

FINAL

Meeting Minutes Jefferson County Planning Commission April 13, 2021

The Jefferson County Planning Commission met on April 13, 2021 at 7:00 p.m. with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Jack Hefestay, Ron Thomas, Shane Roper, Steve Stolipher, and Matt Knott. Donnie Fisher and J Ware were absent without notification.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Jonathon Saunders, County Engineer; Nathan Cochran, County Attorney, 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.

The Planning Clerk conducted a roll call. Mr. Shepp verified that there was a quorum and called the meeting to order at 7:01 PM.

1. Approval of Meeting Minutes: March 9, 2021. The minutes were approved as submitted.
2. Request for postponement. Item # 3 was postponed until the May meeting and will not be re-advertised.
3. **POSTPONED: [Public Workshop:** Concept Plan for the Road Runner Wrecker Service Inc. The proposal for the Road Runner Wrecker Service (salvage yard) consists of the following: Sidewalks, curbs, scale house, car crusher, decommissioning rack, 2 AST's, 54 (9' x 40') storage containers, 181 proposed paving. Owner/Applicant: DLGA, LLC; David & Lisa Butcher. Property Location: 2282 Summit Point Road, Summit Point; Tax District: Kabletown (06); Map: 16; Parcel 10; Total Project Size: 25 acres; Zoning District: Rural. File: 21-1-SP.]
4. **Public Hearing:** Request for Waiver from Section 20.201A.2 which requires all lots in a Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing a waiver from the requirement to allow a 24- foot easement to the two 2-acre parcels on the property (Parcel A and Parcel B). Owner/Applicant: William N. Snyder and Mary S. Snyder. Property Location: 839 McCormack Lane, Charles Town; Tax District: Kabletown (06); Tax Map 15; Parcel 05; Total Project Size: 306.67 acres (based on survey); Zoning District: Rural. File: 21-4-PCW.

Jennifer Brockman presented an overview of her staff report to the Commission. The Snyders are working with the County Farmland Preservation Board and intend to place 304.67 acres under Farmland Conservation Easement, while reserving the right to convey one 2-acre parcel (Parcel A), and noting that the 2 acres designated as Parcel B will be included in the easement. The applicant is proposing a 24 ft. access easement that will serve Parcel A and Parcel B, as well the balance of the farm. There will be no further division of this property per the Farmland Conservation Easement.

The applicant was not present for this hearing.

Mr. Shepp opened the item for public comment. Mr. Daniel Ernest, a citizen owner of an adjoining property, spoke that he had no comment or objection.

Mr. Shepp closed the item for public comment.

Mr. Ron Thomas made a motion to approve the request, which was seconded by Jack Hefestay, and carried unanimously.

5. **Public Hearing:** Request for a Waiver from Section 20.201A.2, which requires all lots in a Minor Subdivision to have motor vehicle access via a 50' easement. The applicant is proposing a waiver from the requirement for a 50-foot easement and is requesting permission to have a direct access to

Sandpiper Lane in the Catrow Subdivision. Owner/Applicant: Ashley Morgan Smith. Property Location: 207 Sandpiper Lane; Shepherdstown; Tax District: Shepherdstown (09); Tax Map: 7; Parcel 32.12; Total Project Size: .940 Acres; Zoning District: Residential Growth. File: 21-5-PCW.

Ms. Brockman provided an overview of her staff report to the Commission. The applicant is proposing a waiver from the requirement for a 50-foot easement and is requesting permission to have direct access to Sandpiper Lane. In 2018, a neighbor requested the same waiver which was approved. The Mecklenburg Maintenance Association, Inc. provided a letter of support for direct access for both 205 and 207 sandpiper Lane to have direct access in 2018.

The applicant was not present for this hearing.

Mr. Shepp opened the item for public comment. There was no public comment.

Mr. Shepp closed the item for public comment.

Matt Knott asked the reason as to why the waiver was requested. Ms. Brockman read from the application which stated “to create more peaceful environment without needing to rely on neighbors for paving and maintenance.”

