

Meeting Minutes  
Jefferson County Planning Commission  
March 12, 2019

The Jefferson County Planning Commission met on March 12, 2019 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Mike Shepp, Ron Thomas, and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.

J. Ware arrived at 7:10 PM.

Mr. Fisher called the meeting to order at 7:02 PM.

1. Approval of the February 12, 2019 Meeting Minutes. The meeting minutes from the February 12, 2019 meeting were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. Public Hearing: Waiver request by Larry K Boyd, Ancient Oaks (File #19-3-PCW). Applicant is requesting a waiver from Section 21.103D of the Subdivision and Land Development Regulations to allow the Greenspace Parcel to utilize the existing driveway from Willingham Road. The property is designated as Tax District: Middleway (07); Tax Map: 20; Parcel: 8. Zoned: Rural; Size: 43.96 acres.

Ms. Brockman provided an overview of her staff report explaining that the intent of the request was to allow the farm to utilize the existing entrance. Ms. Brockman informed the Commission that Staff would like to draft a text amendment to address this requirement as it is common for the farm to retain its existing entrance as opposed to using the proposed subdivision entrance. Mr. Mike Roberts, consultant with Roberts Land Surveying, agreed with Staff's presentation and did not include any additional comments.

Mr. Fisher opened the floor for public comment. There was no public comment. Mr. Fisher closed the floor to Public Comment.

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

5. Public Hearing: Waiver request by Aubrey & Debora Henry, Genesis Center (File#19-4-PCW). Applicant is requesting a waiver from Section 24.112C of the Subdivision and Land Development Regulations that requires the submission of a Preliminary Plat within two years of the approval of a Concept Plan. Genesis Center is requesting a 2 year extension of the approved Concept Plan. The property is designated as Tax District: Shepherdstown (09); Tax Map: 13; Parcels: 26.1 & 26.3. Zoned: Neighborhood Commercial; Size: 6.6194 & 2.9577 acres, respectively.

Ms. Brockman provided an overview of her staff report noting that this is the second request for an extension of the Concept Plan. Ms. Brockman stated that should the Commission grant the request that the new expiration date would be March 28, 2021.

Mr. Fred Blackmer, representative for the property owner, explained the nature of the request to the Commission. Mr. Blackmer noted that the owners are not seeking a waiver or variance of any other provision. Mr. Blackmer explained that obtaining infrastructure, namely water and sewer, has been the most time consuming issue that the applicant is currently facing. Mr. Blackmer addressed the Commission's questions regarding the property owner's projected timeline and the status of the water and sewer availability to the site.

Mr. Fisher opened the floor for public comment.

Mr. Joe Spurgas, neighboring property owner, spoke in opposition to the request. Mr. Spurgas stated that the property has continually approached the Commission with a variety of requests that have never come to fruition; therefore, the current request should be denied as the applicant has not proven that additional time will facilitate a completed project. Mr. Spurgas also commented on the current status of the site and argued that the property owner should be required to clean it up before any new project is allowed to move forward. Mr. Spurgas questioned the status of the bond held by the County.

In response to the Commission's inquiry regarding the bond, Ms. Brockman and Mr. Saunders stated they were unaware of its current status. Ms. Brockman informed the Commission that site work had commenced on the property as a result of a previously approved waiver granted by the Planning Commission for a different site plan project and that the bond had been issued to a different property owner. Further discussion regarding the bond ensued.

Mr. Fisher closed the public hearing.

Mr. Blacker responded to Mr. Spurgas' comments regarding the property noting that the site currently is stabilized and contains a stormwater management pond and topsoil pile. Mr. Blackmer argued that the condition of the property and status of the bond held by a different property owner for a different project was not germane to the current request before the Commission. Mr. Blackmer stated he was unaware of the status of the bond in question.

Mr. Stolipher moved to approve the waiver as requested. Mr. Ware seconded the motion, which carried unanimously.

Ms. Brockman agreed to inform the Commission of the status of the bond at the next meeting.

6. Discussion and Action on 2<sup>nd</sup> Quarterly Report for County Commission. Ms. Brockman provided the Commission with the *1<sup>st</sup> and 2<sup>nd</sup> Quarterly Report for Planning and Zoning* to be presented to the County Commission. Mr. Stolipher moved to approve the Report as presented. Mr. Louthan seconded the motion, which carried unanimously.
7. Reports from Legal Counsel and legal advice to the Planning Commission. In response to the Commission's inquiry regarding whether they must prepare a budget per WV State Code, Mr. Cochran informed the Commission that he had spoken to Michelle Gordon, the County's Finance Director, about the issue. Mr. Cochran stated that, in Ms. Gordon's opinion, due to the County's Departmental structure, it does not appear necessary for the Commission to draft a separate budget. Regarding the Commission's role outlined in WV State Code, Mr. Cochran noted that the language is not specifically mandatory for drafting a budget; therefore, it is his opinion that they do not have to prepare a budget. Mr. Cochran noted that the Commission could elect to adopt the budget prepared by the Department Head if they were inclined.
8. Planner's Memo. Ms. Brockman informed the Commission of the following:
  - Proposed text amendments that Staff would be working on during 2019.
  - Status of pending Subdivision Regulation Text Amendments
  - The next meeting would be on April 9, 2019.
9. President's Report. None.
10. Actionable Correspondence.
  - Letter dated 2/7/19 from the Corporation of Shepherdstown requesting a MOU between the County and the Town. Ms. Brockman explained that WV State Code does not allow for a 30-day delay to allow Shepherdstown to review applications, as requested in the letter. The

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Commission concurred with Ms. Brockman's statement. After further discussion, the Commission requested that Mr. Cochran send a letter to the City of Shepherdstown declining their request by citing the aforementioned reason.

11. Non-Actionable Correspondence. None.

Mr. Fisher closed the meeting at 8:04 PM.