

Meeting Minutes
Jefferson County Planning Commission
October 13, 2020

The Jefferson County Planning Commission met on October 13, 2020 with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison, Steve Stolipher, Ron Thomas and Shane Roper. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; Alexandra Beaulieu, Zoning Administrator; and Rachael Burke Planning Clerk.

J Ware was absent without prior notification, Jack Hefestay and Donnie Fisher were absent with prior notification.

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. Mr. Shepp verified we had a quorum at the start of the meeting.

1. Approval of Meeting Minutes: September 8, 2020. 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:** (PC File #ZTA20-02): Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 5 District Regulations, Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C, Principal Permitted and Conditional Uses Table.

Ms. Beaulieu explained the purpose of the hearing is for the Planning Commission to review and receive public comment on the proposed text amendment and to determine if the proposal is in conformance with the *Envision Jefferson 2035 Comprehensive Plan*. She reviewed some of the development standards and provided an overview of the Conditional Use process.

Mr. Shepp asked the commissioners if they had questions. There was discussion about whether this pertained to food trucks, which it does not.

Mr. Shepp opened the Public Hearing. No one was signed up to speak. Public Hearing was closed.

Mr. Stolipher made a motion to approve the request as submitted and stated that the proposed text amendment is in conformance with the *Envision Jefferson 2035 Comprehensive Plan* and recommended it to the County Commission for their hearing and action. Mr. Thomas seconded the motion, which carried 5 in favor; 1 opposed (Lorenzetti).

5. **Public Hearing:** Request by property owners Christopher and Kimberly Purvis for a Final Plat Amendment for Lot #14 in the Spruce Hill Subdivision (File #02-28). The request is to allow a 192 sf shed within an easement (See Final Plat note #23 in Plat Book: 19; Page: 57). The property is designated as Tax District: Kabletown (06); Tax Map: 3C; Parcel: 14; Zoned: Residential-Light Industrial Commercial; Size: 1.23 acres.

Ms. Brockman provided an overview of the request, including the history of the property. The Purvis' have received an administratively approved Minor Plat Change to move the septic reserve area and a BZA approved Setback Variance for the shed. This waiver is also required due to a drainage and utility easement being indicated on the recorded Final Plat.

The applicant provided reasoning for allowing the shed in the easements due to the slope of their property.

Mr. Shepp opened the Public Hearing. No one was present to speak. Mr. Shepp closed the Public Hearing.

Mr. Thomas made a motion to approve the request with the condition that if any drainage issues occur due to the shed, the applicants will resolve these. Mr. Roper seconded the motion, which carried unanimously.

6. **Public Hearing:** (File #19-16-SD): Final Plat Public Hearing for the Beallair Subdivision, Phase 4A, Lots 134-159 and Residue Parcel A. Applicant: Mike Wiley, Piedmont Design Group. Owner: Beallair Homes, LLC. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 10A; Parcel: RESA; Zoned: Residential Growth; Size: 69.3 acres.

Ms. Brockman presented her Staff Report and reminded the Planning Commission that this subdivision is processing under the 1979 Subdivision Ordinance, which requires a Public Hearing for a Final Plat. She also noted that there are a few outstanding comments related to the Final Plat listed in the staff report, including that the Preliminary Plat is required to be approved and bonded before the Final Plat can be recorded.

Mr. Michael Wiley, applicant, spoke on behalf of the project. He stated that the 4 outstanding comments on the Staff Report will be addressed within the next 1-2 weeks.

Mr. Shepp opened the Public Hearing. No one was present to speak. Mr. Shepp closed the Public Hearing.

Mr. Stolipher made a motion to approve this Final Plat subject to addressing the outstanding comments noted in the staff report. Mr. Thomas seconded the motion, which carried unanimously.

7. **Public Hearing:** (File #20-6-PCW): Request by property owners Larry & Tammy Sirbaugh for a waiver from Section 20.201B3, that requires access via a 50' access easement. The applicant wishes to access via a state road. The property is designated as Tax District: Kabletown (06); Tax Map: 20A; Parcel: 5; Zoned: Rural; Size: 9.65 acres.

Ms. Brockman presented an overview of this request.

Mr. Louthan recused himself from voting due to owning the adjacent parcel.

The commission discussed the requirements with staff and asked the applicant if they had discussed this proposed entrance with the WV DOH. The applicant stated that the entrance permit had been approved.

Mr. Shepp opened the Public Hearing. No one was present to speak. Mr. Shepp closed the Public Hearing.

