

Jefferson County Planning Commission
December 9, 2014

The Jefferson County Planning Commission met on December 9, 2014, 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, and Dick Childs. Staff members present included Jennie Brockman, Director of Planning and Zoning; Jonathon Saunders, County Engineer; Steven Groh; Legal Counsel, and Rhonda Greenholtz; Planning Clerk

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

1. Approval of October 14, 2014 meeting minutes. Mr. Dale Manuel made a motion to approve. Mr. Gary Phalen seconded the motion which carried unanimously.
2. Citizens Communications: None
3. Request for postponements: None
4. Review and approval of the 2015 Planning Commission schedule. A motion was made by Mr. Mike Chapman to approve. Mr. Gene Taylor seconded the motion which carried unanimously.
5. A discussion was held to review and adopt "Roberts Rules of Order for Small Boards". Mr. Donnie Fisher motioned to adopt the Roberts Rules of Order for Small boards starting with this meeting. Mr. Dale Manuel seconded the motion which carried unanimously.
6. Public workshop for the approval of a Concept Plan for the Fellowship Bible Church (File #S14-03).

Ms. Jennifer Brockman first wanted to address 2 errors with the advertisement of this project. 1) The property address was incorrect. This was corrected on Friday, December 5, 2014 in the packets and on the agenda. However, all advertisements and postings said the name of the Church and the correct road name. 2) The original ad that was placed described Phase 1 improvements only. The letters sent to the adjoining property owners, the staff report and the agenda described all 3 phases. Phase 1 is primarily recreational and will process as a Minor Site Plan because the square footage of the proposed and existing buildings combined will not exceed 50,000 square feet total. Phases 2 and 3 will process as a Major Site Plan and a Public Hearing will be required before the Planning Commission. The workshop for Phase 1 can be held at this meeting. It is the Commission's decision whether to proceed with the workshop for Phases 2 and 3 at this meeting, or if it should be continued and re-advertised. It is believed that the same people would be present for all meetings for all 3 phases. Adequate notice for all 3 phases has been given to the adjoining property owners.

The purpose of this meeting is to allow for general public input before significant engineering is completed. The result of this meeting is not to approve or deny this project but to obtain any recommendations the Planning Commission may have based on public comment.

Mr. Stephen Stolipher was open to discuss all 3 phases.

Mr. Gary Phalen questioned the implication of discussing Phases 2 and 3 at this workshop so as to not jeopardize the developer in any way.

Mr. Stephen Groh believed it should be re-advertised to ensure no risk to the developer with respect to the "Open Meetings Act" ensuring the public is aware of what each phase of the plan entails. Phases 2 and 3 are for future planning.

The applicant was allowed to present all 3 Phases. Phase 2 and 3 will be heard at the January 13, 2015 meeting. If no member of the public attends the January 13, 2015 meeting for the purpose of commenting on Phases 2 and 3, no additional presentation will be required. In that circumstance, the

Planning Commission will be able to provide direction based on the presentation at the December meeting.

Mr. Gary Frey, Licensed surveyor with Carl Bert & Associates and an Elder of the Fellowship Bible Church presented the project. Mr. Gary Frey was accompanied by Scott Bert, engineer for Carl Bert & Associates; Fellow Elders of the Church and the property supervisor. The Fellowship Bible Church's Phase 1 Plan reflects the additional modulars that were approved by the Board of Zoning Appeals provided they were subsequently reflected on the Concept and Site Plan. Phase 1 reflects the placement of four (4) additional modulars on site. The three (3) modulars dedicated to a children's wing are fenced in for security purposes. The 4th modular has been added closer to the existing detention pond. Phase 1 proposes 93 additional parking spaces; which is more than required by Ordinance. These parking spaces will be in place for the start of Phase 2. Parking will be added near the pavilion area and the existing gravel driveway will be increased to meet standard widths as required by the Subdivision Regulations. This Phase includes enlargement of the ball and soccer fields, basketball court, addition to the pavilion, addition of a maintenance shed and restrooms. The storm water management pond will be increased, if necessary, to accommodate those facilities. The existing storm water detention pond was designed for the anticipated build out condition in 2005. The numbers have been rechecked and it appears they are holding true with the current site design.

There is some flexibility as to whether the entrance should be installed with Phase 1 or Phase 2. A new entrance may be installed in Phase 1 connecting to the new 93 parking spaces. This entrance has been approved by WVDOH. Bonding is required by DOH.

Phase 2 will include a 200' turn lane with a 150' taper. A new DOH Highway Entrance Permit is required. This phase includes the construction of the new multi-purpose worship center which will hold 700 people. This is double the capacity of the existing church. Phase 2 will start in approximately 3 to 5 years.

