

Jefferson County Planning Commission  
June 09, 2015

The Jefferson County Planning Commission met on June 9, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Mike Chapman and Peter Fricke. Staff members present included David Simon, Zoning Administrator; Rhonda Greenholtz, Planning Clerk; Jonathan Saunders, County Engineer; and Nathan Cochran, Legal Counsel. Gary Phalen and Dick Childs were absent with prior notification. Donnie Fisher was not present without prior notification.

Mr. Stolipher called the meeting to order at 7:00 p.m.

1. Approval of the minutes from the following Planning Commission Meetings:

- May 12, 2015

Mr. Steve Stolipher asked if there were any objections to the approval of the meeting minutes. No objections were made. Minutes were approved.

2. Citizens Communications:

Mr. Matt Knott, River Riders, reiterated previous concerns regarding the possible annexation that was discussed at the Public Hearing held on May 12, 2015 regarding the Proposed Urban Growth Boundary for the Town of Bolivar.

- Mr. Rob Glen, Representative for Standard Land Company LLC, submitted a letter to the Planning Commission in opposition to the inclusion of the 405 acre parcel within the Proposed UGB for the Town of Bolivar citing the following reasons:
  - a. This action would be inconsistent with the recently adopted County Comprehensive Plan.
  - b. There has been no outreach or information provided to Standard Land Company by the Town of Bolivar.
  - c. Standard Land Company property was recently rezoned to a flexible zoning category.
  - d. Sewer, water and electric utilities are located on site.
  - e. There is no benefit to the Standard Land Company property being subjected to additional regulation or taxation.

3. Action on a Public Hearing that was held on May 12, 2015 on the proposed Bolivar Urban Growth Boundary. The Public Hearing was closed and no additional public testimony will be taken.

Action was taken on a Motion made by Mr. Peter Fricke which was postponed from the May 12, 2015 Planning Commission meeting after receiving input from legal in response to questions regarding possible annexations of properties located within the Proposed Urban Growth Boundary (UGB) for the corporation of Bolivar.

Mr. Steve Stolipher repeated Agenda Item # 3 from the May 12, 2015 Planning Commission meeting and restated the Motion made by Mr. Peter Fricke: "I move that the Planning Commission advise the County Commission that the proposed Urban Growth Boundary is consistent with the Envision Jefferson 2035 Plan.", which had been seconded at that time.

A vote was taken and failed with a vote of 2 (for) to 4 (opposed). (Mr. Wade Louthan, Mr. Mike Chapman, Mr. Stephen Stolipher, and Mr. Dale Manuel opposed.)

Mr. Dale Manuel inquired from Legal Counsel what impact "forced annexation" into the Town of Bolivar would have on affected properties.

Mr. Nathan Cochran, Legal Counsel for Jefferson County stated that the County Commission does not have a say on annexations if the property is located within an UGB. If a particular property is contiguous but outside an UGB or non-contiguous and outside an UGB then the County Commission has to agree with the Town. If an agreement is not made then either party may ask the Court to make a decision on the issue. Mr. Nathan Cochran entered a copy of West Virginia Code 8A, 8.6.4A for the record.

Mr. Mike Chapman stated that the Proposed UGB should have been discussed at the draft stage of the Envision Jefferson 2035 Comprehensive Plan and does not support the motion on the table at this time.

Mr. Robert Hardy, Mayor of Bolivar spoke. As previously stated in the May 12, 2015 Planning Commission meeting there are no intentions of any annexations of properties into the Town of Bolivar. This meeting is for the Planning Commission solely to determine if the UGB is consistent with the Envision Jefferson 2035 Comprehensive Plan.

Mr. Dale Manuel made a motion that the UGB is not in conformance with the Envision Jefferson 2035 Plan and counsel shall prepare a document to the County Commission. Mr. Wade Louthan seconded the motion which passed with a vote of 4 to 2 (Mr. Peter Fricke and Mr. Gene Taylor opposed).

4. A Final Plat Public Hearing was held for Aspen Greens Phase IIA, Lots 21-46 (File #PC 14-01). The project is to consist of 26 Single Family Lots and two meadows on 16.235 acres. The property is located northeast of the intersection and along Old Country Club Road and Flowing Springs Roads. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19; Owner/Developer: Roderick Planes, LLC, Maurice Gladhill.

Mr. Fred Gates, Gates & Associates, stated that all approvals have been granted and as this is simply a formality, he asked if there were any questions concerning the project.

Mr. David Simon spoke that the applicant has addressed any and all concerns and recommend approval of the Final Plat.

Mr. Steve Stolipher opened the floor to public comment.

No public comment was made.

Mr. Steve Stolipher closed the floor to public comment.

Mr. Dale Manuel made a motion to approve the Final Plat for Aspen Greens Phase IIA, Lots 22-46, File # PC14-01. Mike Chapman seconded the motion. A vote was taken which carried unanimously.

Mr. Steve Stolipher recused himself from the following two (2) agenda items citing conflict of interest and handed the meeting over to Mr. Wade Louthan, Vice President

5. A Public Workshop was held for a Concept Plan for 637842 Delaware Corporation, D/B/A Kent Cartridge Manufacturing Facility (File #S15-02). The Concept Plan includes a 20,000 square foot expansion for warehousing and storage of an existing ammunition manufacturing facility. The property located on a 173.58 acre parcel. The property is located at 795 Hite Road in Kearneysville and is designated as Tax District: Middleway (07); Tax Map: 8; Parcel 4; Zoned: Rural; Size: 173.58 Ac.

