

AGENDA  
Jefferson County Planning Commission  
Tuesday, July 09, 2019 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. Approval of Meeting Minutes: 6-11-2019.
2. 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.
3. Request for postponement.
4. **Public Workshop:** Concept Plan for Rocky Ridge (File #19-7-SD). A proposed Residential Major Subdivision, including 132 townhouse units, a mini storage facility (four units 260' long, varying depth) and a boat and RV parking area. The property is designated as Tax District: Middleway (07); Tax Map: 01, Parcel: 1.2; Zoned: Residential Light Industrial Commercial; Size: 16.6 acres.
5. **Public Hearing:** Request by Lutman Properties, LLC. (File #: 19-9-PCW). Applicant is requesting a waiver from Section 20.201 of the Subdivision and Land Development Regulations to process the first five lots of a proposed cluster subdivision using the Minor process. The property is designated as Tax District: Shepherdstown (09); Tax Map: 20; Parcel: 8; Zoned: Rural; Size: 72.21 acres.
6. **Public Hearing:** Request by Seneca Crossing, LLC. (File #: 19-10-PCW). Applicant is requesting a waiver from Section 20.102B to allow early grading and potentially a footing and foundation permit for the proposed Seneca Crossing Business Park and Lot 1 Site Plan for Berkeley Medical Center. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 50; Zoned: Residential Light-Industrial Commercial; Size: 4.5 acres.
7. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-01. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 2 Definitions; Section 8.14 Rural Reception/Event Facility; and Appendix C to create a process to allow special event facilities in the Rural, Residential Growth, and Village zoning districts.
8. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-02. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to Appendix C: Principle Permitted and Conditional Uses Table to change the provision for Churches in the IC Zone from Not Permitted (NP) to a Conditional Use (CU).

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

9. Reports from Legal Counsel

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10. Planner's Memo.
11. President's Report
12. Actionable Correspondence
13. Non-Actionable Correspondence

DRAFT  
Meeting Minutes  
Jefferson County Planning Commission  
June 11, 2019

The Jefferson County Planning Commission met on June 11, 2019 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Ron Thomas, Mike Shepp and Ray Bruning. Staff members present included: Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; and Rachael Burke, Planning Clerk.

J. Ware and Nathan Cochran were absent with prior notification.

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

1. Approval of the May 14, 2019 Meeting Minutes. The meeting minutes were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Request by property owners, Willie & Kristi Haines for a Final Plat Amendment in accordance with Section 24.202A of the Subdivision Regulations. Applicant is requesting to have the single family restriction lifted from Lot 10 of the Fieldstone Estates Subdivision (File # 05-11). This Subdivision can be found in Plat Book 22; Page 87. The note in reference is #6. The property is designated as Tax District: Kabletown (06); Tax Map: 20; Parcel: 2.16. Zoned: Rural; Size: 10.2 acres.

Ms. Brockman explained the 1979 Subdivision Ordinance and why this request requires the approval of the Planning Commission.

Applicant provided clarity, wants a detached in-law suite to include 1 bedroom, kitchenette and bath for Mother-In Law. This will be constructed by a licensed contractor.

Ms. Brockman explained that this use is permitted for properties having over 2 acres but this lot has a single family restriction which was required under the previous Subdivision Regulations to be listed on the final plat.

Mr. Fisher opened the floor for public comment. No public comment was received.

Mr. Fisher closed public comment.

Mr. Stolipher made a motion to approve the waiver as requested. The motion carried unanimously.

Ms. Brockman stated that this approval would allow the applicants to apply for a building permit but asked the Commission to clarify if they agree that if the applicants choose to amend final plat, staff may review and approve the amendment administratively. The commission agreed that the applicant would not have to come back before them to do so.

5. **Public Hearing:** Request by the applicant, Roberts Land Surveying to approve the Preliminary Plat for Ancient Oaks Subdivision (File # 17-20), in accordance with the Sections 24.114 and 24.115 of the Subdivision Regulations. The property is designated as Tax District: Middleway (07); Tax Map: 20; Parcel 8 Zoned: Rural; Size: 43.96 acres.

Ms. Brockman reviewed the location and history of this project. She reported this would be the last public meeting for the Ancient Oaks subdivision and the only item outstanding is the Phase I Archaeological Study.

Mr. Fisher asked if anyone had questions for Mike Roberts, applicant.

Discussion ensued regarding the requirement in the Subdivision Regulations for the Phase I Archaeological Study and another project Mike Roberts is working on, Pikeview Manor.

Mr. Fisher opened the floor to public comment.

Shawn Tuitele, neighbor, stated that he was concerned about traffic and noise but that his questions were answered due to the size of the lots being larger.

Ms. Brockman stated that 50% is being retained as green space/farm which will utilize the existing Willingham Road access and that the proposed subdivision lots will access Middleway Pike.

Mr. Fisher closed Public Comment.

Mr. Stolipher made a motion to approve the Preliminary Plat with a provision that they satisfy the Phase I Archaeological Study requirement. The motion carried.

6. **Public Hearing:** Waiver request by Blossman Gas, Inc. (File # 19-8-PCW). Applicant is requesting a waiver from Section 22.208A and Appendix B Section 10.6 of the Subdivision and Land Development Regulations that requires sidewalks along the road Right-of-Way. Applicant is requesting to waive the required sidewalk along War Admiral Drive and to provide a 10' easement in lieu of the sidewalk. The property is designated as Tax District: Charles Town (02); Map: 1; Parcel: 65. Zoned: Light Industrial; Size: 2.31.

Ms. Brockman provided an overview of the relationship of the right of way for War Admiral Blvd and the proposed site development and the requirements for sidewalks set by the Subdivision Regulations.

Applicant, Chad Wallen with Gordon, pointed out that Section 10.6 of Appendix B allowed staff the authority for an administrative waiver of the sidewalk with a 10' easement in lieu of construction when, in the judgement of staff, this is the preferred option. He stated that there is nothing to connect a sidewalk to currently and the area is fully developed on both sides of the property. This area is part of the Burr Industrial Park, which is not required to have sidewalks.

Ms. Brockman showed lot layout, which reflected how the property sits back off the road. She reminded the Planning Commission that the policy has generally been that the provision for administratively waiving this requirement has only been applied in the Rural zoning district for isolated properties. Requests to waive the sidewalk requirement for property in a commercial or industrial zoning district are generally taken before the Planning Commission for and public hearing and the Commission's approval. consistency rather than administratively waiving within the Light Industrial Zone. She also clarified the other lots that are part of the Burr Industrial Park do not access War Admiral Drive.

Mr. Fisher opened the floor to Public Comment. No public comment was received. The Public Hearing was closed.

Mr. Stolipher stated that he thinks the Department of Highways would be responsible for constructing any sidewalk along War Admiral Drive and therefore, he moved to approve the waiver of the sidewalk requirement and moved to waive the alternative 10' easement provision due to the width of the right-of-way .

Ray Bruning seconded the motion. The vote was 7 for and 1 opposed (Ron Thomas). The motion carried.

7. **Discussion and Possible Action:** Shepherdstown Planning Commission to discuss next steps regarding the drafting of the WV 45 Special Design Area Guidelines, originally presented outline from May of 2018.

Ms. Brockman explained that there is a list of amendments the Planning Commission and staff would like to pursue and that the Planning Commission is in the process of requesting qualifications to hire a consultant to assist with this effort. The Shepherdstown Planning Commission is offering to help draft the amendment and bring this back to the Planning Commission to review. All work done could be given to the consultant if one was hired as a result of the RFQ. She also reviewed the request of the Shepherdstown Planning Commission to designate a member of the Shepherdstown Planning Commission to attend JCPC meetings as an "Advisory Member" and stated that she spoke with Nathan Cochran. He determined that it was not necessary to be that formal, but anyone is welcome to attend and comment on behalf of the Shepherdstown Planning Commission. The Shepherdstown Planning Commission approved Commissioner Christopher Cafiero as an "Advisory Member" to the Jefferson County Planning Commission and he was present at the meeting. It was noted that all agendas and Planning Commission packets are posted on the County website and anyone can sign up to receive the alerts when they are posted.

