

Meeting Minutes
Jefferson County Planning Commission
November 10, 2020

The Jefferson County Planning Commission met on November 10, 2020 at 7:00 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Steve Stolipher, Ron Thomas, Shane Roper, and Jack Hefestay. Staff members present included Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Alexandra Beaulieu, Zoning Administrator; and Nathan Cochran, County Attorney. J. Ware was absent without 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 7:00 p.m. Mr. Shepp verified that there was a quorum at the start of the meeting. Ms. Beaulieu conducted a roll call for the members whose names were not visible in the list of attendees.

1. Approval of the Meeting Minutes: October 13, 2020. Approved as submitted.
2. Citizens Communication: Citizens were able to sign up for this item utilizing the chat function in ZOOM. There were no citizens signed up to speak.
3. Request for postponement. Ms. Brockman informed the Commission that Mr. David Leonard with Brickstreet Homes LLC requested a postponement until the December 8, 2020 meeting for Item # 7 (20-9-PCW) meeting. The Commission acknowledged the request.
4. Public Workshop: Concept Plan for Summit View Estates. The proposal consists of the re-subdivision of Lot 28 into three (3) total lots and the required 224 acres of associated green space on adjacent Parcels 6 & 7, under Section 5.7D.2 Cluster Provisions. Property Owner: Hy-Crest Farms, LLC. Property Location: Summit View Estates, Lot 28 Located at the end of Keith Dr. Tax District: Kabletown (06); Tax Map: 15; Parcel: 3.3 (Parcel ID: 06001500030003); Size: 8.5 acres; Zoned: Rural; File: 20-18-SD.

Mr. Shepp recused himself from taking action on this item, as he is the surveyor for the project. Mr. Fisher had not yet joined the meeting for this item; therefore, Mr. Stolipher presided over this portion of the meeting.

Ms. Brockman provided a brief history of the property and an overview of the property's density rights. Ms. Brockman reviewed the comments received from outside agencies.

Mr. Paul Raco with P.J. Raco Consulting explained the nature of the proposal to the Commission.

Mr. Stolipher opened the public hearing. Ms. Carmen Creamer spoke in opposition to the project. Mr. Stolipher closed the public hearing.

Mr. Thomas made a motion to accept the concept plan as complete, contingent upon approval from the Division of Highways and the Health Department. Mr. Hefestay seconded the motion, which carried six (6) in support; one (1) opposed (Mr. Lorenzetti); and one (1) recusal (Mr. Shepp).

Mr. Shepp resumed his position as President.

5. Public Workshop: Concept Plan for a Shepherdstown Professional Center (a Major Nonresidential Site Development). The proposal consists one two-story building with 5,100 sf retail space (first floor) and 5,100 office space (second story); one 6,000 sf single-story building divided into six (6) 1,000 sf retail/office units and associated parking spaces and signage. Property Owner: Rankin Properties, LLC. Property Location: Vacant parcel on the northeast corner at the intersection of

Potomac Farms Dr. and Kearneysville Pike (Route 480). Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 8.1 (Parcel ID: 09000800080001); Size: 3.56 acres; Zoning District: General Commercial; File: 20-7-SP.

Mr. Lorenzetti recused himself from Agenda Items #5 and #6, stating his wife worked in Shepherdstown.

Ms. Brockman provided a brief history of the property and an overview of the proposal. Ms. Brockman reviewed the comments received from outside agencies.

Mr. Dick Klein with Alpha Associates explained the nature of the project to the Commission.

Mr. Shepp opened the public hearing. There were no public comments. Mr. Shepp closed the public hearing.

Mr. Stolipher made a motion to accept the concept plan as complete with no conditions. Mr. Fisher seconded the motion, which carried unanimously with seven (7) in support and one (1) recusal (Mr. Lorenzetti).

6. Public Hearing: Waiver from Section 20.204 to process a Minor Site Plan with a Concept Plan instead of the required Major Site Plan for the Shepherdstown Professional Center (File: 20-7-SP). Property Owner: Rankin Properties, LLC. Property Location: Vacant parcel on the northeast corner at the intersection of Potomac Farms Dr. and Kearneysville Pike (Route 480). Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 8.1 (Parcel ID: 09000800080001); Size: 3.56 acres; Zoning District: General Commercial; File: 20-10-PCW.

Ms. Brockman provided an overview of her staff report to the Commission.

Mr. Dick Klein with Alpha Associates explained the nature of the request to the Commission.

Mr. Shepp opened the public hearing. There were no public comments. Mr. Shepp closed the public hearing.

Mr. Stolipher made a motion to approve the waiver with no conditions. Mr. Louthan seconded the motion, which carried unanimously with seven (7) in support and one (1) recusal (Mr. Lorenzetti).

7. Public Hearing: Waiver from Section 20.201A.2 to reduce the required 50' wide access easement to 40' for a proposed two (2) lot minor subdivision. Applicant: Brickstreet Homes, LLC. Property Owner: Shaun Alexander. Property Location: Sites Farm, Lot 1B, 10668 Leetown Rd., Kearneysville, WV. Tax District: Middleway (07); Tax Map: 14; Parcel: 20.4 (Parcel ID: 07001400200004); Size: 4.85 acres; Zoning District: Rural; File: 20-9-PCW.

At the request of the applicant, this item was postponed until December 8, 2020.

