



AGENDA  
Jefferson County Planning Commission  
Tuesday, March 14, 2017, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

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**All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.**

1. Reminder of expiring Planning Commission members terms.
2. Approval of Meeting minutes:
  - January 10, 2017.
3. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
4. Request for postponement.
5. **Public Workshop** for a Concept Plan for Genesis Center (PC File# S17-01)(a mixed use development) in the Neighborhood Commercial zoning district to be located on the east side of Route 480 (Kearneysville Pike) southwest of Morgan Grove Park. The applicant is proposing 3 commercial parcels including a restaurant, general commercial, and health care facility, all of which may include upper floor residential or offices. Additionally 12 (twelve) age restricted villa units are being proposed. Copies of the proposed Concept Plan is available at the Office of Planning & Zoning (304-728-3228). The property is designated as Tax District: Shepherdstown (09); Tax Map: 13; Parcel 26.1 and 26.3. Zoned: Neighborhood Commercial; Size: 6.6194 Ac. (Parcel 26.1) and 2.95 Ac. (Parcel 26.3) Oral or written comments may be submitted at the hearing.

**There is no public comment for the remaining items.**

6. Planning Commission recommendation to the County Commission on whether the Zoning Map Amendment (Z17-01) petition by Paul J, Raco Consulting for Jefferson Reality, LLC for property located at 4843 Middleway Pike from Rural to General Commercial is consistent with the Envision Jefferson 2035 Comprehensive Plan. Middleway Tax District (07), Map # 19A, Parcel #'s 13, 14 & 14.1.
7. Reports from Legal Counsel and legal advice to the Planning Commission.
  - a) Active Litigation:
    - Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.
8. Planners Memo.
  - Update on Zoning Ordinance and Subdivision Regulation amendments
  - Status on extension of vested properties.

9. President's Report.
10. Actionable Correspondence.
11. Non-Actionable Correspondence.

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record. Feel free to submit your comments to office of the Departments of Planning and Zoning.

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

**DRAFT**

Jefferson County Planning Commission

January 10, 2017

The Jefferson County Planning Commission met on January 10, 2017 with the following Commission members present: Mike Chapman, President; Wade Louthan, Vice President; Donnie Fisher, Secretary; Gary Phalen, Gene Taylor, J Ware, Steve Stolipher, Peter Onoszko and Dickie Childs. Staff members present included Jonathan Saunders County Engineer; Lydia Lehman, Assistant Prosecuting Attorney; and Rhonda Greenholtz, Planning Clerk.

Ms. Jennifer Brockman, County Planner, was absent due to illness.

Mr. Mike Chapman called the meeting to order at 7:00 PM.

1. Election of Planning Commission Officers. Mr. Chapman took a moment to thank fellow Planning Commission members for his appointment as 2016 President of the Planning Commission. Mr. Chapman explained the election process and opened the floor for nominations. The election results are as follows:

- Mr. Mike Chapman nominated Mr. Donnie Fisher for the position of President. Mr. Steve Stolipher seconded the nomination. A vote was taken which passed unanimously.
- Mr. Wade Louthan nominated Mr. Steve Stolipher for the position of Vice President. Mr. J Ware seconded the nomination. A vote was taken which passed unanimously.
- Mr. Steve Stolipher nominated Mr. Wade Louthan for secretary. Mr. J Ware Seconded the nomination. A vote was taken which passed unanimously.

Mr. Donnie Fisher presided over the rest of the meeting as new President of the Planning Commission.

2. Approval of the minutes from the following Planning Commission Meetings

- November 1, 2016

The minutes were approved with no objections.

3. Citizen Communications. None.

4. Request for postponement. None.

Mr. Steve Stolipher recused himself from Agenda Items 5 and 6 citing conflict of interest.

5. A Public Workshop was held for a Concept Plan for an Outdoor Resort (S16-06(CP)) to be located along Millville Road in Harpers Ferry. Owner/Applicant Old Standard Land, LLC is proposing approximately 160 cabin/tent sites/yurts and 169 RV sites in the vicinity of the quarry lake on the 404.68 acre parcel. The applicant is also proposing a lodge, boat rentals and other outdoor recreational activities. The property is currently zoned Residential/Light-Industrial/Commercial (R-LI-C) zoning.

Mr. Donnie Fisher disclosed that it was recently brought to the staff's attention that three of the letters mailed to property owners adjacent to the proposed Outdoor Resort property were addressed with the incorrect zip code.

Mr. Fisher stated the Representative for applicant of the project will speak first and then staff will present their report.

Ms. Kristen Stolipher with Gordon, representative for the applicant Standard Land Company, LLC, presented the project and gave an overview of the location of the proposed amenities. Several areas

are to be serviced by “Eloo” type sewage facilities and connection to Jefferson Utilities is being proposed in other areas. The area between the existing lake and the river will be maintained and preserved, with the exception of the primitive camping areas. Upon approval of the Concept Plan by the Planning Commission, a Site Plan will be submitted in accordance with the new campground regulations and all permitting requirements will be followed at the Federal, State and Local levels.

Mr. Noah Merkhams, member of Standard Land Company, LLC spoke briefly about their proposed use for this property. The previously approved rezoning to RLIC provides more flexibility of the use of this property. The proposed use is compatible with the surrounding area.

Mr. Donnie Fisher opened the floor up to Public Comment.

Mr. Paul Rosa, spoke on behalf of the Harpers Ferry Conservancy. Mr. Rosa was the former caretaker for the property during the bankruptcy period of the property. The Conservancy believes this project has great potential for presenting a mosaic of compatible uses in the area. Mr. Rosa provided a summary of the submitted written comments to the Planning Commission.

Mr. Andrew Lee, Representative for the National Park Service (NPS) at Harpers Ferry spoke. Written comments were submitted to the Office of Planning previous to this meeting and were handed out to the Planning Commission members. Visual impacts are of concern to the NPS, particularly the RV site to the north of the Lake. The NPS would like to work with the developer to minimize the potential visual impact the site may have on the battlefield. Mr. Lee stated that this is the most acceptable proposed concept he has seen for this site.

Mr. Donnie Fisher closed the floor to Public comment and turned the floor over to staff to receive their comments.

Mr. Jonathan Saunders spoke that the applicant provided a good overview of the request. Mr. Saunders outlined the Site Plan process. This will process as a Minor Site Development Process with Full Site Plan engineering requirements. Mr. Saunders provided an overview of Ms. Jennifer Brockman’s (not present) conditions of approval included in the staff report in the packet. One of the conditions was the merging of previously recorded lots back into the parcel.

Mr. Merkhams addressed some comments made and spoke of agreeing with working toward connectivity between the proposed project and trails. He also agreed with the concept of full cut-off lighting because a natural experience is what is being proposed and is the goal for the project. Ms. Stolipher is in agreement with recommendations presented in the staff report and added that outside agency comments will also be addressed.

Mr. Merkhams addressed the merging of lots as Mr. Saunders stated. The subdivision plat was part of a brownfield development and will be cleaned up with this project. The applicant is willing to work on any concerns brought by the public or Jefferson County to ensure compatibility with the area.

Mr. Wade Louthan asked about the second entrance to the site.

Ms. Stolipher showed the entrance to the site and the circulation patterns within the resort area.

Mr. Fisher inquired about building heights. Mr. Merkhams responded that the maximum building height would be the Lodge (proposed to be two-story) that would be no more than 25 feet. Other proposed buildings on the site would not reach that height.

Mr. Peter Oznosko asked that the applicant consider the NPS comments in the letter submitted.

Mr. Gary Phalen asked for clarification on the disclosure of the inaccurate addresses. Ms. Rhonda Greenholtz, Planning Clerk stated that she had mistakenly added the wrong zip code to two of the adjoining property owner letters and assured the Planning Commission that the site was posted and the meeting was advertised. The information has been updated for any future notifications.

Mr. Dickie Childs asked if year round camping would be allowed.

Mr. Merkhams responded that year round camping would be available, but no permanent residence is allowed per the new Campground Ordinance.

Mr. Chapman made a motion to approve the Concept Plan to be able to move to Site Plan submission following the staff recommendations and considerations from public comment. Mr. Gary Phalen seconded the motion. A vote was taken which passed unanimously.

6. A Public Hearing was held for a Waiver request for Waffle House (PCW#16-11). The property is designated as Tax District: Charles Town (02); Tax Map: 8; Parcel: 8.1; Zoned: Residential Light Industrial Commercial (R-LI-C); Size: 2.81 acres; Owner: CTSS, LLC The applicant requested a waiver from the following sections of the Subdivision Regulations:
  - Section 21.402D which requires that no permanent encroachments, structures, fences or landscaping be located within any easement area;
  - Section 20.201B which requires the subdivision of a non-residential lot not located in an approved industrial park or existing non-residential subdivision to process as a Major Subdivision; and,
  - Section 20.204 which requires this project to process as a Major Site Development.

Mr. Fisher recused himself from this agenda item and handed the meeting over to Mr. Wade Louthan, Vice President.

Ms. Kristen Stolipher, Gordon, representative for the applicant CTSS, LLC presented the request. These three waiver requests are needed in order to process the Site Plan for the Waffle house project. Ms. Stolipher explained the need for the various waivers.

Mr. Louthan opened the floor to Public comment. No Public comment was made.

Mr. Louthan closed the floor to public comment.

Mr. Saunders explained the requested waivers and how it correlated with the site development process and recommended that the Planning Commission vote on each request separately.

The Planning Commission then had a brief discussion on each of the requests, asking staff for clarification. A vote was taken on each individual request and the outcome is as follows:

Mr. Chapman made a motion to approve the waiver request from Section 21.402D which would allow encroachments inside of an easement but is contingent upon WVDOH approval. Mr. Childs seconded the motion. A vote was taken which passed unanimously.

Mr. Phalen made a motion to approve the waiver request from Section 20.201B to allow for the subdivision to process as a minor subdivision. Mr. Chapman seconded the motion. A vote was taken which passed unanimously.

Mr. Chapman made a motion to approve the waiver request from Section 20.204 to allow the Site Plan to process as a Minor Site Development. Mr. J Ware seconded the motion which passed unanimously.

Mr. Stolipher and Mr. Fisher returned to the meeting.

Mr. Fisher presided over the rest of the meeting.

7. Review and possible action regarding whether the Planning Commission wishes to send a letter to the County Commission requesting automatic extension for subdivisions vested under the 2010 SB 595.

- Sample letter from 2014 attached.
- Spreadsheet of impacted projects attached.

Mr. Stolipher made a motion that a letter be drafted and sent to the County Commission requesting approval of these projects be extended an additional 36 months.

Mr. Chapman seconded the motion. A vote was taken which passed unanimously.

8. Reports from Legal Counsel and legal advice to the Planning Commission.

a) Active Litigation:

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session.

Ms. Lydia Lehman informed the Planning Commission that a final hearing was recently held and the Judge found in favor of the Planning Commission's position. No attorney fees were awarded and the original agreement was upheld.

- Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.

Ms. Lehman stated no new reports on this case.

9. Planners Memo.

- Update on Zoning Ordinance and Subdivision Regulation amendments.

Mr. Saunders requested to table this item until the next scheduled meeting to be held on February 14, 2017.

Mr. Peter Oznosko provided an update on the status of Zoning Text Amendment ZTA16-01 LESA CUP Cluster Amendment.

The next meeting is scheduled for February 14, 2017.

10. President's Report. None

11. Actionable Correspondence. None


12. Non-Actionable Correspondence. None

Mr. Fisher motioned to adjourn the meeting at 7:53 PM with no objections.

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**Genesis Center PC File # S17-01**

**Item #5:** Request for a Concept Plan Public Workshop input by Aubrey and Debora Henry (Genesis Center) for property designated as Tax District Shepherdstown, Map: 13, Parcels: 26.1 & 26.3 for a mixed commercial/residential development.

APPLICANT:	Aubrey E. & Debora E. Henry (Genesis Center)
OWNER:	Same as above
DEVELOPER:	Same as above
CONSULTANT:	Fred Blackmer
PROPERTY LOCATION:	This property is located on Route 480, Kearneysville Pike, adjacent to Morgan's Grove Park.
LEGAL DESCRIPTION:	District: Shepherdstown; Map: 13; Parcel(s): 26.1 and 26.3 
ZONING DISTRICT:	Neighborhood Commercial (rezoned 09/3/15)
SURROUNDING PROPERTIES ZONING DESIGNATION:	Northwest: Rural (Park)      Northeast: Residential Growth South: Rural                      East: Rural West: Rural
LOT AREA:	Site area: 9.57 acres
PROPOSED ACTIVITY:	The applicant is proposing 3 commercial parcels on Parcel 26.3 (2.95 acres) including a restaurant, general commercial, and health care facility, all of which may include upper floor residential or offices; and 12 age restricted villa units on Parcel 26.1 (6.62 acres).

