



Agenda
Jefferson County Planning Commission
Tuesday, July 11, 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: 846 1020 6767
Meeting Link: <https://us02web.zoom.us/j/84610206767>

**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:** June 13, 2023
2. **Request for postponement.**
3. **Public Workshop:** Concept Plan for the Orchard Springs Major Residential Subdivision consisting of approximately 146 single-family homes and 122 townhouses. Applicant/Property Owner: Alharmoosh Development Group LLC; Property Location: 257 and 263 Ridge Road, Shenandoah Junction, WV; Parcel ID: 02000100450000 and 02000100290000; Size: 75.17 and 1.05; Zoning District: Residential Growth (File: 23-14-SD).
4. **Public Hearing:** Request for a Waiver from Section 21.104A, which requires the minimum frontage to be equal to the minimum lot width for the Zoning District, or 80 feet, whichever is less (Orchard Springs Subdivision). (File: 23-14-SD). Applicant/Property Owner: Alharmoosh Development Group LLC; Property Location: 257 and 263 Ridge Road, Shenandoah Junction, WV; Parcel ID: 02000100450000 and 02000100290000; Size: 75.17 and 1.05; Zoning District: Residential Growth (File: 23-15-PCW).
5. **Public Hearing:** Request for a Waiver from Section 21.101A, which requires the blocks to not exceed six lots in length on one side of the street less (Orchard Springs Subdivision). (File: 23-14-SD). Applicant/Property Owner: Alharmoosh Development Group LLC; Property Location: 257 and 263 Ridge Road, Shenandoah Junction, WV; Parcel ID: 02000100450000 and 02000100290000; Size: 75.17 and 1.05; Zoning District: Residential Growth (File: 23-16-PCW).
6. **Postponed until July 25, 2023. Public Hearing:** Request for a Variance from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for a detached Accessory Dwelling Unit (Kennel); Applicant/Property Owner: Nicholas Russo and Alice Davenport; Property Location: 1899 Trough Road, Shepherdstown, WV; Parcel ID: 09000900070006; Size: 10 acres; Zoning District: Rural (File: 23-2-PCV).
7. **Postponed until July 25, 2023. Public Hearing:** Request for a Waiver from Section 20.201A.2, to reduce the width of the required access easement from 50' to 40' for a three lot minor subdivision. (File: 23-18-SD). Applicant/Property Owner: Palmisano A W-TR; Property Location: 2034 Persimmon Ln, Shepherdstown, WV; Parcel ID: 09000700050000; Size: 47.73; Zoning District: Rural (File: 23-18-PCW).

There is no public comment for the following items.

8. Discussion and Possible Direction: Discuss a requested *2045 Comprehensive Plan* work session and/or meeting with the Jefferson County Agricultural community.

9. Discussion and Recommendation: 4th Quarter Quarterly Report/ FY23 Annual Report to County Commission (*to be distributed at meeting*).

10. 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 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.
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).

11. Planner's Memo

12. President's Report

13. Actionable Correspondence

- Email from Lyn Widmyer Re: African American Heritage Festival

14. Non-Actionable Correspondence

- Email from Lanae Johnson Re: Women on Steering Committee
-

Draft Meeting Minutes
Jefferson County Planning Commission
June 13, 2023

The Jefferson County Planning Commission met on June 13, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Jack Hefestay; Tim Smith; Aaron Howell; Donnie Fisher were present in person. Matt Knott, Vice President was present online via Zoom.

Steve Stolipher, County Commission Liaison was absent with notice.

J. Ware was absent without notice.

Staff members present included: Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Alexandra Beaulieu, Deputy Director and Zoning Administrator; Jonathan Saunders, County Engineer; Nathan Cochran, Prosecuting Attorney; Steve Groh, Assistant Prosecuting Attorney; Michelle Evers, Planning Clerk; Joe Guttmann and Shenandoah Ragle, Comprehensive Plan staffers.

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

1. **Approval of Meeting Minutes:** May 9, 2023

Mr. Shepp stated that the minutes stand approved without objection.

2. **Request for postponement.**

3. **Public Workshop:** Concept Plan for the Shannondale Lake Telecommunications Tower consisting of a 100' Monopole Telecommunications Tower to include 9 Antennas, one 10' x 3' concrete equipment pad and one 7' x 4' wide concrete equipment pad within a 50' x 50' fenced compound area. Applicant: Smartlink Group, Attn: Sonya Hemphill; Property Owner: Shannondale Enterprises Inc., Attn: Jeff Shores; Property Location: 1329 Lakeside Drive, Harpers Ferry, WV; Parcel ID: 06000600090000; Size: ~68 acres; Zoning District: Rural (File: 23-3-SP).

Planning Commission member Aaron Howell recused himself from the meeting.

Ms. Brockman provided an overview of the staff report. Ms. Brockman explained that the project is a Principal Permitted Use and provided an overview of the Public Workshop process.

The applicant's attorney Sam Byrer and Matt Grugan with Vertical Bridge, the company that would own and operate the tower, explained the nature of the request to the Planning Commission. Beth Schull with Smartlink and Brian Siverling, Engineer from Morris Ritchie Associates were also in attendance.

Mr. Shepp opened the Public Workshop.

- Mr. Dan Kaseman (Opposed). Ms. Rachel Shub (Opposed), Ms. Charlotte Fremaux (Opposed), Ms. Laura VanVuuram (Opposed), Mr. Brent Recketts (Opposed), Mr. Randy R. Creller (Supports), Mr. Alex Korovin (Opposed), Mr. Jack Hahn (Opposed), Mr. Mark Currin (Supports), and Ms. Cheryl Avery provided public comment.

Mr. Shepp confirmed that no one else in the room wanted to provide comment. Mr. Shepp closed the Public Workshop.

Mr. Byrer and Mr. Grugen provided a rebuttal and responded to questions and concerns presented by the public.

The Planning Commission asked the applicant several questions.

Ms. Brockman reiterated that the project is a Principal Permitted Use and provided an overview of what the Planning Commission should review when making their decision.

Mr. Knott made a motion to approve the request based on it being in compliance with the Zoning Ordinance and consistent with the Comprehensive Plan. Mr. Shepp seconded the motion, the motion failed with the vote 2 to 4 (Mr. Louthan, Mr. Hefestay, Mr. Fisher, and Mr. Smith were in opposition).

Planning Commission member Aaron Howell rejoined the meeting.

4. **Public Hearing:** Request for a Waiver from Section 21.101A, which requires blocks to not exceed six lots in length on one side of the street, to allow a mixture of lot numbers along both sides of the streets for the proposed Hunter Hills Subdivision (File: 21-21-SD). Property Owner/Applicant: ILA Properties, Inc.; Property Location: 4469 Charles Town Road, Kearneysville, WV; Parcel ID: 0700010002000; Size: ~107 acres; Zoning District: Residential-Light Industrial-Commercial (File: 23-10-PCW).

Ms. Brockman provided an overview of the staff report.

The applicant's consultant, Paul Raco with P.J. Raco Consulting, explained the nature of the request to the Planning Commission.

Mr. Shepp opened the Public Hearing. There was no public comment. Mr. Shepp closed the Public Hearing.

Ms. Brockman made a staff recommendation for sidewalk access to the nearby park.

Mr. Fisher made a motion to approve the waiver as presented. Mr. Hefestay seconded the motion, which carried unanimously.

5. **Public Hearing:** Request for a Waiver from Section 20.102B to allow site grading and utility work to commence prior to Final Plat approval for the proposed four-lot Country Club Commons Nonresidential Subdivision (19-17-SD). Property Owner/Applicant: B.C. Partners / Dan Snyder, P.E; Property Location: Vacant lot NE corner of Route 340 and WV 24 (Country Club Road), Charles Town, WV; Parcel ID: 04001100110000; Size: 9.54 acres; Zoning District: Residential-Light Industrial-Commercial (File: 23-11-PCW).

Ms. Brockman provided an overview of the staff report.

Mr. Saunders County Engineer, supported the requested waiver based on the fact that all comments have been addressed other than the DOH permit.

The applicant's consultant, Paul Raco with P.J. Raco Consulting, and the Property Owner Dan Snyder, explained the nature of the request to the Planning Commission.

Mr. Shepp opened the Public Hearing. There was no public comment. Mr. Shepp closed the Public Hearing.

Mr. Shepp reiterated that the applicant understands the request to begin the work prior to final approval is at their own risk.

Mr. Hefestay made a motion to approve the waiver as presented. Mr. Fisher seconded the motion, which carried unanimously.

6. **Public Hearing:** Request for a Waiver from Section 20.201A2 to reduce the width of the required access easement from 50' to 40' for a proposed four lot minor subdivision. Property Owner: Howard Wines and Regina Northcraft; Applicant: David Lutman; Property Location: 389 Billmyer Mill Road, Shepherdstown, WV; Parcel ID: 09000700150005; Size: 10.11+- acres; Zoning District: Residential Growth (File: 23-12-PCW).

Ms. Brockman provided an overview of the staff report.

The applicant, David Lutman and Property Owner, Howard Wines, explained the nature of the request.

Mr. Shepp opened the public hearing.

- Mr. Steve Secrist, Ms. Erin Matthias, and Mr. Norman Secrist provided public comment.

Mr. Shepp confirmed that no one else in the room wanted to provide comment. Mr. Shepp closed the Public Hearing.

The applicants provided a rebuttal and responded to questions and concerns presented by the public.

The Planning Commission asked the applicant and staff several questions.