8. **Discussion and Possible Action (Zoning Text Amendments):**

- Petition by Pastor Tanie Guy, Church of the Ascension, in conformance with Section 12.4(b) of the Jefferson County Zoning Ordinance, to amend "Appendix C: Principle Permitted and Conditional Uses Table" to change the provision for Churches in the IC Zone from Not Permitted (NP) to a Conditional Use (CU). A Public Hearing may be scheduled to address this petition.
- ZTA19-01 Proposed at the 4/9/19 PC meeting regarding proposed revisions to Article 2 Definitions; Section 8.14 Rural Reception/Event Facility; and Appendix C to create a process to allow event facilities in new rural structures (draft language included). A Public Hearing may be scheduled to address this petition.

Ms. Brockman provided an overview of these proposed Zoning Ordinance text amendments and the process for the Planning Commission to consider them. These can be placed on July 9, 2019 agenda for a Public Hearing if the Planning Commission is ready to proceed. She explained the difference between the proposed text amendment and the current Rural Reception requirement. The Planning Commission and staff discussed the amendments and process.

Mr. Fisher made a motion to hold a Public Hearing for these amendments at the next scheduled meeting, July 9, 2019 and Mr. Stolipher seconded the motion; The motion carried.

9. **Discussion and Possible Action:** League of Women Voters' Open Governmental Meetings Act questionnaire for Planning Commission response due June 18, 2019. Planning Commission member to participate in LWV interview should be selected.

Ms. Brockman walked through the questionnaire answers and stated that the League of Women Voters want a staff and board member to participate in a follow up interview to ensure that all meetings and actions comply with the Open Meetings Act.

Mr. Stolipher moved to nominate Wade Louthan, Secretary, to meet with the League of Women Voters to follow up with an interview. Mr. Hefestay seconded the motion.

10. Reports from Legal Counsel. None.

11. Planner's Memo:

- RFQ Update, Mrs. Brockman explained that the RFQ was posted and that we have had 2-3 e-mails with questions and 1 application received at this time. She suggested a PC Committee meeting to review these and then touching base with staff. Mr. Stolipher stated the committee consists of Mr. Fisher, himself and Mr. Shepp.

12. Actionable Correspondence. None.

13. Non-Actionable Correspondence: 2 letters received with concerns about a recently approved Boundary Line Adjustment reconfiguring three small lots on Euclid Ave. The Boundary Line Adjustment was administratively approved and does not require Planning Commission approval.

A member of the public stated that their water line was hit during construction. Ms. Brockman explained that the Charles Town Utility Board is now involved in this matter and the Building Department has been handling this permit approval. These are small lots with small setbacks.

Mr. Fisher stated that the people should have signed up for Public Comment. The gentlemen asked who has jurisdiction over this. Ms. Brockman explained that Staff reviewed the Boundary Line Adjustment and that Planning Commission has no purview in this situation. The building lines are set in the ordinance and the builder is meeting the setbacks at this time. The lines were indicated, but there were no utility easements identified on the merger plats. She also clarified that there are two houses under construction at this time. Ms. Burke, Planning Clerk clarified discussions with Ms. Baumgardner had in our office with Becky Burns, Office Manager, and herself.

Mr. Fisher closed the meeting at 7:59 PM.



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**1. Summary of Request:**

The applicant is proposing to develop the 23.6 acres as a mixed use development consisting of 132 townhouse units with related parking, stormwater management and open space, and a mini storage facility consisting of four units 260' long with varying depths and a storage/parking area for licensed boats and RVs. The townhouses are proposed to vary in width from 18 to 24 feet wide (approximately 1,400 to 1,900 sq. ft.). The mini storage facility will consist of various sizes for a total of approximately 61,000 sq. ft.

The townhouses and mini storage facility are proposed to access off Hospice Lane at three proposed access points. Hospice Lane is wholly located in Berkeley County. The applicant is also proposing to keep an area of approximately 4 acres around the existing structures addressed off Charles Town Road as a proposed business office and maintenance shed and storage area utilizing the existing access on Charles Town Road.

**2. Role of Berkeley County:**

As this 16.6-acre parcel is located in both Berkeley and Jefferson Counties, the review of the engineering design is being coordinated with the two counties. Because the stormwater from this site will drain into Berkeley County and because Berkeley County is an MS-4 community with stricter stormwater regulations and control over the facilities after they are constructed, Jefferson County staff attended a meeting with the Berkeley County Engineering staff for their review and input into this project and developed an agreement as to how the plans will be reviewed.

Essentially, at the Concept Plan and Preliminary Plat stages, Jefferson County will be responsible for all aspects of the plan review except the stormwater management plans and utilities. Berkeley County Staff will be responsible for review and approval of stormwater management plans and reports for conformance with all MS4 requirements; ensuring required stormwater facility access easements are reflected on the plans; providing wording for note that should be placed on the plat and/or site plan that reflects the required stormwater maintenance agreement between the applicant/property owner and Berkeley County and further states that Jefferson County defers to Berkeley County regarding all issues related to stormwater management and any maintenance of said devices. They will also be responsible for signing off on any bond release related to the stormwater facilities.

Water and Sanitary Sewer Services are being provided by Berkeley County Public Service District utility providers and those agencies will be responsible for reviewing the design and construction documents for all water and sanitary sewer facilities.

Jefferson County Land Development staff will be responsible for the inspections of all improvements and that all building plan reviews, permits, and inspections will be handled by Jefferson County Building staff, including structures that may be completely on Berkeley County to ensure that all units are held to similar standards.

The WV DOH access will be managed by the staff member that manages encroachment permits for Berkeley County for all uses accessing Hospice Lane as Hospice Lane is completely within Berkeley County. It should be noted that the Subdivision Regulations require the Jefferson County Offices of Engineering and Planning to defer to the WV Division of Highways' (WV DOH) requirements and approval for all major subdivisions. The Regulations also state that during the Concept Plan stage, the WV DOH shall determine if a Traffic Impact Study (TIS) is required and, if required, such a study shall be completed during the Preliminary Plat stage. As noted below, the WV DOH has stated that a TIS will

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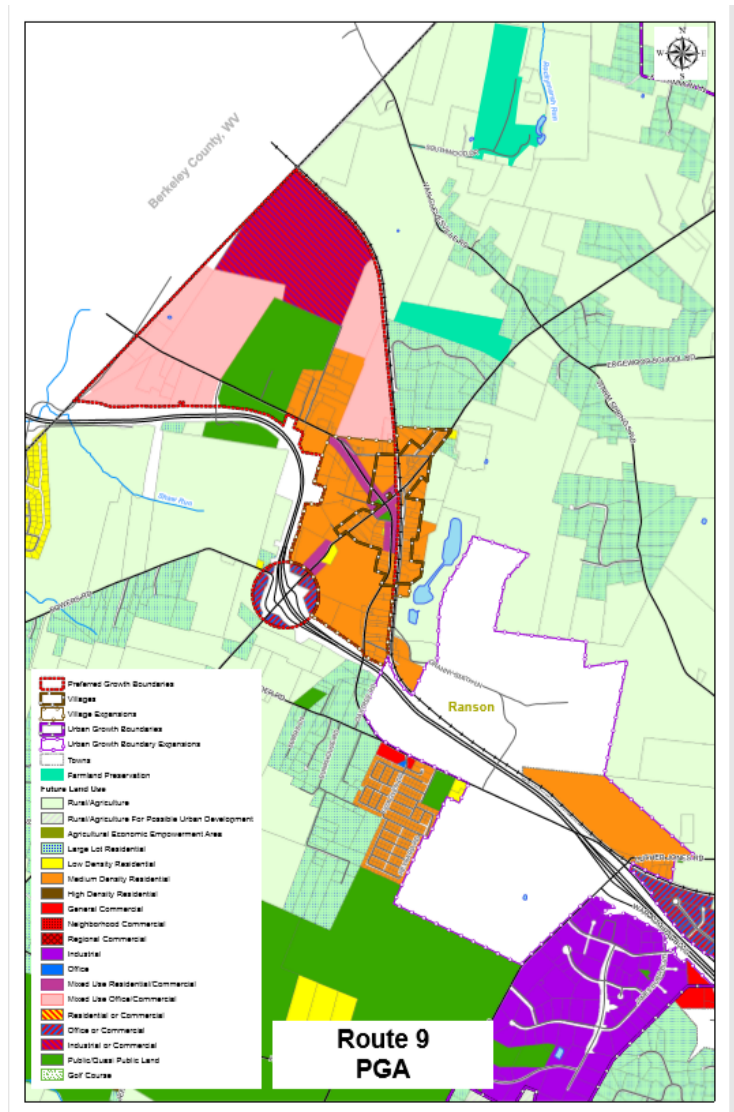
not be required but that before WVDOH encroachment permits can be issued, the developer will need to provide the WV DOH with full site plan details.

