

Jefferson County Planning Commission
January 13, 2015

The Jefferson County Planning Commission met on January 13, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Mike Chapman, Donnie Fisher, Peter Fricke. Dick Childs was absent without prior notification. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Steven Groh; Legal Counsel, and Rhonda Greenholtz; Planning Clerk

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

1. Election of Officers

A nomination of Officers was held. Mr. Gene Taylor made a motion for the current Planning Commission members to remain in current positions held. A vote was taken and the motion carried unanimously.

2. Approval of the minutes from the December 9, 2014 Planning Commission Meeting

Mr. Stephen Stolipher made a motion to approve. No objections to the approval of minutes.

3. Citizens Communications: None

4. Request for postponements: None

5. Public Workshop: Concept Plan Review Fellowship Bible Church (File# S14-03). This was a continuation of the Public Workshop that was held on December 9, 2014 to review and process a Concept Plan. The property is located at 160 Daniel Road, in Shenandoah Junction and is designated as Tax District: Charles Town (02); Tax Map: 03; Parcel: 4.5; Zoned: Rural; Size: 50.79 ac. The Planning Commission provided direction on Phase 1 at the December 9, 2014 Workshop. This Public Workshop focused on Phases 2 and 3.

- Phase 2 includes the construction of an additional driveway onto Daniel Road for an additional exit and entrance for the church; construction of a 27,308 sq. ft. Multi-Purpose Worship Building which can seat 700 people; and relocation of Playground Area.
- Phase 3 is a long-term planning tool and includes a new education addition to the Church; a 1,000 person capacity, 41,390 sq. ft. Worship Center; to remove all modular units; pave gravel parking lot (93 spaces), add parking (350 paved spaces) and vehicular access; and construction Creation Center, Educational Learning Center, and Missionary Housing. Phase 3 includes a total additional square footage of approximately 94,000 sq. ft.

Phases 2 and Phase 3 will be required to process as a Major Site Plan, requiring an additional Public Hearing in the future.

Staff reminded the Planning Commission of their decision to not require the applicant to provide a complete overview presentation if no members of the public were present at the January meeting.

Mr. Gary Frey spoke to clarify some items in the December 9, 2014 meeting minutes. They were as follows:

- 1) Mr. Frey had heard reference that the modulares on site were to be “removed” as part of Phase 3. The Concept Plan states the modulares would be “removed” and/or “relocated”.
- 2) Regarding the statement that a sidewalk would be constructed along Daniel Road and Flowing Springs Road, in the Pre-Proposal Conference meeting staff stated that an easement could be placed at that location in lieu of a sidewalk.

3) Regarding the statement that improvements would be made to the intersection of Daniels Road and Flowing Springs Road, the WVDOH's stated that during the site plan process either a traffic study or mutually agreed upon road improvements would occur at the intersection of Daniel Road and Flowing Springs Road.

No public comment was made.

Public comment was closed.

A motion was made by Mr. Dale Manual to move forward with the project, recommending cooperation with the WVDOH.

A vote was called for, which carried unanimously.

6. Public Hearing: Zoning Map Amendment Petition by property owner David Slusher (File# Z14-02) for a 0.98 acre property located on the southwest corner of the Route 340 (Berryville Pike)/Straithmore Farm Lane, to change the current Rural (R) zoning designation to General Commercial (GC) zoning. (District: Kabletown (06) Tax Map 11, Parcel 3)

Mr. Stephen Stolipher recused himself from this application citing conflict of interest.

The meeting was handed over to Mr. Wade Louthan, Vice President.

Ms. Brockman stated the responsibility of the Planning Commission is to make a recommendation to the County Commission to determine if this request is in conformance with the *2004 Comprehensive Plan*. This is the first request to use one of the new zoning categories.

Ms. Brockman stated the following reasons why the staff's perspective is that this request is not in conformance with the *2004 Comprehensive Plan*.

- This property is outside of both the *2004 Comprehensive Plan* Growth Area and the Charles Town Urban Growth Boundary (as approved in 2009) as well as outside of the *2035 Comprehensive Plan* Preferred Growth Areas.
- Water and Sewer service is not in this vicinity.
- Route 340 at this area is a 2 lane road and has been identified as needing improvements.
- Most of the property is located within the 100-year floodplain.

Mr. Chad Wallen of Gordon & Associates presented the application. Mr. Chad Wallen stated reasons the applicant believes the proposed request is in conformance with the *2004 Comprehensive Plan*.

- Surrounding properties are currently zoned and used as commercial.
- This property is and has been used as commercial use for many years.
- The existence of a 100 year floodplain limits the use of this property.
- The size of the property creates an inability to build a bigger building.
- There would be no impact to neighboring properties in relation to water and sewer as it is served by well and septic.
- Route 340 is considered a primary road and is not considered a hazardous road.
- Water and sewer are not necessary for the current use of the building.

