

Jefferson County Planning Commission
July 14, 2015

The Jefferson County Planning Commission met on July 14, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gary Phalen, Peter Fricke, Mike Chapman, Dale Manuel, and Dick Childs. Staff members present included Jennifer Brockman, Director of Planning and Zoning; David Simon, Zoning Administrator; Rhonda Greenholtz, Planning Clerk; Jonathan Saunders, County Engineer; and Lydia Lehman, Legal Counsel. Mr. Gene Taylor was absent with prior notification. Mr. Stolipher called the meeting to order at 7:00 PM.

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

- June 9, 2015

Mr. Steve Stolipher asked if there were any objections to the approval of the meeting minutes. No objections were made. Minutes were approved.

2. Mr. Gary Phalen made a motion to move Agenda Item # 7 to Item # 2 on this Agenda as Legal Counsel Lydia Lehman had to excuse herself from this meeting early to attend another meeting. Mr. Dale Manuel seconded the motion which carried unanimously. The Planning Commission entered executive session at 7:02 PM to discuss the active litigation pertaining to the Far Away Farms item only.

Reports from Legal Counsel and Legal advice to the Planning Commission.

a) Active Litigation:

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-235 – Possible Executive Session
- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case #15-C-129
- Update on request by the County Commission for input from the Planning Commission to determine if a Zoning Map Amendment (Rezoning) request by property owner Twin Oaks Subdivision, LLC, Peter S. Corum and J. Edward Slonaker for Morgan Grove Market is in compliance with the Envision Jefferson 2035 Comprehensive Plan. – Possible Executive Session

Mr. Peter Fricke made a motion to come out of executive session at 7:15 PM. Mr. Dale Manuel seconded the motion which carried unanimously.

Ms. Lydia Lehman updated the Planning Commission on the Shiloh Citizens Association case stating that a 30 day extension was granted on timelines as negotiations are ongoing. A follow up hearing is scheduled for August 3, 2015 at 3:00 PM.

Ms. Lydia Lehman also gave an update on the zoning map amendment request by property owners Twin Oaks Subdivision, LLC, Peter Corum and J. Edward Slonaker, to change the current “Rural” (R) zoning designation of the property located at Morgan Grove Market to the requested “Neighborhood Commercial” (NC) The County Commission requested input from the Planning Commission to determine if this request is in conformance with the Envision Jefferson 2035 Comprehensive Plan. A joint Public Hearing with the Planning Commission and the County Commission will be held at the next regularly scheduled Planning Commission meeting August 11, 2015 at 7:00 PM in the Old Charles Town Library Meeting room.

3. Citizens Communications:

- None

4. A Public Hearing was held for a proposed text amendment to the Zoning & Land Development Ordinance related to Cultural Facilities, File #ZTA 15-01. The amendment includes changing “Appendix C, Principal Permitted Uses Table”, to change Cultural Facilities from Not Permitted (NP) to Permitted (P) within the Residential Growth District.

Mr. Stephen Stolipher recused himself from Agenda Item # 4. The meeting was handed over the Mr. Wade Louthan; Vice President.

Ms. Jennifer Brockman presented an overview of the request. The Shepherdstown Library petitioned the County Commission in June of this year for a Zoning Ordinance Text Amendment. The County Commission voted unanimously to initiate the proposed text amendment which was then referred to the Planning Commission to determine if the proposed text amendment is in conformance with the *Envision Jefferson 2035 Comprehensive Plan*. County staff has been working with the Shepherdstown Library Board over the past few years with regards to their intent to relocate to a property located near the Clarion Hotel. The property is currently zoned “Residential Growth” (RG). Libraries currently are not permitted in this zoning district under the current Zoning Ordinance.

The Planning Commission’s role in this request is to take Public comment and to determine if the request is in conformance with the *Envision Jefferson 2035 Comprehensive Plan*. Ms. Brockman stated that the Comprehensive Plan encourages Libraries to be located where people live in areas where they may be utilized. Staff believes it a reasonable request to expect that Libraries be located in the Residential Growth zoning district.

Mr. Wade Louthan opened the floor to public comment.

Ms. Hali Tayler, Director of the Shepherdstown Public Library spoke. Ms. Taylor stated the *2035 Comprehensive Plan* states that libraries should be located in residential areas therefore there is a contradiction that Libraries are not permitted in the Residential Growth zoning district. The request is for Libraries to be a permitted use in the Residential Growth district.

