

Minutes
Jefferson County Planning Commission
September 8, 2015

The Jefferson County Planning Commission met on September 8, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Gary Phalen, Peter Fricke, Mike Chapman, Dale Manuel, and Dick Childs. Staff members present included Jennifer Brockman, Director of Planning and Zoning; David Simon, County Planner; Rhonda Greenholtz, Planning Clerk; and Lydia Lehman, Legal Counsel.

Mr. Donnie Fisher was absent with notice.

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

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

- August 11, 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:

- None

3. **Public Hearing:** Zoning Map Amendment (Rezoning) request by property owner Charles M. Carter. This property is currently zoned “Residential Growth” (RG). The applicant is requesting “General Commercial” (GC). This property is located on the south side of Martinsburg Pike (Route 45), east of the intersection with Venice Way, Shepherdstown, WV. Tax District (09); Map 13 Parcels 23 & 23.1.

Mr. David Simon provided an overview of the staff report. The applicant’s property sits on 4.01 acres of land unevenly divided between two properties that front directly onto Route 45/Martinsburg Pike. The parcels are currently the site of a vacant one-story brick workshop, and a residential dwelling that was also used as a commercial building, with a large gravel parking area between the two. The remainder of the parcel under consideration is undeveloped greenspace. Commercial use of this property dates back to the 1950’s, when the structure, currently used as a residence, was a gun shop, as well as at one point, a tavern.

The applicant stated that there are no immediate intentions to change the current land use of the property; however, the applicant desires to maintain flexibility going forward to ensure the property is marketable and does not become a parcel with no feasible permitted use.

While the requested General Commercial is not completely in line with the recommendations of the Mixed Use Residential/Commercial future land use recommendation, the zoning of the frontage to General Commercial and allowing the development of access to the rear Residential Growth properties would allow an integrated development of both Commercial and Residential to occur in this vicinity.

The properties included in this proposal are in an area identified for special design considerations along the WV 45 entrance into the County. Staff recommends that during the site plan and/or subdivision stage, the design should be encouraged to reflect the need to maintain free flowing traffic with limited access points and with buildings oriented toward the road to provide an attractive gateway into the County.

The properties included in this proposal are inside the boundaries of the Envision Jefferson 2035 Comprehensive Plan’s Shepherdstown Preferred Growth Area (PGA) and is recommended for a

mixture of commercial and residential uses. While General Commercial can develop structures that are fairly large, the limited size of this property and the intent to use it to provide access to residential development in the rear should result in commercial development that is compatible with the intent of the Envision Jefferson 2035 Plan.

Staff finds the proposed rezoning is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*. It is located within the identified Shepherdstown PGA and is proposed for a mixture of residential and commercial development on the Future Land Use Guide. The applicant has indicated the intent to integrate the proposed commercial development along the frontage with an access to future residential development to the rear on adjoining properties.

The properties are located on a two lane road (WV 45) that has not been identified for improvements at this time and is not currently on public water or sewer. Therefore, the following recommendations are encouraged to be considered by the applicant:

- The applicant is encouraged to coordinate and collaborate with the Corporation of Shepherdstown to determine if and when public water and wastewater treatment may be available to this portion of WV45 to ensure the safety of the ground and surface water in this area of the County.
- WV 45 is not proposed for any improvements in the near future and it is therefore critical to design developments along this corridor in a manner that maintains free flowing traffic and provides an attractive gateway into the County.

Ms. Annette Van Hilst, representative for the applicant presented a PowerPoint presentation, which is included in this record, and provides an overview of the property, photos of the buildings, main downstairs room, and immediate surrounding areas. Nearby uses to the east include a 7-11 Store and a Potomac Trading Company. Located to the northeast are a warehouse, townhouses, Shepherdstown water tanks, and the Good Shepherd Office. Ms. Van Hilst also included an aerial history of the property showing a comparison between 1988 and 2013 development in that area, a current zoning map, and the Shepherdstown PGA from the Envision Jefferson 2035 Plan. She also stated that access to municipal water is available at Heatherfield development (at the townhouses) north of the site. Access to public sewer is available for connection at the Maddox Square Shopping Center.

In conclusion, Ms. Van Hilst stated that the property is suitable for the General Commercial designation and has access to water and sewer from Shepherdstown. There have been major changes in the vicinity since 1988 including both new development and improved roadways. Staff provided the Planning Commission with relevant sections of *Envision Jefferson 2035 Comprehensive Plan* and stated that they found the request to be consistent with the Plan.

Mr. Stephen Stolipher opened the floor to Public Comment.

Mr. Martin Herbert spoke in opposition, citing traffic concerns and that the zoning category is too broad, permitting a wide range of commercial uses.

Mr. John Wittingham spoke in opposition concerning the sale of any alcoholic beverages.

Mr. Jeff Hertrick spoke in opposition to any commercial zoning in that area.

Mr. Eric Johnson spoke in opposition to any commercial zoning in that area.

Ms. Gloria Webster signed up to speak but deferred. She submitted a letter in opposition of the request.

Ms. Amanda Lewis spoke in opposition to the request stating that Shepherdstown is a “Bedroom Community” not sprawling. Ms. Lewis submitted for the record a petition with 105 signatures in opposition to the request.

