

Meeting Minutes
Jefferson County Planning Commission
July 9, 2024

The Jefferson County Planning Commission met on July 9, 2024 at 6:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Jack Hefestay, Cara Keys, Donnie Fisher, and Tim Smith were present in person.

J Ware was absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner, Luke Seigfried, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Prosecuting Attorney; Shenandoah Olsen, Planning Staff Intern; and Jennilee Hartman, Zoning Clerk.

Mr. Shepp called the meeting to order at 6:00 pm and confirmed a quorum was present.

1. Discussion and Possible Action: Related to the Comprehensive Plan Update: Review Part 2 of 2 of the Draft 2045 Comprehensive Plan.

Copies of Part 2 were provided to the Planning Commission and made available to members of the public. Mr. Seigfried introduced the Part 2 Draft 2045 Comprehensive Plan document and briefly explained the structure, formatting, changes since the June 25th meeting, and current state of the document.

Planning Commissioners and Staff reviewed the document together.

Formatting and grammar edits were identified by Planning Commission. Staff noted the edits and agreed to change them for the next review of the Draft 2045 Comprehensive Plan.

Mr. Hefestay commented on the use of the word “Update” in the current name “2045 Comprehensive Plan Update”. Planning Commission discussed this and concluded that the word “Update” should be removed entirely from the title of the plan. Staff acknowledged this change and confirmed that it will be reflected in the next review.

Ms. Keys referenced Pg. 21, Goal 1, Objective 1, Action Items 4-5 and asked to revise the wording to exclude the phrase “by right”. Planning Commission and Staff discussed the reasoning for this wording and potential options. Mr. Shepp made a motion to keep the wording “by right” in the relevant Action Items if an explanation of the meaning of the phrase is included on the prior page. Ms. Keys seconded the motion, which carried unanimously.

Mr. Seigfried confirmed the addition of a publically accessible map layer that could be used to show conservation easement parcels, as requested by Planning Commission at the previous meeting. Ms. Keys asked if there was a map to display the various categories of conservation easements, and Staff verified that there is not. Planning Commission discussed the benefits and formatting of such a map, after which Ms. Keys made a motion to include a map of conservation easements in the 2045 Comprehensive Plan. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Shepp noted that there may be some parcels that showed potential contradictory differences between the Zoning Map and the Land Use Classifications. Mr. Shepp and Staff agreed that they will all research these parcels to confirm this at the next meeting.

Mr. Shepp called for Item #10, which is related to the scheduling of Comprehensive Plan related meetings. In order to meet the 30-day notice requirements for scheduling a public hearing on the 2045 Comprehensive Plan, staff recommended scheduling the public hearing for August 27, 2024.

The Planning Commission called a meeting for July 23, 2024 at 7:00 pm, in order to review the final version of the Plan prior to public hearing. The Planning Commission agreed to schedule the public hearing for August 27, 2024 at 7:00 pm.

Staff informed the Commission that they were looking for an alternative venue for the public hearing and that the legal ad would include the location.

Staff noted that the Planning Commission may need to schedule a special meeting after the public hearing in which to review the comments received. The Planning Commission agreed to schedule this meeting after the public hearing.

2. Approval of Meeting Minutes: June 11, 2024

Mr. Shepp stated the minutes stand approved as presented.

3. Request for postponement. None.

The following items are open for public comment.

4. Concept Plan Public Workshop: A Concept Plan for a Minor Site Development that contains more than 5,000 square feet of gross floor area (GFA). The proposal includes construction of a new structure to be used as a brewpub, a pavilion, and associated parking. Applicant: BCL Properties, LLC. Property Owners: Nicholas Wilson, Karen Dowd Wilson, Katie Main, and Ryan Main. Property Location: 640 War Admiral Boulevard, Charles Town, WV. Parcel ID: 02000100270001; Size: 4.7 acres; Zoning District: Industrial Commercial (File #24-5-SP).

