

Meeting Minutes  
Jefferson County Planning Commission  
July 11, 2023

The Jefferson County Planning Commission met on July 11, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Steve Stolipher, County Commission Liaison; Wade Louthan, Secretary; Jack Hefestay; Tim Smith; Aaron Howell were present in person.

Donnie Fisher and Matt Knott were absent with notice.

J. Ware was absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Prosecuting Attorney; Michelle Evers, Planning Clerk.

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

1. **Approval of Meeting Minutes:** June 13, 2023

Ms. Brockman noted the following correction to the minutes:

To add the word “(Opposed)” to the public comment made by Cheryl Avery on Agenda Item #3.

Mr. Shepp stated the minutes stand approved as amended without objection.

2. **Request for postponement.** Agenda Item #6 (File: 23-2-PCV) and Agenda Item #7 (File: 23-18-PCW) were postponed until 07/25/23.

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).

Ms. Brockman provided an overview of the staff report related to the proposed Orchard Springs Subdivision.

The applicant’s representative, Marcus Carnegie with The Thrasher Group Inc., explained the nature of the request to the Planning Commission. Brad Messenger with The Thrasher Group Inc. was also present.

Mr. Shepp opened the Public Workshop.

- Ms. Theresa Johnson (Opposed) and Ms. Dana Anders (Opposed) provided public comment.

Mr. Shepp closed the Public Workshop.

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

The Planning Commission asked the applicant’s representative several questions.

Ms. Brockman provided staff recommendations to the Planning Commission.

Mr. Stolipher made a motion to approve the waiver as presented with the condition of the applicant speaking with the DOH regarding a walking path across Warm Springs Road to T.A. Lowry Elementary School. Mr. Hefestay seconded the motion, which carried unanimously.

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).

Ms. Brockman provided an overview of the staff report regarding the proposed lot width of the single-family detached lots in the proposed Orchard Springs Subdivision.

The applicant's representative, Marcus Carnegie with The Thrasher Group Inc., explained the nature of the request to the Planning Commission. Brad Messenger with The Thrasher Group Inc. was also present.

Mr. Shepp opened the public hearing. There was no public comment. Mr. Shepp closed the public hearing.

Mr. Saunders asked the applicant's representative's questions regarding the depth of lots. The Planning Commission members asked the applicant's representative several questions regarding the area and shape of the proposed lots.

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

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).

Ms. Brockman provided an overview of the staff report regarding the proposed block lengths for the proposed Orchard Springs Subdivision. Staff recommended that if the Planning Commission was inclined to approve this waiver that pedestrian connectivity be required to be provided to common open space areas as much as possible.

The applicant's representative, Marcus Carnegie with The Thrasher Group Inc., explained the nature of the request to the Planning Commission. Brad Messenger with The Thrasher Group Inc. was also present.

Mr. Shepp opened the public hearing. There was no public comment. Mr. Shepp closed the public hearing.

Mr. Shepp made a motion to approve the waiver as presented with the condition to provide pedestrian access to the common open space and proposed park. Mr. Hefestay seconded the motion, which carried unanimously.

6. **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).

This item was postponed to the July 25, 2023 Planning Commission Meeting.

7. **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).

This item was postponed to the July 25, 2023 Planning Commission Meeting.

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

Mr. Stolipher suggested that the Planning Commission propose a Public Workshop session to meet with Jefferson County Agricultural community.

Mr. Shepp made a motion to schedule a Public Workshop meeting with the Jefferson County Agricultural community in September. Mr. Hefestay seconded the motion, which carried unanimously.

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

Ms. Brockman gave an overview of the Quarterly Report and suggested making additions to include the comprehensive plan work session.

Mr. Stolipher made a motion to approve the Quarterly Report to the County Commission with the provision that staff include data regarding the Comprehensive Plan Work Sessions and Workshop. Mr. Hefestay seconded the motion, which carried unanimously.

## 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. 2022-C-85.

Mr. Cochran stated he did not have anything to report at this time, but that he would have updates at the next Planning Commission meeting.

**11. Planner's Memo.**

Ms. Brockman reminded the Planning Commission about the upcoming special Planning Commission Meeting on July 25, 2023 and the regular Planning Commission meeting on August 8, 2023.

Ms. Brockman also stated there needs to be further discussion regarding volunteers and the schedule for the upcoming Jefferson County Fair.

**12. President's Report.** None

**13. Actionable Correspondence.**

- Email from Lyn Widmyer Re: African American Heritage Festival

Mr. Seigfried provided staff recommendations regarding providing a 2045 Comprehensive Plan Update booth at the African American Heritage Festival on August 18<sup>th</sup>.

Mr. Howell made a motion to attend the African American Heritage Festival. Mr. Hefestay seconded the motion, which carried unanimously.

**14. Non-Actionable Correspondence.**

- Email from Lanae Johnson Re: Women on Steering Committee

The Planning Commission discussed the email from Ms. Johnson and stated this request would need to be addressed by the County Commission which appointed the Planning Commission to serve as the 2045 Comprehensive Plan Update Committee.

Mr. Louthan made a motion to adjourn the meeting at 7:52pm. Mr. Hefestay seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.