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**Introduction and Purpose**

The properties which are included in the Genesis Center Concept Plan are located along Kearneysville Pike (Route 480) directly south of Morgan’s Grove Park. The property was recently occupied by a concrete pad, the former site of a restaurant, and a paved area for parking. These impervious areas have been removed as a part of the initial grading of the site for a previously approved Conditional Use Permit. An overview of the last ten years of development approvals for these and adjoining properties can be found in the attachment to this report.

The Genesis Center Concept Plan is proposed to be located on two of the four parcels that were a part of the previously approved Concept Plan for Morgan Grove Market. The parcels are identified as Tax Map 13, Parcels 26.1 and 26.3 of the Shepherdstown District. Parcel 26.1 consists of approximately 6.69 acres and Parcel 26.3 is approximately 2.95 acres. Adjoining Parcels 26.2 and 26.4 are also zoned Neighborhood Commercial but are not a part of this application.

**Neighborhood Commercial Zoning Category**

The Neighborhood Commercial (NC) Zoning District (Section 5.11 of the Zoning Ordinance) is intended to permit the development of small scale commercial uses which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the commercial use. The district also permits the inclusion of residential uses on building levels located above the ground floor. The Ordinance requires developments in the NC district to be appropriate in scale and designed, landscaped, and buffered so as to be compatible with neighboring land uses.

The Principal Permitted uses in the NC District include a variety of institutional uses, smaller commercial uses, agricultural uses and single family residential uses and upper floor residential and office uses. Other requirements of the NC zone which should be reflected in the Concept Plan include limiting each building to a maximum building footprint of 3,500 square feet, requiring the buildings to be oriented toward the street with one or more entrances facing the principal street adjacent to a building and requiring large pedestrian zones with specific landscaping requirements.

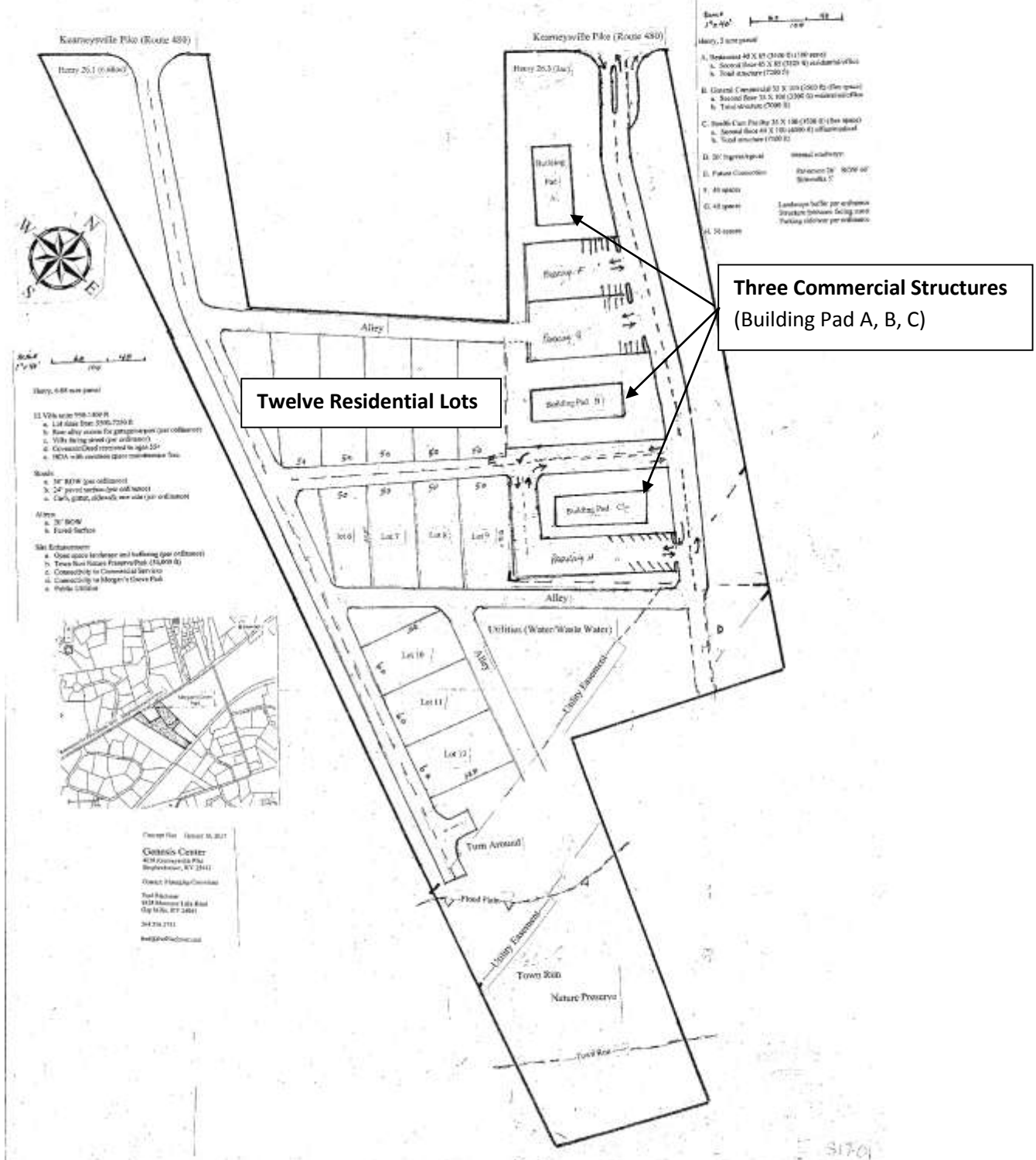
**Summary of Request**

In the Concept Plan request depicted below, Genesis Center proposes three (3) commercial structures on Parcel 26.3 (2.95 acres) including a restaurant, general commercial, and health care facility, all of which may include upper floor residential or offices and twelve (12) age restricted villa units on Parcel 26.1 (6.62 acres). The area identified as “Nature Preserve” may include a walking trail but has no other improvements proposed at this time. It includes the area of a 100 year flood plain on this property.

Note that the existing house recently used as a school on Parcel 26.2 and the existing single-family home and greenhouses on Parcel 26.4 are not a part of this proposal.

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**GENESIS CENTER CONCEPT PLAN**



**Twelve Residential Lots**

**Three Commercial Structures  
 (Building Pad A, B, C)**

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**Site Plan Category**

The development associated with this Concept Plan is governed by the Subdivision Regulations. Because the development requires off-site infrastructure (water and sewer lines), the project must process as a Major Subdivision or Major Site Development, both of which require processing a Concept Plan. This proposed Concept Plan is somewhat different than other plans seen by the Planning Commission because it is a single Concept Plan submittal for both commercial and residential areas of the proposed development. The Genesis Center project may be phased and will be required to process subsequent Major Site Plans and Major Subdivision Plats as needed. The applicant may submit a Preliminary Plat reflecting the proposed commercial lots and residential development and overall infrastructure and then subsequently submit Minor Site Plans for each of the commercial buildings.

**Staff Determination of Application Sufficiency and Concept Plan Completeness Review**

In accordance with the Subdivision Regulations, the Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of the applicant’s Concept Plan, Staff found the submitted plan “sufficient” (i.e. meeting all requirements of section 24.116 of the Jefferson County Subdivision and Land Use Regulations). These requirements, found in Section 24.116(A-J), as well as the current review status for each requirement for the Genesis Center, are provided below:

	<b>Description</b>	<b>Status</b>
<b>1. General location</b>	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2. Concept Plan</b>	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
<b>3. Zoning Information</b>	a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map.	Provided
<b>4. Proposal Description</b>	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.	Provided
<b>5. Traffic Impact Data</b>	a) Average Daily Trip 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.	Provided

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<b>6. Trip Generation</b>	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.	Provided
<b>7. Agency Reviews</b>	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.	See below
<b>D. Department</b>	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 the 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.	Staff has determined that the requirements of the Zoning Ordinance and Subdivision Regulations are met in the proposed Concept Plan.
<b>E./F. WVDOH</b>	WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.119.B.5.e.	
<b>G. Public Service</b>	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.	Corporation of Shepherdstown has submitted a letter (attached).
<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below

**Concept Plan Review**

1. External Agency Reviews

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

- Corporation of Shepherdstown Re: Water and Sewer capacity
- Jefferson County Sheriff
- Jefferson County Historic Landmarks Commission

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No other external agencies have responded.

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, which is advertised at least fourteen (14) days in advance of the meeting and posted on the property.

**Planning Staff has accepted the Concept Plan as complete provided that the following issues are addressed in the Site Plan submission:**

- Comments from the WV DOH regarding whether a Traffic Impact Study is required is received.

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 hearing takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public hearing is closed.

The Subdivision and Land Development Regulations outline the direction to be provided to the applicant:

“The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan 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 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.

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Attachments:

- Background/History of Property
- Letter from Corporation of Shepherdstown
- Letter from Sheriff's Department
- Letter from Jefferson County Historic Landmarks Commission

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**ATTACHMENT 1**

**Background/History of Property**

The subject properties are located along Kearneysville Pike (Route 480) directly south of Morgan's Grove Park. The property was recently occupied by a concrete pad, the former site of a restaurant, and a paved area for parking. These impervious areas have been removed as a part of the initial grading of the site for a previously approved Conditional Use Permit. The area once occupied by these items is used to host a weekly Farm Market which includes the sale of crafts and related activities. The remaining land is a community garden opened in 2011, greenhouses, open fields, a few stands of trees and two existing residential structures on adjoining lots.

This Concept Plan is for two of the four parcels that were a part of the previously approved Concept Plan for Morgan Grove Market. The parcels are identified as Tax Map 13 and Parcels 26.1 and 26.3 of the Shepherdstown District. Parcel 26.1 is approximately 6.69 acres and Parcel 26.3 is approximately 3 acres. Adjoining Parcels 26.2 and 26.4 are also zoned Neighborhood Commercial but are not a part of this application.

This property has a long history of proposed uses. The last 10 years of requests or approvals are outlined below for informational purposes. Note that this property was the site of a restaurant from 1968 to 1992 when it was destroyed by fire.

- In 2006, the applicant was granted a Conditional Use Permit (*CUP #Z06-01*) for a work-live development called Town Run Commons, which proceeded through the Final Plat process but was denied a time extension causing the project to expire.
- In 2011, the applicant requested a Zoning Map Amendment to rezone to Industrial-Commercial which was denied.
- In 2012, the applicant was granted another CUP (*CP12-01*) for "an agricultural based economic empowerment zone" including a mixture of uses including a Food Hub, retail stores, professional/business offices and community amenities, which was approved with 30 conditions some of which related to appearance, layout and size of the proposed uses. This CUP was given time extensions in 2013 and 2015. On July 9, 2013, the applicant received approval for a Site Plan for the agricultural based economic empowerment development which was proposed to occur in two phases. The applicant was permitted to begin grading the site for the first phase and a bond is currently being held on this grading permit.
- Over the past five years, the property has received annual Zoning Certificates for temporary uses of the property including a market for the sale of farm products and incidental products, including arts and crafts, and for the last two years, the use of an existing residential structure as a school on well and septic until such time as the first building is constructed.

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<b>PREVIOUS APPROVALS FOR THIS SITE</b>	
Zoning Map Amendment (Z15-01) from the Rural (R) to Neighborhood Commercial (NC) zoning classification.	Approved by the County Commission 09/3/15
Zoning Map Amendment (Z15-01) from the Rural (R) to Industrial Commercial (IC) zoning classification.	Denied by the County Commission 12/8/11
Previously approved CUP Previously approved CIS Previously approved Final Plat	<ul style="list-style-type: none"> <li>• 2012 CUP (CP12-01) for Morgan Grove Market (agricultural-based market); Approved by the BZA with 30 conditions (CUP signed 6/28/12)                Concept Plan (S12-06) PC Approval with no direction 12/11/12                Site Plan (S12-06) PC approved with conditions 07/09/13</li> <li>• 2006 CUP (PC File #Z06-01) for Town Run Commons                Submitted: 02/22/06; Approved: 08/17/06                CIS PC Approval (PC File #06-33): 04/24/07                Final Plat Public Hearing and Approval: 10/14/08                Extensions denied by the PC: 01/12/10 which invalidated the CUP, CIS and Final Plat</li> </ul>
<b>VARIANCE/WAIVER HISTORY</b>	Numerous waivers and variances related to Morgan Grove Market which are no longer valid approved at 1/8/13 PC meeting and 1/17/13 BZA meeting
<b>ZONING CERTIFICATES</b> #ZC11-15; #ZC13-07; #ZC14-19; #15-06; #ZC14-37; #15-05	Previously approved Zoning Certificates for Farmers Market and Temporary Use of residential structure as a private school



## CORPORATION OF SHEPHERDSTOWN

104 NORTH KING STREET  
P.O. BOX 248  
SHEPHERDSTOWN, WEST VIRGINIA 25443-0248  
TEL: (304)876-2312  
FAX: (304) 876-1473

February 9, 2017

Mr. Fred Blackmer  
9628 Moncove Lake Road  
Gap Mills, WV 24941

**RE: Water/Sewer Service for Genesis Center  
Application No.: 001-15**

Dear Mr. Blackmer:

This is to inform you that at the February 2, 2017 meeting of the Water & Sanitary Board, it was decided to issue a capacity letter for Water/Sewer for the above-mentioned project.