Mr. Stolipher made a motion to approve the Waiver request as submitted. Mr. Roper seconded the motion, which carried 5 in favor; zero opposed. (Louthan recused himself)

8. **Public Hearing:** (File #20-7-PCW): Request by applicant, Kyle Carter, for a waiver from Section 20.201A to have direct access to Old Country Club Road, without a 50' access easement to the residue property. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 10; Parcel: 1; Zoned: Residential Growth; Size: 137.17 acres.

Mr. Lorenzetti recused himself from this agenda item due to a potential conflict of interest.

Ms. Brockman gave an overview of the planned one lot subdivision and explained to the Planning Commission that this type of subdivision with 200' of frontage on a state road would be permitted within the Rural Zoning District but requires a waiver to be permitted in the Residential Growth zoning district.

Mr. Carter, applicant, also addressed the request.

Mr. Shepp opened the Public Hearing. No one was present to speak. Mr. Shepp closed the Public Hearing.

Mr. Stolipher made a motion to approve the request as submitted. Mr. Thomas seconded the motion, which carried 5 in favor; zero opposed. (Lorenzetti recused himself).

9. **Public Hearing:** (File #20-8-PCW): Request by applicant, Tripp Lowe, for a waiver from Section 20.201 to process as a Minor Subdivision for 6 duplexes on 2 parcels, because the lots already have access to roads, utilities, and SWM which would normally be designed via the Major Subdivision process. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 23.5 & 23.6; Zoned: Residential Growth; Size: 0.75 & 0.46 acres.

Ms. Brockman provided an overview of the request. She explained that the proposal results in subdividing two (2) existing lots into six (6) duplex lots total, which would require processing as a Major Subdivision.

Mr. Raco, consultant for the project, explained that Ken Lowe developed Lowe Drive and that this road meets the county grade standard. Water and sewer utilities do not require off-site extensions. Stormwater management is proposed to be addressed on-site.

Mr. Shepp opened the Public Hearing for public comment. The following people signed up to speak. They expressed concerns about the potential size of the structures, about a possible paper right of way that they would no longer be able to access and about water pressure as a result of the additional lots:

Meredith Wait
Scott Stanley
Renee Lowe

Mr. Shepp closed the Public Hearing.

Mr. Raco responded to public comment by explaining that they are proffering the use of rain barrels to make up for any additional stormwater for this project and that the duplexes should match the Hartsell Gardens complex across the street. The homes are proposed to be 1-story with a walk out basement. This project is located in the Residential Growth district and Shepherdstown's Preferred Growth Area.

The commission discussed questions about needing a highway entrance permit and the possible paper right of way. Mr. Raco stated that an attorney for the applicant conducted a 60-year title search and had not found a recorded easement to allow access to those lots. Mr. Cochran explained that this right-of-way question needs to be resolved between the parties and that the Planning Commission has no authority over this since an easement has not been indicated on a previous plat. Mr. Stolipher and Mr. Shepp suggested that all parties meet about the right of way.

Mr. Stolipher made a motion to approve the waiver as submitted; Mr. Roper seconded the motion. A vote was taken: 4 in favor; 1 opposed (Lorenzetti); 1 abstention (Thomas).

- 10. Discussion and Possible Action:** (PC File #ZTA20-01): Proposed text amendment to the Jefferson County Zoning Ordinance to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C, Principal Permitted and Conditional Uses Table.

Ms. Beaulieu presented an overview of the request and reminded the Planning Commission that the Public Hearing was held on September 8th and that they had extended public comment for two weeks. No additional comments were received. She asked if the commission had any further questions regarding this project.

The Planning Commission explained that they researched previous public comment concerns regarding run off and contamination of water and found nothing of concern.

Mr. Stolipher made a motion that this Zoning Text Amendment request is in conformance with the *Envision Jefferson 2035 Comprehensive Plan* and recommended approval to the County Commission. Mr. Thomas seconded the motion. A vote was taken, 5 in favor; 1 opposed (Ralph Lorenzetti).

11. **Discussion and Action:** Quarterly Report for July-September 2020. Ms. Brockman provided an overview of the 1st Quarterly Report for FY2020-2021 and requested that the Planning Commission review it and forward it to County Commission.

Mr. Stolipher made a motion to send to County Commission; Mr. Louthan seconded the motion, which carried unanimously.

12. **Reports from Legal:** Mr. Cochran provided a solar update; the Zoning Ordinance Text Amendment was approved by the County Commission and will be effective in November. Mr. Cochran and Mr. Goodwin are presently working on a decommissioning bond plan.

13. **Planner's Memo:** Ms. Brockman provided an update on the Greenway amendments.

14. **President's Report:** None.

15. **Actionable Correspondence:** None.

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

Mr. Stolipher made a motion to adjourn the meeting at 8:08 pm. Mr. Louthan seconded the motion, which carried unanimously. Mr. Shepp closed the meeting.