



Agenda

Jefferson County Planning Commission

Tuesday, November 14, 2023 at 7:00 PM

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

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

ZOOM Broadcast Information*: Meeting ID: 832 6713 4642
Meeting Link: <https://us02web.zoom.us/j/83267134642>

**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:** October 10, 2023 and November 6, 2023
- 2. Request for postponement.**
- 3. POSTPONED Indefinitely by request of the Applicant: Public Workshop:** Concept Plan for Bakerton Monopole (fka Harvest Ct) Telecommunications Tower consisting of a 100' Monopole Telecommunications Tower with a 50' x 50' fenced compound. Applicant: Smartlink Group, LLC / Attn: Scott Nichols; Property Owner: Timothy R & Marla B Landis. Property Location: 248 Harvest Court, Harpers Ferry, WV; Parcel ID: 04000300750000; Size: 13.678 ac; Zoning District: Rural (File #23-5-SP).
- 4. Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction to allow for the construction of an Accessory Dwelling Unit for use by a family member (see Final Plat Note recorded in Deed Book 632, at Page 363). Applicant/Property Owner: Todd D Banks & Taylor Bishop. Property Location: Cottage Hall, Lot 1, 5994 Flowing Springs Rd, Shenandoah Junction, WV; Parcel ID: 09002000050001; Size: 10 ac; Zoning District: Rural (File #23-4-FPA).

There is no public comment for the following items.

- 5. Waiver request from Section 24.112.C to allow a 1-year extension of the time requirements to prepare a Preliminary Plat for the Colonial Hills Phase 3B based on Concept Plan approval on October 12, 2021. Applicant / Property Owner: KE Colonial, LLC / Rick Fink; Property Location: Vacant Lot on the NE corner of Higbee Lane & Potomac Farms Drive, Shepherdstown, WV. Parcel ID: p/o 09000800100000; Size: 2.54 ac; .Zoning District: Residential Growth (File #23-23-PCW).**
- 6. Waiver from Section 2.5 M (Appendix B-Engineering Standards) as amended Feb 1, 2018, to allow for gravel parking area for a proposed Day Care Facility. Applicant: Dino Kids Childcare, LLC / Cordelia Courtney. Property Owner: Peter Corum. Property Location: 3988 Kearneysville Pike, Shepherdstown, WV. Parcel ID: 09001300260002; Size: 2 ac; Zoning District: Neighborhood Commercial (File #23-24-PCW).**

7. Waiver from Section 20.201A.2 to reduce the required access easement width from 50' to 40' for a portion of an existing access easement for the purpose of processing a two-lot minor subdivision (for a total of four lots). Applicant: Donna C. Bent; Property Location: 1332 Billmyer Mill Rd, Shepherdstown; Parcel ID: 09000600050006; Size: 10.38 acres; Zoning District: Rural (File #23-25-PCW).

8. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
- b. Review and discuss 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 and Jefferson County Circuit Court Civil Action No. 2023-C-112 (RE: PC File #ZTA19-03 Solar Energy Facilities text amendment).
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: PC File #ZTA22-01 Solar Energy Facilities text amendment).
- 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).
- e. Discuss and review of VB BTS, LLC v. Jefferson County, WV and the Jefferson County Planning Commission, U.S. N.D. W. Va. Case No. 3:23-CV-171 (RE: PC File #23-3-SP – Shannondale Lake Telecommunication Tower).

9. Planner's Memo

10. President's Report

11. Actionable Correspondence

- Email from Christine Marshall dated October 30, 2023

12. Non-Actionable Correspondence