Mr. Wallen also stated that the purpose of this request is for future marketing and to protect the interest of the business.

No public comment was made.

Public comment was closed.

The Planning Commission discussed the issues raised by the staff and whether the application could be considered to be in conformance with the Comprehensive Plan

A motion was made by Mr. Donnie Fisher to recommend to the County Commission that this request is in conformance with the 2004 Comprehensive Plan.

A vote was taken and approved 7-1. (Mr. Peter Fricke opposed.)

7. Petition by Standard Land Company, LLC (File # Z14-13) presented to the Planning Commission for the purpose of scheduling a public hearing within 60 days. This property is currently zoned Rural (R) and Residential Growth (RG) and the applicant is requesting Residential/Light Commercial/Industrial (RLIC). The property is located on the east side of Millville Road (Route 27), south of the intersection with Route 340.

Mr. Stephen Stolipher recused himself from this portion of the meeting citing conflict of interest.

The meeting was handed over to Mr. Wade Louthan, Vice President.

A motion was made by Mr. Dale Manual to schedule a public hearing February 10, 2015. A vote was taken, which carried unanimously.

8. Discussion and distribution of a summary memo as a follow up to the December 12, 2014 Stakeholders meeting.

Among the items discussed at the Stakeholders Meeting, the following items were identified for potential action by the Planning Commission:

- Potential Public Hearing to consider amending the definition of “days” from business days to calendar days in Section 26.200 of the Jefferson County Subdivision and Land Development Regulations. Such amendment will require final approval of the County Commission.
- Potential Public Hearing to consider amending Section 20.104, “Exceptions”, of the Jefferson County Subdivision and Land Development Regulations, subsection “C”, to “exempt” public utilities and private utility firms processing easements from these Regulations. Such amendment will require final approval of the County Commission.
- Potential Public Hearing to consider amending Section 24.300, “Waivers”, of the Jefferson County Subdivision and Land Development Regulations to change the last sentence of the introductory paragraph stating “No process or procedural waivers shall be granted” to “Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval”. Such amendment will require final approval of the County Commission.

A motion was made by Mr. Donnie Fisher to schedule 3 public hearings for the above amendments to be heard at the February 10, 2015 meeting. A vote was taken which carried unanimously.

Additionally, the President of the Planning Commission suggested the recruitment of two (2) citizen based committees to propose potential amendments to the Zoning Ordinance and Subdivision Regulations generated by comments received at the December 2014 Stakeholders Meeting.

- One committee will be asked to review the Major Subdivision Process found in the Jefferson County Subdivision and Land Development Regulations and to recommend a draft amendment to the Planning Commission to more closely reflect the requirements of Chapter 8A of the WV State Code, including a Concept Plan Public Workshop, a Preliminary Plat Public Hearing, and an administrative approval of the Final Plat. Any amendments to the Subdivision Regulations shall be referred to the Planning Commission for a Public Hearing and subsequently to the County Commission for approval.
- The second committee will review and recommend proposed amendments to both the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations to develop and propose language regarding rural campground facilities standards and processes. Any amendments to the Zoning Ordinance and Subdivision Regulations shall be referred to the Planning Commission for a Public Hearing and subsequently to the County Commission for approval.

Discussion occurred regarding the concept of placing an ad to potential committee members.

A motion was made by Mr. Dale Manuel to have each Planning Commission member appoint one (1) citizen per committee (total of 2 citizens per Planning Commission member) and to ask Planning Commission member(s) to volunteer as well at the February 10, 2015 Planning Commission meeting. A vote was taken, which carried unanimously.

10. Reports from Legal Counsel and legal advice to the Planning Commission :

- Mr. Steve Groh will be in Charleston, WV regarding a court case relating to Far Away Farms later this month.
- A County Commissioners meeting will be held on January 14, 2015 at 10:00 a.m. to review and make recommendations on the *2035 Envision Jefferson Comprehensive Plan*.
- A special Planning Commission meeting has been scheduled for January 27, 2015 at 7:00 p.m. to discuss any edits received from the County Commission on the *2035 Envision Jefferson Comprehensive Plan*.

11. Directors Report:

- Ms. Brockman updated the staff in regards to the current open Zoning Administrator position.
- It was noted that the County Commission intends to take further action on the proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) once the 2035 Comp Plan and the FY 2016 Budget processes are complete.

12. Planning Commission and Liaison reports:

- None

13. President Report:

- None

14. Actionable Correspondence:

- None

15. Non Actionable Correspondence:

- None

16. Signing of approved Motions from previous meetings:

- None

Mr. Stephen Stolipher motioned to adjourn the meeting at 8:35 p.m. A vote was taken and passed unanimously.