**2. Conformance with the Comprehensive Plan:**

The 23.6 acres upon which this development is proposed are zoned Residential-Light-Industrial-Commercial (RLIC). These properties were rezoned to RLIC in 2014, after the approval and construction of the Hospice campus and Hospice Lane in 2011, but prior to the approval of the *Envision Jefferson 2035 Comprehensive Plan*. This area is depicted on the Route 9 Preferred Growth Area (PGA) Map (below) of the *2035 Envision Jefferson Comprehensive Plan* as “Mixed Use Office/Commercial” which is described in the *Plan* as follows:

“This land use category is proposed to create an employment district primarily consisting of office and technology uses, with limited amounts of commercial uses. This will require the development of a new zoning category, intended to provide an opportunity for professional services and business offices, research and development, medical, technology and financial services which could be located where this category is shown on the Future Land Use Guide. A minimum of 80% of the site development is proposed for office uses, with a maximum of 20% commercial activity, intended to support the office uses.”

The proposed development does not explicitly conform with these recommendations of the *2035 Envision Jefferson Comprehensive Plan* as it proposes a mix of residential and commercial rather than office and commercial; however, the proposed use is in accordance with the existing zoning category and is therefore a permitted use.



**3. Staff Determination of Application Sufficiency and Concept Plan Completeness Review:**

In accordance with the amended Subdivision Regulations, the Concept Plan process incorporates a sufficiency and completeness review in a single step. Staff found the submitted plan “sufficient” (i.e. meeting all requirements of Section 24.110 of the Jefferson County Subdivision and Land Use

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Regulations) with minor revisions. These requirements, as well as the current review status for each requirement for the Rocky Ridge application, are provided below:

<b>Required Item from Section 24.110(A-J)</b>	<b>Description</b>	<b>Status</b>
<b>B. Submission Contents</b>	The submission shall contain the following elements:	
<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>	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, Plan & Plat Standards.	Provided
<b>3. Zoning Information</b>	This shall include: a) Determination of the zoning district in which the proposed project is situated. b) Density calculations. c) Site resource map.	Provided, based on Residential/ Light Industrial/ Commercial Zoning
<b>4. Proposal Description</b>	This site shall be 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 on Sheet C-101 of the Concept Plan
<b>5. Traffic Impact Data</b>	This shall include: 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. A “key intersection” is defined as any intersection with a primary or secondary highway 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 on Sheets CS and C-101 of the Concept Plan
<b>Trip Generation</b>	In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access improvements that are typically required by a traffic study. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.	Peak Hour Trip generation is projected to be 178 peak hour trips for the combined townhouse and storage units; however, the WV DOH has indicated that a TIS is not required.

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<b>6. Agency Reviews</b>	The reviewing agencies found in Section 23.203 and 23.204 shall conduct reviews of the proposed concept plan. Applicant shall provide copy of letters sent to outside agencies to the Departments of Planning and Zoning within 7 days of submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.	Letters to required agencies provided; see responses below
<b>7. Adjoining Property</b>	Accurate list of all properties and owners' addresses adjoining the subject property to be notified by staff of the date of the workshop.	Provided
<b>8. Other Data</b>	Any other data or information the applicant believes will assist in the review.	
<b>9. Other Reviews</b>	Any other staff or agency reviews of the plans.	
<b>C. Review Content</b>	The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.	See below
<b>D. Department</b>	<p>The Department review shall include the following:</p> <ol style="list-style-type: none"> <li>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. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal.</li> <li>2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.</li> </ol>	Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations; some design comments are found below
<b>E. WVDOH</b>	The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval.	Noted
<b>F. Traffic Impact</b>	The WVDOH shall determine whether a Traffic Impact Study (TIS) will be required during the preliminary plat stage.	WVDOH is not requiring a TIS for this project.
<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.	Subdivision will be served by Berkeley County Water and Wastewater Public Service Districts

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<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.	DOH, Berkeley Co Engineering, and PSD approvals required before Preliminary Plat approval
<b>I. Approval</b>	Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete.
<b>J. Effect</b>	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop in a local newspaper and the applicant shall post notice on the property in accordance with the Subdivision Regulations.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

**4. External Agency Reviews (correspondence is attached):**

- a. The project will be served by Berkeley County public water and sewer who will review and approve the plans. Berkeley County Public Service Sewer District provided a letter saying they intend to serve the development.
- b. The WVDOH noted a TIS will not be required; however, before WVDOH encroachment permits can be issued, the developer will need to provide full site plan details to the DOH for further review.
- c. Jefferson County GIS sent a detailed message about alternative road naming options to be requested by the applicant.
- d. Jefferson County Historic Landmarks Commission provided comments and requested a revised concept plan that incorporates a “living privacy fence” between the proposed townhouses and the Class II historic resources to remain on the property addressed as 4115/4119 Charles Town Road.

As of this date, no other agency review comments have been received. Note that final approval of the engineering design is required from the Berkeley County Public Service Water and Sanitary Sewer Districts; Berkeley County Engineering (stormwater); and the WV DOH prior to Preliminary Plat approval. If additional comments are received, they will be provided to the Planning Commission for their consideration.

**5. Staff Recommendation related to the Concept Plan:**

The Planning and Zoning Department Staff finds the Rocky Ridge Concept Plan to be “complete” based on the information provided related to the criteria above; however, the following standards, which were noted on the review of the Concept Plan, will need to be addressed prior to approval of the Preliminary Plat:

a. **Interconnectivity**

The interconnectivity of the road system is a critical recommendation of the Envision Jefferson 2035 Comprehensive Plan, particularly in the Urban Level Development Section and the Economic

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Development, Employment, and Infrastructure Element. The shared access to the Hospice campus supports this concept. This development also has an opportunity to provide connectivity to properties to the east to undeveloped land also zoned Residential-Light Industrial- Commercial (RLIC) that may eventually develop. At a minimum, some opportunity to extend the right-of way to the adjoining property lines to allow future connections should be considered.

Sec. 21.102(D) of the Subdivision Regulations “Future Connections” also states: “Where the adjoining land is vacant, the subdivision shall provide stub streets to the property line. Connections shall be made to all properties that are not vacant or have stub streets in place. The access shall be to properties on all sides. In larger subdivisions, not all streets need to be extended. The skipping of block extensions shall not exceed three block lengths or result in no connection being made to an adjoining parcel.”

b. **Parkland**

Parkland is required for a Major Subdivision of this type, a portion of which may be classified as open space. This project, per Section 21.105 of the Subdivision and Land Development Regulations, requires an estimated 10% of the property to be dedicated to parkland (based on density of 6 to 10 units per acre), with no more than 60% of the required open space to be dedicated as passive open space. The Concept Plan includes a central open/green space recreational area and an additional recreation area which is likely to meet this requirement. The calculation for the required active and passive parkland will be finalized with the Preliminary Plat and will be required to be shown on the plat.

c. **Historic Resources**

The Zoning Ordinance defines Category II historic resources as sites classified as important, including Jefferson County Landmarks, historic sites that may be National Register eligible, and other Civil War battle sites. It also states that sites in this Category may have been altered or changed to such a degree that they no longer retain the same level of integrity as the original condition.

