

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JUNE 22, 2010

The Jefferson County Planning Commission met on Tuesday, June 22, 2010, with the following Commission members present: John Maxey, President; Thomas Trumble, Vice President; Morgan Eppers, Secretary; Arnold Dailey, Daniel Hayes, Frances Morgan, Stephen Alemar, and Kelly Baty. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jonathon Saunders, County Engineer; Stephen Groh, Assistant Prosecuting Attorney; Julie Quodala, Planning and Zoning Office Manager; and Amy Puetz, Office Assistant.

Mr. Gene Taylor was absent with notification.

Mr. Maxey called the meeting to order at 7:04 PM.

1. Approval of minutes for the June 8, 2010 meeting.

Ms. Eppers moved to approve the minutes of June 8, 2010. Mr. Alemar seconded the motion. Mr. Maxey asked for the motion and the second to be withdrawn in order to discuss and vote on any suggested amendments. Mr. Alemar withdrew his second and Ms. Eppers withdrew her motion. Mr. Maxey suggested the following amendments to the minutes:

On page 1, item #6, Mr. Maxey moved to strike "By making eligibility contingent upon preliminary plat approval, his intent to "save" Shepherdstown Battlefield could be accomplished". Mr. Hayes seconded the motion which carried 4 for and 2 abstentions (Mr. Trumble and Mr. Dailey).

On page 3, item #6, first sentence, Mr. Maxey moved to amend "Mr. Maxey distributed a draft resolution ~~explaining that the Planning Commission would follow legislator intent and interpret preliminary approval to mean preliminary plat approval~~" to "Mr. Maxey distributed a draft resolution *to establish Jefferson County Planning Commission policy implementing the West Virginia State Legislature's recent amendment to Chapter 8A*". Mr. Alemar seconded the motion which carried 4 for and 2 abstentions (Mr. Trumble and Mr. Dailey).

Ms. Morgan and Mr. Baty entered the meeting at 7:07 PM.

On page 3, agenda item #6, after the last sentence, Mr. Maxey moved that the resolution, in its entirety, be included in the text of the minutes. Mr. Alemar seconded the motion which carried 6 for and 2 abstentions (Mr. Trumble and Mr. Dailey).

Mr. Alemar moved to approve the minutes as amended. Ms. Eppers seconded the motion which carried 6 for and 2 abstentions (Mr. Trumble and Mr. Dailey).

2. Citizen Communications.

Jennifer Syron, resident of Chapel View, approached the Planning Commission regarding roadway concerns within her subdivision. She explained that roads were constructed

improperly and due to the developer's failure to put in telephone lines prior to construction; the roads have since been partially taken apart to provide those lines. Chapel View is divided by the Berkeley County/Jefferson County line. Ms. Syron informed the Planning Commission that Berkeley County has pulled the developer's bond and the roads will be repaired on the Berkeley County side of the subdivision. In January of 2010, the developer's bond in Jefferson County was extended and Ms. Syron expressed concern that the developer would declare bankruptcy possibly leading to failure of repair of the Jefferson County roads within Chapel View. Ms. Syron also discussed Chapel View being a "limited expense community" and the limitations of financial disclosure and the lack of a functioning home owner's association that status provides. Mr. Maxey suggested that Ms. Syron become involved with the County Commission's discussion on revisions to the bonding policy. He also suggested that Ms. Syron read the Subdivision Regulation Amendments, currently being reviewed by the County Commission, and recommend changes that would help prevent further situations like this. Ms. Morgan asked that this topic be placed on the agenda for the July 13, 2010 Planning Commission meeting, before any activity is directed, to allow the private interests to be notified.

3. **A call for postponements.** None.
4. **Public Hearing for Zoning Map Amendment (Rezoning) for property designated as Tax District: Shepherdstown, Map: 7A, Parcel: 51.3. This property is located at 7311 Martinsburg Pike, Shepherdstown, which is situated within Mecklenburg Heights and is a total of 0.234 acres. The property is currently zoned Residential Growth. A request was made by Good Shepherd Interfaith Volunteer Caregivers to change the zoning to Residential/Light Industrial/Commercial.**

Mr. Rivard read from his staff report and recommended approval.

There was discussion on other processes that may be used to allow the proposed use, aside from rezoning the property. Mr. Rivard explained that the Conditional Use Permit could also be used and that the applicant was given the option of the two. Ms. Brockman described the benefits and disadvantages of the Rezoning process, versus the Conditional Use Permit process. Mr. Groh advised the Planning Commission that, in most cases, the Conditional Use Permit is easier and allows more public input due to the Neighborhood Compatibility Meeting.

