

# FINAL MINUTES

## Meeting Minutes

### Jefferson County Planning Commission

June 22, 2021

The Jefferson County Planning Commission met on June 22, 2021 at 7:00 p.m. with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Jack Hefestay, Ron Thomas, Steve Stolipher, Shane Roper, and Matt Knott. Donnie Fisher and J Ware were absent with notice.

Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer, Nathan Cochran, County Attorney, Alice Johns, Planning Clerk.

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

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

1. Request for postponement. None.
2. **Public Hearing:** Request by Robert Franks, Sheetz Inc., (File#21-10-PCW). Applicant is requesting a waiver from Section 20.102B to allow for site grading to commence prior to site plan approval. The request is to allow initial construction to commence during seasons favorable for site work. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 13, 15.2, parts of 10.2 & 14. Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 5.4 acres (after merger).

Jennifer Brockman presented an overview of her staff report to the Commission. Both Mr. Gerhart and Mr. Franks were in attendance via Zoom. This project has a Concept Plan and the Site Plan is in its third review. Primarily, the outstanding comments include WV DOH approval and utility approval as well as the final review and approval of the merger. We have had two reviews of the merger. WVDOH has preliminarily approved the Traffic Impact Study (TIS) and they are working to finalize it. The applicant is asking to begin grading and site work only. The work would be performed at their own risk. If for some reason, the site plan were not to be approved, the applicant would be required to return the site to its original state.

Ms. Brockman also noted that Martin Burke with the Jefferson County Historic Landmarks Commission (JCHLC) had reached out to the applicants to request an opportunity to photograph the house before it is torn down and they have agreed to coordinate with him.

Mr. Gerhart with Gordon stated that his firm has addressed the majority of the review comments; however, the WV DOH does not issue their approvals until the TIS is fully completed. The initial comments to the TIS have been addressed. The merger paperwork will be resubmitted later this week after the deed is prepared.

Mr. Gerhart explained that finalizing the approval of the Site Plan will take another couple of months, due to the requirement of another public hearing for the final approval. This site will require significant amount of site work which is estimated to take at least two months of site work. Sheetz is hoping to open the store this year (by Christmas) and unless the site work is allowed to commence prior to the site plan approval, this timeline is not achievable.

Mr. Bob Franks spoke and stated the full bond was sent to the Planning office on 6/21/21. Mr. Bob Franks explained that the paving season would end a month or two before the December projected

opening date. The DOH has already provided a round of comments on the design and the access permit.

Mr. Shepp asked for questions from Commissioners.

Mr. Shepp opened the Public Hearing.

Ms. Anastasia Tabb, stated that this waiver request puts the public at risk and that it should be denied until the public hearing on the full Site Plan has occurred.

Mr. Stolipher noted that this board has approved several early gradings in the past and the responsibility is on the developer to return the site to original condition if further approvals are not obtained.

Mr. Steve Stolipher made a motion to approve the request with the conditions outlined in the Staff Report (copied below) and the motion was seconded by Mr. Jack Hefestay; which was approved unanimously.

*Staff recommends approval of the waiver request with the following conditions:*

- a. A grading permit is issued to allow the owner to perform site grading in preparation for the building pad and related improvements. This permit is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading plan and building permit application and a NPDES permit is obtained; and*
- b. The owner/Developer assumes all risk for “jump-starting” the project and understands that the final site plan design approved by the Planning Commission might necessitate some changes and additional construction cost; and*
- c. Provide bonding of all proposed site improvements related to sediment and erosion control/SWM pertaining to the permit.*

3. There is no public comment for the following item: **Discussion and Action:** For the Planning Commission to vote to approve or deny the Shepherdstown Sheetz Store 160 (a Major Non-Residential Site Development) Site Plan Application (File# 20-10-SP) as completed in accordance with Sections (24.122 and 24.123) of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 13, 15.2, parts of 10.2 & 14. Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 5.4 acres (after merger).

Jennifer Brockman provided an overview of the request. This is the same project discussed in the previous waiver request. Because this is a major site plan, there is a requirement to hold a public hearing. There is a provision in state law that staff is not allowed to deem the application complete. Staff needs to refer it to the Commission for them to deem complete. Once the commission deems it complete, then the application can be placed on the August 10, 2021 regular meeting.

Mr. Steve Stolipher made a motion to deem the Site Plan complete provided all outstanding comments are addressed and for the purpose of scheduling a Public Hearing on August 10, 2021, which was seconded by Ron Thomas and carried unanimously.

4. Reports from Legal Counsel: None

5. Planners Memo: None.

Next regular meeting is July 13 with 2 waivers and 2 Concept Plans on the agenda.

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6. Presidents Report: None

7. Actionable Correspondence: None

8. Non-Actionable Correspondence:

Two public comments emailed after the deadline for Wild Hill Solar project were included in the packet.

Mr. Wade Louthan motioned to adjourn the meeting at 7:19 pm which was seconded by Mr. Shane Roper, and passed unanimously.

These minutes were prepared by Alice Johns, Planning Clerk.