The Zoning Ordinance prohibits any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places, which this property is not. It further defines a protection radius around Category I historic sites and sites on the National Register. These requirements do not apply to the subject property.

Discussion may occur with the applicant and the JCHLC regarding the possibility of proffering a landscape buffer between the proposed townhouse development and the historic site; however, the County’s Ordinance does not require any additional buffering requirements for Category II historic structures.

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

**6. 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.

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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 Preliminary Plat subject to conditions to be addressed in the application. The purpose of this review is to guide the developer so that when the Preliminary Plat 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.

**BERKELEY COUNTY  
PUBLIC SERVICE SEWER DISTRICT**

P.O. Box 944  
Martinsburg, WV 25402  
Phone: (304) 263-8566  
Fax: (304) 267-7478

Board of Directors:

John Kunkle, Chairman  
John E. Myers, Secretary  
Greg Rhoe, Treasurer



Curtis B. Keller  
General Manager

July 3, 2019

ILA Properties  
Joshbeen Grewall  
4115 Charles Town Road  
Kearneysville, WV 25430

Re: Intent to Serve – Rocky Ridge

Dear Mr. Grewall:

This letter is to provide notice of the Berkeley County Public Service Sewer District's intention to serve the proposed project known as Rocky Ridge, located in the Middleway District, TM 1, Parcel 1.1 and 1.2. The proposed project will consist of 132 townhomes and a 31,000 square foot mini-storage warehouse.

The District will provide sanitary sewer service to the project and enter into a COVA Agreement with the developer for construction of the necessary improvements, which may include both on-site and off-site improvements along with an on-site pump station. Individual applications will need to be completed and payment of the tap fee may be required before construction of the project on the lots will be permitted.

If you have any questions, please feel free to call my office at 304-263-1819.

Sincerely,

A handwritten signature in blue ink that reads "John P. Wood".

John P. Wood  
Chief of Construction

cc: Jefferson County Planning Dept.  
Trevor Lloyd, Cheat Road Engineering



**From:** [Willis, Trixie A](#)  
**To:** [Planning Department](#)  
**Cc:** [Paul Raco](#)  
**Subject:** Rocky Ridge (WV 115) concept plan  
**Date:** Thursday, May 23, 2019 9:06:25 AM

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WVDOH has reviewed the subject plan from Cheat Road Engineering and is OK with it.

A Traffic Impact Study will not be required. However, before WVDOH encroachment permits can be issued, the developer will need to provide full site plan details for further review.

Thanks,

*Trixie Willis*

Encroachment Permit Reviewer  
WVDOH  
District Five  
P.O. Box 99  
2120 Northwestern Turnpike  
Burlington, WV 26710  
304-289-2229





# JEFFERSON COUNTY, WEST VIRGINIA

## DEPT OF ENGINEERING, PLANNING, & ZONING

### OFFICE OF GIS/ADDRESSING

116 East Washington Street • Mason Building • Suite 201  
Charles Town, WV 25414-0208  
Telephone: (304) 724-6759 • FAX: (304) 724-8992  
gis@jeffersoncountywv.org



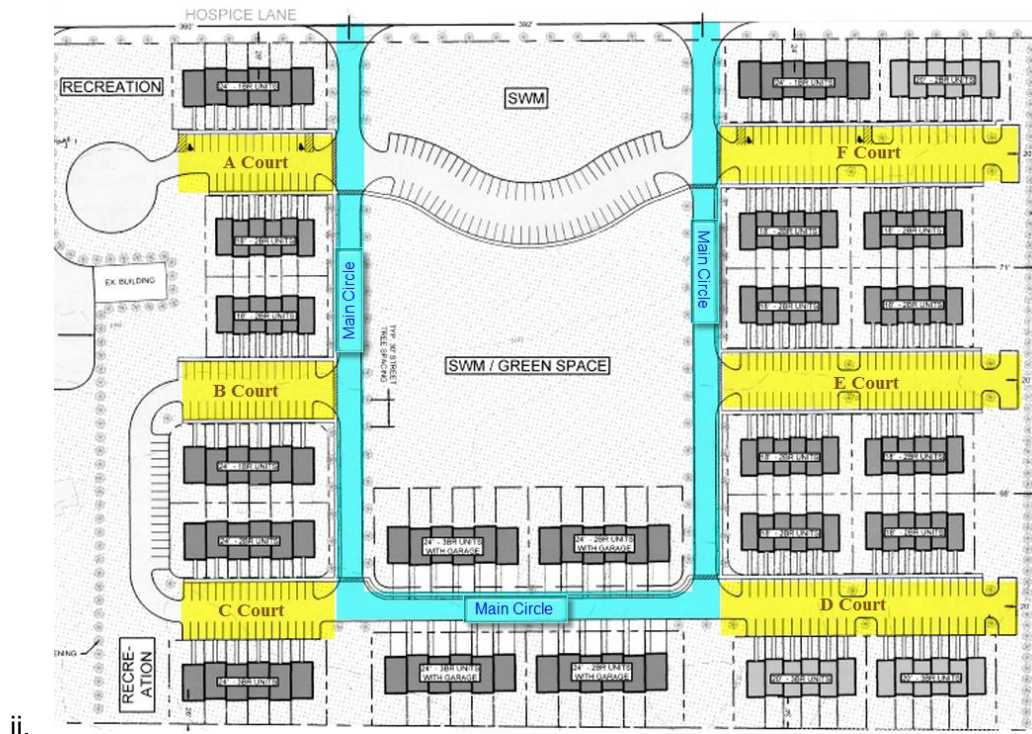
From: Todd Fagan – GIS Manager

Date: May 16, 2019

Subject: Rocky Ridge – Mixed Use Subdivision – CP (Road Name Configuration)

DPZ File: 19-7-SD

- 1) Driving lanes that double as parking areas present a unique problem when determining if road names are appropriate. Staff has reviewed existing townhouse community configurations, discussed the proposal, and concluded the following:
  - a. Functionally there are townhouse courts extending from a primary horseshoe circuit.
  - b. It appears, at minimum, that seven (7) road names are necessary
  - c. There are two options for configuration:
    - i. One (1) complete “Circle” with six (6) “Courts”



- iii. Two (2) entry “Ways”, passing four (4) “Courts, leading to one (1) rear “Terrace”



iv.

- 2) Each of the above suggestions will require road signage that the owner/developer is responsible to pay for. In fact, the first option will require multiple blades with directional arrows to distinguish the rear court from the continuation of the loop. Following road name approval, the County will invoice the owner developer for the road signs and will coordinate installation when roads are constructed.
- 3) The GIS/Addressing Office welcomes your input to the discussion regarding road name assignment.

To speed up the naming process, please submit all preferred road names to our office using the attached Road Name Reservation form as soon as possible. Please include at least 14 completely unique road names, in case one of your choices is not approved.

Please make sure to consult our Road Name Index to avoid choosing a road name that duplicates or is confusingly similar any existing road names. The RNI can be found at this URL: <http://www.jeffersoncountywv.org/home/showdocument?id=15358>. Any names will also have to be compared to Berkeley County road names, since the Kearneysville Zip Code crosses the county line.

If you have questions or comments, please respond via phone, fax, or e-mail to:

Jessica Gormont  
GIS Analyst – GIS/Addressing Office  
Office: 304.724.8986  
Fax: 304.724.8992  
jgormont@jeffersoncountywv.org



July 2, 2019

Paul Raco  
P.J. Raco Consulting, LLC.  
Charles Town, WV 25414

Re: Jefferson County Concept Plan Submittal  
Rocky Ridge Housing Development

Dear Mr. Raco,

I have reviewed the Concept Plan for the Rocky Ridge Housing Development, submitted to the JCHLC by Cheat Road Engineering, Inc. of Morgantown, West Virginia on May 3, 2019. The submittal documents outline the proposed site plan and topography of the proposed housing development near the intersectin of Rt. 115 and Hospice Road in Jefferson County, West Virginia.

