

Meeting Minutes  
Jefferson County Planning Commission  
July 25, 2023

The Jefferson County Planning Commission met on July 25, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Steve Stolipher, County Commission Liaison; Wade Louthan, Secretary; Jack Hefestay; Tim Smith; were present in person.

Aaron Howell was absent with notice.

Donnie Fisher and J. Ware were 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:** July 11, 2023

Mr. Shepp stated the minutes stand approved without objection.

2. **Request for postponement.** Agenda Item #3 Lutman/Sunnyside Lane Waiver at the request of the applicant (File: 23-19-PCW); and Agenda Item #8 Harvest Hills Rezoning at the request of the applicant ( File: 23-6-Z)

3. **POSTPONED to 8/8/23 by request of the Applicant: Public Hearing:** Waiver from Section 20.201A.2 of the Subdivision Regulations to allow a sixth lot to access an existing 50' wide access easement (Sunnyside Lane) without upgrading it to meet county grade standards. Applicant/Property Owner: David Lutman; Property Location: Sunnyside Lane, Shenandoah Junction, WV; Parcel ID: 09001800050007; Size: 18.1 acres; Zoning District: Rural (File: 23-19-PCW).

This item was postponed to the August 8, 2023 Planning Commission Meeting.

4. **Public Workshop:** Canter Hollow Apartments (fka Miller Station Apartments); redesign of previously approved project (08-09-22) to consist of approximately 20 multi-family (apartment) buildings with approximately 150 units, associated parking, stormwater management facilities, and signage. Applicant/Property Owner: Cantor Hollow, LLC; Property Location: Captain Chews Trace, Charles Town, WV; Parcel ID: 02008C00010000 – 02008C0008000 (8 lots); Combined Size: 10 acres; Zoning District: Residential/Light Industrial/Commercial (File: 22-6-SP).

Ms. Brockman provided an overview of the staff report regarding the proposed revisions for the previously approved Concept Plan for the apartment project.

The applicant's representative, Andy Shuckra with Keane Enterprises, explained the nature of the request to the Planning Commission. The applicant's engineer, Todd Heck with Morris & Ritchie Associates, Inc., was also present.

The Planning Commission members asked clarifying questions about the changes to the layout and size of the apartment units.

Mr. Shepp opened the Public Workshop.

- Ms. Susan Bohrer; Ms. Susan Pipes, HOA Board Member for Patrick Henry Estates; Ms. Jolene Turpin provided public comment regarding buffers, public safety, sidewalks, storm water drainage, and if the project was government funded.

Mr. Shepp closed the Public Workshop.

Ms. Brockman reminded the Planning Commission of the previous Concept Plan was accepted with the requirement that a 6 ft. board fence be provided along the northern property line and that a waiver of the sidewalk required along the frontage was also approved with the condition of the developers working with DOH to include a crosswalk for the other sidewalks leading to Walmart.

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

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

Mr. Stolipher made a motion to accept the Amended Concept Plan as presented with the previous conditions. Mr. Knott seconded the motion, which carried unanimously.

5. **Public Hearing:** Request for a Variance from Section 2.1 of the 1979 Subdivision Ordinance (Outsale Exemption) to lift the single family restriction to allow for the establishment of a Kennel on the property; 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).

Ms. Brockman provided an overview of the staff report.

The applicants Nicholas Russo and Alice Davenport explained the nature of the request to the Planning Commission clarifying that the business is for a maximum of 6 dogs at a time and is not just kenneling dogs overnight, but will include training other people's dogs for advanced obedience training, detection and patrol. Some of the training occurs off-site as well.

Mr. Shepp opened the Public Hearing.

- Mr. Greg Mason (Opposed), Ms. Afsoun Sichani (Supports), Mr. Matthew Fiorvanti (Supports) and Steve Flowers (Supports) provided public comment

Mr. Shepp closed the public hearing.

The applicants responded to questions and concerns presented by Mr. Mason.

Ms. Brockman provided the staff recommendation stating that a kennel is a Principal Permitted Use in the Rural Zoning District and that lifting the deed's single-family restriction is a reasonable request.

Mr. Hefestay made a motion to approve the Variance to lift the single-family restriction as presented. Mr. Louthan seconded the motion, which carried unanimously.

6. **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).

Ms. Brockman provided an overview of the staff report.

The applicant's representative Dick Klein, with Alpha Associates, Inc. explained the nature of the request to the Planning Commission. The applicant Bill Palmisano was also present.

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

Mr. Saunders provided staff recommendations and stated that engineering has no objections to the request.

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

7. **POSTPONED until 8/8/23 by request of the Applicant: Discussion and Action:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Rural to Residential Growth (RG) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Arcadia Land Inc.; Property Location: Vacant parcels, which are a part of the Harvest Hills Subdivision, located east of the intersection of Flowing Springs Rd and Brass Harness Drive. Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13; comprised of 94.63 acres (P12) and 257.62 acres (P13). Zoning District: Rural (File: 23-5-Z).

This item was postponed to the August 8, 2023 Planning Commission Meeting.

## 8. 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 requested to go into executive session to discuss Items A and C. Mr. Cochran also stated that Item B is currently under review and may be dismissed and that Item D is pending decisions.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Items A and C under 'Reports from Legal Counsel' at 7:53 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp moved to go back into regular session at 8:10pm. Mr. Stolipher seconded the motion, which carried unanimously.

**9. Planner's Memo.**

Ms. Brockman reminded the Planning Commission about the upcoming Comprehensive Plan Work Session and Planning Commission Meeting on August 8, 2023, that volunteers are needed for the African American Heritage Festival on August 19, 2023, and that volunteers are needed for the upcoming Jefferson County Fair, August 21-26, 2023. Ms. Brockman also reminded the Planning Commission of future additional meeting dates.

**10. President's Report.**

Mr. Shepp made comments regarding the locked door at the Planning and Zoning Office. Mr. Shepp requested that a doorbell be placed at the entrance to allow staff to buzz people in due to long wait times.

**11. Actionable Correspondence.**

**12. Non-Actionable Correspondence.**

- Email from Doug Rockwell Re: 2045 Comprehensive Plan Survey

Mr. Seigfried stated the issue had been resolved regarding the email from Doug Rockwell.

Mr. Louthan made a motion to adjourn the meeting at 8:17pm. Mr. Stolipher seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.