

Meeting Minutes
Jefferson County Planning Commission
June 10, 2025

The Jefferson County Planning Commission met on June 10, 2025, at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Cara Keys, County Commission Liaison; Tim Smith; Donnie Fisher; Bruce Chrisman; and Daniel Hayes were present in person.

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

Staff members present included Luke Seigfried, Chief County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; and Colin Uhry, Planning & Zoning Clerk.

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

1. Approval of Meeting Minutes: May 27, 2025 meeting

Mr. Shepp noted one correction to the May 27, 2025 minutes. Mr. Shepp moved the minutes were approved as amended, which carried unanimously.

2. Request for postponement

None.

3. Tabled from April 8, 2025: Public Hearing: Waiver 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. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-12-PCW)

4. Tabled from April 8, 2025: Public Hearing: Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. The applicant is requesting to reduce the lot width from 80' to 65'. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-13-PCW)

Mr. Seigfried explained that the staff reports for both File # 25-12-PCW and 25-13-PCW were identical to both File # 25-18-PCW and 25-19-PCW and the waivers would be discussed under Agenda Items 8 & 9.

The following items are open for public comment.

5. Public Hearing: Waiver from Section 20.201A.2 of the Subdivision Regulations to allow two proposed family transfer minor subdivisions to utilize an existing 40' right of way and existing private road as opposed to developing a county grade road. Property Owners: Harry (Butch) & Garnett Catrow. Property Location: Lot 3 of the Mecklenburg Heights Subdivision along Sandpiper Lane, Shepherdstown, WV. Parcel ID: 09000700320004; Size: ~7.9 acres; Zoning District: Residential Growth (File #25-16-PCW).

Mr. Shepp recused himself for the remainder of the Agenda Item.

Mr. Seigfried provided an overview of the staff report for File # 25-16-PCW.

Mr. Harry (Butch) Catrow, applicant, was present in person. Mr. Catrow explained the nature of the request.

Mr. Louthan opened the floor for public comment. The following members were signed up to provide public comment: David Tabb.

Mr. Louthan closed the floor for public comment.

Mr. Seigfried explained the context of staff's recommendation for approval, Mr. Saunders explained the minor subdivision process in relation to the proposed waiver request.

Mr. Hayes motioned to approve to waive the requirement of developing a county grade road for two proposed family transfer minor subdivisions and allow the applicant to utilize an existing 40' right of way and existing private road with the following conditions:

- The applicant upgrade the existing road entrance if the proposed use exceeds design standards.
- Any newly established lots join the Mechlenburg Maintenance Association.
- Each lot is required to pay the annual road maintenance fee.

Ms. Keys seconded the motion, which carried unanimously.

- 6. Public Hearing:** Waiver from Section 20.203B.1 of the Subdivision Regulations that requires the proposed project to process as a Limited Site Plan. The project consists of the installation of an additional 3,950 sq/ft metal building shell for the expansion of an existing classroom. Property Owners: Trustees of Rock Spring Church / Attn.: Michael Lowery. Property Location: 114 Poor Farm Road, Kearneysville, WV. Parcel ID: 07001500010005; Size: ~14.54 acres; Zoning District: Rural (File #25-17-PCW).

Mr. Shepp rejoined for the remainder of the meeting.

Mr. Seigfried provided an overview of the staff report for File # 25-17-PCW.

Mr. Michael Lowery and Mr. Justin Kors, speakers from The Trustees of Rock Spring Church, was present in person. Mr. Lowery explained the nature of the request.

Mr. Hayes clarifies how expansion would impact the existing Stormwater Management system.

Mr. Shepp opened the floor for public comment. The following members were signed up to provide public comment: David Tabb.

Mr. Shepp closed the floor for public comment.

Mr. Saunders explained what determines a project to be under the "No Site Plan" criteria and processing a No Site Plan. Mr. Fisher clarifies that a Site Plan had been previously processed for the construction of the Church and questioned whether there was a distinction between parking and building from an impervious surface perspective. Mr. Saunders noted there is no distinction.

Mr. Chrisman motioned to approve to waiver Section 20.203B.1 that requires the proposed project to process as a Limited Site Plan with the following condition:

- The applicant process a No Site Plan Evaluation is submitted and approved with 800 sq/ft deducted from the 1200 sq/ft structure allowance.

Ms. Keys seconded the motion, which carried unanimously.