Capacity exists in the Colonial Hills water distribution system for this project at the nearest 8" water main. The Shepherdstown Water Plant also has capacity. Capacity also exists in the sewer collection system of Colonial Hills, at the Pump Station at Colonial Hills, and at the Shepherdstown Wastewater Plant.

As with all Mainline Extensions, all rules and regulations of The Corporation of Shepherdstown, WV Public Service Commission, WV Department of Environmental Protection and WV State Health Department must be followed. The Corporation of Shepherdstown's Alternate Mainline Extension Rule and the Corporation of Shepherdstown's Specifications for the Extension of Mains will govern this extension.

This capacity letter is in effect for a period of one (1) year and does not represent any reservation for connections.

Questions can be answered by calling Frank Welch at (304) 876-3322.

Sincerely,

*Frank Welch*

Frank Welch  
Public Works Director

FW/jbm



February 21, 2017

Mr. Fred Blackmer  
Genesis Center  
4038 Kearneysville Pike  
Shepherdstown, West Virginia 25443

Re: Jefferson County Concept Plan Submittal  
Genesis Center

Dear Mr. Blackmer,

I reviewed the Concept Plan for the Genesis Center, dated January 16, 2017, and submitted to the JCHLC February 2017 by the Genesis Center of Shepherdstown, West Virginia. The submittal documents outline the proposed site development of the parcel at 4038 Kearneysville Pike in Jefferson County, WV.

The proposed development is not only directly adjacent to the Morgan's Grove Historic District but is also located within the Core of the federally designated Williamsport Battlefield. The proposed development is located directly between two interrelated County Historic Resources. To the southwest is the Boteler House, a Category II County Historic Resource. To the northeast Fountain Rock, also a Category II County Historic Resource, the original spring and wash house for the Boteler House. There are no inventoried County Historic Resources from the 2007 JCHLC survey located on the development parcel described in the submittal documents.

The Jefferson County Historic Landmarks Commission is concerned that the development does not show sensitivity to the Williamsport Battlefield, nor the Morgan's Grove Historic District. We encourage the petitioner to provide more detailed information about the design of the development proposed along the Kearneysville Pike frontage, including signage, and the proposed connectivity to Morgan's Grove Park along the northeast boundary. Buffering appropriate to both the historically significant Williamsport Battlefield and Historic District is encouraged.

If you have any questions or need additional information, please feel free to contact me.

A handwritten signature in blue ink, appearing to read "Sara Lambert".

Sara Lambert  
Commissioner, JCHLC  
P.O. Box 23  
Charles Town, West Virginia 25414  
707-326-6443

cc: Ms. Jennifer Brockman, Jefferson County Planning Department (via email)  
Mr. Martin Burke, JCHLC Chair (via email)



# Office of Sheriff and Treasurer of Jefferson County

Law Enforcement Office  
102 Industrial Blvd  
Kearneysville, WV 25430  
304-728-3205  
Fax: 304-728-3299

Tax Office  
PO Box 9  
Charles Town, WV 25414  
304-728-3220  
Fax: 304-728-4034

*February 13, 2017*

***JC Department of Planning and Zoning  
VIA FACSIMILE and Inner Office Mail  
304-728-8126***

***Re: Genesis Center Subdivision***

***Dear Ms. Brockman:***

***This is in response to Mr. Blackmer's request that this office furnish you with an account with respect to our ability to respond to calls for service regarding matters of law enforcement and preservation of the peace at the proposed Genesis Center Subdivision located off Route 480 at the current address of 4038 Kearneysville Pike, adjacent to Morgan's Grove Park, Shepherdstown in Jefferson County, West Virginia.***

***The Sheriff's Office is charged with the affirmative duty of investigating criminal activity, preserving the peace, and enforcing the law. This duty extends to all corners of the county and to any community, subdivision or a business property without regard to size or location.***

***However, as our community continues to grow, it becomes progressively more difficult to assure timely response due to the significant increase in the number of calls for service with the staffing that is currently being provided to the Sheriff's Office. On occasion, calls for service must be handled on a priority basis where the most-serious, urgent type of events must receive priority in response and other, less serious calls for service, are responded to as quickly as manpower becomes available.***

***The foregoing should not be construed as an expression from this office that we are unable or unwilling to respond to calls for service in a timely manner. Given the resources and level of manpower with which we are obligated to work, our level of service is, and will continue to be responsive, timely, and efficient in carrying out our duties and responsibilities in the areas of law enforcement, criminal investigation and preservation of the peace in the Jefferson County community.***

***Sincerely,***

***Peter H. Dougherty  
Sheriff and Treasurer  
Jefferson County***

original



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338

Charles Town, WV 25414

File Number: 517-01

Staff Initials: rlg

Total Fee(s): \_\_\_\_\_

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Fax: (304) 728-8126

Concept Plan Review Checklist

The Concept Plan submittal shall be on white paper and shall show in simple form the proposed project. Further details can be found in the checklist below. The Concept Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules, and regulations.

In order to determine sufficiency, this application and a copy of the Concept Plan must be submitted to the Jefferson County Departments of Planning and Zoning 45 days prior to the next regularly scheduled Planning Commission meeting. Please refer to Article 24 of the Subdivision Regulations for Concept Plan Requirements.

Property Owner Information

Name: AUBREY E. HENRY, DEBORA V. HENRY  
Mailing Address: 13402 TRAILING MASS DR. DADE CITY, FL 33525  
Phone Number: 352.668.4248 Email: \_\_\_\_\_

Registered Engineer(s), Surveyor(s), or Consultant(s) Information

Name: FRED BLANKNER  
Mailing Address: 9628 MONICOVE LAKE RD. GAP MILLS, WV 24941  
Phone Number: 304 536 3743 Email: FRED @ FREDBLANKNER.COM

Physical Property Details

Physical Address: 4038 KEARNEYSVILLE PIKE  
City: SHEPHERDSTOWN State: WV Zip Code: 25443  
Tax District: SHEPHERDSTOWN Map No: 13 Parcel No: 26.1, 26.3  
Parcel Size: 6.6194 / 2.9577 Deed Book: 2163 Page No: 138

Zoning District (please check one)

Residential Growth (RG)

Industrial Commercial (IC)

Rural (R)

Residential-Light Industrial-Commercial (RLIC)

Village (V)

Neighborhood Commercial (NC)

General Commercial (GC)

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Highway Commercial (HC)

Light Industrial (LI)

Major Industrial (MI)

Planned Neighborhood Development (PND)

Office/Commercial Mixed-Use (O/C)

Signature of Property Owner

Date

Signature of Property Owner

Date

Henry 26.1 (6.68 acre parcel) keyed to the concept plan sketch.

12 Villa units 950-1400 SF

- a. Lot sizes from 5500-7250 SF
- b. Rear alley access for garage/carport (per ordinance)
- c. Villa facing street (per ordinance)
- d. **Covenant/Deed restricted to ages 55+**
- e. HOA with common space maintenance fees.

Roads:

- a. 50' ROW (per ordinance)
- b. 24' paved surface (per ordinance)
- c. Curb, gutter, sidewalk one side (per ordinance)

Alleys:

- a. 20' ROW
- b. Paved Surface

Site Enhancement:

- a. Open space landscape and buffering (per ordinance)
- b. Town Run Nature Preserve/Park (54,000 SF)
- c. Connectivity to Commercial Services
- d. Connectivity to Morgan's Grove Park
- e. Public Utilities

Sec. 24.119 B 5, Traffic Impact Data.

- a. ADT figures for the adjoining or accessible State road. Station ID 193003, WV480, (2014) ADT 5,786 over 6000
- b. Trip generation Peak hour/Average daily. (see attachment 7)
- c. Key intersections:
  - 1. Kearneysville Pike Rt480/Shepherdstown Rt45 (4 way stop).
  - 2. Kearneysville Pike Rt480/ Shepherdstown bypass (light controlled intersection)
- d. Highway Problem Areas:
  - 1. Kearneysville Pike Rt480/Shepherdstown Rt45 (4 way stop)
- e. Ordinance Table and Institute of Transportation Engineers Trip Generation Manual 9<sup>th</sup> Edition.

Sec. 24.119 B 6: Trip Generation Threshold for Traffic Study (100 peak hour).

- a. Calculation of all prospective use categories for this project are well below the threshold. That calculated number is 57.87 Peak Hour Trips (attachment 7)

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JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

**Genesis Center**  
*Where Community Begins*  
4038 Kearneysville Pike Shepherdstown, WV

January 19, 2017

Major Site Plan/Subdivision Concept Plan – Submission and Completeness Review

Sec. 24.119 B 1, General Location:

The property is located at 4038 Kearneysville Pike, Shepherdstown WV. It is bordered on the north by Morgan's Grove Park and bordered on the east by Norfolk Southern railway. The southern boundary is an 11 acre residential property.

- a. Zoning map locator (attachment 2)
- b. Aerial photo of property and surrounding area (attachment 3)

Sec. 24.119 B 2, Concept Plan.

Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan and Plat Standards*. Show or note if all features are addressed.

- a. Full size Concept Plan drawing is included in this package.
- b. Concept Plan reference information drawing (8.5 x 11) is provided. (attachment 1)

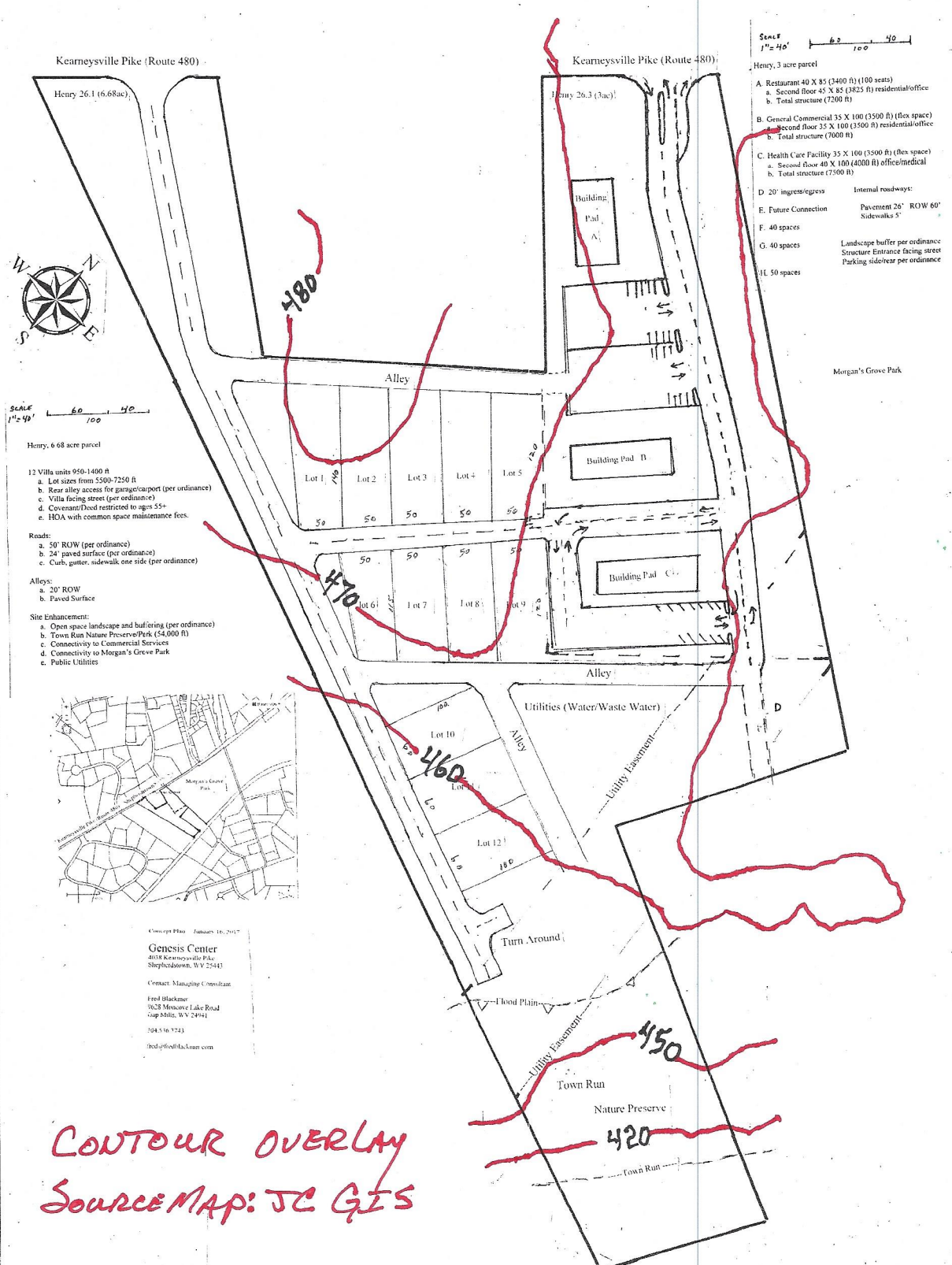
Sec. 24.119 B 3, Zoning Information:

- a. Zoning District: Parcels 26.1 and 26.3 are in the Neighborhood Commercial (NC) District.
- b. Density Calculations
  1. Parcel 26.3 layout is provided with respect to setback, impervious surface, footprint and standards as stated in the zoning ordinance description and appendix B: Non Residential Site Development Standards Table for the range of use depicted.
  2. Parcel 26.1 layout is provided with respect to the standards stated in the zoning ordinance description and Appendix A: Residential Site Development Standards Table.
- c. Site resource map.
  1. USGS Topographic Map (attachment 4)
  2. Flood Plain map (attachment 5) Also identified on Concept Plan sketch
  3. There appears to be no additional significant features (woods, slope, sink holes, prominent rock outcroppings)
- d. Use designation for all adjoining and confronting parcels. (attachment 6)

Sec. 24.119 B 4, Project Description:

Genesis Center is the result of years dedicated to a community friendly and financially viable use of land identified in this application. Previous projects have been proposed over the past decade





Kearneysville Pike (Route 480)  
Henry 26.1 (6.68ac)

Kearneysville Pike (Route 480)  
Henry 26.3 (3ac)



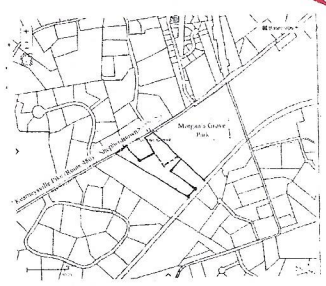
SCALE  
1"=40'  
60 100 40

- Henry, 6.68 acre parcel
- 12 Villa units 900-1400 sf
- Lot sizes from 5500-7250 sf
  - Rear alley access for garage/carport (per ordinance)
  - Villa facing street (per ordinance)
  - Covenants/Deed restricted to ages 55+
  - HOA with common space maintenance fees.

- Roads:
- 50' ROW (per ordinance)
  - 24' paved surface (per ordinance)
  - Curb, gutter, sidewalk one side (per ordinance)

- Alleys:
- 20' ROW
  - Paved Surface

- Site Enhancement:
- Open space landscape and buffering (per ordinance)
  - Town Run Nature Preserve/Park (54,000 sf)
  - Connectivity to Commercial Services
  - Connectivity to Morgan's Grove Park
  - Public Utilities



Concept Plan January 16, 2017  
Genesis Center  
4038 Kearneysville Pike  
Shepherdstown, WV 27443  
Contact: Managing Consultant  
Fred Blackmer  
1628 Monroeville Lake Road  
Cap Mills, WV 24941  
304.516.7243  
fred@fossilblackmer.com

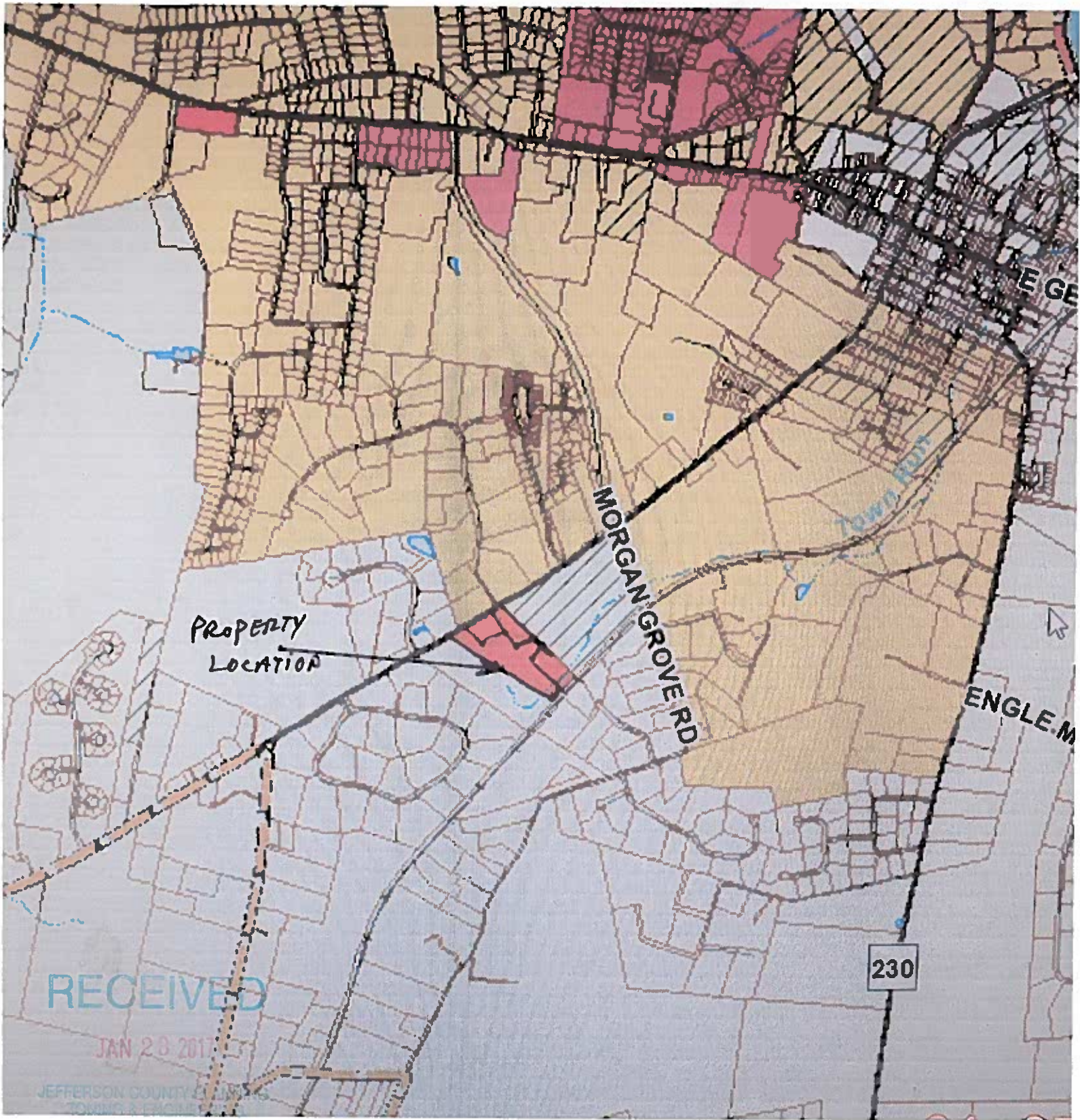
SCALE  
1"=40'  
60 100 40

- Henry, 3 acre parcel
- Restaurant 40 X 85 (3400 sf) (100 seats)
    - Second floor 45 X 85 (3825 sf) residential/office
    - Total structure (7200 sf)
  - General Commercial 35 X 100 (3500 sf) (flex space)
    - Second floor 35 X 100 (3500 sf) residential/office
    - Total structure (7000 sf)
  - Health Care Facility 35 X 100 (3500 sf) (flex space)
    - Second floor 40 X 100 (4000 sf) office/medical
    - Total structure (7500 sf)
- D 20' ingress/egress Internal roadways:  
E Future Connection Pavement 26' ROW 60' Sidewalks 5'  
F 40 spaces  
G 40 spaces Landscape buffer per ordinance Structure Entrance facing street  
H 50 spaces Parking side/rear per ordinance

Morgan's Grove Park

CONTOUR OVERLAY  
SOURCE MAP: JC GIS

Sec. 24, 119 B + GENERAL LOCATION, ZONING



COUNTY ZONING MAP

PROPERTY LOCATION IDENTIFIED

Attach 2

SEC. 24.119 B 1 GENERAL LOCATION AERIAL (500')



ATTACH 3

Trip Generation

Sec. 24.119 B 5 Traffic Impact Data:

Henry, 26.3 (highway access point)

	Code	Unit of Measure	Trips per Unit	Peak Hour	Average Daily
Restaurant 2000 SF Customer Area	931	1000 SF	7.49	14.98	150
Medical/Dental Office 3500 SF	720	1000 SF	3.57	12.50	125
Shopping Center (multi use) 3500 SF	820	1000 SF	3.71	13.00	130
Apartment (second floor)(est 2-6)	220	DU	.62	3.72	38
General Office Building 7000 SF	710	1000 SF	1.49	10.43	105
Total				54.63	548

Henry 26.1 (highway access point)

	Code	Unit of Measure	Trips per Unit	Peak Hour	Average Daily
Senior Adult Housing (12 detached)	251	DU	.27	3.24	33
Total				3.24	33

Project Total for all perspective uses:

57.87      581

Source: Institute of Transportation Engineers (Trip Generation Manual, 9<sup>th</sup> Edition), Common Trip generation Rates.

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*Attach 7*



# STAFF REPORT

## Jefferson County Planning Commission Meeting

March 14, 2017

PROPOSED REQUEST	To rezone from Rural (R) to General Commercial (GC).
PRIOR CASES:	ZC99-05: (required BZA approval, 1/20/00) ZC01-02: (required BZA approval, 1/21/01) S03-06: Site plan for 2400 Sq. Ft addition to existing building. ZC06-05: (approved 07/3/06) S11-08: Site Plan for partial reconstruction after fire.
PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan.
STAFF FINDING:	In this report, Staff presents the various factors related to these properties based on the Comprehensive Plan. Staff finds that the request is <b>consistent</b> with the Envision Jefferson 2035 Comprehensive Plan.

### **Applicant's Request**

The applicant's request is to have the three properties located at and near 4843 Middleway Pike rezoned from Rural to General Commercial. The applicant intends to continue the commercial use of this property.

### **Background/History of Property**

Middleway Market, formerly known as Country Roads Market, was a lawfully created non-conforming use established prior to the 1988 Zoning Ordinance. In May, 2010, the original Market was partially destroyed by fire, and in December, 2010 received Board of Zoning Appeal (BZA) approval to reestablish the nonconforming use. The applicant's property now consists of 2.436 acres of land unevenly divided between three properties that front directly onto Middleway Pike. The middle parcel is currently the site of a one-story commercial building, with an upstairs apartment, and a large paved parking area. The convenience store includes incidental propane service, ABC off-premises packaged alcohol sales, video lottery/game room area, an ABC on-premise alcohol service, office/storage area, counter and deli service. In May, 2014, the applicant received BZA approval of a Conditional Use Permit that reflects all of these proposed uses and BZA action which stated that the video lottery/game room area retains its non-conforming status.