Mr. Fisher made a motion to approve the waiver as presented. Mr. Hefestay seconded the motion, which carried unanimously.

7. **Public Hearing:** Request for a Waiver from Section 20.102B to allow site grading and footings to commence prior to Site Plan approval for the proposed Phase II of the AMP at Sam Michaels Park due to grant deadlines (File: 22-2-SP). Property Owner: Jefferson County Commission; Applicant: Jefferson County Parks & Recreation Commission; Property Location: 235 Sam Michaels Ln, Shenandoah Junction, WV; Parcel ID: 02000300120000; Size: 136.6 acres; Zoning District: Rural (File: 23-13-PCW).

Ms. Brockman provided an overview of the staff report.

The applicant's representative, Becki Zaglifa, explained the nature of the request. Ms. Zaglifa also discussed her concerns regarding the grant they received for the project expiring, if the waiver was not approved. Marcus Spina, Engineer from Civil Environmental Consultants, was also present on behalf of the applicant. Mr. Spina stated to the Planning Commission that the site plan would be submitted within a month for initial review.

Mr. Shepp opened the Public Hearing. There was no public comment. Mr. Shepp closed the Public Hearing.

Mr. Saunders, County Engineer, asked clarifying questions to the applicant's representatives regarding the grant. Mr. Saunders also provided staff recommendations to move forward with a motion to approve the waiver as presented as the Parks and Recreation Commission is a County agency and the work is at the Commission's risk.

Mr. Hefestay made a motion to approve the waiver as presented. Mr. Louthan seconded the motion, which carried unanimously.

8. **Public Hearing:** Waiver from Section 24.202A of the 2008 Subdivision Regulations, which requires "an amendment to a subdivision plat to process in the same manner as the plat was originally approved". The Waterside Reserve Subdivision (Files #02-37 and 05-19) processed under the 1979 Subdivision Ordinance, which required both the Community Impact Statement (CIS) and Final Plat to be considered during a Public Hearing before the Planning Commission. The applicant is requesting permission to amend the CIS and Final Plat for the purpose of excluding the Open Space parcel from the Waterside Reserve subdivision to allow for the continued use of an existing nonconforming campground and to allow said amendment to process administratively.; Property Owner: Whisper Ridge, LLC; Applicant: Panhandle Legal / Christopher P. Stroech; Property Location: Vacant parcel on Wilt Road, Charles Town, WV; Parcel ID: 02020B0OS10000; Size: 6.08 acres; Zoning District: Rural (File: 23-14-PCW).

Mr. Cochran, Prosecuting Attorney asked the Planning Commission to allow Steve Groh, Assistant Prosecuting Attorney, to provide legal counsel on his behalf. Mr. Cochran stated the applicant's matter came before the BZA and that Mr. Groh was more familiar with the applicant's requests. Mr. Cochran also stated there may be a conflict of interest which would require him to recuse himself.

Ms. Brockman provided an overview of the staff report.

Ms. Patricia Sanderson, Mr. David Leonard and Attorney Christopher Stroech were present on behalf of Whisper Ridge LLC. Mr. Stroech, explained the nature of the request.

Mr. Shepp opened the Public Hearing.

- Ms. Jean Cross, Ms. Laurie Cook, Ms. Karla Hanes, Mr. Jeff Whitten, Ms. Hazel Myers, and Mr. Wade Sanderson provided public comment.

Mr. Shepp confirmed that no one else in the room wanted to provide comment.

- Ms. Maris Keiter provided public comment.

Mr. Shepp closed the Public Hearing.

Ms. Brockman and Mr. Groh provided staff recommendations.

Mr. Hefestay made a motion to approve the waiver as presented. Mr. Louthan seconded the motion, which carried unanimously.

9. **Discussion and Possible Direction:** Letter from Mayor Auxer, Shepherdstown, dated 5/9/23 requesting a Memorandum of Understanding regarding agenda items within Shepherdstown Growth Management Boundary.

Mr. Shepp postponed discussion until Mr. Cochran rejoined the meeting (see below).

10. **Discussion and Possible Direction:** Draft policy related to changes to WV Code 8A regarding delegating to staff the authority to determine completeness of Preliminary Plats and/or Major Site Plans, while Subdivision Regulation Text Amendment is being processed. *(to be distributed at meeting)*

Ms. Brockman provided her recommended language for the updated WV Code 8A.

Mr. Fisher made a motion to adopt the policy as staff has written. Mr. Howell seconded the motion, which carried unanimously.

11. **Discussion and Possible Direction:** Determination regarding contracts to hire a social media marketing firm to increase Public Outreach for the Comprehensive Plan Update. *(to be distributed at meeting)*

Mr. Shepp postponed discussion until Mr. Cochran rejoined the meeting (see below).

12. **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 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.
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2022-C-85.

13. **Planner's Memo.**

Ms. Brockman reminded the Planning Commission about the upcoming regular Planning Commission Meeting on July 11, 2023.

14. **President's Report.**

15. **Actionable Correspondence.**

16. **Non-Actionable Correspondence.**

- Email from Alan Dattelbaum Re: Dust Control for Large Scale Projects.

Agenda Item #9 Discussion and Possible Direction: Letter from Mayor Auxer, Shepherdstown, dated 5/9/23 requesting a Memorandum of Understanding regarding agenda items within Shepherdstown Growth Management Boundary.

Mr. Cochran provided recommendations regarding the request from Mayor Auxer, Shepherdstown.

Mr. Fisher made a motion to deny the request. Mr. Louthan seconded the motion, which carried unanimously.

Agenda Item #10 Discussion and Possible Direction: Determination regarding contracts to hire a social media marketing firm to increase Public Outreach for the Comprehensive Plan Update.

Mr. Seigfried presented the options for social media marketing firms. Mr. Seigfried also discussed keeping marketing in house using freelance services for specific projects that was recommended by staff.

The Planning Commission asked staff questions regarding contracts with the social media marketing firms.

Mr. Cochran provided his legal recommendations and suggested researching the contracts with each option before making a decision.

The Planning Commission gave staff permission to choose the marketing option, but to discuss any legal contracts with the Planning Commission prior to signing any agreements.

Mr. Smith made a motion to adjourn the meeting at 9:25pm. Mr. Louthan seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.

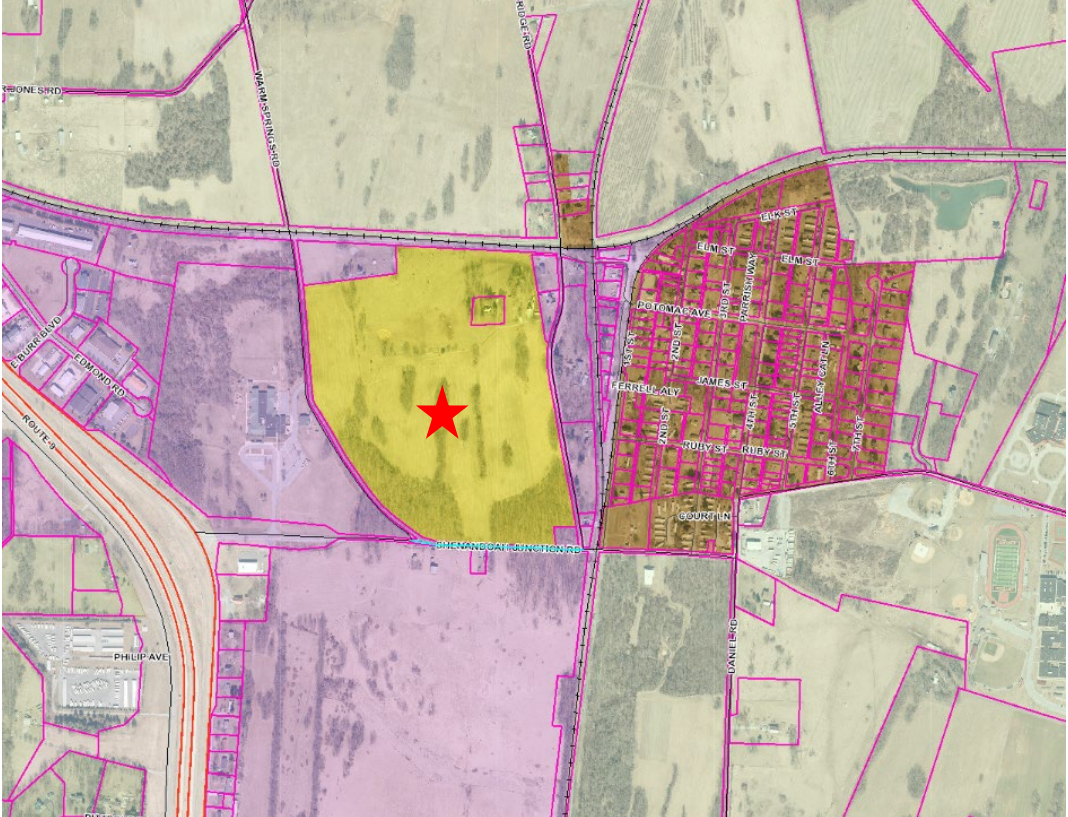
Staff Report

Jefferson County Planning Commission Meeting

July 11, 2023

Orchard Springs Major Subdivision Concept Plan Public Workshop (23-14-SD)

Item #3: Public Workshop: A Concept Plan for the Orchard Springs Major Residential Subdivision consisting of approximately 146 single-family homes and 122 townhouses.

