewalk requirements. Mr. Saunders deferred to the Planner.

Mr. Michael Mood, applicant, commented that the staff report was complete and that he had nothing to add.

Mr. Hayes opened the public hearing. Mr. David Tabb, Jefferson County resident, spoke in support of granting the waiver.

Mr. Burns moved to close the public hearing. Mr. G. Taylor seconded the motion which carried unanimously.

Mr. Burns suggested that the staff amend the language of the Subdivision Regulations since several of the recent waivers have been regarding sidewalks.

Ms. Ethers moved to approve the waiver with the staff recommended motion with the amendment to the staff recommended motion that the 4 criteria for approving a waiver are included and the date at the bottom be corrected. Mr. Burns seconded the motion which carried unanimously.

7. **Discussion and vote on the Urban Tree Canopy Goals.**

Ms. Brockman reviewed the Urban Tree Canopy Goals and what steps had been taken in the process to have the document approved. She stated that Ranson and Charles Town had not yet provided comments. Mr. Smith moved to forward the Urban Tree Canopy Goals to the County Commission for approval with a provision that any comments or revisions received by Ranson and/or Charles Town be considered. Mr. Burns seconded the motion which carried unanimously.

8. Zoning Ordinance Amendments Updates.

Mr. Barney stated that amendments to zoning categories were being considered and that additional, more precise commercial zoning categories would be presented at a future Planning Commission meeting.

Mr. Barney stated that a round table discussion regarding Recreation Land Uses would be held on Friday, October 21, 2011. Mr. Burns suggested contacting someone for the Appalachian Trail.

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

Ms. Grove stated that the order discussed at the July 26, 2011 Planning Commission meeting had been signed and should be included in the minutes. (Full text of the order is attached)

Ms. Grove stated that, in accordance with Peters v. Wood County Commission, the Planning Commission would need to go into Executive Session to discuss litigation. Mr. Burns moved to begin Executive Session. Mr. Smith seconded the motion which carried unanimously. Executive Session began at 8:30 PM.

Mr. Burns moved to end Executive Session and reconvene in Regular Session. Mr. Pellish seconded the motion which carried unanimously. Executive Session ended at 8:47 PM.

10. Director's Report.

11. County Commission Liaison Report.

12. Planning Commission Exchange.

- **Report from the Health Department Meeting Liaison.**
- **Report from the Public Service District Meeting Liaison.**
- **Report from the Parks and Recreation Meeting Liaison.**
- **Report from the Jefferson County Development Authority Meeting Liaison.**
- **Report from the Water Advisory Committee Meeting Liaison.**

13. President's Report.

14. Actionable Correspondence. None.

15. Non-Actionable Correspondence. None.

Mr. Burns moved to adjourn the meeting at 9:26 PM. Mr. G. Taylor 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.