

MINUTES

Meeting Minutes

Jefferson County Planning Commission

July 13, 2021

The Jefferson County Planning Commission met on July 13, 2021 at 7:00 p.m. with the following Commission members present in person: Wade Louthan, Secretary; Jack Hefestay, J Ware, Steve Stolipher, Ron Thomas and Matt Knott and the following present via ZOOM: Shane Roper and Mike Shepp, President. Donnie Fisher, Vice President, was absent with notice.

Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney, Alice Johns, Planning Clerk.

By order of the President, the Planning Commission meeting was held in person for Commissioners and applicants and virtually via ZOOM for the public. Access information was made available on the agenda and packet, which were posted to the County website.

Jennifer Brockman conducted a roll call. Mr. Louthan verified that there was a quorum and called the meeting to order at 7:01 PM.

1. Approval of Meeting Minutes: June 8, 2021 and June 22, 2021. The minutes were approved as submitted.
2. Request for postponement. None.
3. **Hunter Hills Subdivision Concept Plan Public Workshop:** A Concept Plan for Hunter Hills Subdivision (Major Residential Subdivision). The proposal consists of 642 Lots [471 Single Family Detached and 171 Townhomes (SFA)] and associated infrastructure. Owner/Applicant: Ernest Hunter, et. al.; Developer: Josh Been Grewal, ILA Properties, Inc., 4115 Charles Town Rd., Kearneysville, WV. Property Location: 4469 Charles Town Rd, Kearneysville, WV. Property Location: 4469 Charles Town Rd, Kearneysville, WV; Tax District: Middleway (07); Tax Map: 1; Parcel: 2, Parcel Size +/- 107 Ac.; Zoning District: Residential-Light Industrial-Commercial (RLIC) (File# 21-21-SD).

Mr. Steve Stolipher recused himself from Agenda item #3 and left the room.

Ms. Brockman provided an overview of the Hunter Hills Subdivision. The property is near the Berkeley County line and near Rocky Ridge development (previously approved). The WVDOH have stated that they will require a Traffic Impact Study. Berkeley County will provide water and sewer. Interconnectivity to the neighboring properties is a requirement of the Subdivision Regulations and should be a discussion point. When the Rocky Ridge development was approved, the Planning Commission made a condition of approval prohibiting interconnectivity to the property in question. The property located to the north of this lot is zoned Industrial/Commercial and the property to the east is the WVU Tree Fruit Research and Education Center and is zoned Rural.

Paul Raco, P.J. Raco Consulting LLC, and Griffin Sepp, P.E. from Cheat Road Engineering were present in person. Paul Raco summarized the project. The project is under contract with Josh Been Grewal, ILA Properties, Inc. and the project was rezoned for this use in 2013. Mr. Raco noted that Berkeley County already committed to providing water/sewer service to this property as part of the re-zoning request. Mr. Raco stated that this project is in the Route 9 Preferred Growth Area of the *Envision Jefferson 2035 Comprehensive Plan*. It is one of seven identified Preferred Growth Areas. The project is proposing 471 Single Family detached homes and 171 Townhomes, with a mix of two and three bedrooms and 465 townhome parking spaces. The project contains a six acre common area, which will function as a park, and potentially a clubhouse. The development will meet the required active recreational area. This general design is preliminary and can change but the

requirements will be met. Traffic will not use Hospice Road as required during the approval of the Rocky Ridge development. The density for this development is less than seven units per gross acre.

Ms. Brockman mentioned letters from WV Board of Health and from Hospice were in the packet.

Mr. Wade Louthan opened the public comment for this item. No public comment was received.

Mr. Wade Louthan closed the public comment for this item and opened the Planning Commission discussion.

Mr. Ron Thomas asked a question about the modifications to the green space that Mr. Raco had noted. Mr. Raco indicated that the Concept Plan currently shows a 10 foot greenspace proposed to be a trail system along the Hospice property and along Rocky Ridge. Mr. Raco indicated in his experience, homeowners don't want people walking in the rear of their properties. In light of comments from Hospice, the applicant agreed to keep trails away from the rear of these properties but keep the trail system throughout the property in other areas. Mr. Raco also stated that the applicant agreed to modify the eight lots adjacent to Hospice into 4 lots and make up the 4 lots in another location. Mr. Raco also noted that Hospice received a setback variance from 100' to 54' when they were under construction.

Mr. J Ware inquired about property to the north and the location of the walking trail along that property. Mr. Raco state that the walking trail in this location is within the green space.