Owner:	Alharmoosh Development Group, LLC
Consultant:	The Thrasher group Inc. / Attn: Brad Messenger
Parcel Information:	<p>257 and 263 Ridge Rd, Shenandoah Junction, WV Parcel ID: 02000100290000 and 02000100450000; Size: ~76.22 combined acres; Zoning District: Residential Growth</p> 
Adjacent Zoning:	<p><i>North:</i> Industrial-Commercial and Rural; <i>South and West:</i> Industrial-Commercial; <i>East:</i> Industrial-Commercial and Village</p>
Proposed Request:	Orchard Springs Major Subdivision is proposed to consist of 146 single-family detached lots and 122 townhome attached residential units on 76.22 acres to be served by public water and sewer.
Previous Approvals:	1-20-22: County Commission approved Zoning Map Amendment (21-5-Z) for this property from Industrial-Commercial to Residential Growth.
Concept Plan Status:	<p>Submitted: 06/01/23 Sufficiency Letter, with conditions: 06/06/23 Second Review Submitted: 06/22/23</p>

Staff Report

Jefferson County Planning Commission Meeting

July 11, 2023

Orchard Springs Major Subdivision Concept Plan Public Workshop (23-14-SD)

Introduction and Summary of Request

The applicant is proposing the development of a Major Subdivision consisting of 146 single-family detached lots and 122 townhome attached residential units on 76.22 acres. The subdivision will be served public water by Jefferson Utility Inc. (JUI) and sanitary sewer service by the Charles Town Utility Board (CTUB). The property is located east of Warm Springs Road (WV48/2), across the street from T.A. Lowery Elementary school; west of Ridge Road (WV16) and the Village of Shenandoah Junction; and north of Shenandoah Junction Road (WV20).

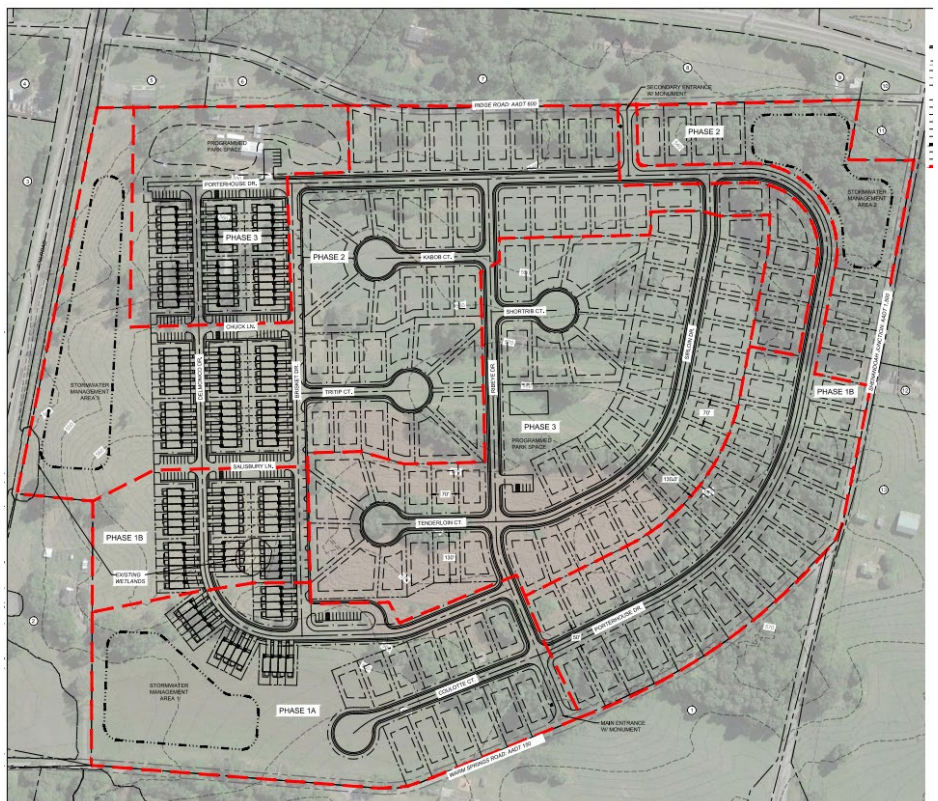
The overall density for this development is 3.5 dwelling units per gross acre for the entire 76-acre property and 6.2 dwelling units per net acre for the 42.94-acre portion of the property that will be occupied by homes. The minimum lot area for single-family detached dwellings served by public water and sewer in the Residential Growth zone is 6,000 square feet with a required area per dwelling unit of 10,000 square feet. The minimum lot area for townhouse dwellings in the Residential Growth zone is 1,400 square feet with a required area per dwelling unit of 3,500 square feet. The narrative indicates that the average lot size of the single family detached lots is 9,100 sq.ft. and the typical proposed townhouse lot is 2,000 sq.ft.

This proposed development meets the “Medium Density Residential” category, which is defined by the 2035 *Envision Jefferson Comprehensive Plan* as “three units to 6.99 units per acre and reflects land occupied by a single development or a mixture of densities and housing types, including single-family detached, duplex, condominium, or townhome development.” This type of development pattern is required to be served by a public water and sewer system. All Major Residential Subdivisions require processing a Concept Plan as well as a Preliminary and Final Plats.

Access

Orchard Springs Subdivision proposes one access point to Warm Springs Road (WV 48/2) and one access point to Ridge Road (WV 16), both of which will require WV DOH approval. These two access points conforms with Section 21.102C and Appendix B Section 2.3A.3 of the Subdivision Regulations which requires all residential subdivisions with more than 30 lots to have a minimum of two access points from existing roads. The development is proposed to be phased and will need to ensure that two access points are provided once 30 lots are platted.

Sec. 21.102D of the Subdivision Regulations also requires that “where the adjoining land is vacant, the subdivision shall provide stub streets to the property line. Because this property is bounded by three state roads and the railroad tracks, such stub roads are not required.



Staff Report

Jefferson County Planning Commission Meeting

July 11, 2023

Orchard Springs Major Subdivision Concept Plan Public Workshop (23-14-SD)

Sec. 22.208 of the Subdivision Regulations requires sidewalks along at least one side of the streets in this subdivision. This level of detail is not typically reflected on a Concept Plan.

Cul-de-Sac

The proposed layout of this subdivision includes a combination of an interconnected network of streets and short cul-de-sacs. Section 22.206.B of the Subdivision Regulations limits cul-de-sacs to a maximum of 800 feet and serving 24 lots. The proposed layout for the Stonecrest Subdivisions Concept Plan meets this requirement.

Open Space

Section 21.105 of the Subdivision Regulations requires that 10% of any development with a density of over six (6) units per acre be reserved for open space or parkland. The Concept Plan currently proposes 5.33 acres of Open Space rather than the 7.6 acres required by Section 21.105. This requirement will need to be addressed. Up to 60% of this requirement may be met with passive open space in the Residential Growth District.

Waivers/Variances

The applicant is requesting a waiver of Section 21.104A (lot width) and Section 21.101A (block length) of the Subdivision Regulations for the single-family dwelling area of this development.

Subdivision Category

The subdivision associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.202 of the Subdivision Regulations states that any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure is classified as a Major Subdivision. Orchard Springs Subdivision is processing as a Major Subdivision.

Major Subdivisions require the processing of a Concept Plan (Sections 24.110 - 24.112), which requires a Public Workshop; a Preliminary Plat (Sections 24.113 – 24.115), which requires a Public Hearing; posting of a surety/bond for all improvements (Division 24.500); and a Final Plat (Section 24.116 – 24.188), which is administratively reviewed and approved.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Major Subdivision Concept Plan process incorporates a sufficiency and completeness review in a single step. Staff found the submitted plan to be “complete” (i.e. meeting all submission requirements of Section 24.110 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed application, are provided below:

	Description	Status
1. General Location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> .	Provided

Staff Report

Jefferson County Planning Commission Meeting

July 11, 2023

Orchard Springs Major Subdivision Concept Plan Public Workshop (23-14-SD)

<p>3. Zoning Information</p>	<p>a) Zoning District in which the proposed subdivision is situated. b) Density calculations. c) Site resource map</p>	<p align="center">Provided</p>
<p>4. Proposal Description</p>	<p>A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.</p>	<p align="center">Provided on Concept Plan</p>
<p>5. Traffic Impact Data</p>	<p>a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project.</p>	<p><u>This was not provided on the Concept Plan:</u> <u>WV DOT ADT Counts</u> Warm Springs Rd: _____ and Ridge Rd: _____; <u>Trip Generation:</u> Average Daily Trips: ____ and ____ Peak Hour Trips; <u>Key Intersection:</u> _____; <u>Problem Area:</u> _____</p>
<p>Traffic Study</p>	<p>A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.</p>	<p>The applicant has indicated that the project will exceed 100 peak hour trips and that they intend to conduct a Traffic Impact Study (TIS). Staff defers to WV DOH will need to determine whether a TIS is required.</p>
<p>6. Agency Reviews</p>	<p>The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.</p>	<p>Letters to required agencies provided. Responses received are noted below and attached.</p>
<p>D. Department</p>	<p>The Department review shall include the following: 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan.</p>	<p>Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Major Subdivision.</p>
<p>E. /F. WVDOH</p>	<p>The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval. The WVDOH shall determine whether a traffic impact study will be required during the preliminary plat stage.</p>	<p>WV DOH Highway Entrance Permits will be required for both entrances. Staff defers to WVDOH to determine whether a TIS is required.</p>

Staff Report

Jefferson County Planning Commission Meeting

July 11, 2023

Orchard Springs Major Subdivision Concept Plan Public Workshop (23-14-SD)

G. Public Service	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County’s needs in that area of the County.	The subdivision will be served with public water (from JUI) and sanitary sewer (from CTUB). CTUB sent an e-mail to this effect.
H. Recommended Conditions	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below
I. Approval	Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete, with minor outstanding comments.
J. Effect	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop in a local newspaper and the applicant shall post notice on the property in accordance with the Subdivision Regulations.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

Concept Plan Review

1. External Agency Reviews (attached)

Comments have been received from the following agencies (see attached):

- WV Dept of Environmental Protection (WVDEP) sent an e-mail discussing proposed sediment control proposals.
- Charles Town Utility Board (CTUB) sent an e-mail stating they will provide the subdivision with sanitary sewer service and that a pump station may be required. The e-mail also stated that Jefferson Utility Inc. (JUI) would provide the subdivision with water.