Ms. Keys recused herself from this Item and Item #8 and left the meeting room.

Ms. Brockman provided an overview of the staff report.

Mr. Nicholas Wilson, property owner, and Sean Curley, business partner, explained the nature of the project.

The Planning Commission members asked clarifying questions.

Mr. Shepp opened the public workshop. No members of the public were signed up to speak.

Mr. Shepp closed the public workshop.

Mr. Stolipher made a motion to accept the concept plan. Mr. Louthan seconded the motion, which carried unanimously.

Mr. Shepp called for Item #8 which is related to the same project, noting that the Waiver Request was not open for public comment.

8. Waiver Request: Waiver from Section 10.5 of the Subdivision Regulations to allow a gravel parking lot, as opposed to asphalt/concrete, for public use for a proposed brewpub. (Project Name: BCL Properties – File #24-5-SP). Applicant: BCL Properties, LLC. Property Owners: Nicholas Wilson, Karen Dowd Wilson, Katie Main, and Ryan Main. Property Location: 640 War Admiral Boulevard, Charles Town, WV. Parcel ID: 02000100270001; Size: 4.7 acres; Zoning District: Industrial Commercial (File #24-22-PCW).

Ms. Brockman provided an overview of the staff report.

Mr. Nicholas Wilson, property owner, and Sean Curley, business partner, explained the nature of the request, stated that the property appears to be more rural than commercial or industrial, and provided

pictures to the Planning Commission of other brewery locations in the area that utilize gravel parking. A copy of the pictures are available in the project file.

Mr. Saunders recommended denial of the request noting that the project was located in the Industrial Commercial zoning district and that the public would expect parking in that zone to be a hard flat surface typically asphalt or concrete paved.

The Planning Commission members asked clarifying questions.

Mr. Stolipher made a motion to approve the request as presented. Mr. Smith seconded the motion, which carried unanimously.

Ms. Keys returned to the meeting room for the duration of the meeting.

5. **Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction to allow for the construction of an Accessory Dwelling Unit for use by a family member (see Final Plat Note #4 recorded in PB10/PG65). Applicant: Clare Grice. Property Owner: Dean Ott. Property Location: Sharp Minor Subdivision, Lot 3, 105 Cardinal Knoll Lane, Shenandoah Junction, WV. Parcel ID: 09002000060002; Size: 2.34 ac; Zoning District: Rural (File #24-1-FPA).

Ms. Brockman provided an overview of the staff report, reminding the Planning Commission that the single family restriction language is no longer required for Minor Subdivisions.

Ms. Clare Grice, applicant, was present to address the Planning Commission.

Mr. Shepp opened the public hearing. No members of the public were signed up to speak.

Mr. Shepp closed the public hearing.

Mr. Shepp made a motion to approve the request as presented. Mr. Howell seconded the motion, which carried unanimously.

6. **Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction to allow for the construction of an Accessory Dwelling Unit for use by a family member (see Final Plat Note #4 recorded in PB17/PG32). Applicant/Property Owner: Rebecca and Duane Dunn. Property Location: Hardesty Minor Subdivision, Lot 1, 230 Macoughtry Rd., Kearneysville, WV. Parcel ID: 07002400040002; Size: 6.10 ac; Zoning District: Rural (File #24-2-FPA).

Ms. Brockman provided an overview of the staff report, reminding the Planning Commission that the single family restriction language is no longer required for Minor Subdivisions.

Mr. Duane Dunn, applicant, explained the nature of the request.

Mr. Shepp opened the public hearing. No members of the public were signed up to speak.

Mr. Shepp closed the public hearing.

Mr. Stolipher made a motion to approve the request as presented. Mr. Smith seconded the motion, which carried unanimously.

There is no public comment for the following items.