A National Register eligible site and designated Class II historic resources is located within the Area of Potential (APE) of the proposed project. The Class II site is known as the Rocky Ridge site and is comprised of a c. 1830's Farm House and associated c. 1850's barn.

As such, the JCHLC opposes the concept plan as initially submitted as the plan would result in an adverse affect to the Class II Rocky Ridge historic property. JCHLC would suggest that P.J. Raco Consulting, Llc. resubmit a new plan that incorporates a "living privacy fence" consisting of tress and/or shrubs or other mitigation measures that would block the view of the housing development from the historic site. JCHLC is willing to work with P.J. Raco Consulting LLC. in the development of any mitigation measures to eliminate or reduce the impact of the proposed project to the Rocky Ridge historic site. Thank you for the opportunity to review your plans and we look forward to reviewing any future resubmissions.

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

A handwritten signature in black ink that reads "Ben W. Horter".

Ben Horter  
Commissioner, JCHLC  
P.O. Box 23  
Charles Town, WV 25414  
703-789-5086  
[Benhorter1@gmail.com](mailto:Benhorter1@gmail.com)

Cc: Jefferson County Planning Department (via email)  
Mr. Martin Burke, JCHLC Chair (via email)





JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338

Charles Town, WV 25414

File Number: 19-7-5D

Staff Initials: RBB

Total Fee(s): fees of CP

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

Email: planningdepartment@jeffersoncountywv.org

zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

MAY 24 2019

RECEIVED

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

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: Hoy Shingleton Jr, Trustee Joshbeen Grewal, Townhomes Rental LLC
Mailing Address: 4115 Charles Town Road, Kearneysville, WV 25430 Same
Phone Number: 304/262-4773 Email:

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

Name: Trevor Lloyd, P.E. Cheat Road Engineering Paul J. Raco P.J. Raco Consulting LLC
Mailing Address: 5011 Mid-Atlantic Parkway, Morgantown, WV 26508 P.O. Box 548, Charles Town, WV 25414
Phone Number: 304/676-8256 Paul Email: pjracoc consulting@gmail.com

Physical Property Details

Physical Address: Vacant Hospice Lane 4115 Charles Town Road
City: Kearneysville State: WV Zip Code: 25430
Tax District: Middleway Map No: 1 Parcel No: 1.2 & 1.1
Parcel Size: 16.6+ Acres and 7 acres Deed Book: 1087 1215 Page No: 587 142

Zoning District (please check one)

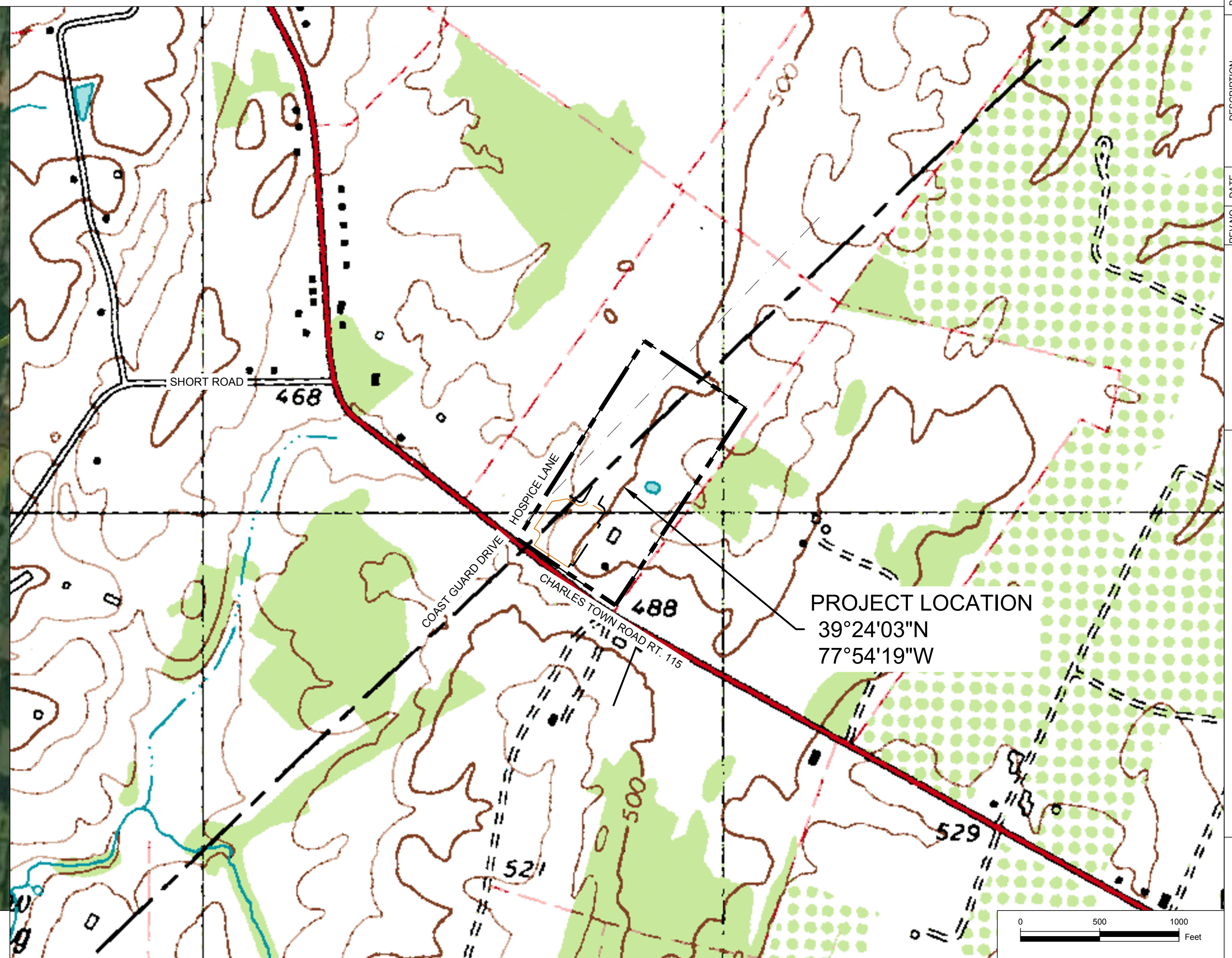
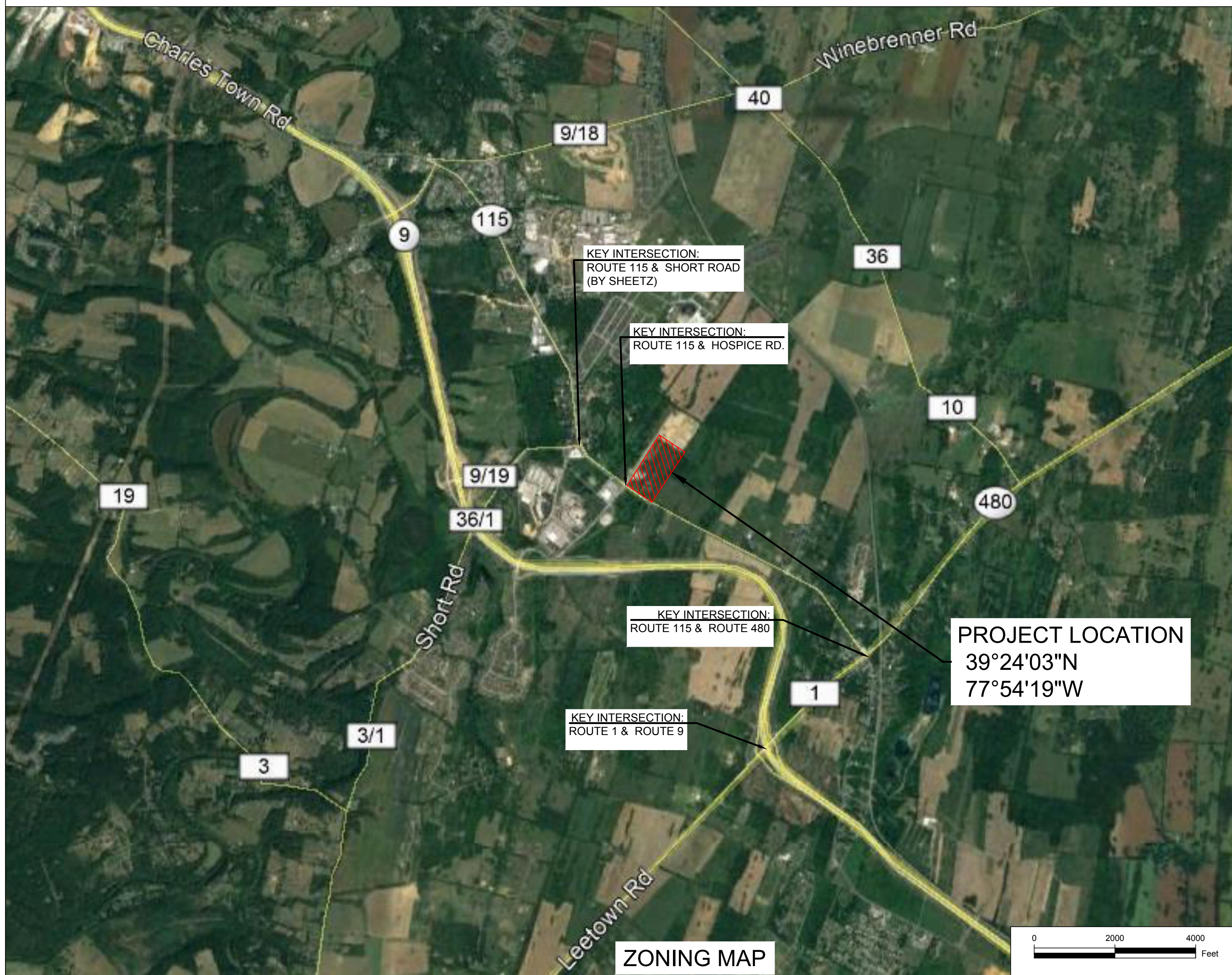
Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (O/C). RLIC is checked.

