

Meeting Minutes
Jefferson County Planning Commission
February 9, 2021

The Jefferson County Planning Commission met on February 9, 2021 at 7:01 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison, Shane Roper, Jack Hefestay, J. Ware, and Matt Knott. Ron Thomas was absent with notice.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; William Rhorbaugh, Temporary Legal Counsel; Jennilee Hartman, Zoning Clerk and Alice Johns, Planning 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 7:01 p.m. Mr. Shepp verified that there was a quorum at the start of the meeting. Mr. Shepp did a roll call of the members. Mr. Fisher and Mr. Ware joined the meeting after the roll call was completed.

1. Approval of the Meeting Minutes: January 12, 2021. Approved as submitted.
2. Citizen Communication: Citizens were able to sign up for this item utilizing the chat function in ZOOM. There were no members of the public signed up to speak for this item.
3. Request for postponement. None.
4. **Public Hearing:** Request by applicant to lift the single family restriction (Note #2) from Lot 8 of Smith Mountain Estates to allow for the construction of an accessory dwelling unit for a family member. Owner/Applicant: Joel and Shanna McGaughey. Property Location: Smith Mountain Estates, Lot 8, 2138 Smith Rd. Charles Town, WV. Tax District: Kabletown (06); Tax Map: 20A; Parcel: 8; Size: 10 ac; Zoning District: Rural.

Ms. Brockman provided an overview of her staff report to the Commission. Ms. Brockman noted that the plat was approved with a single family restriction, in accordance with the rules in effect at that time. Ms. Brockman noted that subdivisions processing under the current Subdivision Regulations are not required to include this note. Mr. Joel McGaughey, applicant, explained the nature of the request and discussed his proposed 1400 sq. ft. cottage. Mr. McGaughey also stated that there would be no extra driveways installed, as the existing driveway would be shared.

Mr. Shepp opened the public hearing. No one was signed up to speak. Mr. Shepp closed the public hearing. Mr. Jack Hefestay made a motion to approve the waiver with no conditions. The motion passed unanimously.

5. **Public Workshop:** Concept Plan for the Shepherdstown Sheetz (store 160). The project is a Gas Station, Large to consist of a 6,100 sq. ft. Convenience Store with drive-thru, five (5) fueling islands with canopy, car wash, new roadway, upgraded to traffic signal for Martinsburg Pike, open space, stormwater management areas, the construction of associated utilities, plus associated parking spaces and signage. Owner: James W Van Evera III et al. Developer: Bob Franks, Sheetz Inc. Property Location: 7948 Martinsburg Pike, Shepherdstown WV. Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 13, 15.2 and portions of Parcels: 10.2 and 14. Total Project Size: 5.4 acres; Zoning District: Residential-Light Industrial-Commercial. File: 20-10-SP.

Ms. Brockman provided an overview of her staff report to the Commission. Ms. Brockman noted that the property owners would be required to merge the individual lots into a single lot before the Site Plan could be approved.

Chad Wallen with GORDON briefly explained the nature of the request.

Mr. Shepp opened the public workshop.

Ms. Brockman summarized the outside comments related to the project. She first noted that the Jefferson County Historic Landmarks Commission requested preservation of the historic house on the property and that Sheetz not use their red canopy. Ms. Brockman also noted that the Shepherdstown Water Public Works confirmed that they had the capacity to service the project.

Mr. Shepp opened the public workshop.

Ms. Lois Spreen, a Shepherdstown resident, asked what would happen to the existing Sheetz and expressed concerns that two large gas stations would be located within couple hundred feet of each other.

Ms. Brockman explained that it was a business decision that would be left up to Sheetz to decide whether or not the existing Sheetz would continue operation. Ms. Brockman confirmed that the property was zoned appropriately for the proposed Sheetz.

Mr. Jack Hefestay inquired as to whether or not the existing historic building could be preserved. Mr. Wallen with Gordon indicated that wasn't possible with the layout of the property.

Mr. Shepp closed the public workshop.

Mr. Stolipher made a motion to accept the Concept Plan as it was presented. Mr. Shepp called for a vote, which carried seven (7) in support and one (1) in opposition (Jack Hefestay).

6. **Public Hearing:** Request for a waiver from Section 20.201 to allow four (4) lots and a residue lot (total of five lots) to process as a minor subdivision, as opposed to a major subdivision. Property Owner: William Gaestel, White Oaks Farm. Property Location: 2842 Warm Springs Rd., Shenandoah Junction, WV. Tax District: Shepherdstown (09); Map: 21; Parcel: 1. Size: 99.60 acres. Zoning District: Rural. File: 21-1-PCW

Ms. Brockman provided an overview of her staff report. Mr. Bill Gaestel provided an overview of the request, stating that he would retain a separate entrance for the 20-acre parcel. Mr. Gaestel indicated that the ultimate goal would be to divide the proposed lots to help support continuation of the farm operation on the remaining 55 acres.

Mr. Shepp opened the public hearing. Mr. Tom Trumble, Warm Springs Road, provided public comment. Mr. Trumble provided an overview of the history of the property, noting that Warm Springs Road is the oldest road in the County. Mr. Trumble requested that a 100' buffer be installed between the adjoining properties.

Mr. Steve Stolipher made a motion to approve the waiver as requested, which was seconded by Mr. Jack Hefestay and carried unanimously.

