

Meeting Minutes

Jefferson County Planning Commission April 9, 2024

The Jefferson County Planning Commission met on April 9, 2024 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Jack Hefestay; Donnie Fisher; Cara Keys and Tim Smith.

Aaron Howell, Vice President and J Ware was absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner; Alexandra Beaulieu, Zoning Administrator; Jonathan Saunders, County Engineer; Luke Seigfried, County Planner; Nathan Cochran, Prosecuting Attorney and Michelle Evers, Planning Clerk.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed a quorum was present.

1. Approval of Meeting Minutes: March 12, 2024

Mr. Shepp stated the minutes stand approved without objection.

2. Request for postponement.

3. Shepherd Village Presentation.

Charlotte Baker-Shenk and Kay Shultz, representatives of Shepherd Village, presented their training to the Planning Commission.

4. Public Workshop (Postponed from March 12, 2024): Concept Plan for Hunter Valley Apartments; Approximately 138 1-2 bedroom apartments with associated parking. Property Owner/Applicant: ILA Properties, Inc.; Property Location: SW Side of RT 115, Kearneysville, WV; Parcel ID: 07000200020002; Size: 12.8 acres; Zoning District: Residential/Light Industrial/Commercial (File: 24-1-SP).

Mrs. Brockman provided an overview of the staff report, describing the location and the requirements for multi-family developments in the Residential-Light Industrial-Commercial zoning district which will be served water and sanitary sewer from Berkeley County.

The applicant's representative, Paul Raco, with P.J. Raco Consulting LLC, and Trevor Lloyd, Engineer with JBG Builders and ILA Properties, Inc, explained the nature of and design options for the proposed multi-family development request to the Planning Commission. Mr. Raco noted that the property is within one of the Preferred Growth Areas (PGA) identified in the *Envision Jefferson 2035 Plan*. He also noted that the WV DOH provided his client with feedback that no additional improvements will be required to WV 155 (Charles Town Road) due to the improvements being required for the approval of the Hunter Hills Subdivision. Mr Raco also noted that the WV DOH had recently notified the applicants to change the proposed design to have one boulevard type entrance only due to the relationship with the entrances for the future Hunter Hills Subdivision, and that the Subdivision Regulations do not require two entrances for a Site Plan (vs a Residential Subdivision).

The Planning Commission members asked clarifying questions regarding the nature of the request, including whether the applicant will be providing a connection to the WV 9 Bike Path. The applicant indicated where that connection can occur if permitted by the WV DOH.

Staff asked clarifying questions regarding Stormwater Management and Mr. Raco pointed out that the Zoning Ordinance requires that the maximum impervious surface coverage for interior

streets, parking areas, and residential structures shall not exceed 50 percent of the gross land area, which is being met. Some discussion focused on how the Stormwater design will change due to the single entrance.

Mr. Shepp opened the Public Workshop.

- Pastor Craig Bush (Opposed) provided public comment regarding widening Charles Town Road and had questions about the Stormwater design.

Mr. Shepp closed the Public Workshop.

The applicant's representatives provided a rebuttal and responded to questions and concerns presented by the public. Mr. Lloyd clarified that all development is required to ensure that the rate of flow of Stormwater is retained in a manner that does not increase the rate of flow. Mr. Trevor also clarified that the entrance permit for this project will be conditioned on the two-way left turn lane improvements to WV 115 being completed with the Hunter Hills subdivision, which has been bonded.

Mr. Raco also noted that while vehicular interconnectivity cannot be provided, the applicant is willing to work with the Church to the west about an option to provide pedestrian connection. He also noted that his clients will be considering the required sidewalk along the frontage of the property to determine if they will be requesting a waiver of that requirement.

Mrs. Brockman reminded the Planning Commission of their authority when making a motion is to authorize the applicants to move forward with their Site Plan, and noted that all multi-family developments process as a Minor Site Plan after the Concept Plan.

