

Meeting Minutes
Jefferson County Planning Commission
August 12, 2025

The Jefferson County Planning Commission met on August 12, 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; Donnie Fisher; Bruce Chrisman; and Daniel Hayes were present in person. J Ware was present via ZOOM.

Staff members present included Luke Seigfried, Chief County Planner; Jonathan Saunders, County Engineer; Andy Beall, Zoning Administrator, Nathan Cochran, County Attorney; and Colin Uhry, County Planner.

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

1. Approval of Meeting Minutes: July 8, 2025 and July 22, 2025 meetings

Mr. Shepp moved the minutes were approved as amended, which carried unanimously.

2. Request for postponement

None.

9. Reports from Legal Counsel:

Mr. Cochran requested Agenda Item 9 be discussed at the beginning of the meeting in executive session. Mr. Shepp motioned to bring the meeting into executive session at 7:01 pm. Mr. Chrisman seconded the motion, which carried unanimously.

Mr. Shepp motioned to bring the meeting out of executive session at 7:56 pm. Mr. Fisher seconded the motion, which carried unanimously.

The following items are open for public comment.

3. 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).

Mr. Shepp introduced Agenda Item #3.

Mr. Seigfried provided an overview of the staff report for File # 24-12-SD.

Mr. Mark Dyck and Ms. Brooke Perry, the project consultants from Integrity Federal Services, were present in person. Mr. Dyck and Ms. Perry explained the history of the project, emphasizing meeting all proffers and notifying adjoining property owners of the subdivision.

Mr. Shepp opened the floor for public comment. The following members were signed up to provide public comment: John Doyle, Susie Wimer, Nichole Chapman, Gerald Hatcher, Kendra Clark, Karen Glennon, Rebecca Thomson, Lynn Delles, Guliana Brognar, Ron Grosieur, David Tabb, Ruth Hatcher, Mary Gee, Colin Stine, William Kelly Baty, Karen Freer, Christine Wimer

Mr. Shepp closed the floor for public comment.

Mr. Dyck provided responses to all the public comments provided for the proposed subdivision, including putting further emphasis on what was an established proffer when the Concept Plan was approved. Mr. Dyck also noted that the applicant has reached out to all adjacent property owners offering multiple varieties of a six foot fence to each adjoiner, not reaching out to Mr. Mason as there is a significant wooded area between the subject property and the property owned by the applicant. Mr. Shepp, Mr. Smith, and Mr. Hayes expressed concern regarding the lack of communication to Mr. Mason regarding fencing, as fencing can exclude people from crossing property lines better than wooded areas. Mr. Hayes questions if not reaching out follows the proffers set during the Concept Plan stage, Mr. Dyck noted Mr. Mason's property is not included in the approved proffer.

Mr. Fisher and Ms. Keys expressed concern where the south end of the proposed Skibbereen Avenue would access via the directly adjacent Light-Industrial zoned parcel (07000300350000). Mr. Dyck noted establishing all entrances was not a proffer of the subdivision of the Concept Plan stage. Mr. Smith questioned when the representatives anticipated establishing Skibbereen Avenue for the subdivision, Mr. Dyck explained it would be included in Phase 2 of the project.

Mr. Smith questioned when the Concept Plan for the Light-Industrial zoned parcel adjacent to the property would be submitted, as the proposed Skibbereen Avenue would span across the project and connect to Northport Avenue, Mr. Dyck was unable to provide a definite answer, as that question is dependent on contracts and leases of the property to owners.

Ms. Keys expressed interest in postponing decision for up to 45 days to gain additional information regarding the proposed subdivision, the Planning Commission asked staff for their recommendation of the project.

Mr. Seigfried stated staff found the subdivision proposal to be complete and provided the Planning Commission with the four action options they would be able to take.

Mr. Smith questioned the consultants on whether they would be willing to accept the proffer of continuing the fence along the Eastern side of the property so Mr. Mason's property is covered, Mr. Dyck agreed to the proffer.

Mr. Howell moved to find the Preliminary Plat of the Birdhill Meadows Subdivision as complete with the following condition of approval:

- The eastern fence be extended to continue along Mr. Mason's property lines

Mr. Hayes seconded the motion, which carried seven in favor and one against (Ms. Keys).

There is no public comment for the following items.