Mr. Hefestay inquired about a buffer along the adjoining historic resources. Mr. Raco stated that a buffer exists in this area. Mr. Hefestay inquired about average size of these lots. Mr. Raco stated that the average lot size is 4,300 square feet. He also stated that the Zoning Ordinance "small lot provisions" require an area per dwelling unit of 7,500 sq. ft. and this layout proposes an area per dwelling unit of 8,300 sq ft. Ms. Brockman also stated that the townhouse minimum lot size is 1,400 sq. ft.

Mr. Hefestay inquired about the impact on the WV 9 off/on ramp. Mr. Raco explained that any road improvement decisions would up to WVDOH. Mr. Raco explained that prior to the construction of the new WV9, WV115/old WV9 handled 10,000 to 15,000 trips per day. WV115 is still identified as a Principal Arterial, one of four in the County.

Mr. Ron Thomas made a motion to accept Hunter Hills Concept Plan as presented. Mr. J Ware proposed an amendment to the motion clarifying that the project will not be required to connect to the WVU Property to the east, the property zoned Industrial-Commercial zone, or to the Hospice property, and can move forward to a preliminary plat. Mr. Thomas accepted the amendment. The motion was seconded by Matt Knott. The motion passed unanimously.

Mr. Steven Stolipher re-joined the meeting.

- 4. Milton's Landing Subdivision Concept Plan Public Workshop:** A Concept Plan for Milton's Landing Subdivision (Major Residential Subdivision). The proposal consists of 51 Single Family Detached Lots to be served by on-lot well and septic systems. Owner/Applicant/Developer: David Lutman/Lutman Land Development. Property Location: South of Summit Point Rd, 0.3 miles west of Summit Point Rd/Washington St intersection; Tax District: Charles Town (02); Map: 11; Parcels: 30 & 30.2; Parcel Size: +/- 67.6 Ac.; Zoning District: Residential Growth (File #21-22-SD)

Ms. Brockman provided an overview of the request. The property is located southwest of Charles Town and near the intersection of WV51 and Summit Point Road. It is zoned Residential Growth. It abuts property that is both in the County and in the incorporated area of Charles Town. The

proposal is for 51 lots, including one existing single family home which has access on Summit Point Road. There are two associated waivers related to this project, immediately following this agenda item.

The applicant's engineer, Mr. Chad Wallen, with Gordon, summarized the request and explained that this development is different than previous one. The property is 67 acres and the project is proposed to be served by cul-de-sacs, proposes large lots (1 acre) to be served with on-site well/septic. There is existing house on the property which has its own access to Summit Point Rd. It is zoned Residential Growth so this use is permitted.

Mr. Paul Raco discussed the two waivers (agenda items 5 and 6) because their approval impacts the concept plan layout. He reported that Trixie Willis with WVDOH indicated she believed that single entrance could be approved, but the specific location of the entrance itself may change.

Mr. Raco explained that the proposed layout for the Milton's Landing Subdivision took into account the topography of the property and that they believe the single entrance, cul-de-sac layout is the best design. He stated that the Subdivision Regulations require that cul-de-sacs not be longer than 800 feet and serve no more than 24 lots. Mr. Raco pointed out that numerous dead-end state roads which serve more than 24 lots. He also stated that there is no national standard and no American Planning Association standard for the length of cul-de-sacs. Mr. Raco further explained that the road follows the topography, and a second entrance is required, it would result in another 500 ft of pavement as well as cutting the natural topography.

Mr. Chad Wallen further explained that the topography shown on the Concept Plan layout has 5 foot contours (not 2 foot contours) and Road B follows the topography. Road B takes the high road, and Road A takes the low road.

Mr. Wade Louthan asked about the width of the road. Mr. Raco indicated the width is 22 feet with 3 foot shoulders.

Mr. Hefestay asked about the double lines and Mr. Raco explained those represent "pipe stems" which become a part of the two lots indicated. He stated that the Subdivision Regulations indicate that flag lots or pipestem lots are preferred over additional accesses to state roads.

Ms. Brockman suggested discussing the two waiver requests before opening the Public Hearing/Workshop so comments can be received on all at the same time.

5. Milton's Landing Subdivision Public Hearing (21-11-PCW)

Waiver of Section 2.3.A.3 "Single Entrance Requirement" is a request to utilize a single entrance because of the location of the railroad crossing and other single family driveways existing along Summit Point Road. This request is to minimize access points on the State Road due to limited number of lots and the limited frontage along the State Road.

6. Milton's Landing Subdivision Public Hearing (21-12-PCW)

Waiver of Section 22.206.B "Lots on and Length of a Cul-de-sac" is a request to exceed the maximum number of lots permitted on a Cul-de-Sac from 24 to allow serving the 51 proposed lots on two cul-de-sacs and to exceed the minimum 800-foot requirement. The applicant maintains that their design is intended to work with the existing topography and will have two cul-de-sacs serving the lots because a steep connection would be required to connect the two cul-de-sacs.

