

Meeting Minutes
Jefferson County Planning Commission
March 10, 2020

The Jefferson County Planning Commission met on March 10, 2020 with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; J Ware, Jack Hefestay and Ray Brunning. Staff members present included: Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; Rachael Burke, Planning Clerk.

Mr. Donnie Fisher and Ron Thomas were absent with prior notification.

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

1. Approval of the February 11, 2020 meeting minutes, approved as submitted.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Major Site Plan for the Martinsburg Pike ROCS Site Plan Application (#18-06-S), consisting of a 6,000 sq. ft. gas station with convenience store, including 5 fuel islands and 10 gas pumps. 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 combined (total of 3 lots).

Mr. Ralph Lorenzetti disclosed that his wife is associated with the adjoining property, WVU Medical Center. He does not believe there is a conflict.

Ms. Jennifer Brockman provided an overview of the Major Site Plan. She explained all comments have been addressed by the applicant at this time. The BZA approved the required variances related to setbacks for each of the lots and therefore, the applicant is able to keep them as separate lots, instead of processing a merger. There is a 60' access easement to the property in the rear of this property to meet their future needs. This Public Hearing is required for Major Site Plans in the Subdivision Regulations.

Mr. Jason Gerhart introduced himself as a representative of the applicant and did not have anything further to add to the presentation.

Mr. Mike Shepp opened the floor to public comment. There was no one signed up to speak. Therefore, he then closed the floor for public comment.

Mr. Steve Stolipher made a motion to approve the Martinsburg Pike ROCS Major Site Plan. Mr. Jack Hefestay seconded the motion, which carried unanimously.

5. **Discussion and Action:** Request by Michael C. Wilson (File #20-1-PCW). Applicant is requesting a waiver from Section 20.201A(2) of the 2008 Subdivision Regulations, as amended, which requires all lots in minor residential subdivisions to have motor vehicle access via 50' access easement, provided that the access easement serves no more than 5 lots. Applicant is requesting to utilize an existing 30' easement (Amnesty Way) to access a proposed two additional lots for a total of 6 lots. The property is designated as Tax District: Shepherdstown (09); Tax Map: 4; Parcel: 5; Zoned: Rural; Size: 22.276 acres.

Mr. Mike Shepp recused himself, as he created the 2007 Wilson Minor Subdivision Plat, when he was working as a surveyor.

Mr. Ralph Lorenzetti also recused himself due to a personal conflict with purchase of a property that would possibly need a similar waiver. Secretary Wade Louthan asked Steve

Stolipher to act as the President for this agenda item in the absence of Mike Shepp and Donnie Fisher.

Ms. Jennifer Brockman provided an overview of the location and explained that in 2007 a Minor Subdivision was approved to create 2 lots and a Residue; which results in a total of 4 lots accessing Amnesty Way currently. Mr. Wilson is requesting a two-part waiver: First, he is proposing 6 lots total and 5 lots are the maximum allowed to process as a Minor Subdivision on a 50' access easement. Second, the Minor process requires a 50' access and Amnesty Way is only a 30' platted easement. Staff recommends that it may be logical for the Planning Commission to approve the waiver to allow one additional lot and a Residue on the 30' access easement, but not to permit the waiver to allow two additional lots and a residue. She also noted that the 30' access cannot be changed due to having to acquire land from other property owners.

Mr. Michael Wilson provided detail about where the old farmhouse is located and explained it could still be used but that it is not being rented out currently. None of the other lots have sold at this time.

Mr. Steve Stolipher opened the floor to public comment.

The following people spoke in opposition to the waiver request, siting concerns with the road width, unique problems with possible expansion of the road, and access for emergency and utility vehicles. A petition with 22 signatures of surrounding property owners and picture exhibits reflecting the road width was also provided:

- James (Jim) Surkamp, 64 Larkspur Lane
- David Michael Glenn, 406 Glen Road
- Suzanne Offutt, 155 Glenn Road
- Jen Pirrone, 291 Steamboat Run
- Sarah Cooper, 358 Glen Road
- Jason Dom, 197 Glen Road
- Casey Reese, 122 Larkspur Lane
- Peggy Gordon, 184 Amnesty Way

Mr. Stolipher closed public comment.

Mr. Michael Wilson spoke in rebuttal with concerns about statements made and assured that there would not be an access concern after design by an engineer.

Ms. Jennifer Brockman clarified, in response to public comments, that there have not been any changes in these provisions of the Zoning Ordinance since 1988, and that property owners in the Rural District have always been able to do two lots and a residue every 5 years, with the appropriate access. She explained there are no county road standards for Minor Subdivisions, just a minimum access easement width. She also noted that only when a subdivision is over 30 lots, does the Subdivision Regulations require two entrances. By right, the applicant is allowed the 5th lot, on a 50' easement, but not the 6th lot that he is asking for as part of this waiver request.

The Planning Commission asked the applicant questions about a pull off lane. They also discussed what is he allowed to do within our ordinance currently, with staff.

Ms. Jennifer Brockman explained that the access is required to become a Right-of Way during the Major Subdivision process and further clarified he was granted a variance to do the 2007 Minor Subdivision (2 lots and a residue). At that time a 40' access easement was required for Minor Subdivisions and Amnesty Way is within a 30' easement.

Mr. Wade Louthan made a motion to deny the waiver request. Mr. Jack Hefestay seconded the motion. The vote was 3 for and 2 against the denial of the waiver. Mr. Ray Brunning and Mr. Steve Stolipher were opposed to denying the waiver request.

6. Reports from Legal Counsel. None.

7. Planners Memo:

- Ms. Jennifer Brockman reviewed the status of the Greenway Subdivision and Zoning Ordinance Amendments.

8. President's Report:

Mr. Mike Shepp explained that the Solar Farms committee met and there is another meeting scheduled to continue the discussion.

9. Actionable Correspondence: None.

10. Non-Actionable Correspondence:

- Letter from Carmen Creamer discussed between the Planning Commission and Staff.

Mr. Shepp closed the meeting at 7:55pm.