

SPECIAL SESSION:

State of West Virginia, County of Jefferson, to-wit:

At a Special Session of the County Commission of said County and State continued and held at County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414 on January 23, 2014 at 6:15 pm (An audio tape of the January 23, 2014 meeting is available through the Jefferson County Commission Office.)

PRESENT: Walt Pellish, President
 Jane Tabb, Vice President
 Dale Manuel, Commissioner
 Patsy Noland, Commissioner
 Lyn Widmyer, Commissioner
 Jennifer Brockman, Director of Planning and Zoning
 Seth Rivard, County Planner
 Debbie Keyser, County Administrator
 Jessica Carroll, Administrative Assistant

RE: **Proposed Zoning and Land Development Ordinance Text Amendments to establish additional commercial and industrial zoning district categories, and related changes to the Ordinance. The amendment includes changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17.**

Commissioner Pellish called the meeting to order at 6:15 pm.

The Commission held the January 23, 2014 workshop to review, discuss, and edit the proposed Zoning Text Amendment related to New Commercial Zoning categories. The following is a list of edits that were approved during the course of the workshop:

- **Motion by Mr. Manuel to prohibit above ground chemical storage tanks within one mile upstream and a quarter mile set back from the water's edge from any public water intake in the County with the exception of agricultural tanks as regulated by WV Code Chapter 19. Motion seconded and passes on a vote of 3-2 with Ms. Tabb and Mr. Pellish opposing.**
- It was the consensus of the Commission to change "mental retardation" to "cognitive disabilities" on page 28 under the definition of "Residential Care Home."
- It was the consensus of the Commission to change the last sentence of the definition of "School, University or College" by adding the following: "The land use category "School, Vocational or Professional" is not included within this definition."
- It was the consensus of the Commission to divide the definition of "Bar/Nightclub" in Section 2.2 as follows:
 - "Bar: An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages."

- “Nightclub: A commercial establishment where the primary activity is dancing and musical entertainment and in which alcoholic beverages are dispensed for consumption on the premises. Food for consumption on the premises is often incidental to the primary uses above.” This may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.”
- **Motion by Mr. Manuel to add a third criteria under Section 5.11 Neighborhood Commercial, subsection B as follows: “Locations with safe vehicular access on roads that function as collector roads.” Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to include the following under Section 5.12 General Commercial and 5.13 Highway Commercial: “A traffic Impact Analysis is required at the time of zoning if more than 100 additional peak per hour trips were anticipated.” Motion seconded for discussion, but no action taken.**
- **Motion by Mr. Manuel to postpone action on Ms. Widmyer’s original motion until further research is presented. Motion seconded and unanimously approved.**
 - It was the consensus of the Commission to strike the following from proposed Section 5.16 Planned Neighborhood Development District: “The minimum site area for a PND development is three acres.”
 - It was the consensus of the Commission to edit subsection E – Additional Requirements - of Section 5.16 as follows: “A PND development shall include the following mix of uses measured as follows, after Open Space requirement is met:
 - a. 10-30% of the land area shall be commercial
 - b. 10-30% of the residential units shall be high density residential (7+ dwelling unites per acre)
 - c. 20-40% of the residential units shall be medium density residential (4-6 dewlling units per acre)
 - d. 0-60% of the residential units shall be low density residential (1-3 dwelling units per acre)
 - It was the consensus of the Commission to add the following to part 3 (Connectivity Requirements) of Section 5.16 as follows: “Such pedestrian easements shall be permanent.”
 - It was the Consensus of the Commission to add the following to part 6 of Section 5.16 as follows: “For a PND development proposed to be located on a lot where a trail is shown on a plan adopted by Jefferson County, a permanent trail easement shall be required prior to site plan approval.”
 - It was the consensus of the Commission to add the following to proposed Section 5.17 Office/Commercial Mixed Use District requirement E(6): “Said bicycle spaces shall not be located within the required sidewalk or in a manner that impedes pedestrian access to the building and may be located within the landscape buffer

area provided that it occupies less than 10% of the length of the required buffer, or may be located at the side or rear of the building.”

The Commission and Planning and Zoning staff agreed to continue and complete the discussion of the proposed Zoning Text Amendment and, in particular, to review and edit Appendices A-C during the County Commission meeting to be held on February 6, 2014. The work session was adjourned at 8:48 pm.

WALT PELLISH, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Executive Administrative Assistant