



Agenda

Jefferson County Planning Commission

Tuesday, September 14, 2021 at 7:00 PM

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed. This meeting will NOT be a live broadcast on our website. Instead, it will be accessible through a live ZOOM Meeting only.

If you wish to make a public comment for one of the agenda items, please type your name, address, and agenda item # in the chat function at the start of the meeting.

****Please use the following information to join the ZOOM Meeting****

Join Zoom Meeting

<https://us02web.zoom.us/j/84301191408>

Meeting ID: 843 0119 1408

+1 301 715 8592 US (Washington DC)

Find your local number: <https://us02web.zoom.us/u/kbIUIVVCB1>

1. Approval of Meeting Minutes: August 10, 2021; August 31, 2021; and, revisions to May 11, 2021
2. Request for postponement.
3. **Public Hearing:** Postponed from 08/10/21 meeting. Request to lift the single family restriction from Lot 1 of the John Orndorff Minor Subdivision (PC File 94-11: Note #3), to allow for the construction of a 3 bedroom/2 bath house with 1 bedroom/1 bath in-law suite. Owner/Applicant: Nicole Picciotto; Property Location: John Orndorff Minor Subdivision, Lot 1 (Elmwood Farm), vacant parcel on Peaceful Breeze Ln, Shepherdstown, WV. Tax District: Shepherdstown (09); Tax Map: 12; Parcel: 8; Size: 12.99 ac; Zoning District: Rural; File: 21-12-Q.
4. **Public Workshop:** Concept Plan for Rexroat Agriculture Special Event Facility (weddings and group gatherings); Farm vacation Enterprises (lodging for guests); Pick your own crop, Bed and Breakfast (possible future expansion). Owner/Applicant: Russel and Cyndi Rexroat; Property Location: 191 Myerstown Rd., Charles Town, WV. Tax District: Kabletown (06); Tax Map: 10; Parcel: 3.2; Size: 15.78 acres; Zoning District: Rural; File: 21-6-SP.
5. **Public Workshop:** Concept Plan for Shepherd View Apartment Complex (Minor Site Plan). The proposal consists of 40 2-bedroom apartments in five (5) buildings with associated open space and infrastructure. Owner/Applicant: AAL, LLC; Property Location: 8285 Martinsburg Pk, Shepherdstown, WV. Tax District: Shepherdstown (09); Tax Map: 08; Parcels: 17.2 & 17.3; Size: 3.77 acres (2.21 & 1.56 acres); Zoning District: Residential Growth (eastern half) and Residential-Light Industrial-Commercial (western half); File: 21-9-SP.
6. **Public Hearing:** Waiver from Section 21.401D to allow a 24 ft. pool to be 8 ft. into a platted access easement. Owner/Applicant: Kimberly and Paul Taulton; Property Location: 355 Patriots Way, Harpers Ferry, WV; Tax District: Kabletown (06); Tax Map: 26; Parcel: 1.3; Parcel Size: 3.03 acres; Zoning District: Rural; File: 21-14-PCW.

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7. **Public Hearing:** Waiver from Section 20.201 to allow the subject parcels to process as Minor Subdivision after the applicant processes a transfer of development rights under Section 5.7D.1.b from Parcel 8 to Parcel 12.9. Owner/Applicant: BML LLC; Property Location: 1963 Kearneysville Pike, Shepherdstown, WV; Tax District: Shepherdstown (09); Tax Map: 15; Parcel 8 (88.205 acres per PB26/PG250) and Parcel 12.9 (3.478 acres per PB26/PG209); Zoning District: Rural; File: 21-15-PCW.
8. **Public Hearing:** Waiver from Appendix B, Section 10.5 to allow an approved fitness center to utilize an existing gravel storage lot for approximately 20 additional parking spaces as opposed to a paved surface.. Owner: JD Land Holdings Inc. Applicant: True Performance Fitness LLC; Property Location: 362 W. Burr Blvd. Kearneysville, WV; Tax District: Charles Town (02); Tax Map: 1; Parcel: 74; Size: 3.65 acres; Zoning District: Industrial-Commercial; File: 21-16-PCW.
9. **Public Hearing:** Waiver from Section 24.113.B.10 to waive the Preliminary Plat requirement for an Archaeological Study for the Hunter Hills Subdivision. Owner: Ernest Hunter, et.al. Applicant: Joshbeen Grewal, ILA Properties; Property Location: 4469 Charles Town Road, Kearneysville, WV; Tax District: Middleway (07); Tax Map: 1; Parcel: 2; Size: ~107 acres; Zoning District: Residential-Light Industrial-Commercial; File: 21-17-PCW.
10. **Public Hearing:** Waiver from Section 24.113.B.10 to waive the Preliminary Plat requirement for an Archaeological Study for the Milton's Landing Subdivision. Owner/Applicant: Lutman Land Development; Property Location: 8554 Summit Point Road, Charles Town, WV; Tax District: Charles Town (02); Tax Map: 11; Parcel: 30 and 30.2; Size: 67.6+- acres; Zoning District: Residential Growth; File: 21-18-PCW.

There is no public comment for the following items.

11. **Review and Discuss:** First draft of proposed zoning text amendment to create provisions to allow short term rentals to process in Jefferson County (PC File #ZTA21-01). The proposed text amendment to the Zoning and Land Development Ordinance includes revisions to Article 2, Section 2.2 "Definitions"; Article 8, Supplemental Use Requirements (proposed Section 8.16 Short Term Rentals); and Appendix C, Principal Permitted and Conditional Uses Table.
12. **Review and Discuss** the County Commission's directive from 09/02/21 regarding an amendment to the Comprehensive Plan to identify and secure the role of solar facilities throughout the rural and residential zoning districts in Jefferson County, including consideration of an amendment to the Jefferson County Comprehensive Plan in accordance with WV Code 8A-3-11, 8A-3-6, and related statutes to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts.
 - a. **Discussion and Possible Action** to establish a schedule for the amendment process.

13. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including review of Jefferson County Circuit Court Civil Action No. 2021-C-33.

14. Planner's Memo

15. President's Report

16. Actionable Correspondence

17. Non-Actionable Correspondence

- a. Ruthlee Holler Email – Short Term Rentals