

Minutes
Jefferson County Planning Commission
June 10, 2014

The Jefferson County Planning Commission met on June 10, 2014, with the following Commission members present: Stephen Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Donnie Fisher, and Mike Chapman. Staff members present included Jennie Brockman, Director of Planning and Zoning; Stephanie Grove, Assistant County Prosecuting Attorney; and Alexandra Beaulieu, Office/Project Manager.

Mr. Dick Childs was absent with notice.

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

1. Approval of the minutes from May 6, 2014 Planning Commission Meeting.

Mr. Phalen motioned to approve the minutes.

Mr. Taylor seconded the motion, which carried unanimously.

2. Citizen Communications. None.

3. Request for postponement. None.

4. Public Hearing regarding a Zoning Map Amendment (re-zoning) request by property owners Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary and Eric and Stacy Lindberg (PC File #Z14-01). The properties are located at 4115 Charles Town Road and 16 Hospice Lane in Kearneysville. The properties are designated as Tax District: Middleway (07); Tax Map 1; Parcels: 1.2 (16.62 acres) and 1.1 (7 acres); and are currently zoned: Rural. The request is to change to the Residential-Light Industrial-Commercial (R-LI-C) zoning category.

Ms. Annette van Hilst represented the applicants, providing an overview of the request. She distributed a printed copy of her PowerPoint presentation.

Mr. Rivard provided an overview of the staff report stating that the request was in conformance with the adopted 2004 Comprehensive Plan.

Mr. Stolipher opened the floor to Public Comment. Ms. Beaulieu stated that one of the applicants signed up to speak.

Mr. Hoy Shingleton stated that he signed up to speak but no longer wished to speak.

Mr. Fisher motioned to close public comment.

Mr. Louthan seconded the motion, which carried unanimously.

Mr. Fisher motioned to recommend approval of the Zoning Map Amendment request for a rezoning from the Rural (R) zoning designation to Residential-Light Industrial-Commercial (R-LI-C) to the County Commission with the Finding that it is in conformance with the 2004 Comprehensive Plan.

Mr. Taylor seconded the motion, which carried unanimously.

5. Public Hearing: Request by applicant Roderick Planes, LLC / Aspen Greens Phase IIA (File #PCV14-01) to be represented by Gates Associated, Inc. for a variance from Article 6, Section 6.3 of the 1979 Jefferson County Subdivision Ordinance which requires a public hearing within 24 months of the previous phase. The applicant is requesting a 12 month extension from June 10, 2014 to June 10, 2015, to advance through the Final Plat public hearing for this development. Property location: Northeast of the intersection of Old Country Club Road with Flowing Springs Road. The property is

designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19; Size: 110 acres total (203 lots); Zoned: Rural (R).

Mr. Fred Gates represented the applicant and stated that the request was for a twelve-month extension from the next phase approval deadline of June 10, 2014. He noted that the project was well under way and would likely not require the full twelve-month extension.

Mr. Rivard stated that the applicant was processing under the 1979 Subdivision Ordinance which followed a different timeline from that of the current Subdivision Regulations. Mr. Rivard noted that staff supported an extension of eight months but did not see the need to grant a full twelve-month extension.

Mr. Stolipher opened the floor to public comment.

Ms. Jody Carter stated she owned a farm across from the Aspen Greens subdivision. She stated that she was not speaking against the applicant's request but wanted to go on the record with concerns drainage issues. Ms. Carter stated that with recent heavy rains, her family's farm was dealing with a lot of water running through her farm which was resulting in a lot of standing water, rendering certain sections of the farm unusable.

Mr. Manuel asked Mr. Saunders to address Ms. Carter's concerns from an Engineering standpoint.

Mr. Saunders stated that Aspen Greens was in the sediment erosion control phase and that they had not yet installed stormwater management. He stated that once stormwater management was installed, the issues express by Ms. Carter should be resolved.

Mr. Stolipher asked Mr. Gates if he would like to address Ms. Carter's concerns during the meeting or if he would rather consult with her after the meeting.

Mr. Gates said he would meet with Ms. Carter after the meeting.

Mr. Manuel motioned to close public comment.

Mr. Taylor seconded the motion, which carried unanimously.

Mr. Manuel motioned to grant an extension of ten months to advance through the stage of a Final Plat Hearing on or before April 10, 2014.

Mr. Fisher seconded the motion, which carried unanimously.

6. Public Hearing: Request by applicant St. James Lutheran Church of Uvilla (File #PCW14-02 and -03) to be represented by Kimberly Shrader, P.E. for a waiver from Appendix B, Sections 2.3.A.6, 2.3.B.3 and 9.4.E.3 of the Jefferson County Subdivision and Land Development Regulations. The applicant is requesting the following waivers: from the required concrete apron to allow the use of asphalt (Appendix B, Section 2.3.A.6); a reduction from the required 24' minimum two way entrance width to 18' (Appendix B, Section 2.3.B.3); and a reduction from the required 22' minimum internal site driveways width to 18' (Appendix B, Section 9.4.E.3). The property is located at 4328 Shepherdstown Pike in Shenandoah Junction. The property is designated as Tax District: Shepherdstown (09); Tax Map: 20; Parcel 16; Size: 2.36 ac.; Zoned: Rural (R).

Ms. Shrader represented the applicant and provided an overview of the request.

