

Jefferson County Planning Commission
October 09, 2018

The Jefferson County Planning Commission met on October 09, 2018 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Peter Onoszko, County Commission Liaison; Jack Hefestay, Mike Shepp, J Ware and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; and Rachael Burke, Planning Clerk.

Mr. Ron Thomas was absent with prior notification.

Mr. Fisher called the meeting to order at 7:01 PM.

1. The minutes from the September 11, 2018 meeting were approved, with the condition of one change reflected that, 'Mr. Bruning was absent with prior notification'. Instead of: 'without prior notification'.
2. Citizen Communications. None
3. Request for postponement. None
4. **Public Workshop: Request by applicant/owner Somerset Properties, LLC, Maritasha I, LLC, and Maritasha II, LLC. for approval of a Concept Plan for US 340 Mixed Use Development Major Subdivision (18-11). This subdivision includes 98 small lot and 112 large lot single family dwellings, 128 townhouse dwellings, 260 multiple family dwellings (26 total housing modules proposed with 10 dwelling units per module), for a total of 598 total dwelling units proposed. This subdivision also includes 8 Commercial lots. The property is designated as Tax District: Charles Town (02); Tax Map: 9; Parcel 8 & 8.11. Zoned: Residential-Light-Industrial-Commercial; Size: 134.02 acres.**

Ms. Jennifer Brockman provided an overview of the project. She explained that the total number of units was changed to 597 total units as a result of the applicant's response to first review staff comments. She explained the various zoning districts surrounding the prospected site and did a summary of the Major Subdivision Process Steps: Concept Plan, Preliminary Plat, Final Plat and explained that the Multi-Family and Commercial sections will also require Site Plans and possible additional Concept Plan Workshops.

Mr. Bob Barrick, representative for the project (Piedmont Design Group), provided a brief overview of the project as follows:

- Explained the eight commercial pads and no current site plans.
- Discussed types of homes and proposed locations, with regard to layout.
- 597 total units, including 209 single-family homes, 128 town homes and 260 apartments.
- Discussed Monte Carlos Way and Demory Farms interconnectivity, in accordance with subdivision regulations.

Ms. Jennifer Brockman stated that the property's zoning designation is Residential-Light Industrial-Commercial and that it has been zoned this since Zoning was adopted in Jefferson County. She then reviewed the agency comments that were received:

- Jefferson County Parks and Recreation requested a multi-use trail and recommended interconnectivity with other trail systems;
- Health Department had no comments;
- Department of Highways required the preparation of a Traffic Impact Study (TIS) and requested applicant to submit a scope of work for their approval;
- Office of GIS/Addressing approval of road names;
- Charles Town Utility Board will be providing water and sewer service to the development and will determine if additional pump stations are required later in the project
- City of Charles Town encouraged supporting the interconnectivity; recommends sidewalks on both sides; recommends following the city's street light and bus shelter standards; and requests a note regarding the open space in case of potential annexation.

Mr. Peter Onoszko asked about the proximity of the commercial lots.

Ms. Jennifer Brockman reviewed where they were on the Concept Plan.

Mr. Mike Shepp asked if applicat has a response about the trail.

Mr. Bob Barrick stated his client was open to the trail system.

Mr. Donnie Fisher asked about the sidewalk request by the city.

Mr. Bob Barrick explained the bioswale design and explained this is an efficient practice. He talked about engineering at preliminary plat stage and possible change of lot size depending on one side sidewalks vs. both.

Mr. Ray Bruning asked about the street lighting meeting the City of Charles Town standards, design and spacing.

Mr. Bob Barrick stated they would look at it.

Ms. Jennifer Brockman discussed the separate waiver requests, with

Public Hearings to be held later.

Mr. Donnie Fisher asked Ms. Brockman if the TIS would take into account the interconnecting roads.

Ms. Jennifer Brockman stated that the TIS should show how traffic will be disbursed on surrounding roads, including the connection to Keyes Ferry and Somerset at the two points shown. The DOH may require that roads be widened after so many lots are proposed or other based on other warrants. They are only concerned about state roads, not the private HOA roads.

Peter Onoszko discussed the use of Keyes Ferry to access WV 9 for commuters.