As of this date, no other agency review comments have been received. If additional comments are received, they will be provided to the Planning Commission for their consideration.

2. Staff Recommendation related to Concept Plan

The Subdivision Regulations state that unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff is required to accept or deny the concept plan as complete. Upon accepting the application as complete, Planning staff is required to place it on the next possible Planning Commission agenda as a public workshop.

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Major Subdivision, located east of Warm Springs Road and west of Ridge Road, north of Shenandoah Junction Road, to be “complete” based on the information provided related to the criteria above other than the Trip Generation, ADT and traffic data noted above as incomplete. Staff recommends that a revised version of the Concept Plan be submitted that fully addresses this requirement.

Additionally, it should be noted that the following standards will need to be addressed prior to approval of the Subdivision:

Staff Report

Jefferson County Planning Commission Meeting

July 11, 2023

Orchard Springs Major Subdivision Concept Plan Public Workshop (23-14-SD)

- a. WV DOH review and approval of both entrance permits will be required in conjunction with the Subdivision's Preliminary and Final Plat.
- b. Jefferson Utility Inc. (JUI), Charles Town Utility Board (CTUB), and WV Health Department approval of the extension of public water and sanitary sewer service to this property will be required in conjunction with the Preliminary and Final Plat.

Based on the Subdivision Regulations, noted above, this project will process as a Major Subdivision and the next step is to process a Preliminary Plat that meets all of the requirements and standards of the Subdivision Regulations.

3. Planning Commission Direction

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before complete engineering design and cost are incurred. The Subdivision and Land Development Regulations outline the procedure:

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan can meet the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant's presentation, staff's explanation, and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public workshop is closed.

Section 24.112 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Major Subdivision review:

"The Planning Commission shall direct the preparation of a Preliminary Plat subject to conditions to be addressed in the Preliminary Plat application. The purpose of this review is to guide the developer so that when the Preliminary Plat application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed."

It should be noted that the direction provided to the applicant in the Major Subdivision Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.

ATTACHMENTS:

- WV DEP e-mail
- CTUB e-mail

Planning Department

From: Board, Larry D <larry.d.board@wv.gov>
Sent: Friday, June 16, 2023 1:31 PM
To: Planning Department
Subject: Orchard Springs Subdivision - Conceptual Plan

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

I have reviewed the Orchard Springs Subdivision-Conceptual Plan and discussed the project with Marcus Carnegie-Thrasher Project Manager.

Marcus indicated the project will disturb overall 75 acres and will be developed in several Phases to limit the amount of disturbance at any one time.

Three large sediment basins are proposed and 100% of the disturbed drainage will be directed to the basins.

There are no outside drainage areas

flowing through the project as the project area is on a hill.

--

Larry Board

CPESC CPMSM CSIMS4

Environmental Resource Program Manager

WV Dept. of Environmental Protection

Division of Water and Waste Management

601 57th St., SE

Charleston, WV 25304

phone: (304) 926-0499 x43883

cell: (304) 932-3681

fax: (304) 926-0463

Planning Department

From: kstolipher <kstolipher@ctubwv.com>
Sent: Wednesday, July 5, 2023 9:59 AM
To: Jennifer Brockman
Cc: Planning Department; tmarkley
Subject: RE: Orchard Springs Concept Plan (Planning File #23-14-SD)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Jennie,
CTUB can provide sewer service to this development although I believe it will require a pump station as the closest line is a forcemain that runs along Shenandoah Junction Road.

Water service will be JUI.

Let me know if you have any questions.

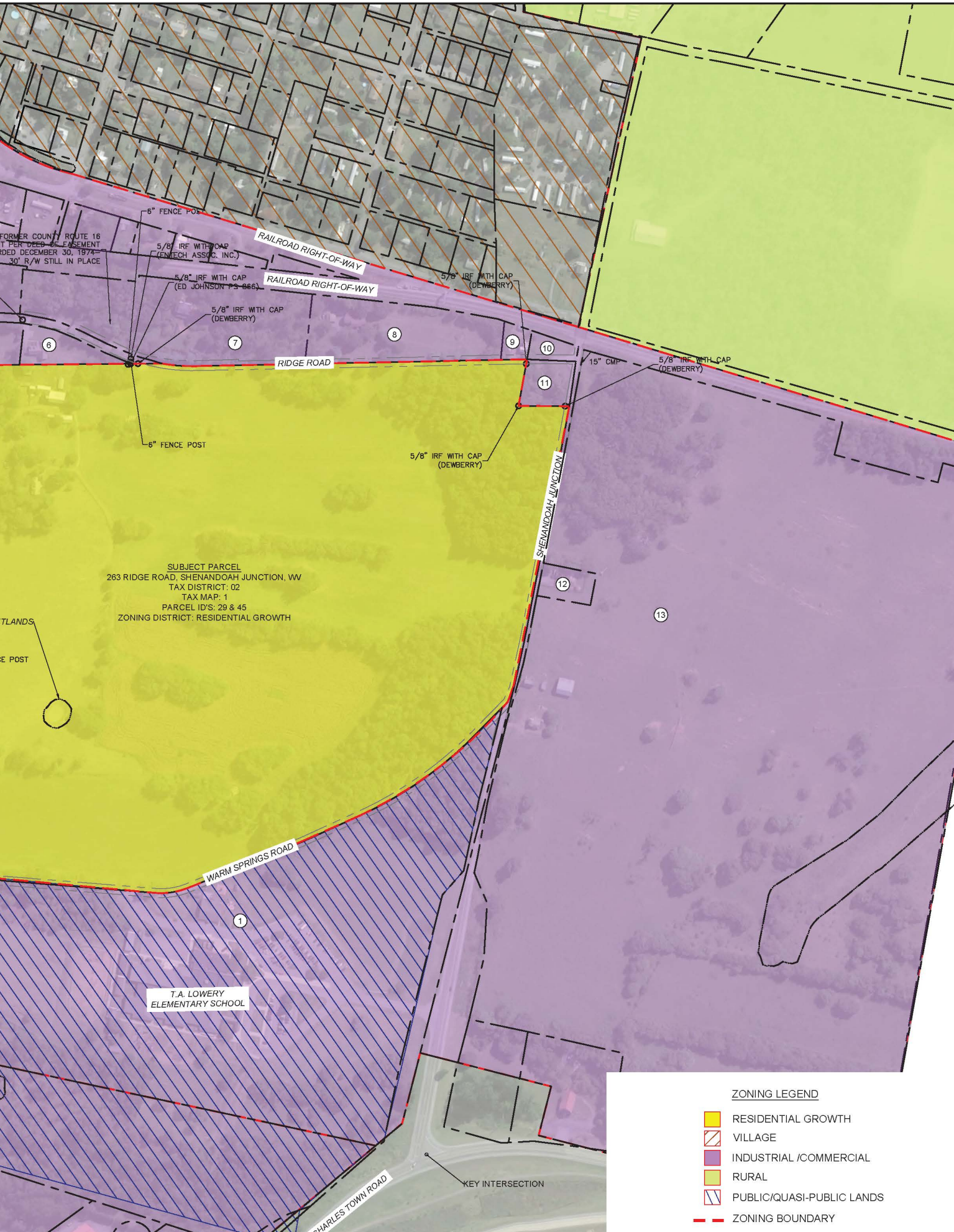
Thanks,
Kristen



Kristen M. Stolipher
Utility General Manager
Charles Town Utility Board
661 South George Street, Suite 101
Charles Town, WV 25414
Office: (304) 724-7080
Cell: (304)-904-7359
Email: kstolipher@ctubwv.com

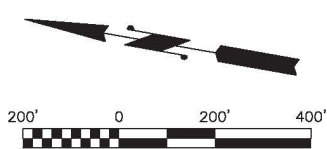
Confidentiality Notice: The information contained in this e-mail and any attached documents may be confidential or legally privileged. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message. Please note that the sender accepts no responsibility for viruses and it is your responsibility to scan this e-mail and attachments (if any). No contracts may be concluded on behalf of the sender by means of electronic communications unless expressly stated to the contrary.