Mr. Wade Louthan closed the floor to public comment.

Mr. Dale Manuel made a motion to approve the edits to change Cultural Facilities from Non-Permitted (NP) to Permitted (P) in the Residential Growth (RG) zoning district in the Zoning and Land Development Ordinance, Appendix C: Principal Permitted Uses Table. Mr. Dick Childs seconded the motion. A vote was taken which carried unanimously.

Mr. Stephen Stolipher returned to the meeting. Mr. Wade Louthan handed the meeting back over to Mr. Stephen Stolipher.

5. A Petition was submitted by Charles M. Carter for a Zoning Map Amendment to the Planning Commission for the purpose of scheduling a public hearing within 60 days (File # Z15-02). This

property is currently zoned Rural (R) and the applicant is requesting General Commercial (GC). The property is located on the south side of Martinsburg Pike (Route 45), east of the intersection with Venice Way.

Mr. Gary Phalen made a motion to hold a Public Hearing at the next regularly scheduled meeting to be held on August 11, 2015 at 7:00 PM. Mr. Wade Louthan seconded the motion. A vote was taken which unanimously.

6. (Postponed from the June 9, 2015 PC meeting.) Discussion and review of red-lined edits for the proposed campground amendments created by an appointed citizen-based committee for the purpose of scheduling a public hearing.

Ms. Jennifer Brockman asked that in the future, committees that are citizen-based and where no staff is present, be provided with a current version of the document be amended so that they can create a redline edit version for clarity of intent.

Ms. Brockman stated that committee provided proposed edits to both the Zoning Ordinance and Subdivision Regulations. The purpose of the edits to the Zoning Ordinance is to focus on what a campground is and where it is allowed. Edits to the Subdivision Regulations are to focus on the process under which you receive approval of a permit for a campground.

A line by line review of the proposed edits and additions were discussed. Mr. Gary Phalen suggested that the proposed edits be sent to KOA for input. Ms. Jennifer Brockman agreed.

A motion was made by Mr. Peter Fricke to schedule a Public Hearing at the September 8, 2015 Planning Commission meeting. Mr. Dale Manuel seconded the motion. A vote was taken which carried unanimously.

7. Request for postponement.
 - None
8. Reports from Legal Counsel and Legal Advice to the Planning Commission.
 - This item was moved to Agenda Item # 2
9. Directors Report.
 - 1) Upcoming Planning Commission Issues:
 - a) Planning Commission discussion/action on proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) – Need to initiate discussion with relevant county agencies when All Good Festival 2015 after-action report is complete for input into the draft ordinance (September PC Meeting?)
 - b) Joint PC/CC Public Hearing for Zoning Map Amendment for Morgan Grove Market properties (8/11/15 7 pm)
 - 2) Upcoming CC Actions relevant to Planning and Zoning:

- a) The Corporation of Bolivar has requested the establishment of an Urban Growth Boundary under the provision of WV State Code 8-6-4a. Legal staff recommended that the Planning Commission hold a Public Hearing to make a recommendation regarding adding this Boundary line to the County Zoning Map to the County Commission (*PC moved to inform the CC that the proposed Bolivar UGB is not in conformance with the Envision Jefferson 2035 Plan 6/9/15 – CC action TBD*)

3) Upcoming PC meetings

- a) Next Regular Meeting: **August 11, 2015**
 - Joint PC/CC Public Hearing re: Morgan’s Grove Market/Twin Oaks Subdivision Zoning Map Amendment
 - Concept Plan Middleway Dollar General
 - Concept Plan Advanced Auto
 - Waiver Request Advanced Auto
 - Possible Charles M. Carter Zoning Map Amendment (PC direction required- postponed until the September 8, 2015 PC Meeting)
 - Possible Zoning Text Amendment Public Hearing re: campgrounds (PC direction required. To be held at the September 8, 2015 PC Meeting)

10. Planning Commission and Liaison reports:

- None

11. President Report:

- None

12. Actionable Correspondence:

- None

13. Non Actionable Correspondence:

- None

Mr. Steve Stolipher motioned to adjourn the meeting at 8:40 PM.

A vote was taken and passed unanimously.