

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
DECEMBER 21, 2010

The Jefferson County Planning Commission met on Tuesday, December 21, 2010, with the following Commission members present: John Maxey, President; Thomas Trumble, Vice President; Frances Morgan, Daniel Hayes, Kelly Baty, and Gene Taylor. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Steve Barney, Zoning Administrator; Jonathon Saunders, County Engineer; and Stephen Groh, Assistant Prosecuting Attorney.

Morgan Eppers, Eric Smith and Arnold Dailey was absent with notification.

Mr. Maxey called the meeting to order at 7:01 PM.

1. **Approval of Minutes from the December 14, 2010 Planning Commission meeting.**
Staff asked that this item be postponed to the January 11, 2011 Planning Commission meeting.
2. **Citizens Communication:** None.
3. **A call for postponements:** None.
4. **Request by William H. Scott Inter Vivos Trust for a variance from Sections 21.202B, 21.204A, 22.208A, Appendix B 2.2.C.2c, Appendix B Section 9.6 of the Subdivision Ordinance to waive the requirement for sidewalks along any public or private street in regards to the William H. Scott Inter Vivos Trust property.**

Mr. Barney gave a presentation and read from the staff report recommending approval with a condition that a five foot sidewalk easement be required along Summit Point Road (Route 13) and Hardesty Road (Route 2) that abuts the William H. Scott Inter Vivos Trust property and that this easement be shown on the STASIS site plan and any plat or plan for any future developments for this property. Mr. Maxey suggested that language in the condition be expanded to include sidewalk and/or trail easement. There was discussion regarding the impact on future development should this variance be granted and if a five foot easement would be large enough if the easement were reserved for a trail.

Mr. Jason Gerhardt, with William H. Gordon and Associates, engineering for the project, stated that Barbara Scott, representing the Owner, and Peter Kubic, contractor constructing the STASIS project were also available. He explained that normal width requirements for trails were 8 to 10 feet and that he believes the owner would be agreeable to those requirements. He reported that any greater than a 10 foot wide easement would impact the existing and proposed vegetative buffer.

Mr. Maxey opened the public hearing. Mr. Martin Burk, adjoining property owner, voiced that his comments as reflected in the October 26, 2010 Planning Commission meeting minutes made him appear adversarial, which was not his intent. He spoke in support of a

trail but feels that, for a trail to be successful, more property, and owners of those properties, would need to be involved. Mr. Burk also commented that the staff research of the noise agreements showed a date of 2007. He suggested that research around meetings held in 2002 would be more appropriate. He made suggestions for small alterations that would improve noise issues. Mr. Maxey closed the public hearing.

Mr. Hayes moved to approve the motion recommended by staff (attached as amended) with the following exception: in the 4th paragraph, “Whereas, As a condition of approval, a *10 foot sidewalk and trail* easement shall be required along Summit Point Road (Route 13) and Hardesty Road (Route 2) that abuts the William H. Scott Inter Vivos Trust Property *and shown on all future site plans and plats submitted for this property.*” Ms. Morgan offered a friendly amendment to include “*and/or trail easement*”. Mr. Maxey also offered a friendly amendment that the site plan include language jointly negotiated by the Planning Commission’s attorney and the applicant. Mr. Hayes accepted both friendly amendments. Mr. Taylor seconded the motion. The motion carried unanimously.

Mr. Trumble encouraged staff to do further research regarding noise agreements. Mr. Maxey distributed documentation that he had come across in his research for informational purposes and for staff to use as a guideline in locating the correct documents.

5. Continued from December 14, 2010 Planning Commission Meeting: Draft Zoning Map and Zoning Map Policy.

Ms. Brockman presented a draft Zoning Map Update Process policy and a draft Updated Zoning Map to be submitted to County Commission. Mr. Maxey confirmed that the draft Zoning Map was only an update and not a change to any zoned area. Mr. Hayes moved to approve the draft as written. Mr. Taylor seconded the motion which carried 4 for, 1 opposed (Mr. Trumble), and 1 abstention (Ms. Morgan).