CAD FILE: R:\030\T30-11187.00 - NEW - Orchard Springs Subdivision\Drawing\11187-EXISTING CONDITIONS.dwg
 PLOT DATE/TIME: 6/22/2023 11:51 AM
 LAYOUT: EXISTING CONDITIONS
 USER: james b. heflin



ZONING LEGEND

	RESIDENTIAL GROWTH
	VILLAGE
	INDUSTRIAL /COMMERCIAL
	RURAL
	PUBLIC/QUASI-PUBLIC LANDS
	ZONING BOUNDARY



PLAN NOTES

1. TOPOGRAPHY INFORMATION SOURCED FROM USGS MAPPING
2. NEIGHBORING PROPERTY LINES SOURCED FROM TAX MAPPING
3. PROPERTY LINES GATHERED FROM TTG SURVEY AND DEED PLOT PERFORMED MARCH-APRIL 2023
4. WETLAND INFO SOURCED FROM NATIONAL WETLAND INVENTORY

ADJOINING PARCEL INFO

1. BOARD OF EDUCATION OF JEFFERSON COUNTY
 TM 1 PAR 27
 DB 645 PG 178
 49.950 AC.
 CLASS: RESIDENTIAL
 USE: SCHOOL
2. JOHNSON THERESA B
 TM 1 PAR 28
 DB 469 PG 377
 4.330 AC.
 CLASS: RESIDENTIAL
 USE: RESIDENTIAL 1 FAMILY
3. MOSBY ANA C V
 TM 22 PAR 7
 DB 1209 PG 481
 114.450 AC.
 CLASS: FARM
 USE: ACTIVE FARM
4. CRUMPLEY GUY JR & IVA Y
 TM 1 PAR 30
 DB 1209 PG 511
 1.270 AC.
 CLASS: RESIDENTIAL
 USE: RESIDENTIAL 1 FAMILY
5. RITENOUR CECIL C ET AL
 TM 40 PAR 40.1
 DB 1086 PG 210
 1.007 AC.
 CLASS: COMMERCIAL
 USE: APARTMENT GARDEN
6. STREET ANDREW
 TM 40 PAR 40.2
 DB 1240 PG 298
 0.810 AC.
 CLASS: RESIDENTIAL
 USE: RESIDENTIAL 1 FAMILY
7. WILT KEVIN L JR & MELISSA D
 TM 1 PAR 40
 DB 1161 PG 77
 5.170 AC.
 CLASS: RESIDENTIAL
 USE: RESIDENTIAL 1 FAMILY
8. HENDRICKS DANA L
 TM 1 PAR 41.1
 DB 1399 PG 518
 2.690 AC.
 CLASS: RESIDENTIAL
 USE: RESIDENTIAL 1 FAMILY
9. WALKER TOMMY L & JAYNE R
 TM 1 PAR 42
 DB 1242 PG 615
 0.230 AC.
 CLASS: RESIDENTIAL
 USE: RESIDENTIAL 1 FAMILY
10. WALKER TOMMY L & JAYNE R
 TM 1 PAR 43
 DB 1242 PG 615
 0.250 AC.
 CLASS: RESIDENTIAL
 USE: RESIDENTIAL VACANT
11. JOHNSON HELEN M ESTATE
 TM 1 PAR 44
 DB 1056 PG 690
 0.500 AC.
 CLASS: RESIDENTIAL
 USE: RESIDENTIAL 1 FAMILY
12. SHULTZ CHARLES C
 TM 1 PAR 46
 DB 1016 PG 306
 0.330 AC.
 CLASS: RESIDENTIAL
 USE: RESIDENTIAL 1 FAMILY
13. BUCKLES SUSANNAH MAYO
 TM 1 PAR 47
 DB WB20 PG 21
 136.810 AC.
 CLASS: FARM
 USE: CONSERVATION EASEMENT PERPETUAL

THRASHER
 THE THRASHER GROUP, INC.
 600 WHITE OAKS BLVD,
 P.O. BOX 940
 BRIDGEPORT, WV 26330
 P (304) 624-4108
 F (304) 624-7831
 www.thrashergroup.com

THE INFORMATION CONTAINED HEREIN IS THE SOLE PROPERTY OF THE THRASHER GROUP, INC. REPRODUCTION OF THESE DOCUMENTS IN WHOLE, OR IN PART FOR ANY REASON WITHOUT PRIOR WRITTEN PERMISSION IS STRICTLY PROHIBITED.

COPYRIGHT © 2023
 THE THRASHER GROUP, INC.

NO.	BY	DATE	DESCRIPTION

ORCHARD SPRINGS SUBDIVISION
 ALHARMOOSH DEVELOPMENT GROUP LLC
 263 RIDGE ROAD, SHENANDOAH JUNCTION, WV
 TAX DISTRICT: 02, TAX MAP: 1, PARCEL IDS: 29 & 45
 ZONING DISTRICT: RESIDENTIAL GROWTH
 JEFFERSON COUNTY, WV
 5-26-2023

DRAWN: JBH IV DATE: 5.23.2023
 CHECKED: MIC DATE: 5.26.2023
 APPROVED: MIC DATE: 5.26.2023

PROJECT No. T30-11187

EXISTING CONDITIONS

SHEET No.

Project Narrative for Orchard Springs Subdivision Jefferson County, West Virginia

Alharmoosh Development Group, LLC is proposing to construct a major subdivision in Shenandoah Junction at 263 Ridge Road and 257 Ridge Road. Both parcels are zoned Residential Growth. The proposed 75.17-acre development contains 146 single-family homes and 122 townhouses and will be called Orchard Springs. The proposed single-family home lots have an average lot size of 70'x130', providing an average 9,100 square feet of area. Orchard Springs' lots were designed with these dimensions to provide residents with large back yards and provide space for stormwater conveyance and water quality treatment.

The proposed single family home lots adhere to Jefferson County's property line setback requirements (25' front, 12' side, 20' rear, 15' corner lot side yard). Public sanitary sewer, public water, and electrical service will be provided for each proposed home site. No sanitary material will be treated on site and no water will be produced.

The typical proposed townhome lots are 20'x100', providing 2,000 square feet of lot area. Overflow parking and open park spaces are located within walking distance of each residence. Public sanitary sewer, public water, and electrical service will be provided for each proposed home site. No sanitary material will be treated on site and no water will be produced.

The need for screening and street tree placement has been accounted for with the typical road right-of-way section. Waiver requests have been submitted for Section 21.101 A-6 Block Maximum, and Section 21.104 A-Frontage, based on the layout presented in this concept plan.

The development's density has been calculated at 15,153 square feet per home for the single-family homes section, and 6,758 square feet per home in the townhomes section of the development. Based on the development's overall density, 7% of the development (5.33 acres) must be reserved for open space with 40% of that reserved area (2.13 acres) containing programmed elements. The proposed design provides a total of 16.8 acres of open space. A minimum of 2.13 acres of the reserved open space will contain programmed amenities such as a basketball court, dog park, tot lot, and walking trails. The proposed development provides 142 parking spaces for townhome residents and 22 parking spaces servicing the amenity areas.

The project is proposed to be constructed in three phases, with each phase consisting of approximately 100 homes in a mix of townhome and single-family lots. Phase 1 will be constructed in two sections identified as Phase 1A and Phase 1B. Phase 1A will consist of grading and infrastructure for 30 home lots, the development's main entrance, and a stormwater management area. Phase 1B construction will include the grading and infrastructure for approximately 70 home lots, the secondary entrance for the development, and a stormwater management area. Phases 2 and 3 will contain the infrastructure for the remaining home lots and the final stormwater management area. Proposed phase boundaries are shown on the Concept Plan.

Stormwater management is proposed to be handled by three detention basins located at the perimeter of the development. All drainage from the proposed development will be captured, conveyed, treated, and detained through a combination of stormwater inlets, ditches, yard drains, and bioswales. Drainage from Phase 1A will be directed to stormwater management area 1. Drainage from Phase 1B will be directed to stormwater management areas 1 and 2. Stormwater runoff from Phases 2 and 3 will be directed to stormwater management areas 2 and 3. The detention basins will be appropriately sized to handle stormwater runoff in accordance with all state and local requirements at full build out condition.

The proposed development will surpass the 100 peak hour trips threshold that triggers the need for a traffic impact study. A traffic impact study will be conducted for the proposed development and submitted to Jefferson County during the Preliminary Plan review process.

23-14-SD Orchard Springs Concept Plan Public Comment

- Submitted 2023-07-03 by Theresa Johnson

Hello, I am Theresa Johnson and I am here to discuss Orchard Springs subdivision and three concerns I have identified with the project. I'd like to share these with you.

- Concern #1 – Roads and Railroads Crossings

The roads surrounding the subdivision, Warm Springs Road, Ridge Road, and Shenandoah Junction Road, lack shoulders. They do possess hills, curves, sharp turns, and railroad crossings. Cars turning off old Route 9, in either direction, are confused about the right-away, and several accidents have occurred at that location. These are the roads used by T.A Lowery and the Orchard Springs Subdivision. With the added traffic of 268 dwellings, our chances of accidents on these back roads increases. The main entrance to Orchard Springs further complicates bus transportation for T.A. Lowery. Other hazards are the train crossings. Within ½ mile of Orchard Springs, there are four railroad crossings (Bardane, Grove, Shenandoah Junction, and at Ridge Road). Again, more traffic, more accidents. Even if a pedestrian crosswalk was established from Orchard Springs to T.A. Lowery, one must still contend with speeding cars, sharp turns, railroad crossings, no shoulders, and the bus traffic as well as parents using Warm Springs Road and Shenandoah Junction Road for drop-off and pick-up. I would suggest that The Division of Highways conduct a study of the traffic patterns, fix the sharp turns, establish shoulders, and clarify the right of way at the intersection of old Route 9 and Shenandoah Junction Road with a flashing *Yield Sign*, as many accidents occur there. Currently, at dismissal time at T.A. Lowery, parents are lined up along the Shenandoah Junction Road, waiting to enter Lowery. This is a dangerous situation because cars coming over the hill from Ridge Road are not expecting a lengthy car line on the side of the road. An extended turn lane starting at Warm Springs Road could alleviate a possible accident. I feel that all of this should be done prior to breaking ground for the new subdivision to protect the staff and students of T.A. Lowery, as well as all who travel these roads.