Phase 3 is a long-range planning tool. The roadway for the dedicated worship area is designed so no stacking will occur on Daniel Road. Vehicle stacking would be on site. The dedicated worship area will seat approximately one thousand people. The use of the Christian Learning Center may be a school or higher learning center for training missionaries, or as an evening bible institute. An additional education wing would connect the multi-purpose center to the existing building. A sidewalk is planned along Daniel and Flowing Springs Roads. Improvements will be made to this intersection.

Ms. Jennifer Brockman indicated that outside agencies were contacted for approval. Response was received from The Public Service District (PSD), WVDOH and the Historic Landmark Commission. The letters are included in the packet.

Mr. Stephen Stolipher opened the floor for public comment.

No public comment was made.

Public comment was closed.

Mr. Stolipher indicated the Planning Commission's duties are to make recommendations based on public comment. Mr. Stolipher opened the floor back up for discussion.

Mr. Dale Manuel asked if Phase 1 was dependent on the PSD for any new lines.

Mr. Frey stated Phase 1 would not be dependent on these lines. An existing septic system was activated on site in 2007. It was designed for 750 gallons a day with an additional replacement area.

A meter was installed to check usage. The existing well yields 35 gallons per minute. Underground storage is a consideration for fire suppression in the future. A pond for a dry hydrant is also a consideration. There is a separate septic system near the pavilion.

A motion was made by Mr. Gary Phalen to recommend that the applicant proceed to the Minor Site Plan for Phase 1. A vote was taken to proceed which carried unanimously.

Ms. Jennifer Brockman stated that a re-advertisement will be placed for Phases 2 and 3.

Mr. Stephen Stolipher and Ms. Jennifer Brockman apologized to the applicant for the advertising mistake.

7. Public Hearing for the Harpers Ferry Holding, LLC and River Riders, Inc. (File #PCW14-04).

Ms. Jennifer Brockman requested that the applicant present their request first and staff to give their comments afterwards.

Mr. Mike Shepp, Alleghany Surveys, presented the request for the applicant. He provided an overview of the previously approved Concept Plan for reference purposes. As the applicant's engineer has moved forward with the engineering design, it has become apparent that it is difficult to meet the original intent of the Concept Plan and to meet all of the regulation requirements; therefore, two waivers are being requested. Waiver Request 1 is to allow the grade to exceed 8% or 9 % (depending on which section of the Ordinance will apply) in limited areas as shown on an exhibit plat so as to leave the area designated as a grassy area for overflow parking. The engineer determined during the design of the internal roads that in order to meet the required grades, a 24' wide cut would need to be made. Therefore, the property would not be able to remain in its existing condition which was the goal of the Concept Plan and previous waiver to allow grass overflow parking. This would completely change the landscape. The request is to allow the applicant to exceed the grade.

The second waiver request is for Reveille Road, an existing gravel road which traverses a 10 acre parcel owned by Gene Capriotti and serves a single family residential property that is a part of the original Bolivar Heights subdivision as well as the River Riders facility. River Riders has a 50' right of way across the 10 acre property and is requesting that the right-of-way be permitted to remain "as is" for the existing purpose and for limited non-public access. Access is intended to be limited to use by the property owners and for the River Riders buses to access a proposed bus garage. One concern is that if this road is significantly upgraded it will become a short cut for the public.

Mr. Dick Childs asked for clarification of the "intent" of the road to not allow public access.

Mr. Mike Shepp clarified that is Mr. Knott's desire that Reveille Road not become public but it could be an unrealistic expectation as Mr. Knott is not the property owner.

Mr. Jonathon Saunders asked for clarification on the proposed entrance location as it relates to the intersection with Allstadts Road.

Mr. Mike Shepp stated the current entrance will be brought up to County standards with the exception of the requested waiver area. The applicant is aware that a WVDOH entrance permit is required and changes will be made to the current road entrance in accordance with their requirements.

Mr. Stephen Stolipher requested staff comments with public comments to follow.

Grading Waiver request:

Ms. Jennifer Brockman noted that the previously reviewed concept plan and the grassed seasonal parking area waiver were both approved by Planning Commission and both reflected the Planning Commission's desire to retain as much natural topography and vegetation as possible. Designing the internal roads to conform to the Subdivision Regulations will defeat some of intent of the previous approvals. The Planning staff is recommending approval of the first waiver request to exceed the 8% grading. Mr. Jonathon Saunders read his conclusion regarding the first waiver request which was included in the agenda packet and recommended approval of the 8% slope waiver.

Reveille Road request:

Ms. Jennifer Brockman stated that the Planning staff defers to the Engineering staff regarding the Reveille Road waiver request. She also noted that a condition could be put on the approval of the Reveille Road request that at such time that the property is developed the road will be required to be brought up to commercial standard. The approval of this waiver would be only for this circumstance. This should be made clear in a motion.