Mr. Donnie Fisher opened the floor to Public Comment. He explained the three minute allotted time to speak.

The following speakers made comments regarding concerns with road connectivity, traffic and safety regarding children and bus stops:

Phillip Marshall
Ray Love, Pastor Tri State Baptist
Chris Moody
William Isemann
Megan DiGerlando
Paul Harris, President, Windmill Crossing HOA
Eric Smith, on behalf of Lyndsey Smith (Demory Farms Homeowner)
Michelle Monteith
Thomas Yeager
Chris Ott
Jason Wyatt
Christian Batelli

Seth Rivard also spoke as a representative for the City of Charles Town, regarding the letter signed by Mayor Scott Rogers supporting the project and supporting the proposed connectivity and. Mr. Rivard also stated that the City would like for the development to utilize the city's streetlight standards for spacing and design and the city's bus shelter design. He noted the city made a similar request of the Magnolia Springs development who agreed to the Charles Town design but requested to use the County's spacing requirement. The Board of Education would also be consulted regarding the bus shelter. Mr. Rivard also had comments regarding the waiver of sidewalks and noted that the block length does not meet the County's requirements.

Mr. Donnie Fisher closed the floor to Public Comment.

Ms. Jennifer Brockman clarified that the County's Subdivision Regulations require the connectivity and the applicant made this revision to their original design based on staff comments to this effect.

Mr. Bob Barrick responded that they intend to submit the plan for the entire project and understand that the commercial lots, apartments and townhomes will also need separate site plans. Mr. Barrick also spoke about stormwater, the Keyes Ferry and Cattail Run intersections, and the existing and proposed water and sewer lines.

Mr. Ray Bruning commented on possible connection in the future and annexation by Charles Town.

The members of the Planning Commission discussed ownership and maintenance of the proposed road network.

Mr. Mike Shepp asked for clarity on the requirement that the Planning Commission provide direction for preliminary plat and whether the Plat can change.

Ms. Jennifer Brockman explained TIS may require a change in the design and staff can determine if it substantially conforms with the Concept Plan.

Mr. Mike Shepp suggested that he would support a waiver later in the process.

Mr. Nathan Cochran explained there were competing issues because state code gives authority to make roads connect. The potential issues with access have been addressed in several ways with other developments, such as Tusawilla and Locust Hill, where the new development contributes funds to the neighboring community to cover upkeep costs, etc.

Mr. Wade Louthan, Mike Shepp and Ms. Jennifer Brockman discussed how the motion should be worded and if they are accepting or approving the Concept Plan and how the conditions will be added, including staff recommendations for waivers regarding block length and width.

Mr. Mike Shepp made a motion to accept the Concept Plan and to provide direction regarding the preparation of the Preliminary Plat with a strong recommendation that the applicant address the interconnectivity issues to Demory Farms and Windmill Crossing and eliminate them if possible.

Mr. Steve Stolipher asked about adding a requirement that they conform to the Charles Town the street light standards.

Mr. Donnie Fisher re-stated the motion to accept the Concept Plan and proceed to preliminary plat with the following recommendations: resolve interconnectivity of the right of way (preferably through waiver), comply with block length and lot width of the Subdivision Regulations, and comply with the Charles Town street lighting and bus shelters design requirements.

Mr. Mike Shepp suggested that the applicant may want to bring the Concept Plan back when these issues are resolved.

Ms. Brockman suggested that after TIS is completed and approved by the WV DOH, a revised Concept Plan be necessary to reflect all of the changes required.

Mr. Steve Stolipher seconded the motion.

The Planning Commission discussed the motion and answered some questions from the audience. Mr. Nathan Cochran and Steve Stolipher explained they have no authority over the state roads as they fall under the jurisdiction of the WV DOH. Mr. Steve Stolipher clarified the Planning Commission also has no authority to deny the Concept Plan approval request, if it meets all of our standards.

A vote was taken on the motion, which was approved with a vote of 6 for and 1 against (Mr. Jack Hefestay opposed).

Ms. Brockman repeated the motion for the record, “to accept the Concept Plan and authorize the applicant to advance to preliminary plat with strong recommendation to resolve interconnectivity with Demory Farm and Windmill Crossing, preferably by getting a waiver; to address block length and lot width by compliance or a waiver; and that the Charles Town street lights and bus shelter design be used”.