- Concern #2 – Overcrowded Schools

My second concern is the overcrowding of our schools, specifically T.A. Lowery. As it was explained to me, by Mr. Larry Willingham, Routing Specialist for Jefferson County Schools, 268 homes generate 10 additional students per grade level. Breaking it down, Lowery would gain 60 students, Wild Wood would gain 30 students, and Jefferson High School would increase by 40 students. This wouldn't be a problem if our schools could easily absorb these numbers, but 134 new students require classroom space, teachers, and additional resources. I'm not sure we can meet those needs in a short time period. To assume that the new Ranson school can accommodate the influx is not feasible because town houses are being built in huge numbers behind The Home Depot, in Fairfax Crossing, and Presidents Pointe. These students will be added to the rosters as well.

My solution is to encourage The Planning Commission to work hand in hand with the Board of Education to guarantee our students a classroom and not a trailer, a teacher and not a long-term sub without educational degrees, and to execute this prior to any construction.

- Concern #3 – Me

My last concern is me. As I said, I am Theresa Johnson. I moved to my current home in 1980 with my husband and daughter. We increased in size with the adoption of our second child. I worked many years at T.A. Lowery as a librarian; I walked to work every day. Fast forward – the girls are grown and gone. One is a Commander in the Navy, the other is a first-grade teacher at Page Jackson Elementary School. My husband died in 2020. What I have left is my home of 43 years. It is what I know and love. My property is bordered by the McGarry Farm/Orchard Springs on the eastern and southern side. We settled here for the fields, farms and quiet living. Progress is inevitable, but it doesn't have to crush the character of a county. Orchard Springs proposed 268 homes is far too big for 77 acres. I believe the density needs to be reduced and green communal space needs to be added. I wish to be a good neighbor and continue living a quiet, peaceful life with my dog and horses. I request the following;

- Currently, I see the townhomes will be 200 feet from my property line. I would like to increase that to 300 feet. This can be achieved by not building the 25 townhomes (Plan 1B) or placing a 15-year moratorium on the 25 townhomes closest to the property line. This would increase the green space and my quality of life. Orchard Springs is seeking a waiver of 10 feet per townhome from 80 feet to 70 feet, and I would appreciate the 300 feet from my property line.
- I would like a berm established close to my property line on the eastern and southern borders, with the goal of reducing noise and light. I request the established berm to be 10 feet in height.
- I request the grade of the property not be changed so that rainwater will not damage my foundation.
- I request the planting of Western Arborvitae, which is a fast growing, deer-resistant tree, and placed no further than 12 feet apart on the southern and eastern border, and to be done as soon as possible.
- Additionally, I would like the working hours of construction to occur between the hours of 7 AM and 5 PM. Please remember Orchard Springs will be directly across from an elementary school and try to keep distractions to a minimum.
- Because I am on a well, any blasting could damage my water supply, not only for myself but my horses that need immediate access.
- Please deny any permission to use explosives.

This is my home. This is where I want to be, visited by my children and grandchildren. Please consider this current resident a continuation of a lifestyle that I have grown to love.

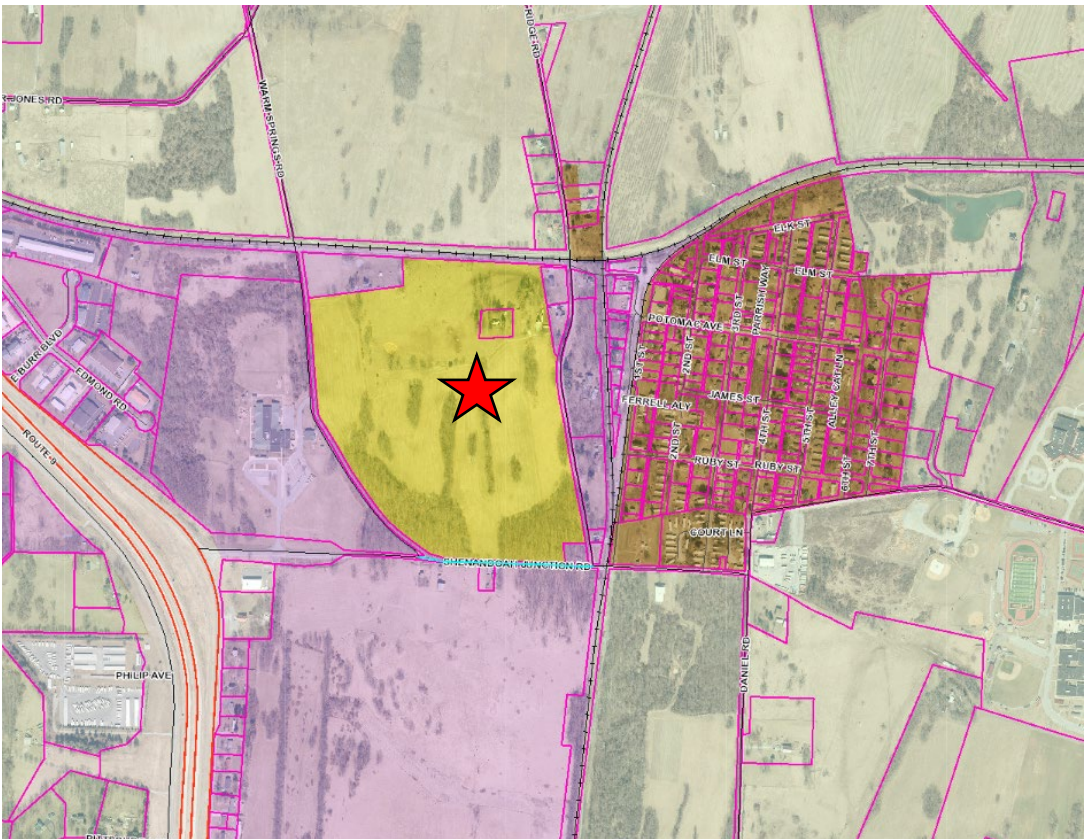
Staff Report
 Jefferson County Planning Commission Meeting
 July 11, 2023

Orchard Springs Subdivision Waiver Requests (File: 23-15-PCW and File: 23-16-PCW)

Items #4 and #5: Public Hearing:

Request # 1: Request for a Waiver from Section 21.104A, which requires the minimum frontage to be equal to the minimum lot width for the Zoning District or 80 feet, whichever is less, to allow for 70' lot frontage. (File: 23-15-PCW).

Request # 2: Request for a Waiver from Section 21.101A, which requires the blocks to not exceed six lots in length on one side of the street (File: 23-16-PCW).

Owner/Applicant	Alharmoosh Development Group, LLC
Consultant	The Thrasher group Inc. / Attn: Brad Messenger
Property Location & Information	<p style="text-align: center;">257 and 263 Ridge Rd, Shenandoah Junction, WV Parcel ID: 02000100290000 and 02000100450000; Size: ~76.22 combined acres; Zoning District: Residential Growth</p> 
Adjacent Zoning	<p style="text-align: center;"><i>North:</i> Industrial-Commercial and Rural; <i>South and West:</i> Industrial-Commercial; <i>East:</i> Industrial-Commercial and Village</p>
Proposed Activity	Major Residential Subdivision (23-14-SD) consisting of 146 single-family homes and 122 townhouses.

Summary of the Request:

Applicant is proposing a Major Residential Subdivision (23-14-SD) consisting of 146 single-family homes and 122 townhouses to be served by public water (JUI) and sanitary sewer (CTUB). The Concept

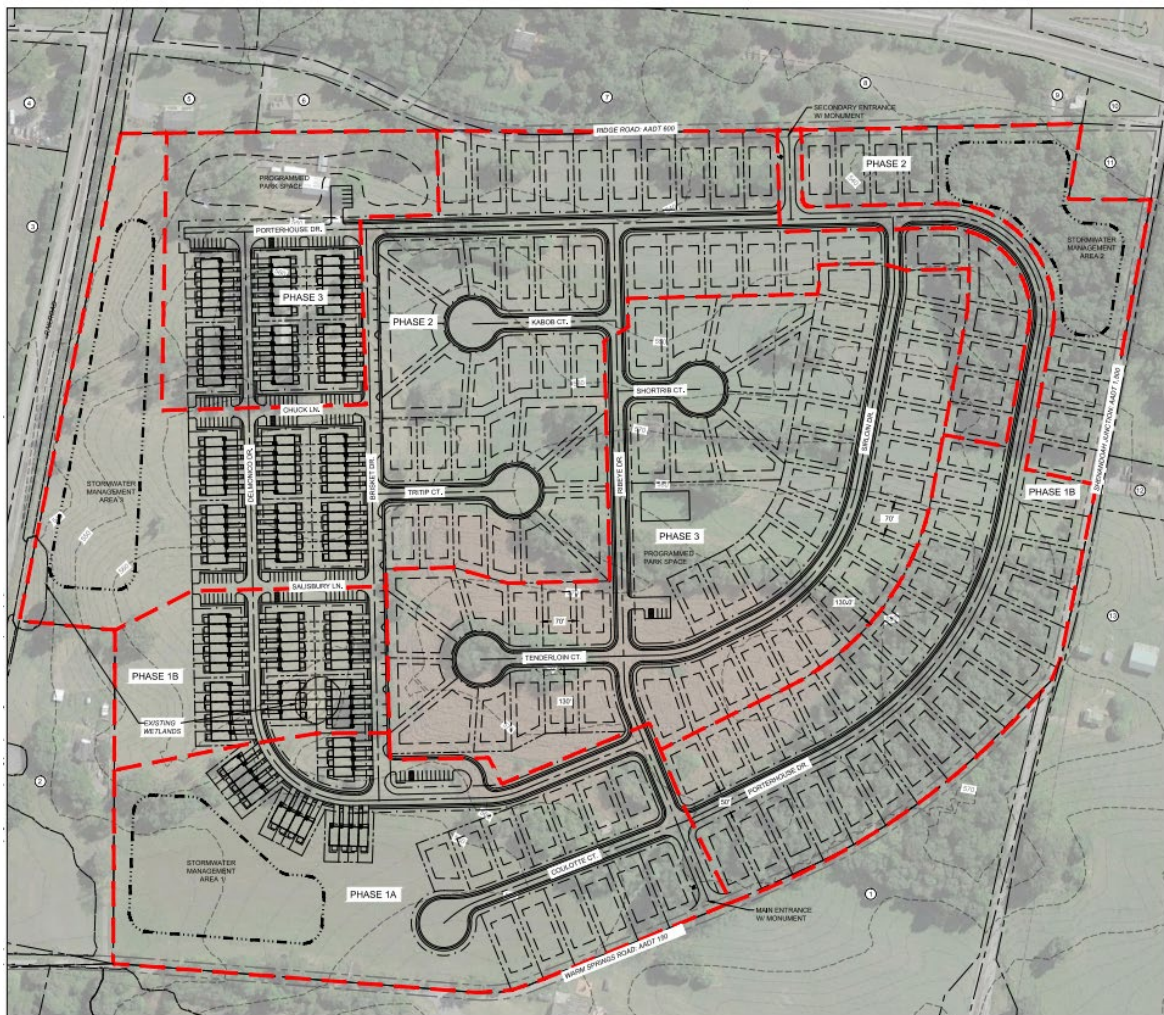
Staff Report
Jefferson County Planning Commission Meeting
July 11, 2023