7. **Public Workshop for the Route 340 Mixed Use Development Concept Plan.** The proposal consists of a total of 495 residential units and eight (8) commercial lots with associated infrastructure. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-18-SD)
8. **Public Hearing:** Waiver 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. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-18-PCW)
9. **Public Hearing:** Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. The applicant is requesting to reduce the lot width from 80' to 65'. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-19-PCW)

Mr. Seigfried provided an overview of the staff reports for File # 25-18-SD, 25-18-PCW, & 25-19-PCW simultaneously.

Mr. Jason Gerhardt and Mr. Matt Stare, consultants for the applicant were present in person. Mr. Gerhardt explained the nature of the request.

Mr. Shepp opened the floor for public comment. The following members were signed up to provide public comment: Basil Kavalsky, David Tabb, Rory Toth, Zach Holland, Caroline Wheaton, John Henry Dale, Christine Wimer, Lanae Johnson, Jason Sengpiehl.

Mr. Shepp closed the floor for public comment.

Mr. Gerhardt responded to the public's comments, noting that a Traffic Impact Study is currently underway at the Department of Highways, noting that the Traffic Impact Study, trail layout, and Phase 1A archaeological study are all required at the Preliminary Plat stage of a subdivision development. Mr. Gerhardt also noted that there will be open connection points for pedestrian access between the surrounding neighborhoods, but they can also reach out to the surrounding HOA boards.

Mr. Hayes questioned the level of interconnectivity to the surrounding neighborhoods, Mr. Gerhardt noted that there is room to adjust for interconnectivity but it is not a priority under this subdivision. Mr. Gerhardt also noted there would be the establishment of sidewalks on one side of each street.

Mr. Fisher noted staff has only heard from the Historic Landmarks Commission at this time.

Mr. Chrisman questioned if the neighborhood would be using public water or well and septic systems, Mr. Gerhardt clarified they will be processing through the Charles Town Utility Board.

Mr. Hayes moved to approve to waive Section 21.101A to allow for the blocks to exceed six lots in length on one side of the street with the following conditions:

- The applicant establish additional internal connectivity
- The applicant establish a greater open space for residents for the Route 340 Subdivision.

Mr. Chrisman seconded the motion, which carried unanimously.

Mr. Hayes moved to approve to waive Section 21.104A to allow the minimum lot width be lowered from 80' to 65' for the proposed Route 340 Subdivision. Mr. Shepp seconded the motion, which carried unanimously.

Ms. Keys questioned if the applicant was willing to proffer a crosswalk be established for residents to better access the shopping center in the area, Mr. Gerhardt agreed to the proffer.

Mr. Hayes moved to authorize the applicant to proceed with the Preliminary Plat process, with the following conditions of approval:

- Establish a crosswalk to allow residents to access the nearby shopping center.
- Establish a new name for the project.
- Reach out to the surrounding neighborhoods Homeowner Associations to discuss pedestrian interconnectivity.
- Allow the Historic Landmark Commission to photograph ruins found on the site prior to disturbance and within three months.
- Include details for the Active Parkland on the Preliminary Plat.

Mr. Smith seconded the motion, which carried unanimously.

There is no public comment for the following items.

10. Discussion and Action on the Ghazwa's Forest Zoning Map Amendment Request: Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the 31.48 acre IG Totonji Holding, LLC property from Rural (R) to Residential Growth (RG) is consistent with the *2045 Comprehensive Plan*. Property Owner: IG Totonji Holding, LLC. Applicant: Golden Eagle Group, Inc. Property Location: Vacant 31.48 acre lot located on the Southwest corner of Flowing Springs Road and Zoar Lane. Parcel ID: 02000300090004; Size: 31.48 acres; Zoning District: Rural (File 25-1-Z).

Mr. Seigfried provided an overview of the staff report for File # 25-1-Z.

Ms. Brooke Perry, consultant for the applicant, was present in person. Ms. Perry explained the nature of the request.

Ms. Keys questioned if the Residential Growth district would allow for low-medium density in the proposed area. Mr. Seigfried explained that low-medium density is allowed in the Residential Growth district but is not required. Mr. Seigfried also noted that staff is currently working on establishing a low-medium density zoning district, which requires going through the text amendment process.

Mr. Hayes moved to find the rezoning proposal consistent with the 2045 Comprehensive Plan, Mr. Louthan seconded the motion, which carried 5 in favor and 2 against (Louthan, Keys).

11. Discussion and Possible Action: Draft amendment to Section 24.113 of the Subdivision & Land Development Regulations related to the requirement for Phase I Archaeological Surveys for Major Subdivisions.

Mr. Seigfried provided an overview of the draft text amendment.

