

Meeting Minutes
Jefferson County Planning Commission
February 11, 2020

The Jefferson County Planning Commission met on February 11, 2020 with the following Commission members present: Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; J Ware, Jack Hefestay, Ron Thomas and Mike Shepp. Staff members present included: Jonathan Saunders, County Engineer and Alex Beaulieu, Zoning Administrator.

Mr. Donnie Fisher was planning to be late with prior notification and ended up not attending.

Mr. Ray Bruning, Mr. Nathan Cochran, County Attorney and Ms. Jennifer Brockman, County Planner were absent with prior notification.

Mr. Stolipher called the meeting to order at 7:00 pm.

1. Election of Planning Commission Officers. Mr. Steve Stolipher nominated Mr. Mike Shepp to be the Planning Commission President. Mr. Wade Louthan seconded the nomination. Mr. Steve Stolipher nominated Mr. Donnie Fisher to be the Vice President. Mr. J Ware seconded the nomination. Mr. Mike Shepp nominated Wade Louthan to continue as Secretary and Mr. J Ware seconded the nomination. A vote was taken for all of these combined nominations, which carried unanimously.
2. Approval of the December 10, 2019 meeting minutes: Mr. Mike Shepp noted a discrepancy to the meeting minutes for item number six. He reviewed his motion regarding the agenda item and clarified that he was not supporting the proposed amendment drafted by Torch specifically, but supporting the discussion of an amendment related to solar farms. Ms. Beaulieu clarified that the motion was to accept the petition to include within the Planning Commission's work plan to develop provisions to allow solar energy facilities to process in the County. She noted that the motion included scheduling a work session to continue discussion on solar energy facilities and essential utilities at their January meeting. Mr. Shepp agreed with the clarification.

Mr. Steve Stolipher made a motion to accept the amended minutes as discussed. Mr. Wade Louthan seconded the motion, which carried unanimously.

Ms. Alex Beaulieu also had a correction to item # 5. She stated that the applicant's representative asked we revise the top of page 2, paragraph 1, 3rd sentence. Ms. Beaulieu read the revised sentence as follows, "Additionally, Mr. Raco noted that while the Zoning Ordinance does not require any buffering from the Category II structure, the applicant is proposing to set the proposed development back from the category II historic structure and will adaptively reuse the structure".

Mr. Stolipher motioned to accept the proposed change. Mr. Shepp seconded the motion, which carried unanimously.

3. Citizen Communications. None.
4. Request for postponement. None.
5. **Public Workshop:** Concept Plan for Country Club Commons (File #19-17-SD), formerly known as Breckenridge Commercial Subdivision. A proposed Non Residential Major Subdivision, the owner intends to create 4 lots and a public street for future commercial pad-users. In addition, the developer proposes 2 access points: one right in/out from US340 and one full-access onto Old Country Club Rd (WV Rt. 24). The property is designated as Tax

District: Harpers Ferry (04); Tax Map: 11, Parcel: 11; Zoned: Residential Light Industrial Commercial; Size: 9.54 acres.

Ms. Alex Beaulieu reviewed the Major Non Residential Subdivision. She explained that the proposal included the creation of four non-residential lots with a proposed access onto Country Club Road and a right-in / right-out access onto Route 340. Mr. Beaulieu noted that water and sewer would be provided by Charles Town Utility Board and that the WV Division of Highways would require a Traffic Impact Study.

Mr. Lorenzetti inquired about which surrounding properties had been annexed into the City. Staff explained that the properties across Route 340, where Aldi's is located, had been annexed but that the properties surrounding the subject parcel were within the County's jurisdiction.

Mr. Paul Raco, applicant representative, Mr. Dan Snyder and Mr. Bob Barrack with B.C. Partners were present for the request. Mr. Raco provided an overview of the proposed project and noted that the request was to create up to four non-residential lots, but that the applicant could opt to create less lots, depending on what businesses want to locate there. He noted that the Concept Plan was the first step in the Major Non-Residential Subdivision and that once each of the lots are created, a site plan would process for each individual lot. Mr. Raco explained that the property is zoned Residential-Light Industrial-Commercial which allows most commercial uses by right, with a few exceptions which would require a conditional use permit, subject to review and approval by the Board of Zoning Appeals. Mr. Raco discussed the US 340 East Preferred Growth Area (PGA) and stated that the proposed non-residential subdivision is in compliance with the zoning and consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Mr. Raco provided an overview of the WV Division of Highways (DOH) approval process at state and federal level, noting that it is a lengthy process. He also explained that because Route 340 is a federal road, the District, State and Federal transportation offices would review the proposed access.