7. **Waiver Request:** Request for a waiver from Section 2.2K.3 of the Subdivision Regulations to allow a gravel walkway area, as opposed to concrete; and, to allow the walkway grade to be greater than 5% (but not more than 10%) for public use to allow for the expansion of the existing Devil's Due Distillery (File 24-21-PCW). Property Owner: Shenandoah Valley Holdings LLC / Applicant: Devil's Due Distillery; Property Location: 315 James Burr Blvd, Kearneysville, WV 25430; Parcel ID: 02000101330000; Size: 2.83 acres; Zoning District: Industrial Commercial (File #24-21-PCW).

Mr. Howell recused himself from this Item and left the meeting room.

Ms. Brockman provided an overview of the staff report and reminded the Planning Commission that they had previously approved a waiver to allow gravel parking that the proposed walkway will connect to.

Mr. Brian Halbert, representative for the applicant, explained the nature of the request.

Mr. Saunders recommended approval of the request.

Ms. Keys made a motion to approve the request as presented. Mr. Fisher seconded the motion, which carried unanimously.

Mr. Howell returned to the meeting room for the duration of the meeting.

- 8. Waiver Request:** Waiver from Section 10.5 of the Subdivision Regulations to allow a gravel parking lot, as opposed to asphalt/concrete, for public use for a proposed brewpub. (Project Name: BCL Properties – File #24-5-SP). Applicant: BCL Properties, LLC. Property Owners: Nicholas Wilson, Karen Dowd Wilson, Katie Main, and Ryan Main. Property Location: 640 War Admiral Boulevard, Charles Town, WV. Parcel ID: 02000100270001; Size: 4.7 acres; Zoning District: Industrial Commercial (File #24-22-PCW).

This Item was considered after Item #4.

As a follow up to the Planning Commission's request from June 11, 2024, Mr. Seigfried provided the Planning Commission with an update regarding staff's research pertaining to the Burch Box Factory property. Mr. Seigfried stated that the Zoning Administrator confirmed that the property has maintained its status as a legal nonconforming use. Mr. Stolipher made a motion to retain the Industrial Commercial zoning designation on the Future Land Use Guide. Mr. Louthan seconded the motion, which carried unanimously.

9. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
- b. Review and discuss 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 and Jefferson County Circuit Court Civil Action No. 2023-C-112 (RE: PC File #ZTA19-03 Solar Energy Facilities text amendment).
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: PC File #ZTA22-01 Solar Energy Facilities text amendment).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).
- e. Update from Legal Counsel regarding County Commission actions on December 21, 2023 including obtaining ethics opinion regarding committee.

A legal update regarding these items was not provided.

10. Planner's Memo

Ms. Brockman noted that the Planning Commission had already taken action on scheduling the public hearing related to the 2045 Comprehensive Plan under Item #1.

In reference to the status of the Subdivision Regulations text amendment related to waivers and the proposed bylaws amendment, Ms. Brockman stated that the County Commission would be taking action on these items at their July 11, 2024 meeting.

11. Discussion and Approval: Planning and Zoning 4th Quarterly Report for FY 2023-2024 for the County Commission.

Mr. Stolipher made a motion to approve the 4th Quarterly Report to be forwarded to the County Commission. Mr. Hefestay seconded the motion, which carried unanimously.

12. President's Report. None

13. Comprehensive Plan Actionable Correspondence

- a. Ruth Pritchard 6.26.24
- b. Christie & Joe Martin 6.19.24
- c. Richard Zigler 6.23.24
- d. Adam Roob 7.2.24
- e. Susie Wimer 7.2.24
- f. Lynn Delles 7.2.24
- g. Lisa Payne 7.3.24

No action was taken.

14. Actionable Correspondence

15. Non-Actionable Correspondence

- a. Debra Boyd 7.1.24

Mr. Stolipher made a motion to adjourn the meeting at 7:45 pm. Mr. Howell seconded the motion, which carried unanimously.

These minutes were prepared by Jennilee Hartman, Zoning Clerk.