

Meeting Minutes
Jefferson County Planning Commission
February 12, 2019

The Jefferson County Planning Commission met on February 12, 2019 with the following Commission members present: Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Mike Shepp, Ron Thomas, J Ware, and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; and Rachael Burke, Planning Clerk.

Donnie Fisher was absent with prior notification.

Mr. Stolipher called the meeting to order at 7:01 PM.

1. Election of commissioner officers: Steve Stolipher nominated Donnie Fisher as President and Jack Hefestay seconded the motion. Wade Louthan nominated Steve Stolipher as Vice President and Jack Hefestay seconded this motion. Steve Stolipher nominated Wade Louthan as Secretary and Jack Hefestay seconded the motion. These nominations were approved with no objections.
2. Approval of the January 8, 2019 Meeting Minutes. The meeting minutes were approved with no objections.
3. Citizen Communications. None.
4. Request for postponement. None.
5. **Public Workshop:** Concept Plan for Seneca Crossing, LLC. (File #18-25). A proposed nonresidential Major Subdivision Lots 1, 2 & 3 (including a proposed 9,676 sq/ft. medical office building). The property is designated as Tax District: Shepherdstown (09); Tax Map: 08; Parcel: 50. Zoned: Residential-Light Industrial-Commercial; Size: 4.5 acres.

Mr. Lorenzetti stated for the record that his wife is a doctor and is connected with WVU medical offices. Mr. Cochran asked if Mr. Lorenzetti if he thought this relationship would cause him to have a conflict of interest and Mr. Lorenzetti stated it would not. Mr. Lorenzetti did not recuse himself from this item.

Ms. Brockman provided an overview of her staff report explaining the location of the proposed subdivision, the Planning Commission role in review of a Concept Plan and the remaining steps for approval process. Upon approval of a Major Nonresidential Subdivision, the site plan for each lot will be processed as minor site plans which are approved administratively. The proposed subdivision will be sharing an entrance with a ROCS proposed to the east of this property. The access, Maclaine Way, is proposed to be a cul-de-sac serving the three lots. The Seneca Crossing property is currently approved for 40 townhouse lots. The townhome approved Final Plat will be voided and revised to reflect the proposed new design.

Paul Raco, Local Land Use Consultant, representing Seneca Crossing, LLC. and Mr. Eric Lewis; Tony Zelenca President and CEO, WVU Medicine, and General Council Garland Nagee representing WVU Medicine and Berkeley Medical Center,; and Steve Cvijanovich, Engineer for Fox & Associates were present at the meeting.. Mr. Raco provided an overview of the options that were available for processing this project. He explained that the parties determined that processing a Concept Plan showing the proposed three nonresidential lots and the proposed site plan for Lot 1 would allow public input early in the process. Mr. Raco stated that the proposed project is a principal permitted use in the Residential- Light

Industrial-Commercial zone and that a small business center is consistent with the Envision Jefferson and Shepherdstown Comprehensive Plans.

Planning Commissioner Ray Bruning asked about if there are any proposed uses for Lots 2 and 3 at this time. Mr. Raco stated not at this time.

Mr. Lorenzetti asked about street lighting. Mr. Raco responded explaining the prevention of off-site glare.

Mr. Shepp asked about Department of Highways approval. Mr. Raco explained that an addendum for the proposed ROCS Traffic Impact Statement which includes these three lots is currently in review by the WV DOH.

Ms. Brockman reviewed outside agency comments that had been received by the office:

- Traffic Impact Study is under review and preliminary plat cannot be approved until this is complete.
- Shepherdstown Public Works will provide Public Water and Sanitary Sewer and stated that water may have to be provided from the north side of WV 45 for fire protection and may require a pump station.
- GIS has two approved road names and will need feedback as to which will be chosen.
- WV DEP stated any land disturbance over one acre requires NPDS permit.

Staff further recommends additional vehicular and pedestrian interconnectivity with adjoining properties, consistent with the Subdivision Regulation requirements and Comprehensive Plan recommendations.

Mr. Stolipher opened the floor for public comment. The following comments were received:

- Joseph Stevens, current Treasurer for the subdivision on Quail Lane spoke about traffic concerns and requested that the speed limit be reduced in this area;
- Stephen Ayraud, retired, former Planning Commissioner for Shepherdstown and worked on previous Rumsey Green project provided an overview of his e-mailed comments distributed to Planning Commission. He stated that the Urgent Care is needed and approved of the shared access drive; he expressed concerns are about the lack of sidewalk and connections with Shepherd University; he recommends pedestrian connection to surrounding area including the future library to the south and Back Alley to the east; recommends interconnected roads instead of the Cul-de-sac.

Mr. Raco and Mr. Cvijanovich responded that the applicant would conform to any DOH requirements related to speed and road improvements; that the sidewalk will meet standards of ordinance and connectivity is a problem due to private roads; and that the design of Maclaine Way we will meet standards of ordinance at the preliminary plat stage.

Mr. Stolipher closed the public hearing. Mr. Mike Shepp made a motion to approve the Concept Plan as presented. Mr. Thomas seconded the motion, which carried unanimously.