Place Received Date Stamp Here

Signature of Property Owner: JOSH GREWAL
Date: 5/24/19

Signature of Property Owner
Date





REV NO.	DATE	DESCRIPTION	BY
1	05.21.19	JEFFERSON COUNTY COMMENTS ZPB	



**CHEAT ROAD ENGINEERING, INC.**  
 5011 MID ATLANTIC DRIVE  
 MORGANTOWN, WV 26508  
 PHONE: (304) 212-5480

**ROCKY RIDGE**  
 19-7-SD  
 DISTRICT 07 MIDDLEWAY MAP-1 PARCEL 1.2 DEEDBOOK 1087 PAGE 687  
 KEARNEYSVILLE, WV

PROJECT NO: 18-115  
 DRAWING FILE:  
 18-115\_CONCEPT PLAN SHEETS.DWG

DRAWN BY: Z. BARTLEY  
 CHECKED BY: T. LLOYD  
 SCALE: NTS  
 DATE: February 12, 2019

**OWNER INFORMATION**

OWNER: ILA PROPERTIES, INC  
 POINT OF CONTACT: JOSHBEEN GREWAL  
 ADDRESS: 4115 CHARLES TOWN RD  
 KEARNEYSVILLE, WV 25430  
 PHONE: 571-438-3612  
 EMAIL: ACCOUNTING@JBGBUILDERS.COM

**ENGINEER INFORMATION**

COMPANY: CHEAT ROAD ENGINEERING  
 POINT OF CONTACT: TREVOR LLOYD  
 ADDRESS: 5011 MID ATLANTIC DRIVE  
 MORGANTOWN, WV 26508  
 PHONE: 304-212-5480

# ROCKY RIDGE CONCEPT PLAN KEARNEYSVILLE, WV

PROPOSED DEVELOPMENT:  
 132 TOWNHOMES  
 ±61,100 SQ FT STORAGE UNITS

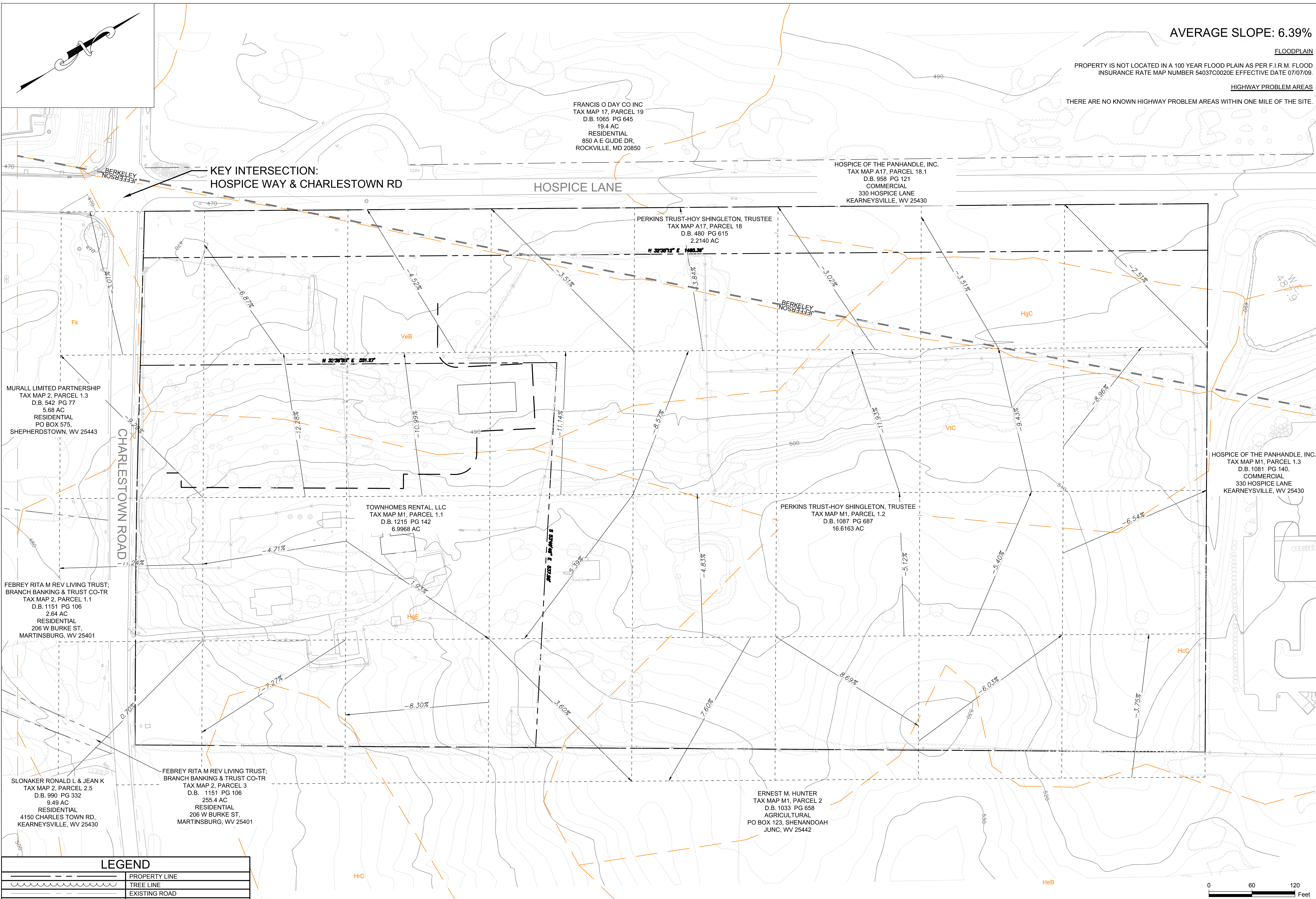
**SHEET LIST**

- CS COVER SHEET
- C-100 SITE RESOURCE MAP
- C-101 SITE PLAN
- C-102 TOWNHOME TYPICAL
- C-103 STORAGE FACILITY TYPICAL

CRE PROJECT # 18-115

COVER SHEET

SHEET NUMBER:  
**CS**



AVERAGE SLOPE: 6.39%

FLOODPLAIN

PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN AS PER F.I.R.M. FLOOD INSURANCE RATE MAP NUMBER 54037C0020E EFFECTIVE DATE 07/07/09.