Ms. Brockman understands the concept of single access but noted that the Subdivision Regulations also have a requirement of interconnectivity. Staff recommends that an access easement from the end of Road B to the property to the west be provided in case the adjoining property, within the City of Charles Town, ever develops. She also noted that the Subdivision Regulations recommend that a pedestrian circulation system be provided to allow direct, non-vehicular access between cul-de-sac ends.

Mr. Raco noted that the adjoining property to the west is Winchester Cold Storage. Ms. Brockman indicated it is zoned Residential Development.

Mr. Wade Louthan opened the Milton's Landing Concept Plan Public Workshop and the two waiver requests for public comment.

Ms. Christine Marshall, Shepherdstown, WV made the following comments on the lot layout and waiver requests:

- Expressed concern about the single access point, noting that if an entrance is blocked, emergency vehicles may not be able to gain access to the rear lots; the single entrance impact on the lot owners near the entrance; and accessibility by school buses;
- Suggested interconnecting to the private road, if a right of way can be obtained, connecting internal Road A to internal Road B, or adding a second entrance between parcel 30 and 30.2;
- Suggested connecting Road B and Road A to allow access by emergency vehicles to the lots in the back and allow school buses to use the subdivision roads;
- Suggested connecting the development to CTUB sewer rather to prevent septic system drain fields from contaminating adjacent drink water wells due to the karst topography.

Ms. Elizabeth Ricketts, Charles Town WV, recommended including a sidewalk along Summit Point Rd to foster connectivity of this neighborhood to the downtown Charles Town area. Currently, no sidewalk exists on this end of West Washington Street, but it could be added to make it walkable for these new residents.

Rick Boswell, Kearneysville, WV spoke in support of the project and the waivers, and stated that what is being requested would be appealing to the current neighbors. He noted that if public utilities were required, the cost of the lots would increase which results in more density.

William & Jennifer Fogelsanger, Charles Town, WV spoke in favor of the project and in favor of the larger lot size.

Mr. Wade Louthan closed the item(s) for public comment.

Mr. Hefestay stated that he believes 2nd entrance is necessary.

Mr. David Lutman, applicant, described the relationship of the development to the railroad tracks, and noted that the traffic is generally slowing down in the area of the proposed entrance due to the track crossing.

The Planning Commission discussed the fact that school buses don't usually come into any subdivisions. Ms. Brockman stated that school buses only go in when the road has a painted centerline.

Ms. Brockman recommended taking action on the two waivers first.

Mr. Steve Stolipher made a motion to approve the waiver of Section 2.3.A.3 to allow a single entrance (21-11-PCW), which was seconded by Ron Thomas, and which passed with a vote of 7 for and 1 against (Mr. Jack Hefestay).

Mr. Steve Stolipher made a motion to approve the waiver of Section 22.206.B “Lots on and Length of a Cul-de-Sac” (21-12-PCW) which was seconded by Ron Thomas, which passed unanimously.

Mr. Steve Stolipher asked a question about the suggested sidewalk along Summit Point Road. Paul Raco explained that there would be a 10-foot road improvement easement required for future improvements for the WVDOH. Ms. Brockman stated that there is currently a WV51/Washington Street Feasibility Study being conducted by the Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) and the WV DOH, covering the area from the Ford dealership to Summit Point and WV51 to determine a way to make that area more bike and pedestrian friendly.

Mr. Matt Knott made the motion to approve the Concept Plan as submitted with an additional 10 foot sidewalk easement. Steve Stolipher seconded the motion and the motion passed unanimously.

7. Discussion/Action: FY 2021 4th Quarter Quarterly Report – for County Commission

Mr. Steve Stolipher made a motion to send the 4th Quarter FY 2021 Quarterly Report to the County Commission. This was seconded by Jack Hefestay and the motion passed unanimously.

8. Reports from Legal Counsel

Mr. Nathan Cochran stated that there will be a hearing the next morning (July 14th 2021) in Circuit Court, related to the solar text amendment.

Mr. Nathan Cochran indicated that there was a court filing related to the zoning map amendment for the Miller Farm.

9. Planner’s Memo

The next meeting is August 10, 2021.

10. President’s Report None

11. Actionable Correspondence

12. Non-Actionable Correspondence

Mr. Wade Louthan made a motion to adjourn the meeting at 8:15 pm. Mr. Jack Hefestay seconded the motion, and the motion carried unanimously.

These minutes were prepared by Alice Johns, Planning Clerk.