Mr. Jim Auxer, (Mayor of Shepherdstown) spoke in opposition. He stated that the city of Shepherdstown was not properly notified of the rezoning request after being promised to be kept abreast of any County projects by former County Planner Seth Rivard.

Ms. Lori Robertson, Recorder for Shepherdstown, spoke in opposition. Ms. Robertson stated that the former County Planner, Seth Rivard, promised to keep Shepherdstown informed of any projects within the growth boundary. She stated that there was no notice provided.

Mr. Roger Webster spoke in opposition. He referenced the request as being “spot zoning”. He submitted letter for the record in opposition of the request.

Mr. Kevin Struthers spoke in opposition citing traffic concerns.

Mr. Jason Murphy stated for the record that he was not totally opposed to the request but rather concerned with the type of businesses that may be allowed. General Commercial zoning opens up an opportunity for large-scale commercial businesses. He feels that a smaller scale business would be better suited for that area.

Ms. Lilian Potter-Saum, a Shepherdstown business owner, spoke in opposition. She stated that there is plenty of commercial property available in Shepherdstown and that there is no need to rezone this property. She reiterated the frustration that the town was not properly informed of the request.

Ms. Maria Allen, a Shepherdstown business owner, spoke in opposition to the request.

Mr. Stephen Stolipher closed the floor to public comment.

Ms. Annette Van Hilst rebutted. The role of the Planning Commission is to determine if the request is in conformance with the Envision Jefferson 2035 Comprehensive Plan. It is the County Commission’s responsibility to approve or deny the rezoning request. She noted that a Site Plan review process would be required for any proposed commercial use, which would allow the public another opportunity to provide input. Ms. Van Hilst also stated that for certain large commercial uses a Conditional Use Permit would be required. She concluded by stating that the WVDOH will have to approve a traffic control plan and could require major road improvements.

Mr. Donnie Fisher stated the Planning Commission’s role was not to approve or deny request but to determine if the request is consistent with the Envision Jefferson 2035 Comprehensive Plan. Mr. Fisher made a motion that the request is consistent with the Envision Jefferson 2035 Comprehensive Plan. Mr. Stephen Stolipher seconded the motion.

Mr. Gary Phalen requested clarification regarding the County Commission’s role in the approval process and whether they would hold another public hearing.

Ms. Lydia Lehman stated that the County Commission would review the application and the information forwarded from the Planning Commission public hearing; however, they are not required by state code to hold a public hearing and therefore may choose to not hold another public hearing.

A vote was taken and passed unanimously.

Mr. Stephen Stolipher called for a 2 minute break at 8:00 pm.

Mr. Stephen Stolipher called the meeting back to order at 8:07 pm.

4. **Public Workshop:** Proposed Amendments to the Zoning and Land Development Ordinance and the Land Development and Subdivision Regulations regarding Campgrounds.

Mr. Stephen Stolipher opened the floor to public comment.

Mr. Doug Rockwell addressed road and access requirements as well as minimum distance requirements from campground property lines. He also expressed concerns for campsites located near the river and within the floodplain. Mr. Rockwell submitted his comments in writing for the record.

Ms. Jessica Getman, Manager of the Harpers Ferry KOA Campground (HFKOA). Ms. Getman provided an overview of the suggested edits made by Mr. Alan Johnson, Executive Vice President of Recreational Adventures Company, the parent company that owns HFKOA, which were previously submitted to the Planning Commission and are part of this record.

Mr. Ted Schiltz stated that 300 vehicles per day is excessive. He also expressed concerns that pull offs are not wide enough to accommodate RV's. He recommended that campsites should be a minimum of 200' from any property line.

Ms. Janice Schiltz agreed that campsites located within the Rural zoning district should be a minimum of 200' from any property line.

Mr. Jim Gibson briefly spoke and submitted his comments in writing to the Planning Commission which are now part of this record. Mr. Gibson stated that there should be different standards for different types of camping, such as cabins or tents.

Mr. Stephen Stolipher closed the floor to Public Comment.

Mr. Stephen Stolipher recommended reviewing the comments received at this meeting and to discuss these comments at the upcoming October 13, 2015 Planning Commission meeting.

Mr. Dale Manuel addressed public comments regarding floodplain standards. Ms. Brockman stated that staff would meet with the floodplain manager of Jefferson County before the October meeting to determine if there could be any issues with campsites that may possibly located within a floodplain.

Mr. Dick Childs made a motion to summarize and review the comments given at this meeting for further discussion of this item at the October 13, 2015 meeting. Mr. Donnie Fisher seconded the motion.

A vote was taken which passed unanimously.

5. 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 # 11-C-325 Possible Executive Session.

- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session.

Mr. Mike Chapman made a motion to enter into Executive Session at 8:28 pm. Mr. Gene Taylor seconded the motion. A vote was taken and passed unanimously.

Mr. Mike Chapman made a motion to come out of executive session at 8:37 pm. Mr. Donnie Fisher seconded the motion. A vote was taken which passed unanimously.

6. Director's Report.

Ms. Brockman provided an update on the status of pending text amendments. She also provided an overview of upcoming Planning Commission meeting agendas.

7. Planning Commission and Liaison reports:

- None?

8. President Report:

- None

9. Actionable Correspondence:

- None

10. Non Actionable Correspondence:

- None

Mr. Stolipher motioned to adjourn the meeting at 8:50 pm with no objections.