Ms. Brockman stated that she will follow up with the WV DOH regarding mid-block pedestrian crossings.

6. **Public Hearing:** Waiver request by Seneca Crossing, LLC. (File #19-2-PCW). Applicant is requesting a waiver from Sections 24.114 & 24.115 of the Subdivision and Land Development Regulations to allow Seneca Crossing to process a preliminary plat for a Nonresidential Major Subdivision Lots 1, 2 & 3 administratively. The property is designated as Tax District: Shepherdstown (09); Tax Map: 08; Parcel: 50. Zoned: Residential-Light Industrial-Commercial; Size: 4.5 acres.

Mr. Raco provided an overview of the request and stated that it meets the waiver criteria and is in keeping with the purpose and standards of the ordinance.

Ms. Brockman stated staff is supportive because the applicant could have processed a redline revision to the Preliminary Plat administratively but that would not have been as clean as processing a revision.

Mr. Stolipher opened the floor for public comment. There was no one signed up for public comment. Mr. Stolipher closed the floor to Public Comment.

Mr. Shepp moved to approve the waiver as requested. Mr. Hefestay seconded the motion, which carried unanimously.

7. **Public Hearing:** Waiver request by Richard Beddow (File#19-1-PCW). Applicant is requesting a waiver from section 20.201B (3) of the Subdivision and Land Development Regulations to reduce the required access easement width from 50' to 40' for the creation of (5) family transfer lots. The property is designated as Tax District: Shepherdstown (04); Tax Map: 10; Parcel: 5.2. Zoned: Rural; Size: 17.60 acres.

Mr. Shepp explained he did the survey for the previous Parent to Child lot 25 years ago but does not think this impact his decision regarding this waiver.

Ms. Brockman reviewed the location of the property and the previously approved parent-to-child plat which met the requirement at the time of a 40' access easement. The applicant acquired a small piece of property from his neighbor to meet this 40' requirement. She also provided an overview of the lots currently accessing Overhill Lane and Molers Trace and stated that the property in question had no additional development rights other than family transfers. Up to 5 family transfers could occur under the current Regulations, but the initial request is for one additional lot on the existing 40' access easement to create a lot for his grandson.

Richard Beddow, Jr. and Benjamin Lee, applicants, explained where lot is proposed and why they want the waiver. Mr Beddow stated that in 1978 he was the only land owner and he has been there for 40 years.

Mr. Shepp asked about the road use and ownership.

Mr. Thomas asked about road maintenance previously. Mr. Geiman is currently maintaining the road.

Mr. Stolipher opened the floor to public comment. The following people spoke about concerns with road maintenance and setting a precedence for future divisions:

- Russell Geiman
- Sylvia Geiman
- Patricia Lynch
- Richard Salmoud

Mr. Shepp and Wade Louthan asked to clarify the use of Overhill Lane and Molers Trace.

Ms. Brockman clarified that family transfers are the only remaining division rights permitted as a Minor Subdivision. If more than the 5 family transfers were proposed anywhere along Overhill Lane or Molers Trace, the development would need to process as a Major Subdivision and the roads would need to be widened and upgraded to County standards.

Mr. Beddow addressed comments regarding buffer and road maintenance.

Mr. Stoliper closed the floor to public comment.

Mr. Shepp made a motion to grant the waiver for the creation of one lot only. Mr. Hefestay seconded the motion and it carried unanimously.

8. Discussion and Possible Action related to proposing the preparation of an RFQ or RFP for Subdivision Regulation and Zoning Ordinance updates (Steve Stolipher).

Mr. Stolipher provided an overview of his idea to request proposals for an outside consultant to assist with the updates to the regulations and ordinance. He requested 3 volunteers for the committee to develop an RFP or RFQ and to work with Roger Goodwin, Director of Engineering, Planning and Zoning, to qualify the applicants, review the bids and go to County Commission to request funding.

Mr. Shepp clarified the difference between and RFQ, which would not require bids to be submitted, and RFPs would be require both qualifications and costs.

Mr. Shepp made motion to propose preparation of RFQ or RFP and create committee to review and work with consultant to revise subdivision and land development ordinance. Mr. Ware seconded the motion and it carried unanimously.

Ms. Brockman and Mr. Cochran discussed difficulties with the cleanup of the regulations with the current staffing levels. Mr. Stolipher discussed the reduction in staff over the last 5 years.

Mr. Stolipher, Mr. Shepp and Mr. Fisher were appointed to be on the committee, Mr. Louthan will be the alternate.

9. Discussion and Action on 2nd Quarterly Report for County Commission.

Ms. Brockman stated the quarterly report will be complete by next meeting and Mr. Shepp asked about the Planning Commission's role in the budget requests. Ms. Brockman stated that Roger Goodwin had already submitted the budget for his entire Department. There was some discussion as to whether the Planning Commission is required to participate in the budget by state law. Mr. Cochran will look at this for next meeting.

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

11. Planner's Memo to be distributed at the Planning Commission Meeting.

12. President's Report

13. Actionable Correspondence

14. Non-Actionable Correspondence

Mr. Stolipher closed the meeting at 8:26 PM.