Mr. Shepp made a motion to authorize the applicant to proceed with their Site Plan with stipulations discussed [related to the single boulevard entrance redesign required by the WV DOH; acknowledging that they will not be providing vehicular interconnectivity; and the option of a pedestrian connection to the church property]. Mr. Stolipher seconded the motion, the motion was approved with the vote 6 to 1 (Mr. Hefestay was in opposition).

5. **Public Hearing:** Proposed Amendment to Division 24.300 of the Jefferson County Subdivision and Land Development Regulations, "Waivers" to add a Public Hearing requirement (STA24-01).

Mrs. Brockman provided an overview of the proposed Amendment to Division 24.300 of the Jefferson County Subdivision and Land Development Regulations, "Waivers" to add a Public Hearing requirement (STA24-01).

Mr. Shepp opened the Public Hearing.

- Mrs. Christine Marshall and Mrs. Jacquelyn Milliron provided public comment in support of this text amendment.

Mr. Shepp closed the Public Hearing.

Mr. Stolipher made a motion to approve the request, as presented. Mr. Fisher seconded the motion, which carried unanimously.

There is no public comment for the following items.

6. **Waiver Request** from Section 20.201 of the Subdivision Regulations to waive the width of the required 50' Access Easement and to be considered as a Minor Subdivision with more than 5

lots on the easement (for a total of 9 lots). Property Owner/Applicant: Timothy and Heather Runion; Property Location: Vacant Lot on Landon Way, Kearneysville, WV 25430; Parcel ID: 02000200050014; Size: 7.98 acres; Zoning District: Rural (File: 24-10-PCW).

Mrs. Brockman provided an overview of the staff report explaining that this request is to divide the 7.98 acre into three parcels (one for their daughter; one for their niece; and the residue) utilizing the existing partially 40' and partially 30' access easement instead of the required 50' access easement and to process as a minor subdivision.

The applicant Heather Runion and the applicant's representative, Paul Raco, with P.J. Raco Consulting LLC, explained the nature of the request to the Planning Commission.

The Planning Commission members asked clarifying questions regarding the nature of the request and the applicant agreed to widen the easement to 40' if it does not require setback issues.

Mrs. Brockman provided staff recommendations to approve the request.

Mr. Stolipher made a motion to approve the request, as presented. Mr. Hefestay seconded the motion, which carried unanimously.

7. Discussion and Possible Action: Letter from Zoning Administrator on behalf of the Board of Zoning Appeals: request to review Section 5.7D.2 of the Zoning Ordinance (Cluster Subdivisions)

Mrs. Beaulieu provided an overview of the Board of Zoning Appeals' request to review Section 5.7D.2 of the Zoning Ordinance (Cluster Subdivisions), including a description of how this provision has been utilized and staff's perspective on the Zoning Ordinance text.

Mr. Shepp made a motion to deny the request and stated that no changes should be made to the Zoning Ordinance until the Comprehensive Plan is completed. Mr. Stolipher seconded the motion, which carried unanimously.

8. 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).
- 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.

Mr. Cochran provided an updated regarding Item E under 'Reports from Legal Counsel.'

9. Discussion and Approval: Planning and Zoning 3rd Quarterly Report for FY 2023-2024 for the County Commission

Mrs. Brockman provided an overview of the Planning and Zoning 3rd Quarterly Report for FY 2023-2024.

Mr. Fisher made a motion to approve the request and forward it to the County Commission. Mr. Louthan seconded the motion, which carried unanimously.

10. Planner's Memo

- Planning Commission Self-Evaluation Questionnaire.

Mr. Seigfried presented the proposed Self-Evaluation questionnaire. Mrs. Brockman stated that a section will be added to the Self-Evaluation Questionnaire which allows for the Planning Commission to make topic suggestions and provide feedback.

Mr. Shepp made a motion to approve the request with the additional section for suggested topics. Mr. Smith seconded the motion, which carried unanimously.

Mrs. Brockman provided information regarding the 2024 Legislative Session and bills that were approved that may impact local planning and zoning.

11. President's Report

12. Actionable Correspondence

13. Non-Actionable Correspondence

- 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 Jacquelyn Milliron dated April 2, 2024.

Mr. Smith made a motion to adjourn the meeting at 8:42 pm. Mr. Fisher seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.