Matt Knott made a motion to approve the request, which was seconded by Wade Louthan, and the motion passed unanimously.

6. **Public Hearing:** Request #1: (21-6-PCW) Request a waiver from Section 21.101.A of the Subdivision Regulations, which requires blocks to not exceed 6 lots in length on one side of the street, to allow block lengths to contain up to 12 lots on one side of the street.

Request #2: (21-7-PCW) Waiver of Section 21.104A of the Subdivision Regulations, which requires that the minimum lot frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less, to allow a 60-foot minimum lot frontage/width. Owner/Applicant: DR Acquisitions LLC/Gordon. Property Location: West of Charles Town Road next to St. James Catholic Church Charles Town; Tax District (02) Charles Town; Tax Map: 17; Parcel 22; Size: 86 acres; Zoning District: Residential Growth. Files: 21-6-PCW & 21-7-PCW.

Ms. Brockman summarized the two requests, noting that the Planning Commission can hold one public hearing and receive comments on both of the two separate requests, but that they that will require separate action by the Planning Commission. She also noted that the Public Workshop on the King’s Crossing Concept Plan is on the May 11, 2021 Planning Commission agenda. This hearing is only related to the waivers that may impact the subdivision design.

Mr. Jason Gerhart with Gordon and Matt Powell and Matt Stare with Dan Ryan were also on the ZOOM call to answer questions. Mr. Jason Gerhart summarized the requests by explaining that when the Subdivision Regulations were amended in 2008, it limited the designers because they can’t adjust to market demands of today’s homebuyer. The applicants would like to design a narrower lot which is deeper in order to match the house shape. With a larger lot width, the amount of impervious and storm water management requirements increase as well.

Mr. Shepp opened the hearing on both waivers for public comment. Ms. Roxanne Ashbaugh had written comments that were emailed to the commissioners prior to the meeting. Ms. Roxanne Ashbaugh asked questions about traffic and water runoff. Jason Gerhart explained that these two waiver requests will not impact density or traffic volumes. Jason Gerhart’s firm (Gordon) is processing a traffic impact study, which will be reviewed and approved by the WV DOH, and there will likely be some improvements that will occur based on these studies. Gordon will ensure that

stormwater management items are addressed and noted that Jefferson County stormwater requirements are stricter than the adjacent jurisdictions. Mr. Gerhart also stated that there will be less water leaving the site than what is happening today.

Ms. Ashley Haugh asked a question about the Crosswinds Subdivision common area that abuts the King's Crossing property. Mr. Gerhart, explained that there is no shared property between Crosswinds and King's Crossing, but King's Crossing will have community open space as part of their development.

Ms. Roxanne Ashbaugh questioned the quantity of homes. Ms. Brockman answered that there is expected to be a mix of townhomes and single family homes with a total of 404 homes expected. Mr. Jason Gerhart explained that there would be a 50/50 mix. There would be 2 entrances off of WV115, one entrance connected to Norborne Glebe, and stub streets to the undeveloped property to the south.

Mr. Ron Kelly President of HOA for Crosswinds Subdivision asked how stormwater management would be handled because the Crosswinds stormwater flows to this property. Mr. Jason Gerhart explained that the stormwater management design will be part of the Site Plan and that the stormwater will flow to their stormwater management system with multiple levels of treatment and will contain a higher level of treatment than what was required in the past.

Ms. Brockman reiterated that this hearing today is for the waivers related to lot width and the number of lots in a block. Mr. Shepp suggested that the detailed questions and comments about the Concept Plan from the public should occur at the Public Workshop scheduled for the May 11, 2021 Planning Commission meeting.

Mr. Shepp moved to close the public hearing.

Mr. Steve Stolipher made a motion to approve 21-6-PCW as presented; Shane Roper seconded the motion, which passed unanimously.

Mr. Steve Stolipher made a motion to approve 21-7-PCW as presented; Shane Roper seconded the motion, which passed unanimously.