7. **Public Hearing:** Request for a waiver from Appendix B, Section 10.5 to allow the applicant to utilize gravel instead of concrete/asphalt for the proposed drive aisle and parking area; and, to reduce the depth of the gravel from 9" to 6" for the proposed drive aisle and parking areas for RP Performance, Inc. (an automotive repair and service business). Owner/Applicant: Bret de Pedro, RP Performance, Inc. Property Location: Vacant parcel on Summit Point Road across from Hardesty Road. Tax District: Kabletown (06); Map: 16; Parcel: 3. Size: 14.69 acres. Zoning District: Rural. File: 21-2-PCW.

Ms. Brockman provided an overview of the staff report, noting that the Engineer's recommendation stated that if the Planning Commission was inclined to approve the request, that it include a provision that the applicant would agree to not hold Jefferson County liable for any failures of the road or any maintenance required. Mr. Bret DePedro provided an overview of his application. He explained that he wanted maintain the character of the area. Mr. DePedro stated that there would be no heavy trucks coming in or out and that asphalt was not necessary.

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

Mr. Matt Knott made the motion to approve the waiver. Mr. Wade Louthan seconded the motion and made an amendment to the motion to include that the applicant would not hold the County responsible for any failures of the road or any maintenance required. Mr. DePedro, applicant, agreed to this condition. Mr. Matt Knott accepted the amendment to his motion. The motion carried unanimously.

8. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03, to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

Mr. Shane Roper and Mr. Steve Stolipher both recused themselves.

Ms. Beaulieu provided an overview of the timeline of the text amendment.

Mr. Shepp opened the public hearing.

The following speakers provided public comments:

- Bob Aitcheson, Charles Town, WV
- Christine Marshall, Shepherdstown, WV
- Chris Burke, Charles Town, WV
- Doug Rockwell, Dailey Road Charles Town, WV
- Susan Hough, Charles Town, WV
- Nancy Briscoe, Charles Town, WV
- Delegate Wayne Clarke, Charleston, WV
- Rodney Rice, Martinsburg, WV, Business Manager for IBW Local Union #307
- Mark Tomlin, Gerrardstown, WV
- Tim Ross, Charles Town, WV
- Stacey Tabb, Shepherdstown, WV

- Donna Van Metre, Martinsburg, WV
- Mike White, Ranson, WV
- Sam Galand, Charlottesville, VA, Development Manager, Touch Clean Energy
- Ken Lowe, Shepherdstown, WV
- Devin Flor, Falling Waters, WV, laborer w/union # 3799
- Tim Sheehey, Charles Town, WV
- Robert Ruckert, Cumberland, MD, Council Representative for Eastern regional Council of Carpenters, represents 241 carpenters.
- Nicola Bastian, Millville, WV
- Lois Spreen, Shepherdstown, WV

Mr. Shepp closed the public hearing.

Mr. Cochran recommended that the Commission go into executive session to receive legal advice because there was potential for litigation on this item. Mr. Cochran noted that Will Rohrbaugh was also available to provide legal advice. Mr. Jack Hefestay motioned to go into Executive Session at 8:24 pm. The motion passed unanimously. Mr. Shepp requested that Ms. Beaulieu also participate in executive session.

Mr. Jack Hefestay motioned to come out of Executive Session at 9:11 pm, and the motion passed unanimously.

Mr. Jack Hefestay made the motion to postpone action on File #ZTA19-03 to consider the public comments received. Mr. Shepp noted that public comment was closed and no additional comments would be considered for this item. Mr. Shepp scheduled a special meeting on February 23, 2021 at 7 pm. The motion passed unanimously.

Mr. Shane Roper and Mr. Steve Stolipher were admitted back into the meeting after this agenda item was complete.

9. Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcel from Residential Growth to Residential-Light Industrial-Commercial is consistent with the 2035 Comprehensive Plan. Owner/Applicant: Chris Livingston, Dead Rock Contractor Services. Property Location: Vacant parcel located immediately north of the intersection of Shipley Road and US Route 340. Tax District: Harpers Ferry (04); Map: 9; Parcels: 23 and 27. Combined acreage: .88 ac. File: 20-2-Z.

Ms. Brockman, provided overview of her staff report, noting that the staff found that the request was not consistent with the Future Land Use Guide.

Mr. Chris Livingston, applicant, pointed out that he applied for a zoning map amendment to General Commercial and not Residential-Light Industrial-Commercial. Mr. Livingston provided an overview of his application.

Mr. Matt Knott made a motion to recommend to the County Commission that the proposed request was consistent with the Comprehensive Plan because much of the area in this vicinity is already commercial in nature and because of the proximity to US 340. The motion carried unanimously.

10. Discussion and possible action related to the format of meeting agendas (Shepp). Mr. Shepp postponed this item until the next regular meeting.

11. Reports from Legal Counsel. None.

12. Planner's Memo. None

13. President's Report. None.

14. Actionable Correspondence. None.

15. Non-Actionable Correspondence. None.

Mr. Matt Knott requested that the zoom meeting notice be sent as an appointment to ensure all information is automatically posted to individual calendars.

Mr. Hefestay motioned to adjourn the meeting at 9:34 pm. Mr. Shepp called for a vote, which carried unanimously.