Orchard Springs Subdivision Waiver Requests (File: 23-15-PCW and File: 23-16-PCW)

Plan Public Workshop will be held at the July 11, 2023 Planning Commission meeting. The applicants are requesting the following two waivers which will influence the design of the overall development.

Request # 1: (23-15-PCW) Request for a Waiver from Section 21.104A of the Subdivision Regulations, which requires the minimum frontage to be equal to the minimum lot width for the Zoning District or 80 feet, whichever is less, to allow for an average lot frontage of 70' for the detached single family home lots.

Request # 2: (23-16-PCW) Request for a Waiver from Section 21.101A of the Subdivision Regulations, which requires the blocks to not exceed six lots in length on one side of the street, to allow block lengths of a variable number of lots.



NOTE: These are two separate waivers that will require separate action by the Planning Commission but are included in the same staff report.

Staff Report
Jefferson County Planning Commission Meeting
July 11, 2023

Orchard Springs Subdivision Waiver Requests (File: 23-15-PCW and File: 23-16-PCW)

23-15-PCW Waiver Request #1 for Section 21.104A (Lot Width)

Summary of the Request:

The applicant is requesting a waiver of this section to allow the detached single family lots to have an average lot frontage of 70'. Section 21.104A of the Jefferson County Subdivision and Land Development Regulations, "Lot Width and Frontage", states that "the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less." As the Residential Growth Zoning District does not have a minimum lot width, the 80' would apply for this development. Lot widths are measured at the setback lines and lot frontage is measured along the street property line.

Waiver Requirements:

The applicant provides a response to the requirements found in "Division 24.300 Waivers" of the Subdivision Regulations, which is attached to the application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- (4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

Staff Comments:

As the Residential Growth Zoning district does not have a minimum lot frontage other than for the small lots, the 80' minimum lot frontage has been determined to apply. The intent of the lot frontage guidelines is to establish uniform land subdivisions in Jefferson County. The 80' lot frontage requirement is intended to provide for a suburban or relatively large lot development. The proximity of this proposed subdivision to the urbanizing areas of the County and the nearby Village of Shenandoah Junction neighborhood creates an opportunity for creating a development that transitions between the nearby village neighborhood and the adjoining rural zoning. The smaller lot widths result in smaller lot sizes, which also create higher density, and in turn, requires a greater percentage of open space/parkland. Therefore, the smaller lot widths and sizes allows the development of a neighborhood with greater open space integrated throughout the development and integrated with the adjacent land uses, such as T.A. Lowery Elementary School.

Staff Recommendation:

Planning and Zoning staff recommend that if the decrease in the lot frontage requirements for this subdivision provides greater open space, meets all other land development standards set forth by the County, and does not negatively impact the surrounding neighborhoods, the waiver request meets the criteria for approving such waivers. The overall plan needs to meet the open space requirements of the Subdivision Regulations.

Staff Report
Jefferson County Planning Commission Meeting
July 11, 2023

Orchard Springs Subdivision Waiver Requests (File: 23-15-PCW and File: 23-16-PCW)

23-16-PCW Waiver Request #2 for Section 21.101A (Block Length)

Summary of the Request:

The applicant is requesting a waiver of this section to allow block lengths of greater than 6 lots on either side of the streets. Section 21.101A of the Jefferson County Subdivision and Land Development Regulations states that blocks “shall not, in most instances, exceed *six lots in length on one side of the street*” (emphasis added). It further states that the length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. There is some provision for longer blocks in rural subdivisions if there are topographic constraints, but only if there are no more than nine total lots in the subdivision and the lots are over $\frac{3}{4}$ acre in land area each. This proposed development is zoned Residential Growth and these criteria do not apply.

There is an additional division in the Subdivision Regulations (21.300 Modification of Development Standards) which states that the maximum length of blocks is set to provide connectivity between adjoining parcels as they develop separately over time and that there are conditions that can exist that warrant longer lengths. In this case, the entire property is being developed and no connectivity is being provided to adjoining properties because the property is bordered by state roads and the railroad tracks. The criteria set forth in Sec. 21.305, which allows the modification of Block Length do not apply in this particular situation and, therefore, this waiver is requested from Section 21.101.A.

Waiver Requirements:

The applicant provides a response to the requirements found in “Division 24.300 Waivers” of the Subdivision Regulations, which is attached to the application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- (4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

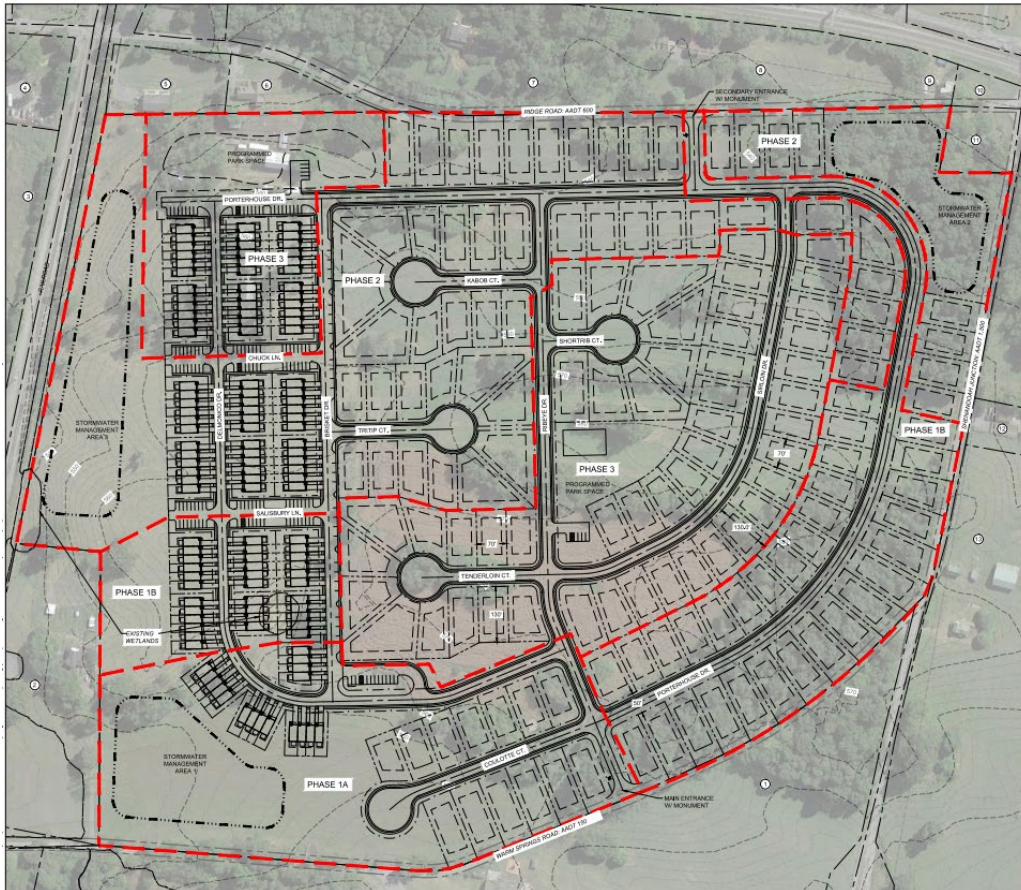
Staff Comments:

Generally blocks are defined as areas of land bounded by streets, other transportation features and/or public open spaces. The length of blocks influence the interconnectivity of neighborhoods and the walkability of communities. The standard width of the lots found within the blocks can also impact the length of the blocks. Waiver #1 (23-15-PCW) above also requests narrower lot widths than required by the ordinance, which would result in a greater number of lots within a standard block. Blocks found in more urban environments with a rectilinear grid street pattern lend themselves to a smaller number of lots in a given block to allow for greater interconnectivity; however, in rural subdivisions with

Staff Report
Jefferson County Planning Commission Meeting
July 11, 2023

Orchard Springs Subdivision Waiver Requests (File: 23-15-PCW and File: 23-16-PCW)

curvilinear streets, it is reasonable to allow blocks to contain additional lots, particularly along open space areas. In areas where block lengths have more numerous lots, it is recommended that additional pedestrian connectivity be utilized to break up the length of the blocks and allow access to open space and common areas. In this particular development, it would be advisable that, if the block length is extended, some pedestrian interconnectivity be provided from Porterhouse Drive to Sirloin Drive to give access to the programmed park space.