Mr. Shepp noted he disagreed with the determination made by the Historic Landmarks Commission.

Mr. Hayes moved to send the draft text amendment to the public hearing portion of the process to gain community input, Mr. Fisher seconded the motion, which carried unanimously.

12. Discussion and Possible Action: Draft amendment to Section 20.104 of the Subdivision Regulations related to exempting Parks and Recreation owned land from the Subdivision & Land Development Regulations.

Mr. Seigfried provided an overview of the draft text amendment.

Mr. Shepp and Mr. Hayes requested if it exempting would include both the Site Plan process and establishing Stormwater Management. Mr. Smith clarified the text amendment reminded him of a farm use status. Mr. Shepp noted the Parks and Recreation department is capable of obtaining waivers from the Planning Commission.

Mr. Hayes moved to direct staff to stop pursuing the proposed text amendment, Mr. Smith seconded the motion, which carried unanimously.

13. Discussion and Possible Action: Draft amendment to the Zoning and Land Development Ordinance regarding the creation of new Rural Residential and Residential Commercial zoning districts and amendment of the Office Commercial zoning district.

Mr. Seigfried provided an overview of the draft text amendment and noted additional work would be needed in amending the Subdivision Regulations.

Mr. Fisher noted he would like standards in place for the Rural Residential zoning district, Ms. Keys expressed interested in a minimum standard for development in this district.

Mr. Hayes moved to send the draft text amendment to the public hearing portion of the process to gain community input, Ms. Keys seconded the motion. Mr. Hayes withdrew his motion to allow for more research to be done.

Ms. Keys noted the Rural Residential zoning district should take higher priority over the proposed Residential Commercial and edits to the Office Commercial zoning districts.

Mr. Hayes moved to table the draft amendment to the July 8, 2025 Planning Commission meeting to allow for Commissioners to further review the documents provided to them. Mr. Fisher seconded the motion, which carried unanimously.

Mr. Hayes moved to bring back the proposed Residential Commercial and edits to the Office Commercial zoning districts text amendments at the August 12, 2025 Planning Commission meeting, Ms. Keys seconded the motion, which carried unanimously.

14. Discussion and Possible Action: Public Comment Policy Discussion

Mr. Seigfried provided an overview of the existing Public Hearing Procedure for Applications policy.

Mr. Smith expressed concerns regarding the policy as it stands and noted ways to focus public comments.

Mr. Chrisman moved to add a 90 minute comment period to each Agenda Item to the Public Hearing Procedure for Applications policy, Mr. Smith seconded the motion.

Mr. Cochran noted he would not be able to give legal advice until the meeting was in executive session.

This Agenda Item was continued at the end of the meeting.

15. Reports from Legal Counsel

Mr. Cochran mentioned the attorney is currently scheduling for Jefferson County Circuit Court Case # CC-19-2025-C-93 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission).

16. Planner's Memo

Mr. Seigfried provided the Planning Commission an update regarding County Commission's action on providing Jefferson County email addresses to Planning Commissioners in Fall 2025.

17. President's Report

None.

18. Actionable Correspondence

None.

19. Non-Actionable Correspondence

None.

14. CONTINUATION: Discussion and Possible Action: Public Comment Policy Discussion

Mr. Shepp motioned to bring the meeting into Executive Session at 9:40 pm, Mr. Fisher seconded the motion, which carried unanimously.

Mr. Smith motioned to bring the meeting out of Executive Session at 9:59 pm, Mr. Fisher seconded, which carried unanimously.

Mr. Chrisman moved to withdraw the motion he presented, Mr. Smith seconded the motioned, which carried unanimously.

The Planning Commissioners discussed amendments to be made to both the Public Hearing Procedure for Applications policy as well as the Planning Commission Submission Deadline policy.

Mr. Fisher moved to amend the Public Hearing Procedure for Applications and Planning Commission Submission Deadline policies with the following edits:

- Combine both policies into one forms for better clarity
- State each agenda item's public comment period is limited to 90 minutes and all comments must pertain to the Agenda Item they are applicable to
- At the top of the document include language that states public comment is welcome and encouraged
- Include printed out versions of the policy for members of the public to take as well as have the policy displayed on the projector before the meeting begins.
- Allow the sign in sheet to be available at least 15 minutes before the meeting begins, with the sheets being collected at the start of every meeting.

Mr. Chrisman seconded, which carried unanimously.

Mr. Fisher motioned to adjourn the meeting at 10:07 pm. Mr. Smith seconded the motion, which carried unanimously.

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