Mr. Raco provided an overview of the design requirements for the subdivision. He noted that the proposed commercial road is shown as a 50' right of way, which would require a waiver to reduce the required width from 60'. Mr. Raco also noted that the developer did not intend to provide vehicular connectivity through the adjacent residential subdivision, Sleepy Hollow, and that they did not object to providing pedestrian connectivity as long as the residents understood this would require a break in the buffer.

Mr. Ralph Lorenzetti asked about the possibilities for turning lanes and Mr. Raco explained that this will all be determined by DOH.

Mr. J Ware asked about the 20' buffer not extending. Mr. Paul Raco and Ms. Alex Beaulieu explained the requirements about the buffers and distances.

Mr. Mike Shepp asked about the probability of using access as a bypass to Country Club Road to avoid the traffic light.

Mr. Raco explained that motorists could use that the proposed access as a bypass but noted that it may not a bad thing for traffic to drive through a commercial development.

Mr. Mike Shepp opened the floor for public comment.

Ms. Anne Strider, located at 4 Fairway Drive, stated that she is not opposed to a commercial development. She noted that the Sleepy Hollow subdivision predates zoning and wanted to bring attention to potential drainage issues, explaining that water flows from the subdivision, through her lot, and onto the subject parcel. She also stated that her septic is located on the side toward the subject property. Ms. Strider requested that the site be developed in such a way that would not result in stormwater backing up onto her property. She also requested that the developer lessen the impact of noise and light from the site on immediate residential neighbors. Ms. Strider stated for the record that she was not representing the Homeowners Association (HOA), but was personally not in favor of connectivity.

Dr. James Field, located at 40 Fairway Drive, stated that the project would be beneficial and contribute to the betterment of the County. He stated that he serves as the HOA Treasurer and Secretary and requested that the developers be respectful of the residential neighborhood. Mr. Fields stated he was not in support of connectivity because the Sleepy Hollow roads could not support an increase in traffic. He expressed concerns pertaining to noise and light from future businesses and stated that he would prefer there was not a 24-hour business. Mr. Field also stated he was not in support of pedestrian connectivity, noting that if a bar were to locate to one of the parcel, he would not want people to wander into his development. He suggested the developer install fencing and shrubbery.

Mr. Steve Stolipher made a motion to close public comment. The vote carried unanimously.

Mr. Dan Snyder, B.C. Partners, along with Mr. Raco addressed some of the concerns about the stormwater and design associated with this site and the adjacent property. Mr. Raco outlined the Stormwater Management parcels specifically on the plans. He stated the developer does not want to provide vehicular connectivity, and agreed that it was not appropriate for this location. He stated pedestrian connectivity could be discussed further at a later date. Mr. Raco addressed concerns pertaining to noise and light from the site and provided an overview of the landscaping and buffer requirements.

Mr. Raco addressed the DOH e-mail attached to the staff report which incorrectly referenced that the applicant was proposing a 300,000 square feet of retail space and clarified that individual sites could potentially be 30,000 – 35,000 square feet of retail space. He said that even if the site is developed as a single lot, the project would not be 300,000 square feet of space. He concluded that the error in building size listed in the letter would not impact the requirement for a Traffic Impact Study (TIS).

Mr. Dan Snyder, B.C. Partners, addressed concerns pertaining to Stormwater Management and stated that they will convey any water coming from Sleepy Hollow and will retain as required in the regulations. He also noted that with regard to future business, they anticipate uses to be commiserate with residential development.

Mr. Ron Thomas asked about light pollution. Mr. Raco explained that the lights will be lower lights, non-glare, facing downward and that signage will be within the standards of US 340. Mr. Dan Snyder referenced Brunswick Crossing as example of another project developed by B.C. Partners and stated that the builder plans to exceed the ordinance in terms of design.

Mr. Steve Stolipher made a motion to accept the Country Club Commons Concept Plan, with the recommendation that they are not to connect a road to Sleepy Hollow Estates, but a Pedestrian walkway could be considered. Mr. Paul Raco made a statement that a design and

vote would need to come from the HOA, regarding their desires for the walkway. Mr. Ron Thomas seconded the motion, which carried unanimously.