### **Middleway Village and Neighboring Uses**

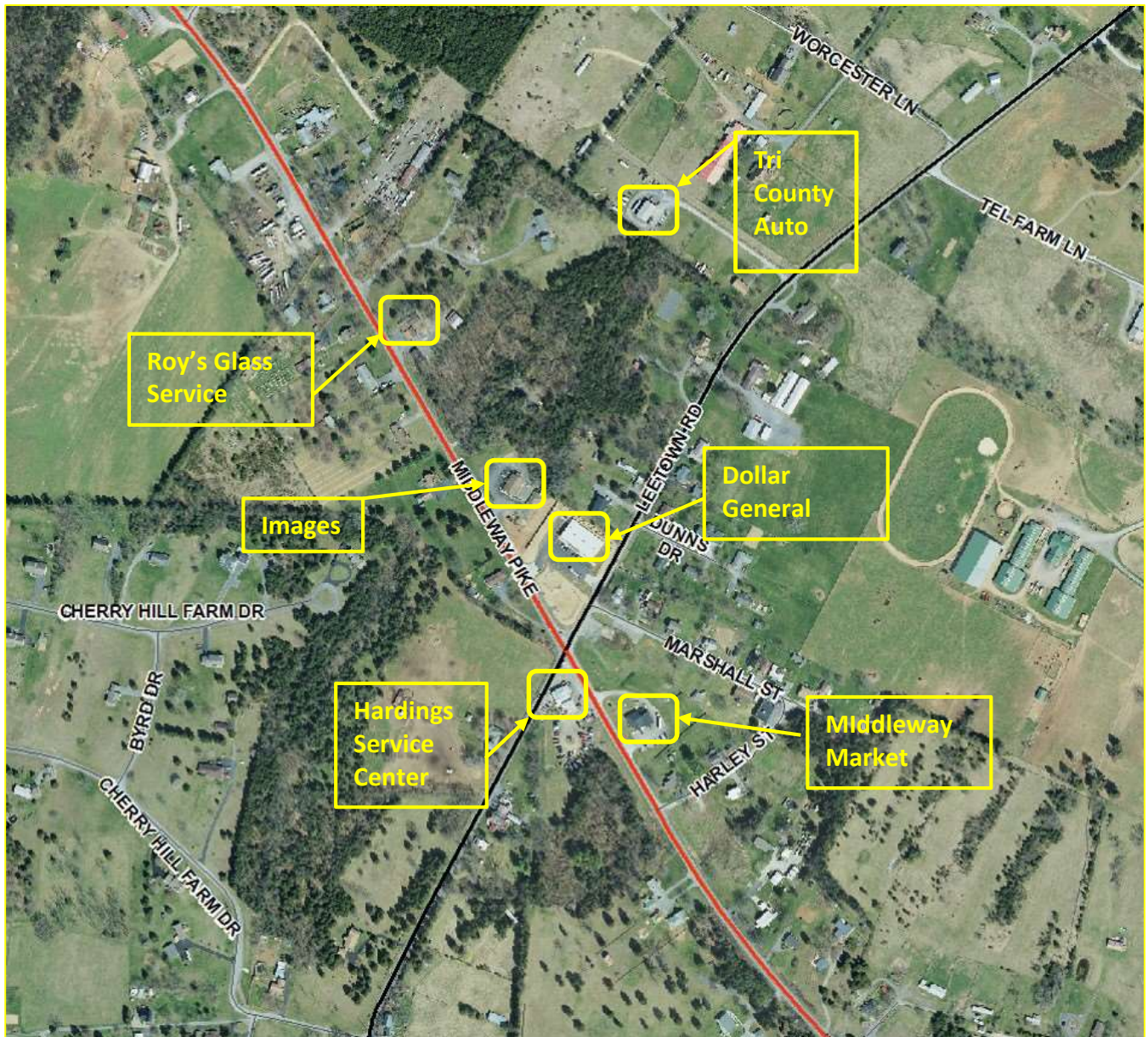
The properties under consideration for this Zoning Map Amendment are adjacent to or in close proximity to the Village of Middleway and the following nonresidential uses outside the Village.

- Hardings Service Station (nonconforming use; across the street)
- Dollar General (an approved CUP; 0.1 miles)
- Images (nonconforming use; 0.2 miles)
- Roy's Glass Service (nonconforming use; 0.3 miles)
- Tri-County Auto (nonconforming use; 0.4 miles)

# STAFF REPORT

Jefferson County Planning Commission Meeting

March 14, 2017



While the Village of Middleway is bypassed by WV 51 (Middleway Pike), it straddles CR 1 (Leetown Road). The *Envision Jefferson 2035 Comprehensive Plan* defines Middleway as one of the key villages in the County and provides opportunity for the expansion of the Village zoning immediately around the Village. In this expansion area, the Plan calls for future development to occur in a pattern and scale compatible with the traditional village center. The properties in question, however, are located at the intersection of Middleway Pike and Leetown Road, to the north of the Village, and are planned for future mixed use residential and commercial development that does not necessarily have to reflect the Village's scale and pattern.

## **Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. It concludes that the request is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan* because of its location within the County-designated

# STAFF REPORT

## Jefferson County Planning Commission Meeting

March 14, 2017

Preferred Growth Area in the immediate vicinity of Middleway and its designation on the Future Land Use Guide as Future Mixed Use Residential/Commercial Land Use (see map below).

The format for this assessment includes references to specific provisions of the *2035 Comprehensive Plan*, which are identified by page number citation. Staff has used these notations and quotations in order to address sections of the *2035 Comprehensive Plan* as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the *2035 Plan* permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document.

Finally, this report provides a Staff recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be considered the professional opinion of staff. As the Planning and Zoning staff have no statutory authority to make decisions in this regard, we defer to the Planning Commission, and subsequently the County Commission, for any final recommendation or decision that may be forthcoming, with respect to the application of rezoning the subject parcels.

### **Zoning Map Amendment Public Hearing Process**

The West Virginia State Code Section 8A-7-9 and Article 12 of the Jefferson County Zoning and Land Development Ordinance provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. Article 12 of the County Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)].

This report focuses on whether or not the rezoning application is consistent with the approved *Envision Jefferson 2035 Comprehensive Plan*. If the Planning Commission determines that the request is not consistent with the Plan, it may find that there have been changes to the area that were not anticipated in the *2035 Plan*, if the Planning Commission desires to recommend approval to the County Commission. Staff does not believe that there have been major changes of an economic, physical or social nature, within the area involved, that were not anticipated when the *Envision Jefferson 2035 Comprehensive Plan* was adopted.

The *Envision Jefferson 2035 Comprehensive Plan* differs from other Plans previously adopted in Jefferson County, in part, due to the inclusion of the Future Land Use Guide, in the form of a map which depicts recommended future land uses (p.16). The Future Land Use Guide is intended to be used in combination with the recommendations of this Plan when considering owner initiated zoning map amendments, such as the request before you today. The purpose of the Future Land Use Guide is to assist the Planning Commission and County Commission in making decisions on changes to the Zoning Map. The Plan states that the review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan and that all zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan (p.17). The Future Land Use Guide also includes a note that states: “Use of this map is to be in combination with the text and land use recommendations of the *Envision Jefferson 2035 Comprehensive Plan* when considering zoning map amendments and future land use decisions.”

A subsection of the Plan found on page 26, entitled “Land Use Classifications as shown on the Future Land Use Guide” further states the following:

# STAFF REPORT

## Jefferson County Planning Commission Meeting

March 14, 2017

“The land use classifications on the Existing Land Use Map and Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification. These land use classifications are intended to provide guidance to the County and Planning Commissions when considering owner initiated zoning map amendments (rezoning requests). According to Chapter 8A of the West Virginia State Code, as amended, the County Commission can approve any zoning ordinance map or text amendment by finding that the request is consistent with the Comprehensive Plan. For zoning map amendments in areas outside of growth areas shown on the Future Land Use Guide, this Plan recommends that the County Commission can further determine that a requested zoning map amendment is consistent with the balance of the Plan by receiving evidence and making a finding that the zoning map amendment is for the economic well-being of Jefferson County; or by finding that there is an error or under scrutinized property on the Future Land Use Guide; or a change in the neighborhood; or any other circumstance that may have been missed when considering the Future Land Use Guide; and/or that environmental impacts have been considered.”

As the three properties in question are **within** the identified Preferred Growth Area for Middleway this section of the Plan applies to the consideration of this requested Zoning Map Amendment. Because the properties are not within the Village proper or its identified expansion area, and because the proposed use is not rural in nature, the criteria for evaluating zoning map amendments in this area are found within the Recommendations Section under “Urban Level Development” (p.30). The Plan requires careful review of all components of the Plan as well as the additional criteria outlined on the Plan when considering a Zoning Map Amendment.

The following sections provide an overview of the applicants’ request, relevant sections of the *Envision Jefferson 2035 Plan*, and staff recommendation based on the professional analysis and opinion of the staff.

### **Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary**

#### **1. Land Use and Growth Management Element**

##### **Future Land Use Guide (p. 215)**

The properties which are a part of this Zoning Map Amendment request are shown on the Future Land Use Guide and the Middleway Preferred Growth Area Map (below) as Future Mixed Use Residential/Commercial, without specifying a single appropriate zoning district. The applicant is requesting the General Commercial which may be appropriate for this location.

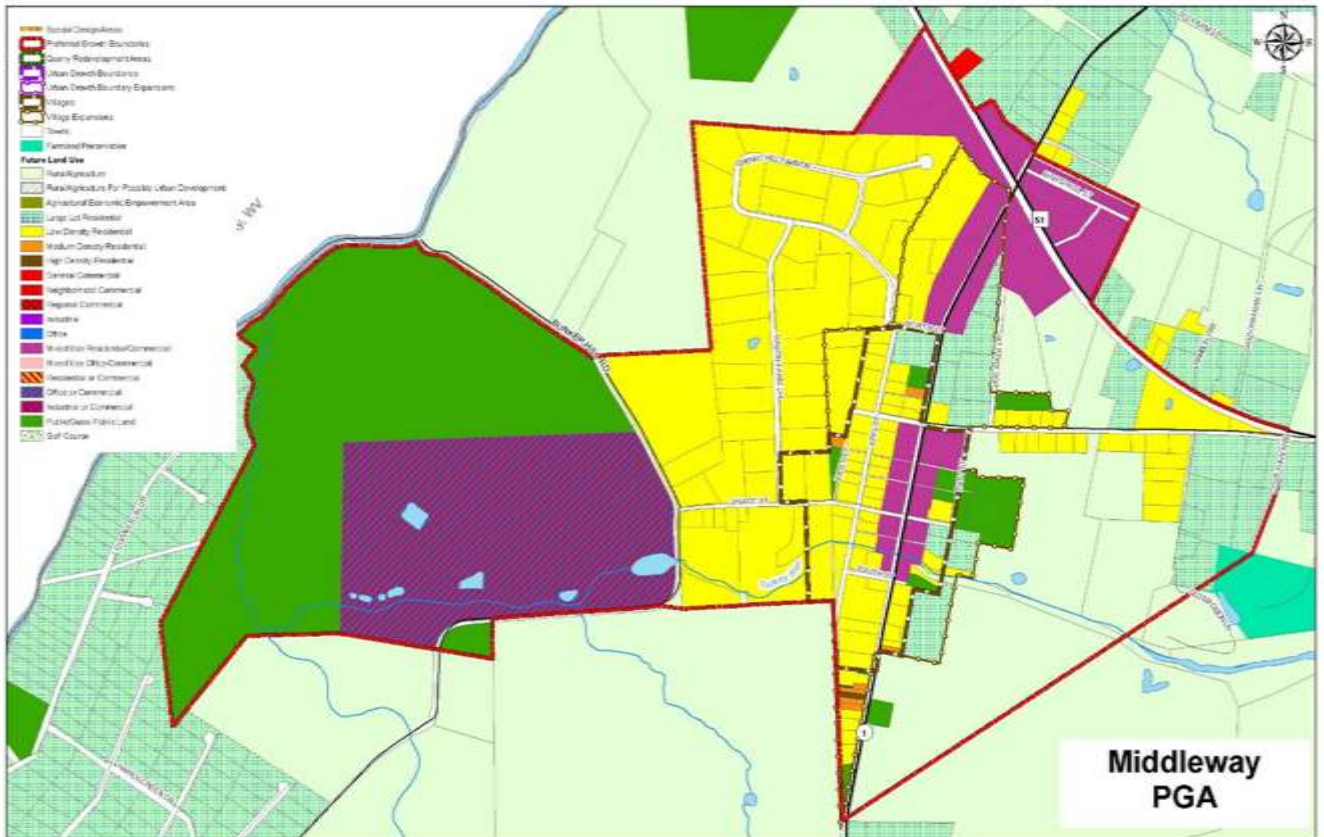
##### **e. Middleway Preferred Growth Area (PGA) (p. 22)** *(a historic village located between Charles Town and Inwood)*

Adjacent to the village is a vacant industrial facility with existing water, sewer, and natural gas utilities that, with some improvements, could also serve the village area. The vacant facility could be redeveloped for a variety of office/business uses and the historic Middleway area could be augmented in a pattern and scale compatible with the traditional village center. A map of the Middleway PGA can be found in Appendix F – Maps (below).

# STAFF REPORT

## Jefferson County Planning Commission Meeting

March 14, 2017



**Staff Comment:** The properties included in this proposal are inside the boundaries of the 2035 Plan's Middleway PGA and shown as future mixed residential/commercial development. They are therefore intended for eventual urban-level development intensity.

## 2. Land Use Map Classifications

Appendix G (p. 237) of the Envision Jefferson 2035 Comprehensive Plan provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may result in new zoning categories, this is not a comprehensive list of possible zoning districts.

Appendix G states that the intent of the "Mixed Use Residential/ Commercial Development" land use category is to reflect areas which are intended to support the mixing of residential and commercial uses. The Plan states that this land use classification should result in the creation of a new zoning district that would permit this activity, with a mandatory mix of uses to be determined through the zoning text amendment process. The only zoning district which currently exists and requires such a mix is the Planned Neighborhood Development (PND) District. It further states that any rezoning to the Residential-Light Industrial-Commercial (R-LI-C) or to a new mixed use zone that permits these uses shall have a mandatory mix of these uses.

This section further states the following:

# STAFF REPORT

## Jefferson County Planning Commission Meeting

March 14, 2017

“For developments not fronting on a four lane road, the uses recommended within the Highway Commercial (HC) land use category are not permitted in the commercial uses permitted in the Mixed Use Residential/Commercial Development. The purpose of the Mixed Use Residential/Commercial Development is to:

1. Encourage flexibility in the development of land to promote its most appropriate use.
2. Improve the design, character and quality of new developments.
3. Provide and promote redevelopment and reuse opportunities.
4. Encourage a harmonious and appropriate mixture of uses and/or housing types.
5. Facilitate the adequate and economic provision of streets, utilities and city services.
6. Preserve critical natural environmental and scenic features of the site.
7. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses.
8. Mitigate the problems which may be presented by specific site conditions.”

