

Jefferson County Planning Commission
August 12, 2014

The Jefferson County Planning Commission met on August 12, 2014, with the following Commission members present: Stephen Stolipher; President, Wade Louthan, Vice President; Gary Phalen, Peter Fricke, Dale Manuel and Mike Chapman. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, County Planner; Rhonda Greenholtz, Planning Clerk; and Alexandra Beaulieu, Project Manager.

Mr. Richard Childs and Mr. Gene Taylor were absent with notice.

Mr. Stephen Stolipher called the meeting to order at 7:03 PM.

1. The Approval of the minutes from the following Planning Commission Meetings.

June 10, 2014

Mr. Dale Manuel motioned to approve.

Mr. Gary Phalen seconded the motion, which carried unanimously.

July 8, 2014

Mr. Donnie Fisher noted inconsistency in Item # 5 stating that he suggested contacting DOH. He was not present at this meeting. He requested that staff make the correction to reflect the correct information. Staff revised the minutes to reflect the following correction:

On page 3, item 6b. Members discussed whether to include the requirements to notify the DOH regarding a short term entrance permit. Mr. ~~Fisher~~ Chapman requested that staff contact the DOH to determine if a short term entrance permit exists and how long the application process would take.

Mr. Gary Phalen motioned to approve the minutes from July 8, 2014 with correction.

Mr. Mike Chapman seconded the motion, which carried 5-0, with 2 abstentions (Mr. Fisher and Mr. Louthan).

July 22, 2014

Mr. Stephen Stolipher and Mr. Mike Chapman were not present at this meeting and therefore excluded themselves from the motion.

Mr. Gary Phalen motioned to approve the minutes.

Mr. Wade Louthan seconded the motion, which carried 5-0, with 2 abstentions.

2. Citizen Communications.

The following citizens commented on a Comprehensive Plan Public Hearing Input Letter from Mr. Matt Knott re: Boat ramp access across from Ms. Julianna Mosher's Property located at end of Knott Road.

Ms. Cathy Vance: Commented on the fact that the Existing Land Use Map shows campgrounds and access points on the Shenandoah and Potomac. Asked that those be limited to public access points and not privately held commercial ones. Addressed letter written by Mr. Matt Knott asking that ramp at end of Knott Road be shown as an access point on Existing Land Use Map. Thanked Planning staff for the recommendation that this should not be shown on the Existing Land Use Map. This piece of land is landlocked. You would have to trespass on private property to get to ramp. No parking is available, no turnaround, one lane road, would be inappropriate to mark as access point onto the Potomac.

Ms. Cathy Loftin: Commenting on letter from Mr. Matt Knott. Reiterated what Ms. Cathy Vance stated regarding property being landlocked, etc. recommending that this not be shown as river access point on the Existing Land Use Map. Ms. Loftin added that the Planning Commissioner/Staff has done great job with the plan.

Mr. Bernard Simmons: Commented on road conditions of Knott Road. No place to turn around.

Mr. Charles Axline: Agreed with previous comments. Not a safe place to get in or out. No place to park or turnaround. No room to make improvements. Would like to oppose Mr. Knott's request.

3. Request for postponement. None.
4. Public Hearing on the proposed text amendment to the Jefferson County Zoning Ordinance related to Mass Events (File #ZTA14-02). The amendment includes deleting the term "Seasonal Use" from Section 2.2; adding the definition of "Mass Event" to Section 2.2; deleting Section 9.8 "Seasonal Use"; and creating the new Section 8.16 "Mass Event Regulations" which includes details on the Public Hearing process before the Board of Zoning Appeals and the submittal of a Concept Plan, which is administratively approved.

Ms. Jennifer Brockman gave an explanation of proposed Zoning Text Amendment related to Mass Events Regulations and clarified that it is not intended to apply to any existing fairs and festivals which would be grandfathered, to any commercial property with a permanent structure with an approved site plan, or to land owned by a local, state or federal government.

Mr. Dale Manuel made an announcement before opening the Public Hearing regarding developing a "grandfather clause" for existing activities, i.e. the County Fair, Summit Point Raceway, Mountain Heritage Arts and Crafts Festival and other activities that take place in Jefferson County. Mr. Manuel has preliminary language but hasn't had opportunity to fully look it over as the draft was just received from legal counsel before the meeting.

Mr. Stolipher opened the floor to public comment.

Ms. Annette Gavin, CEO Jefferson County Convention & Visitors Bureau. Ms. Gavin read the letter submitted to Commissioner Pellish dated August 11, 2014 regarding the impact on tourism and adverse effects on current as well as future events. Ms. Gavin added that the stakeholders appreciated the proposed grandfather clause but has concerns.

Mr. Doug Rockwell: Mr. Rockwell pointed out that there may be potential conflict of interest with Mr. Stephen Stolipher due to representation of an organization that would fall under the provisions of the mass events regulations. Mr. Rockwell has some suggested changes in the language of the proposed amendment. He stated that he would submit a hard copy of his recommended edits to the Planning Commission for consideration.