8. Public Hearing: Variance request from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for an Accessory Dwelling Unit (In-Law Suite). Property Owner: Kristen Espinosa. Property Location: 6485 Summit Point Road, Charles Town, WV. Tax District: Kabletown (06); Tax Map: 3; Parcel: 1.7 (Parcel ID: 06000300010007); Size: 5.25 acres; Zoning District: Rural; File: 20-4-PCV.

Ms. Brockman provided an overview of her staff report to the Commission.

Ms. Espinosa, property owner, and Mr. Ben Espinosa, explained the nature of the request to the Commission.

Mr. Lorenzetti inquired as to whether the proposed in-law suite would be detached. Mr. Espisnosa confirmed that the in-law suite would be detached. Mr. Lorenzetti inquired as to whether the structure complied with setbacks. Ms. Brockman stated that a building permit would be required and as part of the permit application, the property owner would be required to demonstrate conformance with the setbacks.

Mr. Shepp opened the public hearing. There were no public comments. Mr. Shepp closed the public hearing.

Mr. Hefestay made a motion to approve the waiver with no conditions. Mr. Thomas seconded the motion, which carried unanimously.

9. Public Hearing: Waiver from Section 20.201A.2, which requires all lots in minor residential subdivision to have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots. The applicant is proposing a two (2) lot subdivision, which will create a total of six (6) lots on the existing access easement (Fiddlers Way). Property Owner: Fiddlers 1, LLC. Property Location: Sunset View, Lot 3, 54 Fiddlers Way, Shepherdstown, WV. Tax District: Shepherdstown (09); Tax Map: 5; Parcel: 8.16 (Parcel ID: 09000500080016); Size: 4.25 acres; Zoning District: Residential Growth; File: 20-11-PCW.

Ms. Brockman provided an overview of her staff report to the Commission, noting that one of the lots accessing Fiddlers Way was created as a parent-to-child lot.

Mr. Paul Raco with P.J. Raco Consulting explained the nature of the proposal to the Commission.

Mr. Shepp opened the public hearing. Ms. Donna Catt, located at 50 Andover Ct.; Mr. and Ms. Richard and Stacey Hunt, located at 56 Fiddlers Way; and Mr. and Mrs. Jeff and Patrice Wishmyer, located at 92 Fiddlers Way, each spoke in opposition to the request. Mr. Shepp closed the public hearing.

Mr. Raco provided a rebuttal, addressing some of the questions made during public comment.

In response to some of the public comments, Mr. Thomas expressed concerns regarding the majority of the residents objecting to the request based on road maintenance issues. Mr. Thomas inquired as to whether a road maintenance agreement is required by the County. Ms. Brockman confirmed that for a minor subdivision, a road maintenance agreement is not required by the County. Mr. Stolipher recommended that the homeowners work together to develop a road maintenance agreement to balance equal contribution to upkeep of the road.

Mr. Stolipher made a motion to approve the waiver with no conditions. Mr. Thomas seconded the motion, which carried unanimously.

10. Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment by property owner James W Van Evera III (et al) to rezone the subject parcel from Residential Growth to Residential-Light Industrial-Commercial is consistent with the Envision Jefferson 2035 Comprehensive Plan. Property Owner: James W Van Evera III Et Al. Applicant: Bob Franks, Sheetz Inc. Property Location: 7948 Middleway Pike, Shepherdstown, WV. Properties on south side at the intersection of Martinsburg Pike (Route 45) and Maddex Farm Dr. District: Shepherdstown (09), Map: 8; Parcels: 10.2, 13, 14, 15.2; Total Size: 22.17 ac; Proposed Areas: 5.4 ac.

Mr. Lorenzetti recused himself from this agenda item, stating his wife worked in Shepherdstown.

Ms. Brockman provided a detailed overview of her staff report to the Commission, noting that their role in this application was to make a recommendation to the County Commission as to whether the request to rezone the subject parcel is or is not consistent with the Envision Jefferson 2035 Comprehensive Plan. Ms. Brockman explained that the County Commission would hold a public hearing on the requested rezoning on December 3, 2020 at 2:00 PM.

Mr. Stolipher made a motion to recommend to the County Commission that the requested rezoning is consistent with the Envision Jefferson 2035 Comprehensive Plan. Mr. Hefestay seconded the motion, which carried unanimously.

11. Discussion and Possible Action: Proposed revision to the 1979 Subdivision Variance Policy (enacted 10/4/07) regarding notice requirements.

Ms. Brockman explained the purpose of the suggested edit to the variance policy, noting that the additional time would allow the adjacent property owner letters to arrive in a timely manner.

Mr. Lorenzetti made a motion to accept the revised 1979 Subdivision Variance Policy as presented by Staff. Mr. Thomas seconded the motion, which carried unanimously.

12. Discussion and Possible Action: 2021 Planning Commission Meeting Schedule

Ms. Brockman requested that the Commission accept the 2021 Planning Commission Meeting Schedule, noting that the proposed Schedule included the revised 1979 Subdivision Variance Policy dates.

Mr. Roper made a motion to accept the 2021 Planning Commission Meeting Schedule as presented by Staff. Mr. Lorenzetti seconded the motion, which carried unanimously.

13. Reports from Legal Counsel

Mr. Cochran stated that a lawsuit had been filed against the County Commission and the County Clerk regarding the solar facilities text amendment.

14. Planner's Memo

Ms. Brockman provided an overview of her memo, noting that the next meeting date is scheduled for December 8, 2020.

15. President's Report. None.

16. Actionable Correspondence. None.

17. Non-Actionable Correspondence. None.

Mr. Hefestay made a motion to adjourn the meeting at 8:27 a.m., which carried unanimously.