

Meeting Minutes
Jefferson County Planning Commission
July 09, 2019

The Jefferson County Planning Commission met on July 09, 2019 with the following Commission members present: Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Ron Thomas, Mike Shepp and J Ware. Staff members present included: Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Alexander Beaulieu, Zoning Administrator; Nathan Cochran, Assistant Prosecuting Attorney and Rachael Burke, Planning Clerk.

Donnie Fisher, President and Ray Bruning were absent with prior notification.

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

1. Approval of the June 11, 2019 Meeting Minutes: The meeting minutes were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Concept Plan for Rocky Ridge (File #19-7-SD). A proposed Residential Major Subdivision, including 132 townhouse units, a mini storage facility (four units 260' long, varying depth) and a boat and RV parking area. The property is designated as Tax District: Middleway (07); Tax Map: 01, Parcel: 1.2; Zoned: Residential Light Industrial Commercial; Size: 16.6 acres.

Ms. Brockman stated the correct acreage is 23.6 acres (two parcels of 16.6 and 7 acres). She provided an overview of the project location, the zoning, the recommendations of the Future Land Use Guide, and explained the collaboration required with Berkeley County as the property lies in both counties. The required stormwater management facilities and water and sanitary sewer utilities will fall under the review and jurisdiction of Berkeley County and the lot layout and building plans will be reviewed by Jefferson County.

Paul Raco, Local Land Use Consultant, spoke on behalf of the applicant, Joshbeen Grewal and his engineer, Trever Lloyd, with Cheat Road Engineering. He provided a general overview of the proposed project, stating that the actual breakdown of 1 to 3 bedroom townhomes could change slightly at Preliminary Plat, but any change would impact the required parking. He reviewed the concept of centralized open space and pocket recreation areas around the parcel, including open greenspace. He noted that the design presented is less than the maximum density the zone would allow and that the applicant developed this design to provide adequate open and recreational space. He pointed out the mini storage buildings location and stated that this commercial space will have a shared entrance with a gate to separate the commercial area from the residential space.

Mr. Raco stated that a green buffer will be added for privacy along the Hospice of the Panhandle property line and to separate the commercial storage area from the townhouse lots. He pointed out that there will be pockets of parking throughout the community to serve the various sections of townhouse. And that the road design proposed to use T-turn around areas instead of cul-de-sacs near Hospice in order to retain more of the green area. He responded to the staff comment regarding interconnectivity with the adjacent properties stating that Hospice Lane is a private road which this development is permitted to use but it is not open to additional traffic from other properties. Mr. Raco also explained that the proposed project meets all the zoning requirements as it relates to historic resources on the property. He stated

that there is no anticipation of variances needed at this time and that the applicant will be working with both Jefferson and Berkeley Counties to ensure all standards are being met.

Planning Commissioners asked questions about the use of the T-turnarounds by trash pick-up services; accommodations for the school bus stop; response to JCHLC comments related to the living fence concept between the historic resources and the residential development; the age of the historic resources; the extent of services by Berkeley County Public Water and Sewer services; which were addressed by Mr. Raco and Ms. Brockman.

Mr. Raco explained future land use map refers to this section as preferred growth to be served by Berkeley County.

Mr. Raco explained that there has been a meeting with both counties and Ms. Brockman explained that Berkeley County utilities have stated they plan to serve this townhome community.

Ms. Brockman reviewed the outside agency comments, including the fact that the West Virginia Department of Highways (DOH) determined that a Traffic Impact Study is not required for this development; the GIS road name comments; and comments from the Historic Landmarks Commission (JCHLC). She also explained staff comments, including connectivity.

Mr. Stolipher opened the floor to public comment. The following people spoke:

- Margaret Cogswell, CEO Hospice of the Panhandle 320 and 330 Hospice Ln.
- Walt DeWalt, CFO Hospice of the Panhandle
- Ken Lowe, representing FO Day

Mr. DeWalt and Ms. Cogswell were concerned about traffic flow on Hospice Lane, road upkeep, about the impact on their business and suggested a construction road. The purchase agreement discusses a road maintenance agreement which needs to be formalized. They do not want any future interconnectivity with other adjoining properties to the South 100 acres. They would like to see a Traffic Study completed. They will send comments in writing to Planning.

Mr. Raco, representing the applicant, answered questions and concerns regarding the design intended to keep the recreation noise away from Hospice. He explained the setbacks were established to create a large separation and density was reduced from the 200 units originally proposed. He also stated they would provide a maintenance agreement for Hospice Lane.

Mr. Stolipher closed Public Hearing.

Planning Commission asked questions about requirements of the Planning Commission at the Concept Plan stage, according to the Subdivision Regulations.