**Staff Comment:** While the requested General Commercial is not completely in line with the recommendations of Mixed Use Residential/ Commercial, the limited size of the properties involved in this request should allow development of the appropriate scale with the land uses at and near this intersection. .

### 3. **Other Relevant Comprehensive Plan Information:**

The properties are located at the intersection of two Major Collector Roads (Middleway Pike (WV 51) and Leetown Road (CR 1)), as identified in Section “2.E. Transportation” of the 2035 *Comprehensive Plan*. Currently there are stop signs on Leetown Road at the intersection with Middleway Pike; Middleway Pike is the through movement. The WV DOH has recently examined this area to determine if it warrants a traffic light and has determined that at this point, it does not. It is critical to carefully coordinate design of any new entrances with the WV DOH and to design developments along this corridor in a manner that maintains free flowing traffic and provide an attractive gateway into the County from the Inwood area.

This area of the County is not currently on public water or sewer; however if such infrastructure becomes available to serve the village area and its environs, all commercial development at and near the intersection of Leetown Road and Middleway Pike should be required to connect.

### 4. **Proposed Zoning District – General Commercial (GC):**

The General Commercial (GC) Zoning District (Section 5.12) was a part of the commercial zoning districts approved by the County Commission in May 2014. The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in the ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the Neighborhood Commercial District.

This zoning category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the Envision Jefferson 2035 Comprehensive Plan. The GC District includes numerous Principal Permitted and Conditional Uses listed in Appendix C (attached). Residential uses are not permitted in the GC zoning category.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

March 14, 2017

The Zoning Administrator has stated that the existing apartment on the property will be permitted to continue to operate under the Conditional Use Permit (File #CP14-01) unless it is abandoned or ceases operation. The current apartment on the property should be discussed as a part of this rezoning action.

Video lottery is also not a permitted use and is not permitted to process as a conditional use. The continuation of this non-conforming use should also be discussed during the rezoning consideration. The Principal Permitted uses include numerous Institutional Uses, some Industrial Uses, commercial uses and agricultural uses.

Appendix G of the *Envision Jefferson 2035 Comprehensive Plan* states that the purpose of the GC land use category is to provide for general destination business uses which parallel the description above found in the adopted Zoning Ordinance; however, the 2035 Plan had recommended that individual structures have a maximum size of 50,000 square feet, rather than the 100,000 square found in the Zoning Ordinance.

**Staff Comment:** The properties included in this proposal are inside the boundaries of the 2035 Plan's Middleway PGA and shown for mixed residential/commercial use. While General Commercial can develop structures that are fairly large, the limited size of this property should result in a commercial development that is compatible with the intent of the *Envision Jefferson 2035 Plan*.

### 5. **Staff Recommendation**

Staff finds the proposed rezoning is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*. It is located within the identified Middleway Proposed Growth Area in the *Envision Jefferson 2035 Comprehensive Plan* and is proposed for a mixed residential/commercial development on the Future Land Use Guide.

### 6. **Planning Commission Action**

This is the first Zoning Map Amendment application to process under the revised Article 12 (effective 3/17/16). In accordance with Section 12.3, the applicant petitioned the County Commission regarding the rezoning request and the County Commission has scheduled the required Public Hearing for April 6, 2017 at 1:30 pm. Section 12.3 further states the following:

“Before amending the Zoning Ordinance map, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-9 et seq of the West Virginia State Code, as amended. To this end, the County Commission shall refer the petition to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted Comprehensive Plan. Such recommendation will be required to be sent to the County Commission prior to the County Commission's public hearing which shall be held within 60 days of the date the petition is presented.”

Therefore, the Planning Commission is required to review this application and make a recommendation regarding consistency with the *Envision Jefferson 2035 Comprehensive Plan* at this Planning Commission meeting.

### **Attachments:**

- Appendix C: General Commercial Principal Permitted and Conditional Uses
- History of Development on Property

**APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Dwelling, Single Family	P	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	P	NP	NP	NP	NP	P	NP	NP	P	P	NP	NP	
Dwelling, Two Family	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	NP	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
Mobile Home	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	PC	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	NP	NP	NP	PC	NP	
Church	P	P	P	P	PC	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	PC	P	P	NP	NP	P	PC	NP	
Cultural Facility <sup>29</sup>	P	P	P	P	PC	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	PC	P	P	NP	P	P	P	PC	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Elementary or Secondary School	P	P	PC	PC	NP	P	P	P	P	P	NP	NP	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	PC	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	PC	P	P	P	NP	P	
Heliport	NP	PC	PC	P	P	PC	PC	NP	NP	PC	PC	NP	
Hospital	NP	P	P	P	PC	P	P	P	P	P	NP	NP	
Nursing or Retirement Home	PC	P	P	P	NP	P	P	NP	P	P	NP	NP	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Preschool	P	P	PC	PC	PC	P	P	P	P	P	NP	NP	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	PC	
Recycling Drop-Off Center	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	PC	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	NP	NP	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	
<b>Industrial</b>													
Heavy Equipment Repair	NP	NP	PC	PC	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9

APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23, 27</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial Continued</b>													<b>Sec. 8.9</b>
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	**	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP	
Manufacturing, Limited	NP	P	P	P	P	PC	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	PC <sup>2</sup>	NP	NP	NP	NP	NP	PC <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	PC	PC	P	P	NP	NP	NP	NP	PC	P	NP	
Shooting Range, Outdoor	NP	NP	NP	PC	PC	NP	NP	NP	NP	NP	PC	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	PC	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	PC	P	NP	NP	NP	NP	PC	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													<b>Sec. 8.9</b>
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Commercial Sawmills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Explosive manufacture or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Jails and Prisons	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Petroleum products refining or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	PC	PC	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	NP	NP	P	P	PC	
Appliance Sales	NP	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
ATM	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	

APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23, 27</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses Continued</b>													<b>Sec. 8.9</b>
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with Drive-Through Facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Building Maintenance Services	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Campground <sup>31</sup>	NP	P	NP	NP	NP	NP	NP	P	NP	P	P	NP	Sec. 8.17
Car Wash	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	PC	PC	NP	NP	PC	P	NP	
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	NP	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Food Preparation	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	PC	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	NP	NP	P	P	NP	
Kennel	NP	P	P	P	PC	P	P	P	NP	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	NP	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	

APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23, 27</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses Continued</b>													<b>Sec. 8.9</b>
Personal Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Professional Office	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food	PC	P	P	P	PC	P	P	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	PC	PC	P	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Retail Sales Limited	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Retail Store, Large	NP	PC	P	PC	NP	PC	NP	NP	NP	PC	PC	NP	
Shipping and Mailing Services	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Storage, Commercial	NP	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Veterinary Services	P	P	P	P	PC	P	P	P	NP	P	P	NP	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Brewery or Winery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	PC	P	P	P	P	P	P	P	NP	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	NP	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	NP	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	NP	P	P	NP	
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- NC Neighborhood Commercial
  - GC **General Commercial**
  - HC Highway Commercial
  - LI Light Industrial
  - MI Major Industrial
  - PND Planned Neighborhood Development
  - P Permitted Use
  - NP Not Permitted Use
  - PC Use Permitted Conditionally (subject to requirements of district and/or other requirements of this Ordinance)
  - \* Limited Permitted or Conditional Permitted Uses listed in Permitted Uses Table
  - \*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4.
- OC Office / Commercial Mixed-Use
  - R Rural
  - RG Residential Growth District
  - RLIC Residential-Light Industrial-Commercial District
  - IC Industrial-Commercial District
  - V Village District

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this Ordinance

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

March 14, 2017

### History of Development on Property

- 12/19/96 The Board of Zoning Appeals approved a variance for front and side setbacks for a sign.
- 01/20/00 The Board of Zoning Appeals approved a request for a change in nonconforming use for the store to obtain a Class A on premises West Virginia ABC license, allowing the sale of KENO game tickets (ZC99-05). The Board noted that the approval was “contingent upon the area of the store designated for the sale of beer and wine being restricted to the dining/game room area as shown on the sketch . . . submitted by Mr.Virts as part of his request.”
- 01/21/01 The Board of Zoning Appeals approved a change in nonconforming use to separate the convenience store from the dining area in order to comply with a change in State regulations regarding video poker machines. The request included the proposed construction of a room to serve food in conjunction with the site’s WVABC on premises license (ZC01-02).
- 06/04/02 The Planning, Zoning and Engineering Department issued a letter to the property owner establishing a total buildable square footage amount of 4,841 square feet, based on a calculation of 35% of the existing building area, per Section 4.3 of the Zoning Ordinance.
- 03/23/04 The Planning Commission approved Site plan S03-06, for a 2,400 square foot, two story addition to the existing store. The addition was approved for retail and storage uses.
- 07/03/06 The Planning, Zoning and Engineering Department issued a Zoning Certificate permitting the operation of video lottery machines. The certificate references the restrictions imposed by the Board of Zoning Appeals on January 20, 2000 (ZC06-05).
- 05/05/10 The Country Roads Market was destroyed by fire.
- 12/16/10 The applicant received a variance to reestablish a nonconforming land use destroyed by “a natural or unnatural calamity”, per Section 4.3(i); and to allow 0’ setbacks for an existing parking area per Sections 4.16 and 5.6(d) (this variance was not utilized due to DOH requirements).
- 5/22/14 BZA approval of Conditional Use (CP#14-10) for the Middleway Market to include the following uses: a convenience store, which includes incidental propane service, ABC off-premises packaged alcohol sales, ABC on-premises alcohol service, office/storage area, counter & deli service and to allow an expansion of the buildable area from 4,841.75 sq. ft. to 6,000 sq. ft.; and inclusion of a residential rental unit, to expand from counter & deli service to a restaurant service with alcohol sales and delivery service. The BZA also noted that the video lottery/game room area shall remain a nonconforming use.



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning and Zoning**

116 East Washington Street, P.O. Box 338  
 Charles Town, WV 25414

File Number: # 217-01  
 Staff Initials: etc  
 Application Fee: \$ 1,150.00

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

**Property owner information**

Name: JEFFERSON REALTY LLC ATTENTION: ANTONIO COLANDREA  
 Mailing Address: 4843 MIDDLEWAY PIKE KEARNEYSVILLE WEST VIRGINIA 25430  
 Phone Number: (304) 283-3120 Email: \_\_\_\_\_

**Applicant contact information**

Name: SAME AS ABOVE  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant representative**

Name: CONTACT: P.J. RAGO CONSULTING LLC ATTENTION: PAUL J. RAGO  
 Mailing Address: P.O. BOX 548 CHARLES TOWN WEST VIRGINIA 25414  
 Phone Number: (304) 676-8256 Email: pjraco.consulting@gmail.com

**Physical property details**

Physical Address: 4843 MIDDLEWAY PIKE  
 City: KEARNEYSVILLE State: WEST VIRGINIA Zip Code: 25430  
 Tax District: MIDDLEWAY (07) Map No: 19A Parcel No: 13, 14 and 14.1  
 Parcel Size: 0.76 (#13); 1.48 (#14); 2.43 (#14.1) Deed Book: 1147 and 1096 Page No: 349 and 255

**Current Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (O/C)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RECEIVED**

Place Received Date Stamp Here

FEB 21 2017

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

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#Z17-01

MAP AMENDMENT REQUEST  
Article 12, Jefferson County Zoning Ordinance  
Jefferson Reality, LLC  
February 1, 2017

**Owner:**

Jefferson Reality, LLC  
4843 Middleway Pike  
Kearneysville, WV 25430  
304.283-3120

RECEIVED

FEB 21 2017

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

**Applicant:**

**Same:** Jefferson Reality, LLC

**Ordinance Citation:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance, as amended.

**Map Amendment/Rezoning Request:**

An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.