- 5. Public Hearing: Waiver Request for US 340 Mixed Use Development (PCW18-12). The applicant is requesting a waiver from Section 2.2.K.1.a of the Subdivision Regulations that requires curbs, gutters and sidewalks in residential conventional subdivisions**

where net residential density is greater than three dwelling units per acre of land and/or when lot frontages are 80' or less. The request is to allow open swale design for all roads other than Somerset Village Road and Sundrop Road to allow bioswales as a part of the stormwater management plan.

Ms. Brockman provided an overview of the request. She pointed out the roads that were affected by the waiver as part of the presentation and stated that Planning has deferred to Engineering for the waiver of curbs and gutters as they related to stormwater management. She stated that planning staff recommends not approving any waiver of sidewalks, due to the size of the development and the need for pedestrian integration within a mixed use community. Engineering stated that they support the waiver of curb and gutter throughout the single family portion of the development but that the commercial, apartment and townhomes lots and areas would need to be designed with curb and gutter.

Mr. Mike Shepp asked about how to get to green space without sidewalks. He also noted that the Charles Town Planner had recommended requiring sidewalks on both sides.

Mr. Seth Rivard stated that based on density, sidewalks may have to be on both sides. If became part of city later, would need to be grandfathered with one side.

Ms. Jennie Brockman advised that she would confirm the Subdivision Regulation requirements for sidewalks on one side or both sides based on the density.

Mr. Donnie Fisher opened the floor to Public Comment.

The following members of the public spoke regarding the waiver request and items pertaining to stormwater:

Seth Rivard
Jason Wyatt
Thomas Yeager

Mr. Donnie Fisher closed Public Comment.

Mr. Mike Shepp made a motion to deny the waiver of sidewalks. Mr. Wade Louthan seconded the motion, which carried unanimously.

Mr. Mike Shepp made a motion to approve the waiver of curb and gutters and allow the use of swales by the single family lots only. Steve Stolipher seconded the motion, which carried unanimously.

- 6. Public Hearing: Waiver Request for US 340 Mixed Use Development (PCW#18-13). Applicant is requesting a waiver from Section 2.3A of the Subdivision Regulations that states that generally, individual lots shall not have direct access to public roads and that lots must be served by internal subdivision roads unless otherwise approved by the Planning Commission. This request is to allow Commercial Lots 2 and 3 to have direct access to Somerset Boulevard as this road functions as a frontage road and has other commercial lots with direct or shared access in the vicinity.**

Ms. Brockman stated that the Department of Highways will also have approval authority over this request, but Planning, Zoning and Engineering recommends allowing one shared direct commercial access point for Commercial Lots 2 and 3 provided that WV DOH approves this concept.

Mr. Donnie Fisher opened the floor to Public Comment.

Mr. Yeager talked about how commercial lots could be split.

Mr. Donnie Fisher closed Public Comment.

Mr. Ray Bruning stated that the waiver is for point of access.

Mr. Mike Shepp explained the lots must be approved by the Planning Commission. If the Planning Commission follows the staff recommendation regarding an internal road, the waiver for individual lot access to external road would not be necessary.

Mr. Mike Shepp made a motion to deny the waiver of Section 2.3A regarding direct access by an individual lot. Mr. Wade Louthan seconded the motion, which carried unanimously.

7. Reports from Legal Counsel and legal advice to the Planning Commission. None.

8. Planners Memo.

Ms. Brockman discussed the status of the WV 45 gateway design text amendment and the ILP text amendment delayed decision. The next scheduled meeting is November 13, 2018 with two Concept Plans: Pikeview Manor and Martinsburg Pike ROCS gas station in Shepherdstown.

9. President's Report. None

10. Actionable Correspondence. None

11. Non-Actionable Correspondence.

- Letter addressed to Ray Bruning regarding the Rockwool plant
- A Resolution from the Corporation of Shepherdstown opposing the Rockwool plant (from the Mayor: Arthur Auxer, III 9/12/18).

Mr. Fisher motioned to adjourn the meeting at 9:19 PM with no objections.