Staff Recommendation:

Planning and Zoning staff recommends that the waiver be granted to allow block lengths up of more than six (6) lots on one side of the street, with the condition that pedestrian connectivity be provided to common open space areas as much as possible. The request could result in a more flexible subdivision design that integrates open space and parkland into the development while providing adequate interconnectivity to adjoining lots.



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 23-15-PCW
 Mtg Date: 7/11/23
 Date Rec'd: 5/30/2023
 Fees Paid: \$100
 Staff Int: ME
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
 Fax: (304) 728-8126

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Alharmoosh Development Group LLC
 Business Name: Alharmoosh Development Group LLC
 Mailing Address: 94 McMillan Court Martinsburg, WV 25401
 Phone Number: 301-943-2935 Email: jjalharmoosh@gmail.com

Applicant Contact Information

Applicant Name: _____ Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Name: R. Brad Messenger
 Business Name: The Thrasher Group Inc.
 Mailing Address: PO Box 940 Bridgeport, WV 26330
 Phone Number: 800-273-6541 Email: bmessenger@thethrashergroup.com

Physical Property Details

Physical Address: 263 Ridge Road Shenandoah Junction, WV 25442 Vacant Lot:
 Tax District: Charles Town Map No: 1 Parcel No: 45
 Parcel Size: 75.17 ac Deed Book: 1111 Page No: 394
 Zoning District: Residential Growth

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?

Section 21.104A Frontage - Minimum Lot Frontage is 80'

Briefly Describe the Nature of Your Waiver Request:

We are proposing single-family home lots with an average size frontage of 70'. To compensate for the reduced frontage, lots are proposed at a depth of 130' instead of the minimum 100'.

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

The proposed lots will provide home owners with more backyard space than the minimum required lots.

Minimum required lot sizes within the county are 8,000 sf. Minimum lot sizes proposed within the Orchard Springs community are 9,100 sf.

Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.

If granted this waiver will allow for more distance between proposed homes and neighboring property lines creating more distance between the residents.

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

This proposed lot layout still provides a lower density while providing adequate open space in a residential neighborhood.

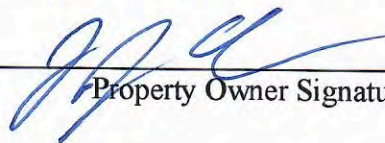
Explain how the waiver, if granted, will result in a project of better quality and/or character.

If granted, this waiver will allow for larger lots providing a more appealing property to prospective residents.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.


Property Owner Signature

5-26-23
Date


Property Owner Signature

5-26-23
Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

7/11/23
Public Hearing Date

6/27/23
Date Placard Posted

6/27/23
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 23-16-PCW
 Mtg Date: 7/11/23
 Date Rec'd: 5/30/23
 Fees Paid: \$100
 Staff Int: ME
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
 Fax: (304) 728-8126

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Alharmoosh Development Group LLC
 Business Name: Alharmoosh Development Group LLC
 Mailing Address: 94 McMillan Court Martinsburg, WV 25401
 Phone Number: 301-943-2935 Email: jjalharmoosh@gmail.com

Applicant Contact Information

Applicant Name: _____ Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Name: R. Brad Messenger
 Business Name: The Thrasher Group Inc.
 Mailing Address: PO Box 940 Bridgeport, WV 26330
 Phone Number: 800-273-6541 Email: bmessenger@thethrashergroup.com

Physical Property Details

Physical Address: 263 Ridge Road Shenandoah Junction, WV 25442 Vacant Lot:
 Tax District: Charles Town Map No: 1 Parcel No: 45
 Parcel Size: 75.17 ac Deed Book: 1111 Page No: 394
 Zoning District: Residential Growth

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?
Section 21.101A Block Lengths - shall not exceed 6 lots in length on one side of the street.

Briefly Describe the Nature of Your Waiver Request:

Requesting a waiver to construct blocks with more than 6 lots.

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

It is our understanding that the six lot requirements was intended for urban applications. Constructing cross streets after every section of six residential lots would create an excessive amount of pavement within the development.

Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.

The cross-streets would only affect circulation within the development. With fewer streets required, the proposed lots are proposed to be larger than the minimum size required by County Ordinance.

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

The ordinance section in question is intended to ensure swift connection between urban streets. The amount of intersections and pavement required to construct the required number of cross streets would not be in keeping with proposed setting.

Explain how the waiver, if granted, will result in a project of better quality and/or character.

Should this waiver be granted this development will be able to provide larger home lots and additional green space within the community. This layout also allows for more seamless traffic flow through the development.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

 5-26-23
Property Owner Signature Date

 5-26-23
Property Owner Signature Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

7/11/23
Public Hearing Date

6/27/23
Date Placard Posted

6/27/23
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting July 11, 2023

1) Engineering, Planning and Zoning County Offices Contact Information

The Department of Engineering, Planning and Zoning Mason Building is open to the public.

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffersoncountywv.org

IMPACT FEES 304-728-3331 - mmason@jeffersoncountywv.org

ENGINEERING 304-728-3257 - engineering@jeffersoncountywv.org

PLANNING & ZONING 304-728-3228 - planningdepartment@jeffersoncountywv.org, zoning@jeffersoncountywv.org

GIS & ADDRESSING 304-724-6759 - gis@jeffersoncountywv.org

2) Upcoming PC meetings

- ❖ 4th Tuesday Meeting called for **July 25, 2023 at 7 pm**
- ❖ Next Regular meeting date: **August 8, 2023**
 - 5:30 pm Comprehensive Plan Work Session
 - 7:00 pm Planning Commission Meeting
- ❖ **County Fair Comprehensive Plan Booth: August 21 – 26, 2023** (volunteers needed)

Actionable

Correspondence

From: [Lyn Widmyer](#)
To: [Planning Department](#)
Cc: [Jennifer Krause](#); [Steve Stolipher](#); [Jane Tabb Commissioner](#); [Tricia Jackson Commissioner](#)
Subject: Comp Plan Input at African American Heritage Festival, August 19
Date: Thursday, July 6, 2023 10:17:30 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Dear Planning Commission members,

At a meeting held by NAACP on the Comp Plan last night, an audience member suggested having a Comp Plan table and information on the Plan at the African American Heritage Festival. This is a great idea and is equally as important as having a presence at the County Fair. The two events would compliment each other and certainly add a more diverse population.

--

Lyn Widmyer
1434 Cattail Run Road
Charles Town, WV 25414
304 279 3201
web page: lynwidmyer.net

Non-Actionable Correspondence

Date: June 28, 2023

To: Members, Jefferson County Commission
Members, Jefferson County Planning Commission

From: Jefferson County Democratic Women's Club
Jefferson County Democratic Association

Subject: Including women on steering committee to guide comprehensive plan update

The process to revisit and amend the Comprehensive Plan for Jefferson County is underway. The Planning Commission apparently will be serving as the Citizen's Advisory Committee to guide preparation of the Plan.

Our organizations are disappointed in this approach because there are no women on the Planning Commission. Women comprise the majority of residents in Jefferson County. Excluding them excludes a significant portion of our community. As active members of our community and strong advocates for inclusivity and gender equality, we believe it is essential to voice our concerns about the lack of female representation.

It is undeniable that women bring unique and valuable insights to the table. Their experiences, perspectives, and concerns differ from those of men, and by their absence on the Planning Commission, which is guiding the planning process, we risk overlooking critical viewpoints. Furthermore, this exclusion sends a disheartening message to aspiring female leaders in our community, undermining their confidence and potentially dissuading them from pursuing positions of influence and responsibility.

We would like to emphasize that inclusivity is not merely a matter of fairness; it is a fundamental principle that leads to better outcomes. By incorporating diverse voices, we ensure that our community's needs, aspirations, and concerns are adequately addressed. Studies have consistently shown that diverse groups make better decisions, promote innovation, and lead to more effective and sustainable solutions.

The plan process that resulted in the current Comprehensive Plan included a variety of residents representing different viewpoints, backgrounds and community interests. We are unclear as to why the county commission and planning commission are not following this same approach in this planning process. We urge you to reconsider your decision.

We urge you to appoint a citizen based steering committee that includes qualified and passionate women who can contribute their expertise and perspectives to shape the Comprehensive Plan, ensuring its success and responsiveness to the needs of all community members.

We firmly believe that our community thrives when everyone's voices are valued and included. By embracing diversity, we can foster a stronger, more inclusive society that benefits all members. We trust you will take our concerns seriously and take the necessary steps to address this issue promptly.

Thank you for your attention to this matter. We look forward to hearing from you soon and witnessing a positive change in creating a comprehensive plan advisory committee that includes women and other community voice.

//S//

Lanae Johnson, President Jefferson County Democratic Women's Club
John Doyle, President Jefferson County Democratic Association