

## Meeting Minutes

Jefferson County Planning Commission

January 14, 2025

The Jefferson County Planning Commission met on January 14, 2025, at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Cara Keys, County Commission Liaison; Tim Smith; and Donnie Fisher were present in person.

J Ware was absent without notice.

Staff members present included Luke Seigfried, County Planner; and Colin Uhry, Planning & Zoning Clerk.

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

### 1. Election of Officers

Mr. Howell moved to nominate Mr. Shepp as President, Mr. Louthan seconded the motion, which carried unanimously.

Mr. Shepp moved to nominate Mr. Howell as Vice President, Mr. Louthan seconded the motion, which carried unanimously.

Mr. Shepp moved to nominate Mr. Louthan as Secretary, Mr. Fisher seconded the motion, which carried unanimously.

### 2. Approval of Meeting Minutes: November 12, 2024 Meetings

Mr. Shepp noted one edit to be made and stated the minutes stand approved as presented with the edits to be made.

### 3. Request for postponement

Mr. Seigfried noted to the Planning Commission that Agenda Item 4 requested postponement to the February 25, 2025 Planning Commission Meeting.

The following items are open for public comment.

- 4. Public Hearing for the Birdhill Meadows Preliminary Plat.** The proposal consists of the following: Construction of 104 Single-Family Detached Homes, Construction of 76 Townhomes, and Construction 39 Villas. The proposed site improvements will include stormwater management facilities, roadway infrastructure, and public utilities. Property Owner: 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: 194.72 acres; Zoning District: Residential Growth (File #24-12-SD).

This item was postponed until February 25, 2025 under Agenda Item 3.

- 5. Public Hearing:** Waiver from Section 20.201A to reduce the required access easement width from 50' to 30' for a proposed minor subdivision; and, to allow more than five (5) lots to utilize said access easement. Property Owners: Cavalier Investments, LLC / Attn: Trish Sanderson. Property Location: Vacant lot at the end of Morning Star Drive, Harpers Ferry WV. Parcel ID: 04001500150000; Size: 16.48 acres; Zoning District: Rural (File # 25-1-PCW).

Mr. Seigfried provided an overview of the staff report.

Ms. Trish Sanderson, property owner, was present in person. Ms. Sanderson explained the nature of the request.

Mr. Shepp opened the floor for public comment.

The following members were signed up for public comment:

Jonathan Markowitz, Floyd Nick, Mary Nick.

Mr. Shepp closed the floor for public comment.

Ms. Sanderson provided comments to the feedback brought forward during public comments.

The Planning Commission questioned visibility along Morning Star Drive and potential proffers Ms. Sanderson could distribute to the community. Mr. Smith questioned whether or not the easement could be surveyed. Mr. Fisher questioned if Ms. Sanderson is willing to make improvements to the easement, and noted the neighborhood should be open to a road agreement, Mr. Smith agrees with this note. Ms. Keys noted the subdivision would lead to the creation of similarly sized lots. Ms. Sanderson responded to the questions posed by the Planning Commission.

Mr. Seigfried provided the Planning Commission with staff's recommendation and possible conditions of approval.

Mr. Howell motioned to deny the request as presented. No member of the Planning Commission seconded, the motion died.

Mr. Fisher noted the application presented an opportunity for a better road. Mr. Cochran noted that neither Planning Commission or staff enforce a proposed road agreement between residents. Mr. Seigfried reiterated staff's possible conditions of approval. Mr. Smith agreed with staff's recommendation of not applying the waiver to splitting up the lot development. Ms. Keys requested the applicant conducts a survey of Morning Star Drive.

Mr. Howell motioned to deny the request as presented and requested the applicant returns to the Planning Commission with more information and a survey of Morning Star Drive. Ms. Keys seconded the motion, which carried unanimously.