Mr. Jonathon Saunders noted some possible drainage issues on Reveille Road as shown in the photos found in the staff report and power point presentation. The Engineering Department recommended denial based on the conclusion found in the staff packet for this meeting.

Mr. Stephen Stolipher opened the floor up to Public Comment.

No Public comment was made.

Mr. Stephen Stolipher closed the floor to Public Comment.

Mr. Mike Shepp rebutted stating they still believe that the road should not be improved to the County standard as it is not for public use. A berm was built during the construction of the road to channel drainage. The berm was never taken out and it is believed to be the cause of the drainage issue. Ditches are located along the road but not seen due to high grass. They will be reflected on the Site Plan. If the road is upgraded to an 18' wide entrance it will make it more desirable for public to use as a shortcut.

Mr. Stephen Groh suggested putting up a "Not a through road" or "Private Road" sign. He also asked if the road is not used for access to a subdivision, are improvements needed, and is it necessary for the buses to use this access.

Mr. Mike Shepp pointed out that if the buses used the other roads within the site plan area, there would be more wear and tear on those paved roads and that it would create a conflict between passenger cars and buses.

A motion was made by Mr. Dick Childs to approve Waiver Request #1 to allow the grade to exceed 8% or 9% (depending on which section of the Ordinance will apply) in limited areas as shown on the Exhibit Plat in the application. A vote was taken and passed unanimously.

Mr. Jonathon Saunders stated that a valid point was made in regards to Waiver Request 2 in that there are other means of public access other than Reveille Road.

A motion was made by Mr. Gary Phalen to approve Waiver Request #2 for Reveille Road to remain in its current condition. A vote was taken and passed unanimously.

8. Petition by David Slusher for a Zoning Map Amendment. (File # Z14-02)

Mr. Stephen Stolipher recused himself from this item citing a conflict of interest. The meeting was handed over to Vice President Mr. Wade Louthan.

Ms. Jennifer Brockman stated that State law and, therefore, the Jefferson County Zoning Ordinance requires the Planning Commission to schedule a Public Hearing on a Rezoning request. This item is not on the agenda to consider merits or to make recommendations. It is only to schedule the Public Hearing. It is required to be scheduled within 60 days. This item can be placed on the January 13, 2015 meeting or a special meeting could be called.

Mr. Gary Phalen made a motion to place this item on the January 13, 2015 Agenda. A vote was taken and passed unanimously.

Mr. Stephen Stolipher returned to the room and the meeting was then handed back over to him.

9. Comprehensive Plan Review/Discussion/Action

Ms. Jennifer Brockman stated the County Commissioners had scheduled a few additional workshops to review and discuss the draft Envision Jefferson 2035 Plan. The meeting scheduled for December 3, 2014 had been cancelled. A meeting is now scheduled for Thursday, December 11, 2014 at 9:30 a.m. This meeting will go over public comments received at their Public Hearing and the County Commissioners will begin to give some direction to staff as to whether or not they would like to incorporate revisions based on those comments. A meeting will be held to discuss the Land Use Map on the same date at a meeting scheduled for 7:00 p.m. These meetings are open to the public; however, no public comment will be taken. The County Commission is required to take action on the Comprehensive Plan to approve, disapprove or make revisions before January 14, 2015. If revisions are made they will be brought before the Planning Commission. If agreed upon, the Comprehensive Plan will take effect. The Planning Commission will have the opportunity to respond to any concerns. Mr. Steven Groh suggested placing this item on the next scheduled meeting agenda. Planning Commission will have 45 days to respond.

10. Reports from Legal Counsel:

- Mr. Stephen Groh informed the Planning Commission that the most recent Far Away Farms case has been appealed from Circuit Court and a notice has been received that the Supreme Court wants to have an argument on this item. No date has been given at this time.

11. Directors Report:

- Ms. Jennifer Brockman updated the staff in regards to the current open Zoning Administrator position.
- The County Commissioners voted to wait until January, 2015 to draft the Mass Event Ordinance.
- An overview of the accomplishments made by the Planning and Zoning Departments over the past 5 years was presented. A memo was included in the Agenda Packet for this meeting. These items will be discussed at the roundtable Stakeholders meeting scheduled for December 12, 2015 at 3:00 p.m.

12. Planning Commission and Liaison reports:

- Parks & Recreation: A Land and Water conservation grant has been received to make the Leetown Park playground ADA accessible.
- Mr. Dale Manuel stated that all parks have had playground equipment improvements.

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 8:10 p.m. A vote was taken and passed unanimously.