Mr. Rivard provided an overview of the Planning and Zoning staff report and addressed the request for a waiver from the minimum internal site driveways width. He stated that staff recommended

approval of the request for a reduction from the required 22' to 18'. Mr. Rivard deferred to Engineering Staff for the two additional waivers.

Mr. Saunders provided an overview of the Engineering Report. He stated that he contacted the Division of Highways to determine their requirements and made a recommendation to the Planning Commission to approve a reduction from the minimum required internal site driveways width of 24' to 20'. Mr. Saunders recommended approval of the request to replace the required concrete entrance cross-section with an asphalt cross-section. Mr. Saunders recommended denial of the request to reduce the minimum two way entrance width from 24' to 18' and recommended a reduction of 20' to keep in accordance with DOH requirements.

Mr. Stolipher opened the floor to public comment. Mr. Adam Link signed up to speak; however, Mr. Link stated he did not have any comments but did ask for clarification regarding Mr. Saunders recommendations.

Mr. Taylor motioned to closed public comment. Mr. Louthan seconded the motion, which carried unanimously.

Mr. Louthan motioned to approve the request for a waiver from Appendix B, Section 2.3.A.6 to allow the applicant to use asphalt in place of a concrete apron.

Mr. Phalen seconded the motion, which carried unanimously.

Mr. Fisher motioned to approve the request for a waiver from Appendix B, Section 2.3.B.3 to allow for a reduction from the required 24' minimum two way entrance width to 18'.

Mr. Taylor seconded the motion, which carried unanimously.

Mr. Chapman motioned to approve the request for a waiver from Appendix B, Section 9.4.E.3 to allow for a reduction from the required 22' minimum internal site driveways width to 18'.

Mr. Louthan seconded the motion, which carried unanimously.

7. Presentation by Staff on the draft Envision Jefferson 2035 Comprehensive Plan.

- Request to schedule a Special Workshop to review the Comprehensive Plan with the Steering Committee on June 24, 2014.

Mr. Stolipher scheduled a Special Workshop to review the Comprehensive Plan with the Steering Committee on June 24, 2014.

- Request to schedule a Public Hearing on July 22, 2014

Mr. Manuel motioned to schedule a Public Hearing on July 22, 2014.

Mr. Louthan seconded the motion. The motion passed with six in favor and one opposed (Mr. Stolipher opposed).

Mr. Stolipher called a recess at 8:32 PM. Mr. Stolipher called the meeting to order at 8:48 PM.

8. Discussion and possible recommendation related to Draft Amendment to Zoning Ordinance regarding Mass Events. Request to schedule a public hearing for July 8, 2014.

On page one (1), under **Section 8.16 Mass Event Regulations**, strike items **3. e., f., and g.**

On page two (2), amend item #4 to reflect bond requirements only and no other fees.

- Clarify under what circumstances a bond can be called, including covering jail fees.

- Amend **a. b. c. and d.** rates to just flat fees, rather than daily fees.
- Strike sub-items **e., f., and g.**

Amend item #6:

- Amend **a.** to reflect the following: “~~written agreement~~” to “contract” and “~~written proof~~” to “contract”; contracts shall be between “local law enforcement, EMS, Fire, and 911 agencies; a licensed garbage removal company; and a towing-company.”
- Amend **c.** to reflect such that the sliding scale caps at \$2,000,000 (two million dollars).

One page three (3), amend #9 to reflect such that the fee is equal to the maximum fine for a misdemeanor.

Amend #10 to reflect the following: remove “~~land owner~~” from responsible parties for jail fees; move to be a part of **Part A, item #4.**

On page four (4), amend **Part B, item #4** to reflect the following:

- Reduce parking area setback requirements from 250 feet to 50 feet from all property lines unless there is a residential structure which would require a setback of 250 feet for parking areas.

The PC discussed setback requirements at length and requested that staff look into setback standards for festivals/events in other jurisdictions. The PC also stated that since the application would go before the Board of Zoning Appeals (BZA) applicants would be permitted to request a variance from setback standards.

Amend **Part B item #5** to reflect the following:

- Extend curfew for amplified performances and performance lighting in **items a. and b.** from “~~12 a.m.~~” to “3:00 a.m.”.
- Extend curfew for sale of alcohol in **item c.** from “~~12 a.m.~~” to “2:00 a.m.” (as regulated by State Law).
- Amend **item d.** to state that the maximum mass event time frame is up to seven (7) days with language such that the Board of Zoning Appeals (BZA) may extend or shorten on a case by case basis.

9. Reports from Legal Counsel and legal advice to the Planning Commission. None.

10. Director’s Report.

Ms. Brockman reviewed the director’s report from the Agenda Packet. She stated that after the current Planning Commission vacancy is filled, she would schedule the new member orientation.

11. Planning Commission Exchange and Liaison Reports: None.

12. President’s Report.

13. Actionable Correspondence.

- Review and possible action regarding draft letter from the Planning Commission to the County Commission requesting automatic extension for subdivisions vested under the 2010 SB 595.

Mr. Fisher motioned to recommend automatic extension for subdivisions vested under SB 595 from July 1, 2015 to July 1, 2017 and submit the drafted letter to the County Commission.

Mr. Taylor seconded the motion, which carried unanimously.

14. Non-Actionable Correspondence.

- Darlene Truman, May 14, 2014 – Planning Commission Resignation.

15. Signing of approved Motions from previous Planning Commission meetings. None.

Mr. Taylor motioned to adjourn the meeting at 9:55 PM.

Mr. Phalen seconded the motion, which carried unanimously.