Mr. Saunders deferred to the Planner.

Dan Rowzie, President of the Board of Good Shepherd Caregivers, gave a short presentation of the project.

Mr. Maxey opened the public hearing. Mr. Harvey Heyser, a member of the Shepherdstown Planning Commission and the Shepherdstown Zoning Officer, expressed concern that rezoning the property would allow for other possible uses other than what was presented should the applicant ever leave the property. Mr. Heyser was also concerned about the

aesthetic value of the property since it is along the main route that leads into Shepherdstown. Ms. Joan Sheridan, owner of the property, testified to the quality of the house. Ms. Paula Marrone-Reese, Executive Director of Good Shepherd Interfaith Volunteer Caregivers, explained that the organization plans on beautifying the property with decorative enhancements. Mr. Maxey closed the public hearing.

There was continued discussion concerning the better procedure for obtaining the use for the property.

Mr. Trumble moved to approve the staff recommended motion. Mr. Hayes seconded the motion. There was additional discussion concerning how quickly a Conditional Use Permit process could be completed.

Mr. Maxey called for a break to allow staff to change the CD at 8:24 PM. Mr. Maxey called the meeting to order at 8:26 PM.

Ms. Morgan abstained from voting since she would be voting at the County Commission level should the vote pass. The motion failed 3 for and 4 opposed (Mr. Maxey, Mr. Baty, Mr. Alemar, and Mr. Dailey).

Mr. Maxey moved that the Planning Commission recommend to the County Commission, at the next possible meeting, to waive the fee for a Conditional Use Permit for Good Shepherd Interfaith Volunteer Caregivers and that the process for the CUP be accelerated by staff. Mr. Alemar seconded the motion which carried 7 for and 1 abstention (Ms. Morgan).

5. Blue Ridge Mountain Community Plan.

Mr. Rivard reviewed the Citizen's Advisory Committee meeting that was held June 17, 2010. He informed the Planning Commission that the dates and times for the three facilitator lead meetings scheduled to take place in July, August, and September were discussed and the first meeting was scheduled for July 15, 2010. He stated much time was spent discussing how to best notify property owners of these meetings. Flyers and postcards were raised as possible notification methods. Mr. Rivard notified the Commission that audio recording of the last meeting would be posted to the website in time.

6. Director's Report.

- a. Activity Report.** This report was provided in the agenda packet. Ms. Brockman stated that the format of the Activity Report would change to provide work load information.
- b. Zoning Administrator Vacancy.** Ms. Brockman informed the Planning Commission that five (5) interviews were done that day and that 2nd interviews would be scheduled.
- c. Subdivision Regulation Amendments.** Ms. Brockman reminded the Planning Commission of the Public Outreach Education Workshop Meeting scheduled for June 24, 2010 at 6 PM in the Charles Town Library meeting room.

- d. Land Development Fees.** Ms. Brockman stated that a Roundtable Discussion Meeting was scheduled for July 8, 2010 at 6 PM in the Charles Town Library meeting room.
 - e. Upcoming 340 Activities.** Ms. Brockman reported on the Metropolitan Planning Organization's (MPO) Technical Advisory Committee meeting. She informed the Planning Commission that there would be a meeting next week regarding the National Governor's Association Grant received by the State and how it involves the 340 Corridor study. She stated there would be another meeting next week involving the MPO's Long Range Transportation Plan and its study of the 340 Corridor.
 - f. Department of Environmental Protection.** Mr. Brockman stated she would be attending an all day meeting with the Department of Environmental Protection Agency concerning watershed planning for the State of WV.
7. **Reports from Legal Counsel and legal advice to the Planning Commission.**
Mr. Groh asked that this agenda item be postponed until the end of the meeting to allow for executive session.
8. **County Commission Liaison Report.** None.
9. **Planning Commission Exchange.** None.
10. **President's Report.** None.
11. **Actionable Correspondence.** None.
12. **Non-Actionable Correspondence.** None.

Ms. Morgan moved to go into Executive Session on request of legal counsel. Mr. Maxey seconded the motion which carried unanimously. Executive Session began at 9:05 PM.

Mr. Dailey moved to exit Executive Session. Mrs. Morgan seconded the motion which carried unanimously. Regular meeting resumed at 9:22 PM.

Mr. Dailey moved to adjourn at 9:22 PM. Ms. Morgan seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CD #46 and CD #47. These minutes were prepared by Amy Puetz, Office Assistant.