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

There was discussion regarding the revocation of the LLC license for Old Standard and the Old Standard Quarry property being forfeited to the State of West Virginia. The Planning Commissioners talked about what that may mean in regards to development of that property. Mr. Maxey asked that Mr. Groh speak with Stephanie Grove, Assistant Prosecuting Attorney assigned to the County Commission, and provide the Planning Commission with an update on the Old Standard Quarry status at the next meeting.

7. Director’s Report.

- **Activity Report.** The Activity Report was provided in the agenda packets.
- **Follow-up on status of Bardane Farmer’s Market.** Mr. Trumble reported that the Bardane Farmer’s Market project did not have a lease or sewage and was not viable.
- **Upcoming County Commission agenda items:**
 - Request to Schedule Evening Meetings in 2011 (1/6/11)
 - Zoning Map Update and Zoning Map Policy (pending Planning Commission recommendation)

- Wireless Telecommunications Ordinance Amendment Public Hearing (1/20/11 at 7 PM)
- Public Hearing to Amend the County Zoning Map to consider Urban Growth Boundaries for Harper's Ferry and Bolivar (1/27/11 at 7 PM)
- **Upcoming Planning Commission Meetings.**
 - Work Plan/Budget/Annual Report Subcommittee Meeting: 1/5/11 at 4 PM (Mr. Maxey, Mr. Trumble, Mr. Hayes, and Mr. Baty). Ms. Brockman stated that the Work Plan/ Budget Subcommittee was appointed at the December 14, 2010 Planning Commission meeting and the January 5, 2011 meeting date was set at that time. She asked that the Annual Report Subcommittee, which was appointed in November of 2010, consider joining the Work Plan/Budget Subcommittee meeting. The subcommittee members agreed. Ms. Brockman reminded the Planning Commission that, while the Annual Report is the responsibility of the Planning Commission, the work plan and budget are departmental responsibilities. Mr. Maxey asked that Mr. Groh research §8A to clarify who sets the priorities for the Planning Department. Mr. Maxey also asked that staff provide data regarding the number of platted lots in the County.
 - Regular Planning Commission Meeting: 1/11/11
 - Election of Officers
 - Draft Policy: Planning Commission initiated Zoning Text Amendments and Zoning Map Amendments
 - Draft Policy: Submittal of Applications and Supporting Information
 - Review of Revised Land Development Fees
 - Planning Commission Workshop: 1/18/11
 - Distribution and Review of Policy Neutral Zoning Ordinance Amendments
 - Regular Planning Commission Meeting: 1/25/11
 - Discussion of Next Steps and Comments on Blue Ridge Mountain Final Common Vision Document and Engineering Report.

8. President's Report.

Mr. Maxey reported that he had spoken with Todd Fagen in the GIS/Addressing Department to get a timeframe for receiving data on platted lots versus built lots. He stated that Mr. Fagen needed more specific geographical information before being able to provide an estimate of time.

Mr. Maxey discussed the informational documentation that he had provided to the Planning Commissioners earlier in the meeting. He requested that staff continue to do research regarding discussions of noise concerning Summit Point Raceway and suggested checking minutes of meetings held in 2001. He also provided contact information of individuals involved in those discussions to assist in finding the needed information. Mr. Maxey stated that this would be discussed again at the January 11, 2011 Planning Commission meeting.

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Mr. Trumble stated that he felt that the digitization of files and the establishment of rigorous procedures to guarantee the integrity of those files needed to be a priority in 2011 due to past issues with locating information within County files.

9. **Actionable Correspondence.** None.

10. **Non-Actionable Correspondence.** None.

Mr. Baty moved to adjourn at 9:03 PM. Mr. Taylor seconded the motion, which carried unanimously. A detailed transcript of the meeting, which was recorded by Steve Barney, Zoning Administrator, may be found on our website. These minutes were prepared by Amy Puetz, Planning Clerk.