Mr. Charles Tilley: President of Country Roads Car Club. Mr. Tilley is concerned with how this Ordinance would impact a non-profit organization. He questioned how would this affect obtaining permits and fees associated with this.

Mr. Andrew Skinner: President of Jefferson County Chamber of Commerce. Questioned how this will affect the economic activity in Jefferson County; asked for caution in implementing these rules and appreciates any consideration.

Ms. Peggy Smith: Not speaking as the Mayor but because she serves on several boards including Jefferson County Chamber of Commerce, County Convention & Visitors Bureau Board. The Board has come up with new ideas that cannot be grandfathered in as they are new ideas. Tourism is a concern due to monies coming into Jefferson County. Fundraisers are another concern.

Mr. Mark Dyck: Suggested modifications:

- Section 8.16 (A) paragraph 4; fees associated with posting bond; to state “if recommended” by the sheriff’s department. The Sheriff could review and determine if needed or not.
- Section 8.16 (A) paragraph 5; define what proposed access route is.
- Section 8.16 (A) paragraph 6; Approvals required. Getting approval from agencies before Board of Zoning Appeals approval is premature. Huge effort and cost. Suggested changing language to state that notification only required, with approvals required with Site Plan.
- Section 8.16 (A) paragraph 8; Define additional event fee.
- Section 8.16(B) paragraph 4(a) and 8 (b); suggest setback from nearest residential structure not property line.
- If sheriff waives fees, the insurance bonding should automatically be waived.

Mr. Mike Chapman motioned to close public hearing.

Mr. Gary Phalen seconded motion which carried unanimously.

Mr. Stephen Stolipher asked for suggestions or recommendations from Planning Commission.

Ms. Jennifer Brockman stated for the record there were letters from:

- Mr. Robert Aitcheson
- Ms. Joyce Rawn
- Mr. Dallas Wolfe
- Ms. Annette Gavin
- Mr. John Michael Cassell
- Mr. Matt Knott

Ms. Jennifer Brockman stated these letters were submitted as written comments into this record.

Mr. Dale Manuel motioned to keep the proposed amendment to the Zoning Ordinance regarding Mass Event Regulations before Planning Commission for discussion and possible revisions. He requested that staff work with stakeholders and those individuals who have shown interest at this meeting and bring back a revised amendment at a future meeting.

Mr. Wade Louthan seconded the motion which carried unanimously.

Mr. Stephen Stolipher will check with the Ethics Committee regarding Mr. Rockwell’s conflict of interest concerns. Mr. Stolipher believes there is no conflict because the proposed amendment will apply county-wide.

5. Cambridge Estates Cambridge Manufactured Home Park (File#PCV14-02). Request for Determination/Variance Subdivision Ordinance (1979 Version), Article 6, Section 6.3 and Article 8, Section 8.1 (d), requiring sections of development be processed every 24 months and recorded within 90 days.

Mr. Seth Rivard gave overview of development and request.

Mr. Dirk Stansbury, representative for the project, spoke on behalf of the applicant.

Mr. Stephen Stolipher opened up Public Hearing.

No speakers had signed up to speak on this.

Mr. Mike Chapman made motion to close the Public Hearing.

Mr. Wade Louthan seconded the motion which carried unanimously.

Mr. Stephen Stolipher stated that due to uniqueness of the project and the fact that this was probably not provided for in the Subdivision Regulations (Mobile Home Park vs. "Stick Built" Subdivision), he is in favor of the applicant not having to return every 24 months.

Mr. Steven Groh stated the Planning Commission does not have the authority to make a determination that the Subdivision Ordinance did not apply. He advised that the Planning Commissioners look at the request as a variance from the 24 month requirement based on findings related to the fact that it is a unique type of development. It is not a "traditional subdivision" because the lots are not being sold.

Mr. Dale Manuel motioned to approve the variance request based on the conditions outlined on the last two pages of the request submitted by the applicant (included by reference). Variance granted for a period of 10 (ten) years based on staff recommendations and unique criteria found.

Mr. Mike Chapman seconded the motion which carried unanimously.

6. Cave Quarter Estates (File #PCV14-03). Variance request from 1979 Subdivision Regulations, Article 8, Section 8.2 (a)(2), which requires a second entrance for subdivisions over 50 lots; and Section 8.2 (a)(14), which requires a full size turnaround (cul-de-sac) in accordance with the design standards for any dead end streets that serve over 5 lots.

Mr. Seth Rivard gave overview of application.

Mr. Dirk Stansbury, representative for project, spoke on behalf of the applicant.

Mr. Stephen Stolipher opened up for public comment.

Ms. Sharon Wilson - The entrance is located under a right-of-way for Dominion Power which has been used by Dominion Power to park trucks and to provide maintenance on transmission line. In the past 6 (six) months, the entrance has been blocked. The school bus stop is at top of hill which could possibly be a hazard.

Mr. Brett Bouly – Same concerns as previous speaker.