**Substantiation for the Request:**

1. The Envision 2035 Comprehensive Plan and Future Land Use Guide are the documents that were just adopted to guide growth. Both the Plan and Map/Guide totally support the Map Amendment/Rezoning. The properties are currently shown on the Future Land Use Guide as Commercial/Residential and the Owner is seeking a map amendment to the General Commercial District. As explained in this Application, the Applicants believe that this change is completely consistent and compatible with the 2015 Jefferson County Comprehensive Plan. This Comprehensive Plan compatibility is evidenced by the fact that the Staff, Planning Commission and County Commission specifically placed these properties into the Middleway Preferred Growth on the Future Land Use Map/Guide. Additionally, they were designated as

part of the Commercial area at the intersection of Route 1 and Route 51. The Owner and his representative paid close attention to the Envision 2035 Comprehensive Plan process to make sure that the property remained in the Commercial Area and within the Preferred Growth Area throughout that process. The specific reason was for the owner to request a map amendment when the Plan process was complete. This rezoning is exactly as envisioned during the Comprehensive Plan Process and is the next step in the process;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. These changes are addressed in this request;
3. The properties are located at the intersection of Route 51 and Route 1. These two roads are considered Major Collector Roads in the Comprehensive Plan. As such, they are conducive for commercial development;
4. The properties were previously used and continue to be used for commercial purposes. The uses on the property in the past and presently include a tabernacle, store, convenience store, gas station, apartment and restaurant
5. The General Commercial District is a newly created District and both the Comprehensive Plan and current Zoning Ordinance endorses this District for these properties;
6. Though used commercially for many years, the current zoning designation is harming the property value and equity on the property. Since the property is zoned Rural, banks are not as willing to loan money on the property for further expansion, enhancements or additions.

**Tax District, Map and Parcel Number:**

Middleway Tax District, Map 19A, Parcels 13, 14 and 14.1

**Deed Book Reference:**

Parcel 13: Deed Book 1147 at Page 349  
Parcel 14: Deed Book 1096 at Page 255  
Parcel 14.1: Deed Book 1096 at Page 255

**Sketch Plat:**

Attached

**Tract Size:**

Parcel 13:	0.76 Acres
Parcel 14:	1.486 Acres
Parcel 14.1:	0.19 Acres
Total:	2.436 Acres

**Discussion on:**

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

***A. Comprehensive Plan Compatibility***

According to page 13 of the 2105 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcels are within one of these PGAs. As a matter of fact, because of the properties' history, current use and area, the roadway adequacy and location near the Middleway Village, these properties were specifically included in this PGA during the recently completed multi-year 2015 Comprehensive Plan Process. It is the logical next step that map amendments are requested after the adoption of a new Comprehensive Plan, which reflect the recommendations in the new Plan.

Along with the new Comprehensive Plan, the Zoning Ordinance has been amended over the last several years to slowly evolve into a more traditional zoning ordinance that has more available zones and districts. These amendments included the creation of the General Commercial District. This district is for low to medium level commercial development along primary and good secondary roadways. As the owner desired a commercial classification in the Comprehensive Plan, he made sure that he monitored and participated in the entire multi-year process. At the conclusion of that process, the County Commission included this property in the PGA and designated it as Commercial. While the Plan shows the property as a mixed-use district, the owner picked the most appropriate Commercial district for this property. The Zoning Ordinance (page 77) specifically states that the General Commercial Zone should be utilized in the following locations:

“B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.”

As previously described, the subject property is properly located on the Future Land Use map (Guide) as Commercial and/or Residential in the 2015 Comprehensive Plan. As also stated, the property is also located at the intersection of two Major Collector Routes as listed on the attached Comprehensive Plan Roadway Classification Map.

These maps and guides show that this property continues to be slated for future development. The requested General Commercial District would really be no more impacting than what is already located in the area and on the property. This type of use is what the Commission intended when it was added to the Preferred Growth Area and designated as Commercial or Residential on the Future Land Use Guide.

**Page 17** of the Comprehensive Plan describes the various categories of land, including PGAs as follows:

“Land Use Activity Areas

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

Four Comprehensive Types of Land Use Activity within the Designated Areas

Urban Growth Boundaries  
Preferred Growth Areas (PGAs)  
Villages  
Rural/Agricultural Areas

The first two area types addressed below, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) (including one residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035.” Emphasis Added.

A further explanation of PGAs is found on **Page 20** of the Plan:

**“The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another. Each of the PGA Maps can be found in Appendix F – Maps”**  
Emphasis Added.

Such description makes it clear that this Map Amendment Request is very consistent with the New Envision Jefferson 2035 Comprehensive Plan.

The new 2015 Comprehensive Plan (Page 25) also strongly encourages that the newer zones that have been created, such as the requested General Commercial District be utilized. Accordingly, the Plan encourages rezoning requests for the newer categories such as General Commercial. The County Commission specifically adopted the separate commercial districts so that the zoning ordinance becomes more traditional in nature. The request to rezone the property to the Comprehensive Plan supported General Commercial District also demonstrates that the requested map amendment is consistent with the Comprehensive Plan.

The following recommendations are found in the Urban Level Development Recommendations Table starting on **Page 30** of the Plan:

**“5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.**

**c. Establish a greater variety of zoning district options (in commercial, residential, and mixed-use zoning categories) that adhere to predictability of land use options and outcomes based on the Plan recommendations.**

Even if the subject property wasn't already shown on the Future Land Use Guide as Commercial, the rezoning would be justified based on the following recommendation on **Page 30** of the Plan:

- 2. Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:**
  - a. Economic Well-Being of the County;**

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan by both the narrative (Page 69) and recommendations (starting on Page 70):

**“Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas**

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses.” (Page 69)

Recommendations:

“5. Create a business friendly environment in Jefferson County.

6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.”

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, the Roadway Classification Map, this map amendment is extremely consistent and compatible with the Plan. The Consistency and Compatibility to the existing Comprehensive Plan and the Future Land Use Guide are the two most important criteria that should be used for a Map Amendment.

***B. Change of Neighborhood***

The neighborhood has undergone several changes since the zoning ordinance was originally adopted. First, as described extensively above, after a multi-year effort to develop a new Comprehensive Plan, this area has been designated for growth as a Preferred Growth Area. This is the primary change as it relates to this neighborhood.

Physically, the subject property was a business that was closed for several years and the owner successfully processed an expensive Conditional Use to allow the commercial uses on the property. The owner took a chance to redevelop this property into a viable commercial business. It took quite a bit of money and a lot of time. He is now limited to the expansion and improvement of this business because of the current zoning classification. The owner’s entrepreneurship, along

with his persistence in following the Comprehensive Planning process over the years, should be rewarded with the rezoning to commercial that the Comprehensive Plan recommends.

The redevelopment of this area has led to the development of a needed Dollar General Store several properties away from the subject property. Both the Middleway Market and Restaurant and the Dollar General had to go through an expensive and time consuming Conditional Use Process. These are the reasons that the County has determined that this area, especially this intersection should be a Preferred Growth Area.

Based on the redevelopment of the subject parcel, the development of new commercial projects in the area and the Major Collector designation the Roadways, the Comprehensive Plan and County and Planning Commissions made this area a Preferred Growth Area. This Map Amendment is reflective of the change of neighborhood and resultant inclusion into the Preferred Growth Area. Furthermore, the change in neighborhood and the following discussion on transportation characteristics illustrates why the County Plan recommends the addition of commercial development and zoning at this intersection.

This area is centrally located between Charles Town and Inwood and is a natural point to allow commercial development to serve Middleway and the surrounding residents. Confining the commercial development to this major intersection is the most logical approach to this expansion of services. Why would Jefferson County want Berkeley County to serve this area from a commercial standpoint. Instead, economic development should be supported on the Jefferson County side of the County line to serve its residents and reap the economic benefits of successful businesses.

This Preferred Growth Area is to serve the residents in and around Middleway, including the many older subdivisions in the area. The Plan's Preferred Growth Area only recommends that this particular area around this major intersection be designated as commercial. Accordingly, the opportunities for commercial growth will be limited in this area and rezoning of these properties that are designated for commercial is what is envisioned in the Plan to serve this area.

### C. Change of Transportation Characteristics:

Please note that this property is already been determined to be part of the Preferred Growth Area. The fact that the roads in this area are designated as Major Collector Roads were already taken into consideration when the PGA designation was made. The existing uses, as well as the new commercial and redeveloped commercial uses, were also a factor in that PGA designation. However, since the development of the area in south Berkeley County became prevalent due to the lower land costs, Route 51 has truly become a Major

Collector Route between Charles Town and Inwood. That additional development in southern Berkeley, combined with the need to serve the existing Middleway Village and surrounding residential development, has made this area into a vital, economic growth area.

As such, the change in Transportation Characteristics have already been taken into consideration for the PGA designation and associated Plan support for this commercial rezoning. The beneficial thing about the subject property is that it is already used commercially, so any enhancements or additions to the business should not produce a large volume of additional traffic. In fact, the further development of this intersection should be to the benefit of the existing traffic characteristics. Any commercial development in this area will be market driven to serve the existing pass through traffic and existing residents in the area. Accordingly, this map amendment should not adversely affect the traffic in the area. There should be little significant difference in traffic from this property if it is rezoned to General Commercial. As a matter of fact, an enhanced commercial development would have a more favorable outcome regarding traffic since local residents could utilize the new commercial services available as opposed to driving to Inwood or Charles Town for their shopping needs.

*D. Existing and Pre-Existing Uses on the Property*

The owner of the property and his family have deep roots in the County. They have opened and operated several businesses in Jefferson County for many years. They took a chance buying this burned-out property and after several years of expensive processing and redevelopment of the property, they have opened a fine establishment that serves the area well. These properties and the neighboring area have been used commercially for many years. There have been service stations, gas stations, convenience stores, a tabernacle, a bar and grill, salvage yards, glass repair business and other commercial uses on this property and on surrounding properties. Essentially, this neighborhood has relied on the commercial services for many years in and around Middleway. The redevelopment of the subject parcel and the new construction of the Dollar General store shows a commitment for commercial services to serve the area. These commercial services have been provided for many years and now due to the investment of this owner and others, the neighborhood is becoming a small economical area for Jefferson County.

These previous uses, the redevelopment of this property, the new uses in the neighborhood, the proximity to Middleway, Inwood and Leetown and the two Major Collector roads are what the people on the Steering Committee, the public, the Staff and both Commissions saw when they determined that this area is ideal for growth. The fact that there were (and still are) existing commercial uses on this property, makes the rezoning of the property less impactful on both the traffic and community. When you drive Route 51 and go through this area, it is

easy to see that it is the logical spot for commercial development. It will serve the area for many years and allow the residents and commuter traffic to shop in Jefferson County.

Once the owner found out that the new Comprehensive Plan was being written, he followed the process and sought advice from the Staff and other experts to see what he needed to do to keep his land commercial and make it easier for future enhancements and additions to his business. As he followed this process he was happy that the property was designated for future commercial growth so he supported the Plan's adoption. He and his representative spoke to the Staff and they have agreed that this map amendment is the next logical step in the process. The existing uses in the neighborhood, combined with the designation on the future land use guide, makes this a logical rezoning that is consistent with the Envision 2035 Comprehensive Plan. Accordingly, he is requesting that the property be shifted into the newly created General Commercial District.

**E. Current Recommendations in the Future Land Use Guide and Maps in the Envision 2035 Comprehensive Plan and the New General Commercial District Guidelines Support this Request:**

As stated in the Comprehensive Plan Compatibility portion of this request, after the very carefully scrutinized Maps and Guides were approved by the County Commission, it was anticipated by both the owner and Staff that this property would be added to the Commercial Zone. These Plan Maps support this request as compatible and consistent with the Comprehensive Plan. As a matter of fact, this map amendment request is the culmination of the process that the owner began several years ago, with his participation in the Envision Jefferson 2035 process. The General Commercial District is to be located in the Preferred Growth Area as previously cited in this document. Even though a Commercial Use exists on this property, any addition or enhancement to the property will require a site plan to ensure that it meets with the current standards of the Ordinances. However, it is easy to see that this owner cares for the property and the beautiful redevelopment of this property into his business shows that he deeply cares for the community.

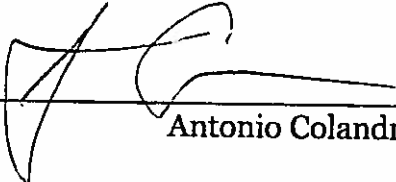
**F. Practical and Common Sense Reason for Rezoning/Map Amendment:**

This document lists all of the technical and Comprehensive Plan needed reasons for a Map Amendment; however, it is important to explain personal, practical reason for this request. As explained, the owner took a chance on this property and put out his savings and sought bank loans on his dream. It was a hard road and took many years because he was asking for commercial loans on a property that wasn't zoned for commercial. He had to get Conditional Uses and go through other complicated and expensive processes to reopen a long time pre-existing business. He wanted to make it nicer and better for the community which it served. Since it wasn't zoned correctly, the banks also took a chance on

him and the community. To keep the property looking the way it now looks and to make enhancements, changes and/or additions to this property, he will need to borrow additional money. He needs this Comprehensive Plan supported map amendment in order to secure the fact that the property is and will remain commercial in the future. It only makes sense to rezone the property to what the use reflects and what the future Land Use Guide dictates. This will allow a young entrepreneur who believed in the area an opportunity for his equity to grow and for him to be able to improve and enhance the property in the future.