6. **Public Hearing:** Waiver from Appendix B, Section 10.6 and Section 2.2.K to remove the requirement of a sidewalk along West Burr Boulevard and James Burr Boulevard. Property Owner: Jefferson Rentals, LLC. Property Location: James Burr Technology Center, Lot 2A, vacant lot on the SW corner of West Burr Blvd. and James Burr Blvd., Kearneysville, WV. Parcel ID: 02000100160017; Size: 3.44 acres; Zoning District: Industrial Commercial (File # 25-2-PCW).

Mr. Seigfried provided an overview of the staff report.

Mr. Lane Tobin was present in person. Mr. Tobin explained the nature of the request.

The Planning Commission had no clarifying questions.

Mr. Shepp opened the floor to public comment.

The following members were signed up for public comment:

Christine Wimer.

Mr. Shepp closed the floor for public comment.

Mr. Seigfried provided the Planning Commission with staff's recommendation and placed emphasis on the Comprehensive Plan's priority on interconnectivity.

Ms. Keys questioned whether or not members of the public walk in the area and whether or not sidewalks would lead to more doing so. Mr. Smith noted he runs a business in Burr Business Park and does not see people walking outside often.

Mr. Tobin noted that for a previous project, the Planning Commission did not require an access easement on their property, Mr. Shepp noted the oversight and potential reasons why it may not have been required at the particular site.

Mr. Louthan motioned to grant the waiver with the conditions that the applicant follow staff's recommendations and install a 10 foot sidewalk easement along the property. Mr. Fisher seconded the motion, which carried unanimously.

**There is no public comment for the following items.**

- 7. Discussion and Possible Action:** Related to the Comprehensive Plan Update. Report on County Commission's current status in reviewing the recommended Comprehensive Plan.

Mr. Seigfried explained the current progress County Commission has regarding the edits of the Comprehensive Plan and when the updates will be discussed with the Planning Commission.

All discussions regarding the recommended changes made by County Commission will be made at the February 25, 2025 Planning Commission meeting.

- 8. Discussion and Possible Action:** Related to Conditions of Approval as they pertain to projects processing under the Subdivision Regulations.

Mr. Shepp motioned to bring the meeting into executive session, which began at 8:25 pm.

Mr. Shepp motioned to bring the meeting out of executive sessions, which resumed at 8:53 pm.

Mr. Shepp provided clarification to staff regarding the Completeness Determination policy memorandum adopted by the Planning Commission on June 13, 2023. Mr. Seigfried asked additional questions regarding completeness reviews. Planning Commission directed staff that prior to a Concept Plans, Major Site Plans, and Preliminary Plats being deemed complete, staff must have the required permits in hand. Permits required from the Department of Highways, Health Department, and the Department of Environmental Protection, were specifically mentioned as requirements of submission prior to a complete application being brought before to the Planning Commission.

- 9. Reports from Legal Counsel**

No reports given.

- 10. Planner's Memo**

Mr. Seigfried requested direction regarding public comments made towards File #24-6-SP for the cancelled December 17, 2024 Planning Commission meeting. Mr. Shepp requested a tentative policy regarding projects with high levels of public comments and allowing for Planning Commissioners to gain extra time to review them. Ms. Keys questioned whether or not Commissioners were allowed to

bring laptops to view public comments, opposed to printing off many pages. Mr. Uhry explained to the Planning Commission the process that goes into creating a Planning Commission packet and how that is related to deadlines and printout policies with files that garner many public comments.

Mr. Seigfried questioned Planning Commissioners with which future training topics they would be interested in. Mr. Shepp, Mr. Smith, Mr. Fisher, and Ms. Keys noted their interests in discretionary and ministerial action, GIS, and Robert's Rules of order.

**11. President's Report**

None.

**12. Actionable Correspondence**

None.

**13. Non-Actionable Correspondence**

None.

Mr. Seigfried noted the next Planning Commission meeting will be held on February 11, 2025 in the Jefferson High School auditorium.

Mr. Smith motioned to adjourn the meeting at 9:38 pm. Mr. Fisher seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, Planning & Zoning Clerk.