

Meeting Minutes
Jefferson County Planning Commission
August 8, 2023

The Jefferson County Planning Commission met on August 8, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Steve Stolipher, County Commission Liaison; Wade Louthan, Secretary; Jack Hefestay; Donnie Fisher; Aaron Howell; Tim Smith; were present in person. J. Ware was present via Zoom.

Staff members present included Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Prosecuting Attorney; 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:** July 25, 2023

Mr. Shepp stated the minutes stand approved without objection.

2. **Request for postponement.** Agenda Item #8 Harvest Hills Rezoning at the request of the applicant (File: 23-6-Z)
3. **POSTPONED from 7/25/23 by request of the Applicant: Public Hearing:** Waiver from Section 20.201A.2 of the Subdivision Regulations to allow a sixth lot to access an existing 50' wide access easement (Sunnyside Lane) without upgrading it to meet county grade standards. Applicant/Property Owner: David Lutman; Property Location: Sunnyside Lane, Shenandoah Junction, WV; Parcel ID: 09001800050007; Size: 18.1 acres; Zoning District: Rural (File: 23-19-PCW).

Ms. Brockman provided an overview of the staff report.

The applicant's consultant, Paul Raco with P.J. Raco Consulting LLC, and the applicant Dave Lutman, explained the nature of the request to the Planning Commission. Mr. Lutman also proposed a proffer to pave the entrance to the first driveway and share in any future road maintenance.

Mr. Saunders, County Engineer; expressed his concerns regarding the rock at the entrance.

Mr. Shepp opened the Public Hearing and the following citizens provided public comment:

- Ms. Robin Young (Opposed);
- Mr. Randy Smith (Opposed); and
- Ms. Christine Marshall (Opposed).

Mr. Shepp closed the Public Hearing.

The applicant's consultant, Paul Raco, with P.J. Raco Consulting LLC, and the applicant, Dave Lutman, provided a rebuttal and responded to questions and concerns presented by the public.

The Planning Commission members asked clarifying questions regarding the nature of the request.

Mr. Stolipher made a motion to approve the waiver as presented with the proffers offered by Mr. Lutman. Mr. Knott seconded the motion, which carried unanimously.

4. **Public Hearing:** Hunter Hills Preliminary Plat. The proposal consists of 642 lots [471 Single Family Detached and 171 Townhomes (SFA)] and associated infrastructure. Owner/Applicant:

Joshbeen Grewal, ILA Properties, Inc., 4115 Charles Town Rd., Kearneysville, WV. Property Location: 4469 Charles Town Rd, Kearneysville; Parcel ID: 0700010002); Parcel Size: +/- 107 Ac.; Zoning District: Residential-Light Industrial-Commercial (File #21-21-SD).

Ms. Brockman provided an overview of the staff report.

The applicant's consultant, Paul Raco, with P.J. Raco Consulting LLC, explained the nature of the request to the Planning Commission. Mr. Raco also explained that the WV DOH is accepting the 10' road dedication along the frontage and that is being processed at this time.

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

Mr. Brockman provided staff recommendation for approval pending WV DOH approval of the required Traffic Impact Study and issuance of the WV DOH Entrance Permit.

Mr. Hefestay made a motion to approve the Preliminary Plat pending the WV DOH Permit Approval. Mr. Louthan seconded the motion, which carried unanimously.

5. **Public Workshop:** Concept Plan for Valley Storage Shepherdstown Expansion for the expansion of the existing self-storage facility. Owner/Applicant: Todd Snook; Property Location: 1744 Shepherd Grade Road, Shepherdstown; Parcel ID: 09000300200001; Size: 10.07 acres; Zoning District: Rural (File #23-8-SP).

Ms. Brockman provided an overview of the staff report.

The applicant, Todd Snook, and the applicant's engineer, Trevor Frederick, with Frederick, Seibert, & Associates, explained the nature of the request to the Planning Commission. The applicant proffered planting two rows of landscaping to replace existing trees being removed for the new structures.

Mr. Shepp opened the Public Workshop.

- Ms. Theresia Wells provided public comment.

Mr. Shepp closed the Public Workshop.

Mr. Snook and Mr. Frederick responded to questions and concerns presented by the public. They stated that the slats in the fence were not complete yet, which will occur. They also stated that their customers will not be using Fiddler's Way and that they are not increasing the number of RV spaces. The applicant also proffered filling in gaps with vegetation as needed.

Mr. Stolipher made a motion to approve the Concept Plan with the proffers as presented. Mr. Hefestay seconded the motion, which carried unanimously.