Ms. Brockman stated the applicant and outside agencies are allotted time to give input and the Planning Commission's role is to direct the preparation of the Preliminary Plat with any recommended conditions. They are not permitted by regulations to require anything greater than the ordinance requires. The applicant could proffer things, such as the landscape buffer, which can then become a condition of approval.

Mr. Shepp made a motion to accept the Concept Plan as submitted with a recommendation that the developer proceed to Preliminary Plat; work with WVDOH to see if there is a possibility of a construction entrance; and to not provide interconnectivity with the adjacent property to the South. Ron Thomas seconded the motion

During Planning Commission discussion of the motion, Mr. Hefestay expressed concerns with high density in this area, the closed grocery, and stated that area is not built to support this type of housing. He also explained Rockwool traffic could cause congestion in this area and expressed further concerns with WVDOH responsiveness.

Mr. Cochran clarified WVDOH controls everything to do with traffic lights and turn lanes. This is not within our jurisdiction.

Mr. Louthan stated we do not have the jurisdiction to deny this request if it meets zoning requirements.

Discussion ensued with other Planning Commission members and they agreed proposed project meets the current zoning and subdivision requirements.

A vote was taken; the result was 6 for, 1 against (Jack Hefestay).

5. **Public Hearing:** Request by Lutman Properties, LLC. (File #: 19-9-PCW). Applicant is requesting a waiver from Section 20.201 of the Subdivision and Land Development Regulations to process the first five lots of a proposed cluster subdivision using the Minor process. The property is designated as Tax District: Shepherdstown (09); Tax Map: 20; Parcel: 8; Zoned: Rural; Size: 72.21 acres.

Ms. Brockman reviewed the location and explained the proposed project is a 14 lot cluster subdivision, but the applicant would like to process the first 4 lots as a Minor Subdivision.

Mr. Raco spoke on behalf of the applicant. The Comprehensive Plan recommended that all Cluster Subdivisions should be considered Minor Subdivisions; however, this revision has not yet occurred. The applicant chose to process this waiver request so that the neighborhood would be aware that while they are only processing 4 lots and a residue at this time, the full build out is proposed to be 14 lots. He reviewed the residue designation, per the ordinance.

Mr. Lorenzetti asked if there are any structures on the property. Mr. Raco stated he is unaware of any.

Mr. Stolipher opened the floor to public comment.

The following people spoke:

- Chris Gorman
- Denise Ryan
- Tony Russo

They expressed concerns about proximity to existing homes, greenspace being further divided and the road access.

Mr. Raco addressed these concerns by explaining that the proposed cluster lots would average 2.5 acres, with 36 acres in open space. He also stated that the greenspace is not a permanent farmland easement, which would provide assurance of preservation, but is a

greenspace required by the current Subdivision Regulations. The first 4 lots meet standards of ordinance for a minor subdivision. They will meet the DOH standard for the development entrance for the first 4 and get new permits if any new lots are added.

Planning Commission asked if they did more than 4 lots and a residue, would the road be fully built out. Mr. Raco stated it would.

Mr. Stolipher closed Public Comment.

Mr. Shepp made a motion to approve the waiver as requested by the developer to process the first 5 lots as minor subdivision. Mr. Louthan seconded the motion, which carried unanimously.

6. **Public Hearing:** Request by Seneca Crossing, LLC. (File #: 19-10-PCW). Applicant is requesting a waiver from Section 20.102B to allow early grading and potentially a footing and foundation permit for the proposed Seneca Crossing Business Park and Lot 1 Site Plan for Berkeley Medical Center. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 50; Zoned: Residential Light-Industrial Commercial; Size: 4.5 acres.

Ms. Brockman explained in the status of the review process for the Seneca Crossing subdivision, Lot 1 Site Plan, and ROCS Site Plan.

Mr. Raco spoke on behalf of applicant, Seneca Crossing, LLC. He stated that the Planning Commission already held a Public Workshop for two Concept Plans related to this property: a 3-lot commercial subdivision and a site plan for Lot 1. Lot 1 will be doing business as Berkeley Medical Center. The Site Plan is approved but waiting for the subdivision to be finally approved, which is awaiting WVDOH final approval, which has required 8 sets of plan reviews including the approval of a turn lane that was brought up in the Concept Plan stage. The project is striving for interconnectivity and will be sharing their entrance with ROCS. ROCS is on the third review by Staff which also requires WVDOH approval as part of their project. The Preliminary Plat, the Site Plan and SWM are all close to final approval and the development is asking to be permitted to obtain grading permits prior to final approval. He then provided examples of projects we have permitted to do this and stated that the risk to the County is low due to the required bond.

