

Meeting Minutes
Jefferson County Planning Commission
April 11, 2023

The Jefferson County Planning Commission met on April 11, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Jack Hefestay; Tim Smith; Aaron Howell; Matt Knott and Donnie Fisher were present in person.

J. Ware was absent without notice.

Staff members present included: Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Alexandra Beaulieu, Deputy Director and Zoning Administrator; Nathan Cochran, Prosecuting Attorney; and Michelle Evers, Planning Clerk.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed a quorum was present.

1. **Approval of Meeting Minutes:** March 14, 2023 and March 28, 2023.

Mr. Shepp asked for March 14, 2023 minutes be updated to reflect who made the motion and seconded for Item #5 and 6.

2. **Request for postponement.**

3. **Withdrawn. Public Hearing:** Request for a waiver from Section 20.201A.2 to reduce the width of the required access easement from 50' to 20' for a three lot minor subdivision. Property Owner: Susan Reichel Et Al. Property Location: 2195 Engle Molders Rd, Harpers Ferry, WV. Parcel ID: 04000100060005; Size: 10 acres; Zoning District: Rural (File:23-3-PCW).

The Planning Commission acknowledged Agenda Item #3 was withdrawn.

4. **Public Hearing:** Request for a waiver from Section 20.203B.2 of the Subdivision Regulations, which requires a Limited Site Plan when the footprint of an addition or a new structure is greater than 1,200 square feet and less than 3,000 square feet. The applicant is requesting to waive the requirement of a Site Plan to allow for the placement of one (1) 2,100 square foot office trailer and one (1) 460 square foot office trailer to be located on an existing impervious area. Property Owner: W A Chester LLC. Property Location: 3607 Berryville Pike, Charles Town WV; Parcel ID: 06001100010003 Size: ~11.26 acres; Zoning District: Industrial Commercial (File: 23-7-PCW).

Ms. Brockman provided an overview of the staff report.

Mr. Ben C. Montgomery, PE the Consultant for the Applicant, W.A. Chester, LLC had no further comment.

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

Mr. Stolipher made a motion to move the waiver as presented, with the condition for the applicant to do an as-built once completed. Mr. Hefestay seconded the motion, which carried unanimously.

5. **Public Hearing:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Lutman Land Development LLC. Property Location: Vacant parcels located southeast of the intersection of Norfolk & Southern Railroad and Lewisville Road, Charles Town/Summit Point, WV. Located behind John's Family Restaurant- 847 Berryville Pike & 340 Defense Shooting Range and Firearms Training - 459 Berryville Pike, Summit Point. Tax District: Kabletown (06), Map: 29; Parcel 2 comprised of 66 acres and Parcel 6 comprised of 30.89 acres. Zoning District: Industrial-Commercial (File: 23-3-Z).

Ms. Brockman provided an overview of the staff report regarding the Lutman Zoning Map Amendment (#23-3-Z). Ms. Brockman reminded the Planning Commission of the previous recommendation that the applicant withdraw the Rural ZMA application (#23-1-Z) and resubmit a ZMA for RLIC (#23-3-Z). Ms. Brockman stated the staff concurs with the applicant that, although the *Envision Jefferson 2035 Comprehensive Plan recommends* discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request is reasonably consistent with the *Envision Jefferson 2035 Comprehensive Plan* recommendations.

The Planning Commission invited the applicant's consultant, Paul Raco with P.J. Raco Consulting, to present any additional information. Mr. Raco clarified what was stated in the *Envision Jefferson 2035 Comprehensive Plan* regarding the zoning category.

Mr. Stolipher made a motion to recommend to the County Commission that the Zoning Map Amendment as presented is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Mr. Hefestay seconded the motion, which carried unanimously.

6. **Public Hearing:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcel from Rural (R) to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Saif & Shahzad Rehman; Applicant: ILA Properties, Inc. (Joshbeen Grewal); Property Location: Vacant Parcel; south of Route 115 West approximately ¼ mile southeast of the Berkeley/Jefferson County Line; Tax District: Middleway (07), Map: 2, Parcel: 2.2; Acreage: ~12.8 acres; Zoning District: Rural (File: 23-4-Z).

Ms. Brockman provided an overview of the staff report regarding the Rehman Zoning Map Amendment (#23-4-Z). Ms. Brockman stated that, although the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the RLIC zoning district for all zoning map amendments, the request is reasonably consistent with the intent of the urban-level recommendations of the *Envision Jefferson 2035 Comprehensive Plan*.

Mr. Shepp invited the applicant's consultant, Paul Raco, with P.J. Raco Consulting, to present any additional information.

Mr. Raco discussed the zoning ordinance and its changes from non-traditional to traditional zoning ordinance. Mr. Raco also stated that while completing the *2035 Comprehensive Plan*,

the Planning Commission recommended adding more variety of zoning districts, but that this has not happened as it relates to residential zoning options. Mr. Raco also discussed Berkeley County providing sewer and water and that very little traffic will come through the areas developments.

Mr. Knott made a motion to recommend to the County Commission that the Zoning Map Amendment as presented is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Mr. Louthan seconded the motion, which carried unanimously.

7. **Discussion and Action:** Planning and Zoning 3rd Quarterly Report for FY 2022-2023 for the County Commission.

Ms. Brockman provided an overview of the Planning and Zoning 3rd Quarterly Report for FY 2022-2023 for the County Commission.

Mr. Hefestay made a motion to recommend the approval of the Planning and Zoning 3rd Quarterly Report for FY 2022-2023 to the County Commission; Mr. Shepp seconded the motion, which carried unanimously.

8. **Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2022-C-85.

Mr. Cochran stated he did not have anything additional to discuss since the last meeting on March 28, 2023.

9. **Planner's Memo.** Ms. Brockman provided an overview of the Planner's Memo.

10. **President's Report.** None.

11. **Actionable Correspondence.** None.

12. **Non-Actionable Correspondence.** None.

Mr. Seigfried made a comment to the Planning Commission to view the GIS map of the Electric Vehicle Charging Stations in the county, located at the back of the meeting room.

Mr. Stolipher made a motion to adjourn the meeting at 7:24 pm. Mr. Louthan seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.