- 7. Public Hearing:** Request for a waiver from Section 20.203B.1 of the Subdivision Regulations which require a Minor Site Development to process a Site Plan unless it meets the requirements for a "No Site Plan or Stormwater Management Plan". Because the proposed building renovations/addition to an existing building which will be used as a restaurant/pub for the existing farm brewery located on this property, exceed 1,200 sq. ft., the applicant is requesting this waiver to be allowed to process under the "No Site Plan" provisions. Owner/Applicant: Wheatlands Property Management/Jesse Morgan. Property Location: 2153 Berryville Pike, Rippon; Tax District: Kabletown (06) Tax Map: 10A Corrected Total Project Size: 1.64 Acres; Corrected Zoning District: ½ Village and ½ Rural. File: 21-8-PCW.

Ms. Brockman provided an overview of the request. The proposal is to build a slightly over 1500 sq. ft. addition and the request is to waive the requirement for a site plan. Ms. Brockman stated that the planning staff doesn't have any objection to this proposal. If the planning commission is inclined to approve, Ms. Brockman suggests establishing a "not to exceed" number such as 1600 sq. ft. which would allow for flexibility if the plans changed slightly in the future.

Mr. Morgan (the applicant) summarized his request and explained that this project has been on-going for 10 years. He has performed many renovations on this property and has removed over 6,000 sq. ft. of roof space. Mr. Morgan further explained that this project will not affect the storm water runoff.

Mr. Morgan owns a storm water consulting company and is familiar with the guidelines for storm water.

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

Mr. Steve Stolipher made the motion to approve the request with a not to exceed 1,750 sq. ft. for the addition. This was seconded by Jack Hefestay, and passed unanimously.

8. Discussion and possible action related to the policies related to the second (4th Tuesday) Planning Commission meetings (Shepp). Ms. Brockman provided an overview of the history of the 4th Tuesday meeting and cited the policy memo from October 11, 2016. Mr. Stolipher made a motion that the policy memorandum be updated to include option #5 at the discretion of the Chairman, which would allow for growth. This was seconded by Ron Thomas, and passed unanimously.

9. **Review and approval:** Planning and Zoning FY 2020-2021 3rd Quarterly Report

Ms. Brockman provided an overview of this report.

Jack Hefestay made a motion to approve the report and forward the report to the County Commission. This motion was seconded by Shane Roper and passed unanimously.

10. **Reports from Legal Counsel:** Jefferson County Circuit Court Case #CC-19-2021-C-33 Discussion/Public Action.

Jack Hefestay moved to go into Executive Session, which was seconded by Shane Roper at 7:44 pm.

Jack Hefestay moved to come out of Executive Session at 8:05 pm, which was seconded by Wade Louthan. Nathan Cochran noted that the Zoning Administrator did not participate in the Executive Session.

11. **Planners Memo:** Ms. Brockman explained that the Department of Planning, Zoning & Engineering offices are open to the public. At a minimum, we have three agenda items for May meeting.
12. **Presidents Report:** Mr. Shepp explained that next fall, he will appoint a committee of two or three committee to work with Roger on the budget.

Mr. Mike Shepp opened discussion on the options for opening the Planning Commission meetings to the public (in person). Mr. Steve Stolipher explained that the County Commissioners attend their meetings in person but that the meetings are not open to the public (in person) at the present time. At the present time, the public attends and makes comments virtually. Mr. Hefestay suggested the Planning Commission reflect what the County Commission does to create unity. A decision was made that for the purpose of the May meeting, Planning Commissioners can choose to attend in person or virtual, Applicants can choose to attend in person or virtual, but the public will attend virtually.

13. **Actionable Correspondence**

14. **Non-Actionable Correspondence**

Mr. Jack Hefestay made a motion to adjourn the meeting at 8:19 pm. Mr. Ron Thomas seconded the motion, and the motion carried unanimously.

These minutes were prepared by Alice Johns, Planning Clerk.