Mr. Wade Louthan asked for any discussion.

No discussion was had.

Mr. Wade Louthan opened the floor for Public Comment.

Ms. Linda Barnhart, Representative of 637842 Delaware Corp. D/B/A/ Kent Cartridge spoke. Kent Cartridge has been in operation for 31 years. The engineer Jason Gerhart with Gordon is present to answer any questions regarding the proposed expansion. Mr. John Reisenweber was also present to speak on behalf of the project.

Mr. John Reisenweber, Executive Director for the Jefferson County Development Authority spoke in favor of the proposed expansion. A letter to the Planning Commission in support of the project was submitted as part of the record.

Mr. Dale Manuel cited a letter submitted to the Planning Department by the Jefferson County Historical Landmarks Commission stating there were no objections to the proposed Concept Plan.

Mr. Dale Manuel made a motion to approve the Concept Plan for the 637842 Delaware Corp. D/B/A/ Kent Cartridge. Mr. Peter Fricke seconded the motion. A vote was taken which carried unanimously.

6. A Public Hearing was held for a request by applicant 637842 Delaware Cartridge D/B/A Kent Cartridge (File #PCW15-01), for a waiver from the requirements of Section 20.203 (1), and Division 26.200 the Jefferson County Subdivision and Land Development Regulations which would require this project to process as a Major Site Plan, to process as a Minor Site Plan. The property is located at 795 Hite Road in Kearneysville and is designated as Tax District: Middleway (07); Tax Map: 8; Parcel 4; Zoned: Rural; Size: 173.58 Ac.

Mr. Wade Louthan asked for any discussion.

No discussion was had.

Mr. Peter Fricke asked that the Planning Department staff recommendation be presented.

Mr. David Simon presented the staff recommendation for the waiver request. Kent Cartridge is placed in a unique situation as the building currently has a large existing footprint which places them in a "grey zone" between what qualifies as a "Minor Site Plan" vs. a "Major Site Plan". Kent Cartridge has met all standards and has documented all of the situations asked of them. Planning staff recommends approval of the waiver request to process as a Minor Site Plan.

Mr. Dale Manuel asked if there were any objections from the public to allow this request.

No objections were presented.

Mr. Dale Manuel made a motion to approve the waiver request by 637842 Delaware Corp. D/B/A Kent Cartridge to process as a Minor Site Plan. Mr. Peter Fricke seconded the motion. A vote was taken which carried unanimously.

Mr. Steve Stolipher returned to the room and the meeting was turned back over to him.

7. A Public Hearing was held for a request by applicant Mark-Colonial Hills, LLC (PCV#15-03) for a variance from the requirements of Article 8, Section 8.2.e.3 of the 1979 Jefferson County Subdivision Ordinance. The applicant is requesting a reduction in the requirement for the minimum road frontage from 80' to 70' to permit two additional single family lots. The property is located on the east side of Potomac Farms Drive (Jefferson County Route 245) in Shepherdstown and is

designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcel 10; Zoned: Residential Growth; Size: 27.15 Ac.

Mr. Ryan Perks, Alpha Associates, presented the request for the applicant. Mr. Ryan Perks was joined by Mr. Bob Kinsley and Mr. Rick Fink, Owner/Developer. Reduction of the required lot road frontage will reduce the size of the lots and allow for the increase of 11 additional lots not two (2) as the agenda stated. If this variance is approved, an amendment to the Community Impact Statement will be required because it will result in an increase in the number of lots and the density.

Mr. David Simon stated the Planning Department Staff report supports the request for the reduction of the minimum road frontage from 80' to 70'.

Mr. Steve Stolipher opened the floor for public comment.

No public comment was made.

Mr. Steve Stolipher closed the floor to public comment.

Mr. Mike Chapman made a motion to approve the variance request. Mr. Dale Manuel seconded the motion. A vote was taken which carried unanimously.

8. Request for postponements: Request to postpone the discussion and red-line edits for the proposed amendments created by an appointed citizen based committee regarding Campgrounds. Due to short staffing and time constraints relevant to other pressing issues, staff has not had time to investigate and prepare material for review. This item will be placed on the July 14, 2015, 7:00 pm scheduled Planning Commission meeting.
9. Reports from Legal Counsel and legal advice to the Planning Commission:
  - a) Active Litigation:
    - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session Mr. Nathan Cochran recused himself from this item citing conflict of interest. This item can be discussed when Legal Counsel Ms. Lydia Lehman is present.
    - Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session.

Mr. Dale Manuel made a motion to enter into executive session at 7:50 PM. Mr. Gene Taylor seconded the motion. A vote was taken, which carried unanimously.

Mr. Mike Chapman made a motion to come out of executive session at 8:02 PM. Mr. Dale Manuel seconded the motion. A vote was taken, which carried unanimously.

Mr. Dale Manuel made a motion that Legal Counsel continue to defend the Planning Commission in the law suit that has been brought against the Planning Commission by the Shiloh Citizens Association. Mr. Gene Taylor seconded the motion. A vote was taken which carried unanimously.

10. Directors Report:

- The next regular Planning Commission meeting is scheduled for July 14, 2015

11. Planning Commission and Liaison reports:

- None

12. President Report:

- None

13. Actionable Correspondence:

- None

14. Non Actionable Correspondence:

- None

Mr. Steve Stolipher motioned to adjourn the meeting at 8:15 p.m. A vote was taken and passed unanimously.