



Agenda

Jefferson County Planning Commission

Tuesday, February 14, 2023 at 7:00 PM

**By order of the President of the Jefferson County Planning Commission,
Public Participation is available in-person only.
The meeting will be broadcast live via ZOOM for viewing purposes only.**

In-Person Meeting Location: County Commission Meeting Room located in the lower level of the Charles Town Library (side entrance on Samuel Street)
200 East Washington Street, Charles Town, WV 25414

ZOOM Broadcast Information*: Meeting ID: 843 7239 5315
Meeting Link: <https://us02web.zoom.us/j/84372395315>

**If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

- 1. Approval of Meeting Minutes:** January 10, 2023
- 2. Request for postponement.**
- 3. Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction (see note on Final Plat recorded in PB 8 / PG 6C) to allow for the construction of a two family dwelling (attached garage with apartment) for a family member. Property Owner: Abby and David Hyams; Property Location: Deer Mountain Subdivision, Lot #27, vacant parcel on Deer Mountain Drive, Harpers Ferry, WV; Parcel ID: 04003E00270000; Size: 1.15 acres; Zoning District: Rural; (File: 23-1-FPA).
- 4. Public Hearing:** Request for a waiver from Section 20.201A.2 to reduce the width of the required access easement from 50' to 30'; and, to allow for the creation of two additional lots on Lanthem Drive & Ashland Woods to process as a minor subdivision. Property Owner: Paul and Donna Ashbaugh; Property Location: Vacant lot on the SE corner of Lathem Drive & Ashland Woods, Harpers Ferry, WV; Parcel ID: 02002100370000; Size: 65.4 acres; Zoning District: Rural (File: 23-1-PCW).
- 5. Public Hearing:** Request for a waiver from Section 20.102B to allow site grading to commence prior to site plan approval for the proposed Sheetz Convenience Store and Gas Station (File: 21-4-SP). Property Owner: Sheetz, Inc, c/o Bob Franks. Property Location: Chicchirichi Minor Subdivision, Lot 1 - Vacant parcel northeast of US 340 and Augustine Avenue intersection, Charles Town, WV. Parcel ID: 02001600010000; Size: ~3 acres; Zoning District: Highway Commercial (File: 23-2-PCW).
- 6. Postponed until March 14, 2023.** Public Hearing: Request for a waiver from Section 20.201A.2 to reduce the width of the required access easement from 50' to 20' for a three lot minor subdivision. Property Owner: Susan Reichel Et Al. Property Location: 2195 Engle Molers Rd, Harpers Ferry, WV. Parcel ID: 04000100060005; Size: 10 acres; Zoning District: Rural (File: 23-3-PCW).

- 7. Public Hearing:** Request by Harpers Ferry Dollar General (File: 22-14-SP) for the following waivers:
- A waiver from Section 20.204 to allow a proposed 10,542 sf retail store and associated parking lot to utilize the Minor Site Plan process as opposed to the Major Site Plan process (23-4-PCW).
 - A waiver from Section 20.102B to allow site grading to commence prior to site plan approval of the proposed 10,542 sf retail store (23-5-PCW).

Property Owner: Wall Street Partners WV1, LLC. Property Location: Vacant Lot on the corner of Amanda Ct & Shepherdstown Pike, Harpers Ferry, WV. Parcel ID: 04001000110005; Size: 2.19 acres; Zoning District: Residential-Light Industrial-Commercial.

- 8. Public Hearing:** Request for a waiver from Section 20.203B.2, which requires a Limited Site Plan when the footprint of an addition or a new structure is greater than 1,200 square feet and less than 3,000 square feet, and the disturbed area is greater than 5,000 square feet. The applicant is requesting to waive the requirement of a Site Plan to allow for the construction of a 2,420 square foot addition to be located over the existing parking lot. Property Owner: SUSO 2 Alabama LP. Property Location: 96 Patrick Henry Way, Charles Town WV; Parcel ID: 02000800290002; Size: ~21 acres; Zoning District: Residential-Light Industrial-Commercial (File: 23-6-PCW).

There is no public comment for the following items.

- 9. Discussion and Action:** In accordance with Section 23.202B.4 of the Subdivision Regulation, the applicant is requesting that the Planning Commission deem the Stonecrest Preliminary Plat Application as Complete (per Sections 24.113 and 24.114) for the purpose of scheduling a Public Hearing. The applicant is also requesting that the Planning Commission call a meeting for March 28, 2023 under the 4th Tuesday Meeting Policy. Applicant: Integrity Federal Services (IFS). Property Owner: Flowing Springs Road LLC. Property Location: Parcel ID: 02000300090000; Size: 102 acres; Zone: Residential Growth. File: 22-11-SD.

- 10. Discussion and Possible Action:** Proposed Planning Commission Policy RE: Clarification of Vested Property Rights for Concept Plans and Preliminary Plats for Phased Projects

11. Reports from Legal Counsel

- Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of 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.
- Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
- Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2022-C-85.

12. Planner's Memo

13. President's Report

14. Actionable Correspondence

15. Non-Actionable Correspondence