G. Conclusion:

The owner, Mr. Anthony Colandrea, respectfully requests that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the 2015 Envision Jefferson Comprehensive Plan; the property is included in the 2015 Preferred Growth Area; the property is shown as Commercial and/or Residential on the Future Land Use Guide (Map); the positive changes in the transportation characteristics in the area, since the property intends to serve this same area; the changes in the neighborhood from when the original zoning ordinance was adopted; the fact that the property was used commercially for many years in the past; it is located on a major transportation route between Charles Town and Inwood (Route 51); it is at the intersection of two Major Collector Routes; the Zoning Ordinance supports this General Commercial District in this location; and, the fact that this will allow the owner the equity in the property to further enhance the property commercially. This map amendment will change the zoning classification on the Applicant's property from the Rural District to the General Commercial District.

  
\_\_\_\_\_  
Antonio Colandrea

2/17/17  
\_\_\_\_\_  
Date

Middleway Tax District  
MAP 19A

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FEB 21 2017

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

MIDDLEWAY PKE  
LEE TOWN RD

DUNNS DR

MARSHALL ST

HARLEY ST

P. 13  
.76ac

P. 14  
1.486 acres

P. 14.1  
0.19 ac

#Z17-01



#217-01

# Future Land Use Guide Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan



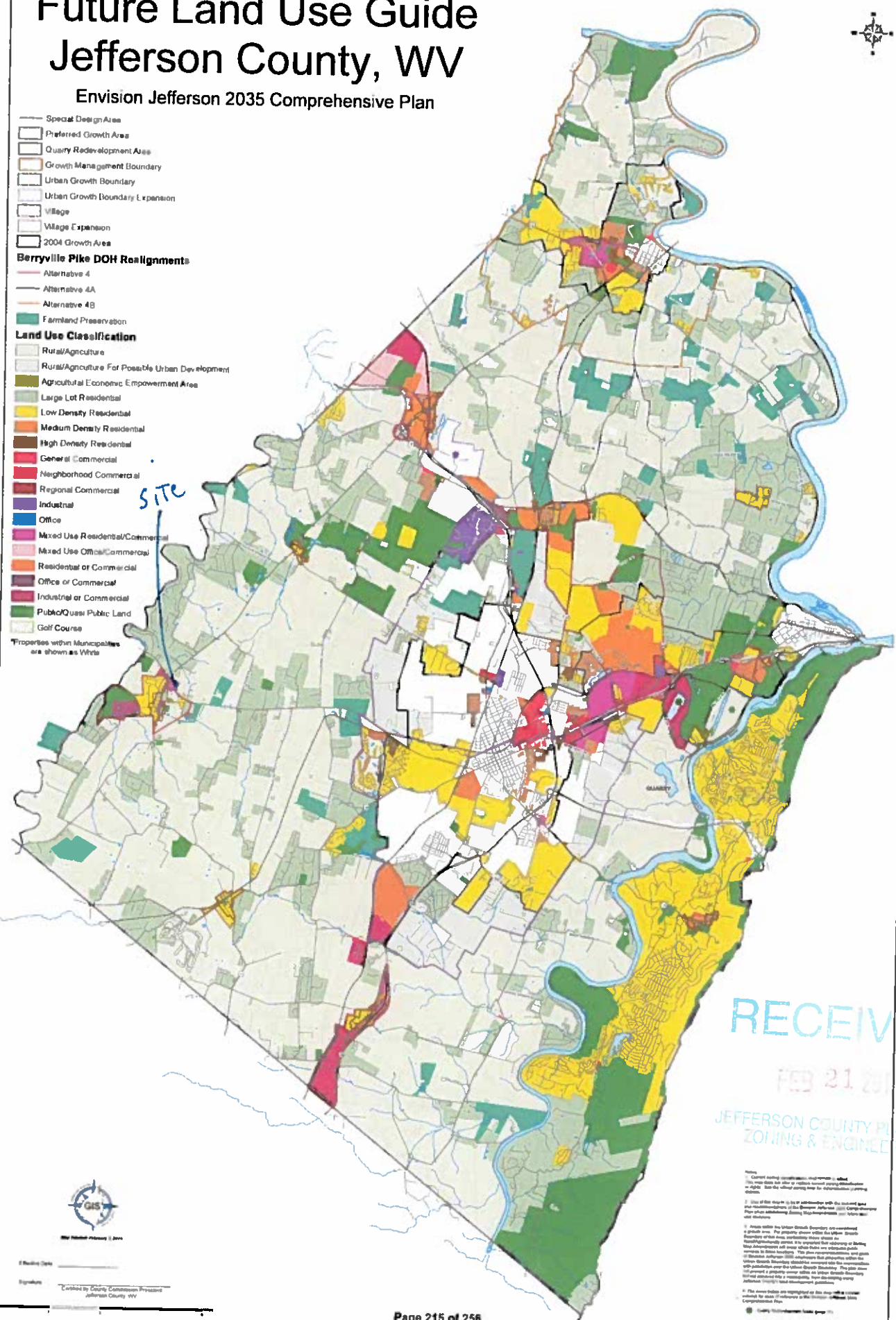
- Special Design Area
- Preferred Growth Area
- Quarry Redevelopment Area
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansion
- Village
- Village Expansion
- 2004 Growth Area

- Berryville Pike DOH Realignments**
- Alternative 4
  - Alternative 4A
  - Alternative 4B
  - Farmland Preservation

- Land Use Classification**
- Rural/Agriculture
  - Rural/Agriculture For Possible Urban Development
  - Agricultural Economic Empowerment Area
  - Large Lot Residential
  - Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - General Commercial
  - Neighborhood Commercial
  - Regional Commercial
  - Industrial
  - Office
  - Mixed Use Residential/Commercial
  - Mixed Use Office/Commercial
  - Residential or Commercial
  - Office or Commercial
  - Industrial or Commercial
  - Public/Quasi Public Land
  - Golf Course

\*Properties within Municipalities are shown as White

SITE



RECEIVED

FEB 21 2011

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING



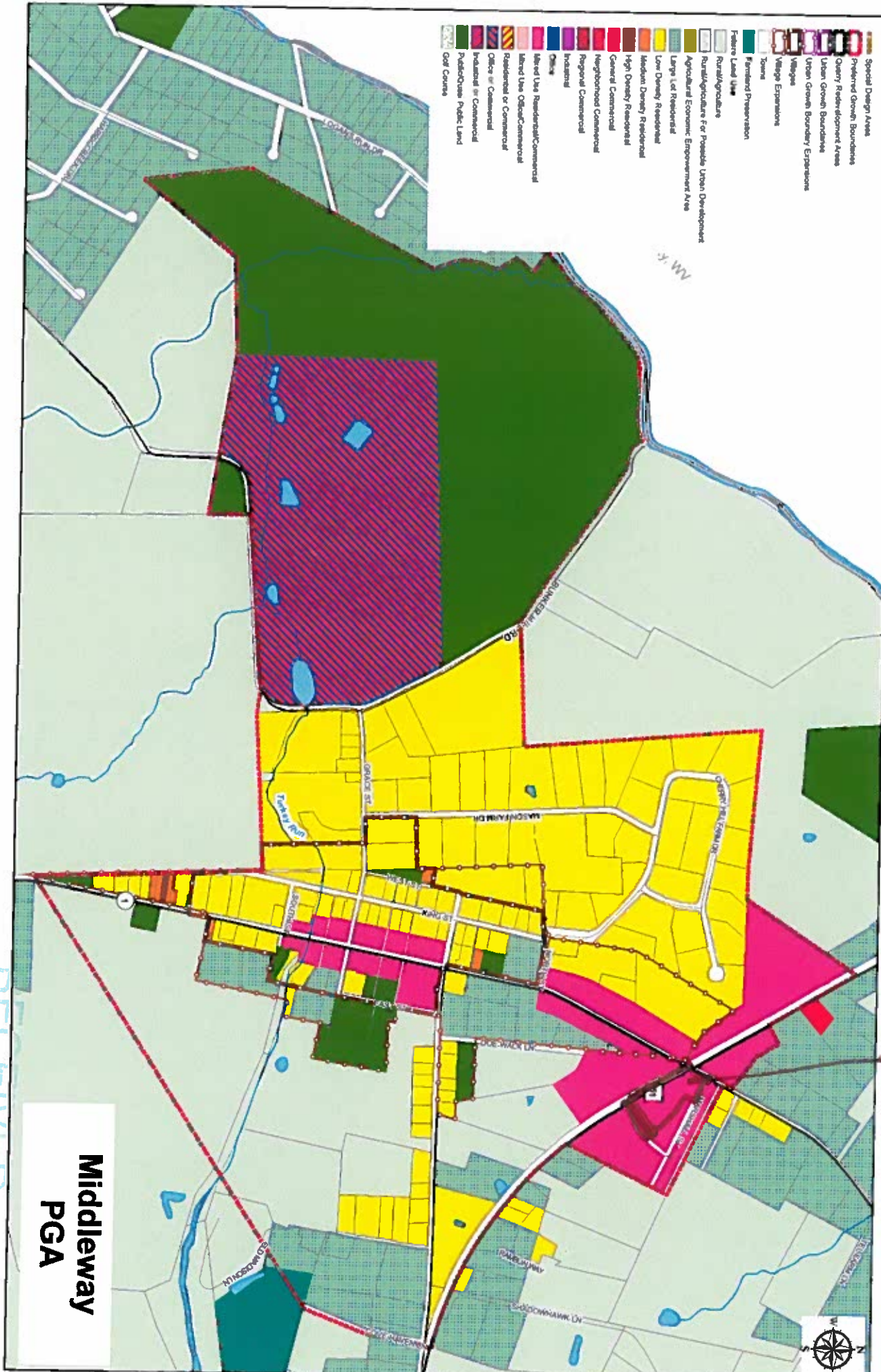
Map Date: \_\_\_\_\_  
 Prepared by: \_\_\_\_\_  
 Created by County Commission Process  
 Jefferson County, WV

- Notes:
1. Current zoning ordinances (ordinances) are used to determine the color of various zoning designations on map. Some the colors may not be representative of zoning districts.
  2. Use of this map is by agreement with the local government and municipalities of the Envision Jefferson 2035 Comprehensive Plan and existing zoning ordinances and other local laws.
  3. Areas within the Urban Growth Boundary are considered a growth area. The property shown within the Urban Growth Boundary are not necessarily zoned for residential or commercial use. The plan recommends that zoning be updated to allow for a mix of uses within the Urban Growth Boundary. This plan recommends that zoning be updated to allow for a mix of uses within the Urban Growth Boundary. This plan recommends that zoning be updated to allow for a mix of uses within the Urban Growth Boundary. This plan recommends that zoning be updated to allow for a mix of uses within the Urban Growth Boundary.
  4. The areas shown are not intended to be used as a guide for development. The plan is intended to provide a vision for the future of Jefferson County, WV.

#Z17-01

**SITE**

- Special Design Area
- Preferred Growth Boundaries
- Quality Redevelopment Areas
- Urban Growth Boundaries
- Urban Growth Boundary Expansions
- Village Expansions
- Towns
- Farmland Preservation
- Future Land Use
- Rural/Agriculture
- Rural/Agriculture for Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Pasture/Use Public Land
- Golf Course



**Middleway  
PGA**

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#217-01

JEFFREY...



# Jefferson County, West Virginia

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## Planner's Memorandum Planning Commission Meeting March 14, 2017

### 1) Upcoming County Commission Actions

#### a) Extension of Vested Property Rights for Properties Impacted by SB 595 (2010)

- Public Hearing scheduled for 3/30/17 at 7 pm (regular County Commission meeting)

#### b) Jefferson Reality, LLC (Middleway Market, 4843 Middleway Pike) Zoning Map Amendment Request from Rural to General Commercial (Z17-01)

- County Commission Public Hearing scheduled for 4/6/17 at 1:30 pm

#### c) LESA/Cluster Amendment (ZTA16-01)

- Amendment to replace the current nontraditional Zoning Ordinance with a traditional Zoning Ordinance – County Commission action on their final revised version is anticipated at the 3/16/17 CC Meeting.

### 2) Outstanding Zoning Ordinance and Subdivision Regulation Amendments

#### a) Mass Events Ordinance (ZTA 14-02):

- CC Public Hearing postponed until Summer 2016 – no action to date

### 3) Upcoming Zoning Ordinance and Subdivision Regulation Amendments

#### a) Historic Resource Demolition and Adaptive Reuse

- JCHLC working with staff on proposed language

#### b) Landscape Standards

- Stakeholder meeting with staff held – draft amendment in progress

#### c) Signage

- Including animated vs digital signs to be addressed; sign industry may need early input

#### d) Parking Standards

**e) Subdivision Regulations Amendments**

- Staff initiating amendments related to sections requiring frequent interpretations and issues, including but not limited to processing mergers/lot line adjustments; contents of minor subdivisions, etc.

**4) Upcoming PC meeting**

a) Next Regular Meeting: April 11, 2017

- Grace Baptist Concept Plan
- Colonial Hills Phase 3A Concept Plan