*Mr. Mike Shepp, President, stated that the Planning Commission would hear agenda item #7 before agenda item #6 and would consider the Martinsburg Pike ROCS Site Plan first.

7. **Discussion and Action:** For the Planning Commission to vote to approve or deny the Martinsburg Pike ROCS Site Plan Application (#18-06-S) as complete in accordance with Sections (24.122 and 24.123) of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8A; Parcels: 19, 21 and 23. Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 3.56 acres.

Ms. Beaulieu explained this agenda item is required by the Subdivision Regulations. The Planning Commission has to vote to deem the site plan complete for the purpose of scheduling a public hearing. Staff has found it to be complete at this time.

Mr. Ryan Perks stated that Staff's comments had been received and a revised version of the Site Plan would be submitted for the final review.

Mr. Stolipher made a motion that the site plan is complete for the purpose of scheduling a public hearing for the March Planning Commission Meeting. Mr. Wade Louthan seconded the motion, which carried unanimously.

6. **Work Session:** Petition from landowner Stanley Dunn, represented by Torch Clean Energy, to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the Rural zoning district.

Ms. Beaulieu stated that Sam Gulland, with Torch Clean Energy, was absent due to a scheduling conflict but that he had requested the Planning Commission continue their discussion without him.

Mr. Shepp stated the Planning Commission had a couple of options including creating a subcommittee to continue working on drafting text.

Mr. Stolipher suggested creating a subcommittee to work with the consultants [Sam Gulland and Paul Raco] to work on drafting a text amendment to allow solar facilities to process as an essential utility and not as a conditional use and to create provisions to address some of the Planning Commission's concerns including fencing, screening, and decommissioning.

Mr. Wade Louthan expressed concerns with regard to designating large scale solar facilities as an essential utility.

Ms. Beaulieu stated that the definition of essential utility came out of State code and that she would discuss with Nathan Cochran whether or not it was appropriate to amend the definition. She proposed an alternative option to create a definition for solar energy facilities and if the Planning Commission prefers that such projects be exempt from processing a site plan, they could draft text to explicating state that such projects would be exempt. She also noted that based on concerns expressed by the Commission during their December meeting,

solar facilities could be listed as Principal Permitted Uses as opposed to Conditional Uses, and text could be drafted to requirements for decommissioning and minimum design standards such as setbacks and buffer requirements.

Mr. Jonathan Saunders, County Engineer, brought up concerns about creating impervious area and stormwater runoff and stated that exempting such projects from processing complying with stormwater management could create future problems with erosion.

Mr. Stolipher nominated Mr. Wade Louthan, Mr. Shepp nominated Mr. Ron Thomas and volunteered to serve as well. Mr. Shepp confirmed that the subcommittee would be comprised of Wade Louthan, Ron Thomas, and Mike Shepp and that they would work with the consultants and Staff on drafting a text amendment.

Ms. Beaulieu stated she could be available to work with the subcommittee and agreed to coordinate a meeting.

- 8. Discussion and Action:** Call a special meeting for the purpose of holding a Public Hearing on 3/24/2020 regarding Greenway's proposed Text Amendments addressing the reorganization of Zoning Ordinance and Subdivision Regulations (Phase I), which requires public notice in the paper.

Ms. Beaulieu informed the Planning Commission that Staff and the subcommittee would be meeting with Greenway Engineering to review the revisions the next day [March 25] and that if the Planning Commission scheduled the public hearing for March 25, the hearing would be contingent upon the outcome of the meeting on March 25. Ms. Beaulieu stated that calling the public hearing would allow sufficient time to run the legal advertisement, should the revised draft be deemed sufficient for a public hearing.

Mr. Stolipher motioned to schedule a special meeting on March 24. Mr. Louthan seconded the motion, which carried unanimously.

- 9. Reports from Legal Counsel.** Not present.

10. Planners Memo:

- a. Quarterly Report Q2 – Mr. Wade Louthan made a motion to move this to the County Commission and Mr. Steve Stolipher seconded, which carried unanimously.

- 11. President's Report:** None.

- 12. Actionable Correspondence:** None.

- 13. Non-Actionable Correspondence:** None.

Mr. Shepp closed the meeting at 8:05 PM.