HIGHWAY PROBLEM AREAS

THERE ARE NO KNOWN HIGHWAY PROBLEM AREAS WITHIN ONE MILE OF THE SITE.

REV NO	DATE	DESCRIPTION	BY
1	05/21/19	JEFFERSON COUNTY COMMENTS	ZPB



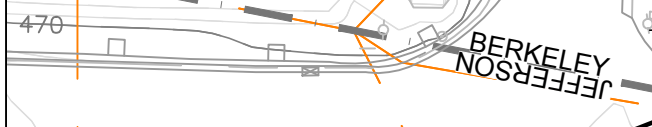
**CHEAT ROAD ENGINEERING, INC.**  
 5011 MID ATLANTIC DRIVE  
 MORGANTOWN, WV 26508  
 PHONE: (304) 212-5480

**ROCKY RIDGE**  
 19-7-SD  
 DISTRICT 07 MIDDLEWAY MAP 1 PARCEL 1.2 DEEDBOOK 1087 PAGE 687  
 KEARNEYSVILLE, WV

PROJECT NO: 18-115  
 DRAWING FILE: 18-115\_CONCEPT PLAN SHEETS.DWG

DRAWN BY: Z. BARTLEY  
 CHECKED BY: T. LLOYD  
 SCALE: 1" = 60'  
 DATE: February 12, 2019

SITE RESOURCE MAP  
 SHEET NUMBER:  
**C-100**



KEY INTERSECTION:  
 HOSPICE WAY & CHARLESTOWN RD

FRANCIS O DAY CO INC  
 TAX MAP 17, PARCEL 19  
 D.B. 1065 PG 645  
 19.4 AC  
 RESIDENTIAL  
 850 A E GUDE DR.  
 ROCKVILLE, MD 20850

HOSPICE OF THE PANHANDLE, INC.  
 TAX MAP A17, PARCEL 18.1  
 D.B. 958 PG 121  
 COMMERCIAL  
 330 HOSPICE LANE  
 KEARNEYSVILLE, WV 25430

PERKINS TRUST-HOY SHINGLETON, TRUSTEE  
 TAX MAP A17, PARCEL 18  
 D.B. 480 PG 615  
 2.2140 AC

MURALL LIMITED PARTNERSHIP  
 TAX MAP 2, PARCEL 1.3  
 D.B. 542 PG 77  
 5.68 AC  
 RESIDENTIAL  
 PO BOX 575,  
 SHEPHERDSTOWN, WV 25443

FEBREY RITA M REV LIVING TRUST;  
 BRANCH BANKING & TRUST CO-TR  
 TAX MAP 2, PARCEL 1.1  
 D.B. 1151 PG 106  
 2.64 AC  
 RESIDENTIAL  
 206 W BURKE ST,  
 MARTINSBURG, WV 25401

SLONAKER RONALD L & JEAN K  
 TAX MAP 2, PARCEL 2.5  
 D.B. 990 PG 332  
 9.49 AC  
 RESIDENTIAL  
 4150 CHARLES TOWN RD,  
 KEARNEYSVILLE, WV 25430

FEBREY RITA M REV LIVING TRUST;  
 BRANCH BANKING & TRUST CO-TR  
 TAX MAP 2, PARCEL 3  
 D.B. 1151 PG 106  
 255.4 AC  
 RESIDENTIAL  
 206 W BURKE ST,  
 MARTINSBURG, WV 25401

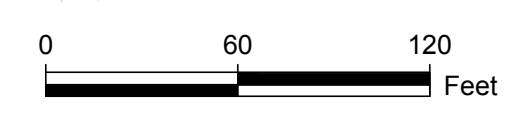
TOWNHOMES RENTAL, LLC  
 TAX MAP M1, PARCEL 1.1  
 D.B. 1215 PG 142  
 6.9968 AC

