

Meeting Minutes  
Jefferson County Planning Commission  
July 14, 2020

The Jefferson County Planning Commission met on July 14, 2020 with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison, Jack Hefestay, Steve Stolipher, J Ware, and Ron Thomas. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; and Jennilee Hartman, Zoning Clerk.

By order of the President, the Planning Commission meeting was held virtually via ZOOM. Access information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:02 pm. Ms. Hartman verified the attendance of the members to confirm there was a quorum. Mr. Fisher, Mr. Thomas and Mr. Cochran joined the meeting after the roll call; however, prior to Item #4.

1. **Minutes:**

Approval of the June 2, 2020 and June 23, 2020 meeting minutes. Approved as submitted.

2. **Citizen Communications:** Citizens were able to sign up for this item utilizing the chat function in ZOOM prior to the commencement of the meeting. There were no citizens signed up to speak.

3. **Request for postponement.** None.

4. **Public Hearing:** File #: 20-3-PCW Request by Federal Group, Inc. (Ken Lowe) for two waivers of the 2008 Subdivision Regulations, as amended:

A. Appendix B, Section 2.2H, which requires a non-residential subdivision to have a 60' road right-of-way rather than an easement; and

B. Sections 21.402D which states that no permanent encroachments, structures, fences or landscaping shall be allowed to be located in any easement area.

Property Owner: Federal Group, Inc.; Property Address: 233 Lowe Drive, Shepherdstown, WV 25443; Parcel Information: Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 10.9; Size 30.01 acres; Zone: Residential-Growth

Ms. Brockman provided an overview of her staff report explaining that the applicant is proposing to create three (3) nonresidential lots. Ms. Brockman explained that Lot 1 would contain the existing Clarion Hotel, Lot 2 would contain the existing Conference Center, and that Lot 3 would consist of the remaining 6 acres north of Lowe Drive.

Mr. Paul Raco with P.J. Raco Consulting, LLC, representative for the property owner, was present to address the Commission. Mr. Raco explained the nature of the request, noting that the 60' access easement has existed in its current configuration since 1996. Regarding the first request (A), Mr. Raco explained the difference between a right-of-way and an easement; highlighting that the key difference is that a right-of-way is transferrable. Mr. Raco confirmed that the property owner did not have plans to transfer the ownership of the easement at this point in time. In addressing the second request (B), Mr. Raco explained that in other jurisdictions common access easements are often delineated over and across adjacent parcels to allow flow-through traffic and parking between adjoining lots. Mr. Raco noted the current Regulations do not allow for this type of conventional design. Mr. Raco argued that infrastructure such as parking spaces, landscaping and fences should be permitted within an access easement provided they do not hinder the drive aisles and/or safe access. Mr. Lorenzetti inquired about the access for Phase [Lot] 2 as it was not depicted on the plat. Ms.

Brockman stated that there is a note on the plat requiring the property owner to create access easements over the existing drive aisles and parking spaces for the benefit of Phase [Lot] 2. Ms. Brockman noted that additional variances may be required. Mr. Raco confirmed that the property owner will have to create the necessary easements prior to the creation of Phase [Lot] 2.

Mr. Stolipher stated that Ron Thomas was connected via telephone and had requested to be unmuted. Mr. Stolipher also noted for the record that Donnie Fisher was present.

Mr. Shepp opened the public hearing. There was no public comment. Mr. Shepp closed the public hearing.

Mr. Stolipher motioned to approve both the waivers as requested. Mr. Hefestay seconded the motion, which carried unanimously.

5. **Discussion and Possible Action:** Discussion of next steps related to petition from landowner Hillary Banachowski, represented by ElderBranch, LLC for a proposed text amendment to the Zoning Ordinance to create a process to allow Commercial Cemeteries in the Rural zoning district. File # ZTA20-01.

Ms. Brockman explained that at the June 2, 2020 Planning Commission meeting the Commission adopted this text amendment into their work plan. Ms. Brockman stated the Commission may choose to have staff draft development standards or may hold a public hearing or public workshop to receive input on possible development standards for Commercial Cemeteries.

Mr. Lorenzetti motioned to schedule a public workshop to receive input on possible development standards for Commercial Cemeteries. Mr. Stolipher seconded the motion, which carried unanimously. Ms. Brockman stated that staff would schedule the public workshop for August 11, 2020 during the next regularly scheduled Planning Commission meeting.

6. **Review and Approval:** Planning Commission's FY 2020 Annual Report to the County Commission per WV Code §8A-2-11. The Planning Commission is required by State Code to make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction.

Ms. Brockman provided an overview of the Annual Report to the Commission. Mr. Stolipher motioned to approve the Annual Report and to forward it to the County Commission. Mr. Fisher seconded the motion, which carried unanimously.

7. **Reports from Legal Counsel.** Mr. Cochran informed the Commission that the County Commission had received a complaint regarding the legality of the public notice requirements for the Solar Energy Facility text amendment. Mr. Cochran stated the County Commission would hear the complaint at their July 16, 2020 regular meeting.
8. **Planner's Memo.** Ms. Brockman informed the Commission that the Office is open to the public provided they wear a mask and abide by social distancing requirements. Ms. Brockman noted that staff continues to work with Greenway Engineering on the reorganization of the Subdivision Regulations and Zoning Ordinance. Ms. Brockman stated that the next Planning Commission meeting would be on August 11, 2020.
9. **President's Report.** None.
10. **Actionable Correspondence.** Ms. Brockman stated that staff had distributed a letter pertaining to the minutes; however, the item did not require action.

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11. **Non-Actionable Correspondence.** None.

Mr. Stolipher motioned to adjourn the meeting at 7:32 pm. Mr. Hefestay seconded the motion, which carried unanimously.