



Agenda

Jefferson County Planning Commission

Tuesday, May 7, 2024 at 7:00 PM

**By order of the President of the Jefferson County Planning Commission,
Public Participation is available in-person only.
The meeting will be broadcast live via ZOOM for viewing purposes only.**

In-Person Meeting Location: County Commission Meeting Room located in the lower level of the Charles Town Library (side entrance on Samuel Street)
200 East Washington Street, Charles Town, WV 25414

ZOOM Broadcast Information*: Meeting ID: 884 5589 0682
Meeting Link: <https://us02web.zoom.us/j/88455890682>

**If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

1. **Approval of Meeting Minutes:** April 9, 2024
2. **Request for postponement.**
3. **Public Workshop:** A Concept Plan for the Birdhill Subdivision. The proposal consists of a Major Residential Subdivision with 720 lots (324 single family detached and 396 attached townhome lots) and associated infrastructure. Property Owner/Applicant: Jefferson Orchards Inc.; Property Location: Vacant parcel located .35 miles northeast of the intersection of Charles Town Road and Kearneysville Pike, Kearneysville, WV; Parcel ID: 07000300290000; Size: 195.52 acres; Zoning District: Residential Growth (File: 24-12-SD).

There is no public comment for the following items.

4. **Waiver Request** from Section 10.5A of the Subdivision Regulations to allow a gravel parking area as opposed to an asphalt/concrete (paved) parking lot for public use to allow for the expansion of the existing Devil's Due Distillery. 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: 24-11-PCW).
5. **Waiver Request** from Section 2.3B.5 of the Subdivision Regulations to allow an asphalt apron entrance as opposed to the required concrete apron to allow for the expansion of the existing Devil's Due Distillery; Property Owner: Shenandoah Valley Holdings LLC / 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: 24-12-PCW).
6. **Waiver Request** from Section 20.201B.3 of the Subdivision Regulations to reduce the required access width of Stone Pillar Lane from 50' to 30' for a proposed three lot Family Transfer Subdivision. Property Owner/Applicant: P F K LLC; Property Location: Vacant Lot on Stone Pillar Lane, Charles Town, WV; Parcel ID: 02001300040000; Size: the 39.17 acre portion of the 52.33 acre tax parcel; Zoning District: Rural (File: 24-13-PCW).
7. **Waiver Request** related to Birdhill Subdivision, from Article 21, Section 21.101A, which requires the blocks shall not, in most instances, exceed six lots in length on one side of the street. Property Owner/Applicant: Jefferson Orchards Inc.; Property Location: Vacant parcel located .35 miles northeast

of the intersection of Charles Town Road and Kearneysville Pike, Kearneysville, WV; Parcel ID: 07000300290000; Size: 195.52 acres; Zoning District: Residential Growth (File: 24-14-PCW).

8. **Waiver Request** related to Birdhill Subdivision, from Article 21, Section 21.104A of the Subdivision Regulations, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. Property Owner/Applicant: Jefferson Orchards Inc.; Property Location: Vacant parcel located .35 miles northeast of the intersection of Charles Town Road and Kearneysville Pike, Kearneysville, WV; Parcel ID: 07000300290000; Size: 195.52 acres; Zoning District: Residential Growth (File: 24-15-PCW).
 9. **Waiver Request**, related to Birdhill Subdivision, from Article 24, Section 24.113.B.10 of the Subdivision Regulations, to request to waive the Phase I Archaeological Survey requirement for Preliminary Plats. Property Owner/Applicant: Jefferson Orchards Inc.; Property Location: Vacant parcel located .35 miles northeast of the intersection of Charles Town Road and Kearneysville Pike, Kearneysville, WV; Parcel ID: 07000300290000; Size: 195.52 acres; Zoning District: Residential Growth (File: 24-16-PCW).
 10. **Site Plan approval and Issuance of the Improvement Location Permit.** The proposal consists of the construction of a private community pool and clubhouse with associated parking for the Beallair Subdivision. Property Owner: Beallair Community Conservancy Inc. Applicant: Piedmont Design Group; Property Location: 480 Beallair Manor Dr., Charles Town, WV; Parcel ID: 04010ACOMM0000; Zone: Residential Growth; Size: 3.31 acres (File: 23-10-SP).
 11. **Discussion and Action on the Cochran Mill Road, LLC Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone a 20.2-acre portion of the Sunnyside Industrial Park from Industrial-Commercial to Residential-Light Industrial-Commercial is consistent with the *2035 Comprehensive Plan*. Owner/Applicant: Cochran Mill Road, LLC (Lots 6 and 7). Property Location: two vacant lots located off Kanawha Lane within Sunnyside Industrial Park, south of Wheatland Road, west of the Norfolk Southern railroad tracks; Parcel ID: 06001200120006 and 06001200120007; Combined acreage: approximately 20.2 acres; Zoning District: Industrial-Commercial (File: 24-1-Z).
 12. **Discussion and Possible Action:** Draft amendments to the Bylaws of the Jefferson County Planning Commission for discussion and possible action:
 - a. Section 2.4 “Committees” related to public notice and records for Planning Commission Committee and Subcommittee meetings.
 - b. Section 5.1 “Voting” related to the use of a video conferencing program for regular and special meetings.
 13. **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).
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- 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.

14. Planner's Memo

15. President's Report

16. Actionable Correspondence

- Email from Noah Mehrkam dated February 25, 2024.
- Email from Karen Twigg Sagisi dated March 1, 2024.
- Email from Roberta N. Meade Curry dated March 2, 2024.
- Email from Jean C Zigler-Kotch dated March 18, 2024.
- Email from Mary Gee dated April 2, 2024.
- Email from Gillian Vickers dated April 2, 2024.
- Email from Dave Lutman dated April 10, 2024.
- Email from Kay Shultz dated April 10, 2024.

17. Non-Actionable Correspondence

- Email from Alan Dattelbaum dated April 16, 2024.
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