6. **Public Hearing:** Request for a Waiver from Sections 20.201C and 20.202 of the Subdivision Regulations, which requires Non-Residential Subdivisions of greater than two lots to process as a Major Subdivision, to allow a proposed 4-lot Non-Residential Subdivision to process as a Minor Subdivision. Owner/Applicant: Sidewinder Enterprises LLC / Sean Masterson; Property Location: 1 Grace Street, Kearneysville; Parcel ID: 07002200090000; Size: 259.54 acres; Zoning District: Industrial-Commercial (File #23-20-PCW).

Ms. Brockman provided an overview of the staff report.

The applicant's representatives, Jason Gerhart and Mark McDonald, with Integrity Federal Services, explained the nature of the request to the Planning Commission, explaining that there is no site design proposed for the four lots at this time other than a public water treatment facility (shown as Area 4). The proposed subdivision will allow future redevelopment of the existing structures and future development of vacant parcels and will meet all subdivision requirements at that time.

Mr. Shepp opened the Public Hearing.

- Ms. Chrissy Wimer with Jefferson County Foundation, Inc.; provided public comment.

Mr. Shepp closed the Public Hearing.

The applicant's representative and the applicant provided a rebuttal and responded to questions and concerns presented by the public. They also proposed not creating Area 1 (the conservation/flood plain area) at this time, but combining it with Area 2 (Parcel 9) until a future user is identified.

Mr. Knott made a motion to approve the waiver as presented, allowing the creation of the four proposed lots as a Minor Subdivision. Mr. Fisher seconded the motion, which carried unanimously.

7. **Public Hearing:** Request for Variance from Article 6; Section 6.3 of the 1979 Subdivision Ordinance, which requires a Final Plat Public Hearing every two years, for an extension to January 11, 2026; Owner/Applicant: Roderick Planes, LLC / Maurice Gladhill; Property Location: Northeast corner of Old Country Club Road and Flowing Springs Intersection, Charles Town, WV; Parcel ID: 02000400190000; Size: 55.03 acres; Zoning District: Rural (23-3-PCV).

Mr. Shepp recused himself from the meeting.

Ms. Brockman provided an overview of the staff report and reminded the Planning Commission that the Aspen Green Subdivision is processing under the 1979 Subdivision Ordinance which requires a Final Plat public Hearing every two years.

The applicant's representative Fred Gates, with Gates Associates, Inc., and the applicant, Morris Gladhill, explained the nature of the request to the Planning Commission and the need for the additional time to move forward with the next Final Plat.

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

Mr. Louthan made a motion to approve the variance as presented. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Shepp rejoined the meeting.

8. **POSTPONED to TBD by request of the Applicant: Discussion and Action:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Rural to Residential Growth (RG) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Arcadia Land Inc.; Property Location: Vacant parcels, which are a part of the Harvest

Hills Subdivision, located east of the intersection of Flowing Springs Rd and Brass Harness Drive. Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13; comprised of 94.63 acres (P12) and 257.62 acres (P13). Zoning District: Rural (File # 23-5-Z).

This item was postponed to TBD Planning Commission Meeting.

9. 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.
- e. Discuss and review of VB BTS, LLC v. Jefferson County, WV and the Jefferson County Planning Commission, U.S. N.D. W. Va. Case No. 3:23-CV-171 (PC File #23-3-SP).

Mr. Cochran suggested that the Planning Commission may want to go into executive session to receive legal advice on Items A through E.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Items A through E under 'Reports from Legal Counsel' at 8:07 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp moved to go back into regular session at 9:06 pm. Mr. Stolipher seconded the motion, which carried unanimously.

10. Planner's Memo.

Ms. Brockman reminded the Planning Commission about the upcoming scheduled Comprehensive Plan Work Session August 29, 2023 at 6pm; that volunteers are still needed for the African American Heritage Festival on August 19, 2023; that volunteers are needed for the upcoming Jefferson County Fair, August 21-26, 2023; and the upcoming Comprehensive Plan Work Session and Planning Commission Meeting on September 12, 2023. Ms. Brockman also reminded the Planning Commission of future additional meeting dates on September 13 and 18, 2023.

11. President's Report.

Mr. Shepp requested an update by the September 12, 2023 Planning Commission meeting regarding his request for a doorbell being placed at the entrance of the locked door at the Planning and Zoning Office.

12. Actionable Correspondence.

13. Non-Actionable Correspondence.

Planning Commission Minutes

August 8, 2023

Page 5 of 5

Mr. Stolipher made a motion to adjourn the meeting at 9:10pm. Mr. Knott seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.