- 4. Discussion and Action on the Cochran Properties (Residential /Light-Industrial/ Commercial) 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 combined 51.57 acre Four Seas of WV, LLC properties from Rural(R) to Residential-Light Industrial-Commercial (RLIC) is consistent with the *2045 Comprehensive Plan*. (File #25-3-Z)

Mr. Shepp introduced Agenda Item #4

Mr. Seigfried provided an overview of the staff report for File # 25-2-Z.

Mr. Todd Heck and Mr. Chris Stephenson, consultants from Morris & Ritchie Associates, Inc., and Mr. Brett Cochran, property owner, were present in person. Mr. Stephenson explained the nature of the request.

Mr. Shepp made note that the Planning Commission is only giving a recommendation to the County Commission and are not approving or denying the rezoning request.

Mr. Seigfried provided the recommendation from staff stating the rezoning request is not consistent with the 2045 Comprehensive Plan.

Mr. Hayes questioned if proffers can be put on the rezoning request, Mr. Cochran (attorney) and Mr. Shepp noted only County Commission would be able to make proffers.

Mr. Hayes moved to find the rezoning proposal consistent with the 2045 Comprehensive Plan, the motion died due to lack of a second.

Mr. Fisher moved to find the rezoning proposal inconsistent with the 2045 Comprehensive Plan, Mr. Howell seconded the motion, which carried seven in favor and one against (Mr. Hayes).

- 5. 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 updates to the Office/Commercial mixed use zoning district.

Mr. Shepp introduced Agenda Items #5

Mr. Seigfried provided an overview of the draft text amendment, including discussions regarding parking standards for the Rural Residential district, density in the Residential-Commercial district, and further updates to the Office-Commercial district.

The Planning Commission directed staff to treat all three zoning districts as separate text amendments and will hold three separate public hearings for each zoning district. Mr. Shepp also directed staff to bring back final draft copies of the three proposed text amendments to schedule a public hearing, these draft copies will be discussed and the public hearing will be scheduled at the September 9, 2025 Planning Commission meeting.

- 6. Discussion and Possible Action:** Staff discussion regarding a proposed text amendment to revise language on Solar Energy Facilities in the Zoning & Land Development Ordinance Section 2.2, Section 4.13, and Section 8.20 and add specific requirements for Solar Energy Facilities to the Subdivision & Land Development Regulations.

Mr. Shepp introduced Agenda Items #6

Mr. Beall provided an overview of the Zoning Administrator's Memo and requested clarifying direction regarding processing. The Planning Commission noted that solar facilities following natural land contours without on-site electric storage and no grading would be processed as a Major Site Plan, while the process would be a principally permitted use in the Industrial/Commercial zoning district and require a Conditional Use Permit in the Rural zoning district.

- 7. Discussion and Approval:** Planning and Zoning 4th Quarterly Report for FY 2024-2025 for the County Commission. *(To be distributed at the meeting)*
- **Discussion and Amendment:** Planning and Zoning 2nd Quarterly Report for FY 2024-2025 for the County Commission. *(To be distributed at the meeting)*
 - **Discussion and Amendment:** Planning and Zoning 3rd Quarterly Report for FY 2024-2025 for the County Commission. *(To be distributed at the meeting)*
- 8. Discussion and Approval:** Planning and Zoning Annual Report for FY 2024-2025 for the County Commission. *(To be distributed at the meeting)*

Mr. Shepp introduced Agenda Items #7 and #8

Mr. Seigfried provided the Planning Commission with a summary of the 4th Quarterly Report for FY 2024-2025 and provided updated totals for the Zoning & Land Development Fees Collected section of the 2nd and 3rd Quarterly Reports for FY 2024-2025. As well as the Annual Report to be sent to the County Commission.

Ms. Keys moved to provide the County Commission with a copy of the FY 2024-2025 Annual Report for approval, Mr. Louthan seconded the motion, which carried unanimously.

9. Reports from Legal Counsel

- a. Discussion on Jefferson County Circuit Court Case # CC-19-2025-C-93 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission) with legal counsel.

This item was discussed at the beginning of the meeting.

10. Planner's Memo

Mr. Seigfried provided the Planning Commission an update regarding the scheduled text amendment public hearing for Historic Resources Protections (STA25-01), reminded the Planning Commission of the training session scheduled for the September 23, 2025 Regularly Scheduled meeting, and noted that Colin Uhry has been promoted from Planning & Zoning Clerk to County Planner and hiring for a new Planning Clerk is ongoing.

11. President's Report

None.

12. Actionable Correspondence

None.

13. Non-Actionable Correspondence

David Tabb

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

These minutes were prepared by Colin Uhry, County Planner.