Mr. Mike Shepp asked about why the application stated 'potentially' requesting a footing and foundation permit and Mr. Raco clarified that the building permit will be listed in the name of the property owner, Seneca vs. Berkeley Medical Center.

Mr. Lorenzetti asked about timeframe and Mr. Raco stated they would be willing to add a timeline to the project.

Mr. Stolipher opened the floor to Public Comment.

The following people spoke:

- Mark Dorsh – Martinsburg Pike
- Ken Lowe – The Waltz Property

Mr. Stolipher closed public comment.

Mr. Raco and Eric Lewis responded to a comment about surveying stakes located off site and stated that they will resolve this. The Plat does reflect the easement for Mr. Lowe according to Mr. Lewis.

Mr. Bruning made a motion to approve the waiver for Seneca Crossing, LLC. from Section 20.102B of the Subdivision and Land Development Regulations to allow early grading and potentially a footing permit with the conditions outlined by staff.

- a. A grading permit is issued to allow the owner to perform site grading in preparation for the building pad and related improvements. This permit is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading plan and building permit application and a NPDES permit is obtained; and
- b. The building permit is issued only for the footers and foundations of the proposed buildings (building construction will stop at the foundations until the site plan is approved); and
- c. The owner/Developer assumes all risk for “jump-starting” the project and understands that the final site plan design approved by the Planning Commission might necessitate some changes and additional construction cost; and
- d. the developer will provide bonding of all proposed site improvements related to sediment and erosion control/SWM pertaining to the permit.

Mike Shepp seconded the motion. Mr. Lorenzetti asked about a time period be added, amending motion to add a maximum of 6 months to have this work completed or it be rolled into the total bond for the entire project at that time. A vote was taken, which carried unanimously.

7. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-01. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 2 Definitions; Section 8.14 Rural Reception/Event Facility; and Appendix C to create a process to allow special event facilities in the Rural, Residential Growth, and Village zoning districts.

Mr. Stolipher explained that public comment will be received for this amendment at tonight’s meeting and for two weeks following the meeting.

Ms. Beaulieu explained that the Planning Commission had previously amended the zoning ordinance to allow the reuse of existing barns and agricultural structures for these purposes but, due to building code issues, the office has received a number of requests to be able to construct a new structure for uses like rural reception event facilities and that that the language included in the packet reflects these types of requests.

The Planning Commission asked questions clarifying for the current zoning standards and staff explained some of the current zoning requirements. If the text is changed significantly after public comment, then the Public Hearing will be re-advertised with the new text.

Mr. Stolipher opened the floor for public comment. The following people spoke:

- Doug Rockwell
- Tina Reddington 414 Kidweiler Rd., Ridgefield Farm owner

Mr. Rockwell was concerned about changes in the rural district and Ms. Reddington wanted the Commission to consider extending the time permitted in the proposed language due to there being two weekend days available for these events.

Mr. Stolipher reiterated that the public comment period would be left open for two weeks.

8. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-02. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to Appendix C: Principle Permitted and Conditional Uses Table to change the provision for Churches in the IC Zone from Not Permitted (NP) to a Conditional Use (CU).

Ms. Beaulieu explained that this text amendment was proposed by a church which began operations in the Industrial Commercial zone without realizing it was prohibited in that zone. She also answered questions from the Planning Commission and made her recommendation.

Mr. Stolipher opened the floor to Public Comment.

The following person spoke:

- Gerald Fitzwater

He is the pastor that made this request and asked that the Planning Commission allow them to stay in their location.

Ms. Beaulieu explained there is no way to approve just this location. If it is not permitted in the Ordinance, it means it is prohibited. Since there are other institutional uses which are permitted, she stated the Conditional Use was the best option. The landlord never contacted our office for this tenant change.

Mr. Stolipher closed public comment.

Mr. Hefestay made a motion recommended approval of the proposed text amendment, stating that this request is consistent with the Comprehensive Plan and can proceed to County Commission for their action. Ron Thomas seconded the motion which carried unanimously.

9. Reports from Legal Counsel. None.
 10. Planner's Memo: Update on RFQ – Ms. Brockman reported that three responses to the RFQ were received and that the Committee met and ranked them on 7/9/19. All 3 firms will be interviewed. She reviewed this process and criteria/ranking. All will be interviewed before asking for proposal and cost estimate. The Committee will try to get on the recommended firm on one of the August County Commission agendas.
 11. Actionable Correspondence. None.
 12. Non-Actionable Correspondence: None.
- Mr. Stolipher closed the meeting at 9:07 PM.