Ms. Joyce Dunn – Unfinished road is an eyesore and dangerous. If second entrance is not completed and an emergency occurs there is no way for residents to evacuate development.

Mr. Bob Cole – Main concern is the entrance/exit. There have been a couple of close calls due to the rise in the hill. Mr. Cole is in favor of second entrance.

Mr. Johnathon Puffenbarger – Shares sentiment of previous speakers

Mr. Dale Manuel motioned to close public hearing.

Mr. Gary Phalen seconded the motion which carried which carried unanimously.

Mr. Dirk Stansbury – Engineering standards for T turnaround would accommodate emergency vehicle concerns. Necessity of cul-de-sac not required. A remediation of existing disturbed earth at the rough graded second entrance will return it to a grass state that will improve the curb appeal of the development. Mr. Stansbury also presented an option that he would like the Engineering Department to consider, which is an “Inverted Tee” design.

Mr. Peter Fricke motioned to grant the variance to allow the approved cul-de-sac to be converted to an approved T-turnaround. The motion was modified to state that the applicants proposed “Inverted Tee” could be considered as long as the Jefferson County Engineering Department accepted that design. Further, the motion was modified to state that the design should accommodate the largest fire apparatus in the City of Charles Town. Mr. Peter Fricke restated the full motion to include the following three conditions:

1. The requested variances apply only to this phase and would need to be reexamined with the submittal of any future phase, change in plan or layout.
2. Applicant shall install the “T” turnaround (cul-de-sac).
3. A sign stating the following shall be installed at the top of the “T” directly down the center line of the street: “Street to be extended by authority of the owner of the Residue and upon approval of the County Planning Commission”. The sign shall be similar in size to a speed limit sign.

Mr. Dale Manuel seconded the motion, which carried unanimously.

Mr. Dale Manuel motioned to grant the variance request allowing the required second entrance not to be constructed at this time with the condition of restoring the currently graded and graveled area to its original conditions. The motion failed for a lack of a second.

Mr. Gary Phalen made a motion to approve the variance request to allow the required second entrance not to be constructed at this time, with the staff recommended conditions of approval. Mr. Wade Louthan seconded motion. The motion passed 6 -1 (Mr. Peter Fricke opposed).

9:06 PM Mr. Stephen Stolipher called for break

9:17 PM Mr. Stephen Stolipher called meeting back in session.

7. Review and possible recommendations regarding public comments provided at the Public Hearing on July 22, 2014 and/or public comments received on or before 5:00 p.m. on July 28, 2014 related to the Steering Committee’s recommended DRAFT Envision Jefferson 2035 Comprehensive Plan.

Mr. Stephen Stolipher stated that there will be a special meeting held on August 26th, 2014 for the Comprehensive Plan only and that he would allocate 2.5 hours for the meeting. At that meeting, the Planning Commission will provide their comments, which staff will put in text form but they will not be discussed at the 8/26 meeting and no further public meeting will be required.

Ms. Jennifer Brockman provided the following overview of the public comments received at or after the Public Hearing:

- 38 people submitted comments

- 72 Specific and unique comments submitted
 - 4 purely editorial
 - 7 Substantive recommendations
 - 61 comments were already covered in the plan and will not be addressed.

Mr. Seth Rivard briefed the Planning Commission on comments received at a Planning Commission Public Hearing held on July 22, 2014 and all written comments received during open public comment time frame. Planning Commission had the opportunity to note to staff which comments they were interested in addressing in greater detail at the August 26, 2014 meeting.

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

9. Director's Report.

Eastern Panhandle Transit Authority (EPTA) submitted Transit Development Plan Scope of Work for the Planning Commission's information.

Jefferson County Commissioners held a Public Hearing on the Planning Commission's recommended Senate Bill 595 Vested development time extensions on July 23, 2014.. A decision will be made at the August 28, 2014 County Commission meeting.

County Commission held Public Hearing on July 23, 2014 Rezoning of Perkins/Shingleton Property and left it open for written public comment for two weeks. A decision will be made at the August 28, 2014 County Commission meeting.

Reminder that there is a required 2 hour per year Planning Commissioner training which the staff will prepare when a meeting agenda allows. Ethics form must be completed and turned in. New members will be required to complete ethics training before signing form.

10. Planning Commission Exchange and Liaison Reports: None.

11. President's Report.

Mr. Stephen Stolipher suggested round table discussions be held quarterly.

Ms. Jennifer Brockman was concerned about staff and Commission capacity until the Comprehensive Plan is adopted.

Mr. Stephen Stolipher requested to possibly schedule round table discussion in September.

12. Actionable Correspondence. None.

13. Non-Actionable Correspondence.

Email comment from Ed Smariga dated August 4, 2014 RE: Draft Comprehensive Plan

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

Mr. Dale Manuel motioned to adjourn the meeting at 10:30 PM.

Mr. Gary Phalen seconded the motion, which carried unanimously.

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These minutes were prepared by Ms. Rhonda Greenholtz, Planning Clerk.