PERKINS TRUST-HOY SHINGLETON, TRUSTEE  
 TAX MAP M1, PARCEL 1.2  
 D.B. 1087 PG 687  
 16.6163 AC

ERNEST M. HUNTER  
 TAX MAP M1, PARCEL 2  
 D.B. 1033 PG 658  
 AGRICULTURAL  
 PO BOX 123, SHENANDOAH  
 JUNC, WV 25442

**LEGEND**

	PROPERTY LINE
	TREE LINE
	EXISTING ROAD
	EXISTING FENCE LINE

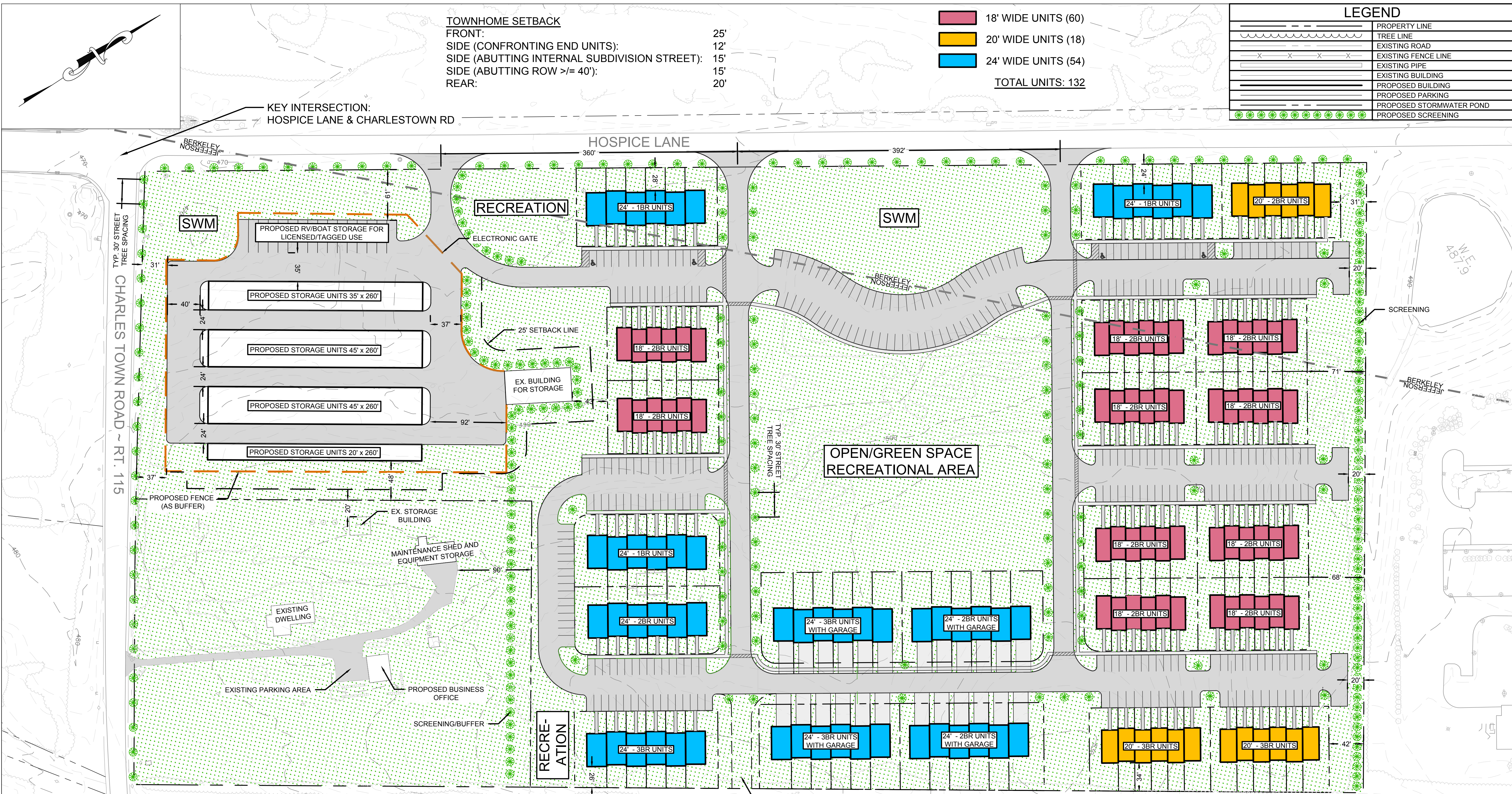


**TOWNHOME SETBACK**  
 FRONT: 25'  
 SIDE (CONFRONTING END UNITS): 12'  
 SIDE (ABUTTING INTERNAL SUBDIVISION STREET): 15'  
 SIDE (ABUTTING ROW >= 40'): 15'  
 REAR: 20'

18' WIDE UNITS (60)  
 20' WIDE UNITS (18)  
 24' WIDE UNITS (54)  
**TOTAL UNITS: 132**

LEGEND	
	PROPERTY LINE
	TREE LINE
	EXISTING ROAD
	EXISTING FENCE LINE
	EXISTING PIPE
	EXISTING BUILDING
	PROPOSED BUILDING
	PROPOSED PARKING
	PROPOSED STORMWATER POND
	PROPOSED SCREENING

REV NO.	DATE	DESCRIPTION	BY
1	05/21/19	JEFFERSON COUNTY COMMENTS	ZPB



**GENERAL INFORMATION:**

**PROPOSED USE**  
 132 TOWNHOMES & A MINI STORAGE FACILITY

**SOIL AND GEOLOGICAL DATA**  
 SOILS MAPPING HAS BEEN TAKEN FROM BERKELEY COUNTY, WEST VIRGINIA SOIL SURVEY BY THE NATIONAL CARTOGRAPHY CENTER AND GEOSPATIAL CENTER FORT WORTH TEXAS. PLEASE REFER TO EXISTING CONDITIONS SHEET (C-100)

**GROSS DENSITY**  
 TOTAL: 25.83 ACRES  
 TOWNHOMES:  
 132 DWELLINGS / 17.98 ACRE  
 7.34 DWELLINGS / 1 ACRE  
 43560 / 7.34 = 5934.60 SQ.FT. / UNITS (REQUIRED 3500 SQ.FT.)  
 ALL LOTS EXCEED MINIMUM LOT SIZE REQUIREMENT (MIN. 1400 SQ.FT.)  
 STORAGE UNIT AREA/REMAINDER  
 7.85 ACRES

**HISTORICAL USE:**  
 FARM LAND / PASTURE

**SENSITIVE AREAS**  
 THERE ARE NO KNOWN SENSITIVE AREAS INCLUDING: SINKHOLES, CAVES, OR SPRINGS WITHIN THE SCOPE OF THE PROJECT. SEE EXISTING CONDITIONS SHEETS FOR IMPACTED SITE FEATURES.

**PROPOSED UTILITIES**  
 SANITARY SEWER (BERKELEY COUNTY PSD)  
 PUBLIC WATER (BERKELEY COUNTY PSD)  
 STORM SEWER

**PARKING**  
 REQUIRED PARKING: (2.75\*30-3BR)+(2.5\*84-2BR)+(2.25\*18-1BR) = 333 SPACES  
 DRIVEWAY/GARAGE PARKING CREDITS: 36 SPACES  
 ADDITIONAL PROVIDED PARKING: 326 SPACES  
 TOTAL PROVIDED PARKING: 362 SPACES

**ZONING**  
 THIS SITE ZONED RESIDENTIAL/ LIGHT INDUSTRIAL/ COMMERCIAL

**TRAFFIC (CHARLES TOWN RD)**  
 EXISTING ADT (WVDOH AADT MAP, 2017): 5046 TRIPS  
 PROPOSED ADT: (132 TOWNHOMES \* 7/D.U.) + (61,100SF STORAGE AREA \* 2.8/1000 SF) = 1096TRIPS  
 COMBINED ADT: (132 TOWNHOMES \* 7/D.U.) + (61,100SF STORAGE AREA \* 2.8/1000 SF) + 5046 = 6142 TRIPS  
 PEAK HR TRIP GENERATION: (132 TOWNHOMES \* 0.6 PEAK HR) + (0.29/D.U. \* 338 STORAGE UNITS) = 178 TRIPS

**PROJECT NARRATIVE**

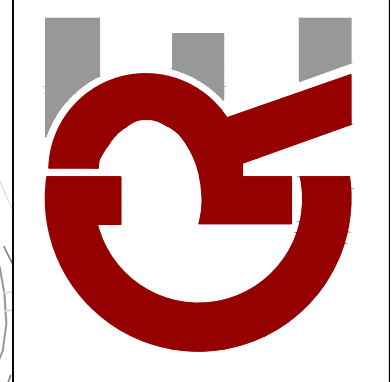
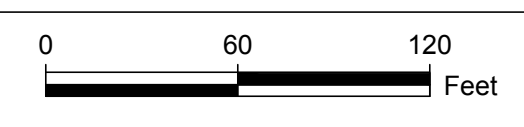
THE SITE WILL BE LOCATED OFF OF HOSPICE WAY IN JEFFERSON AND BERKELEY COUNTIES. THIS SITE IS ZONED AS RESIDENTIAL/ LIGHT INDUSTRIAL/ COMMERCIAL.

THE PROPOSED DEVELOPMENT IS COMPOSED OF A RESIDENTIAL PORTION AND STORAGE FACILITY.

THE RESIDENTIAL PORTION WILL CONSIST OF 132 TOWNHOMES VARYING IN WIDTH FROM 18-24 FEET (APPROXIMATELY 1400-1900 SF), A STORMWATER FACILITY, WATER QUALITY FEATURES, PUBLIC OPEN SPACE, AND A CENTRALIZED RESERVED FORESTED AREA. THE PORTION WILL ACCESS HOSPICE WAY FROM TWO LOCATIONS SHOWN ON THE PLANS.

THE STORAGE FACILITY WILL HAVE VARIOUS UNIT SIZES (APPROXIMATELY 61,100 SF TOTAL), PARKING FOR THE STORAGE OF LICENSED AND TAGGED RV'S AND BOATS, AND A SEPERATE STORMWATER FACILITY. THIS PORTION WILL ACCESS HOSPICE WAY FROM ONE LOCATION SHOWN ON THE PLAN.

ALL BUILDING PERMITS SHALL BE OBTAINED FROM JEFFERSON COUNTY OFFICE OF BUILDING PERMITS. ALL PLANS MUST BE APPROVED BY JEFFERSON COUNTY OFFICE OF PLANNING & ENGINEERING, WITH COPIES SENT TO BERKELEY COUNTY ENGINEERING AND PLANNING FOR RECORD. ALL STORMWATER MANAGEMENT & MS4 PLANS TO BE APPROVED BY BERKELEY COUNTY DUE TO DISCHARGE LOCATION OF ON SITE STORMWATER.



**CHEAT ROAD ENGINEERING, INC.**  
 5011 MID ATLANTIC DRIVE  
 MORGANTOWN, WV 26508  
 PHONE: (304) 212-5480

**ROCKY RIDGE**  
 19-7-SD  
 DISTRICT 07 MIDDLEWAY MAP-1 PARCELS 1,2 DEEDBOOK 1087 PAGE 687  
 KEARNEYSVILLE, WV

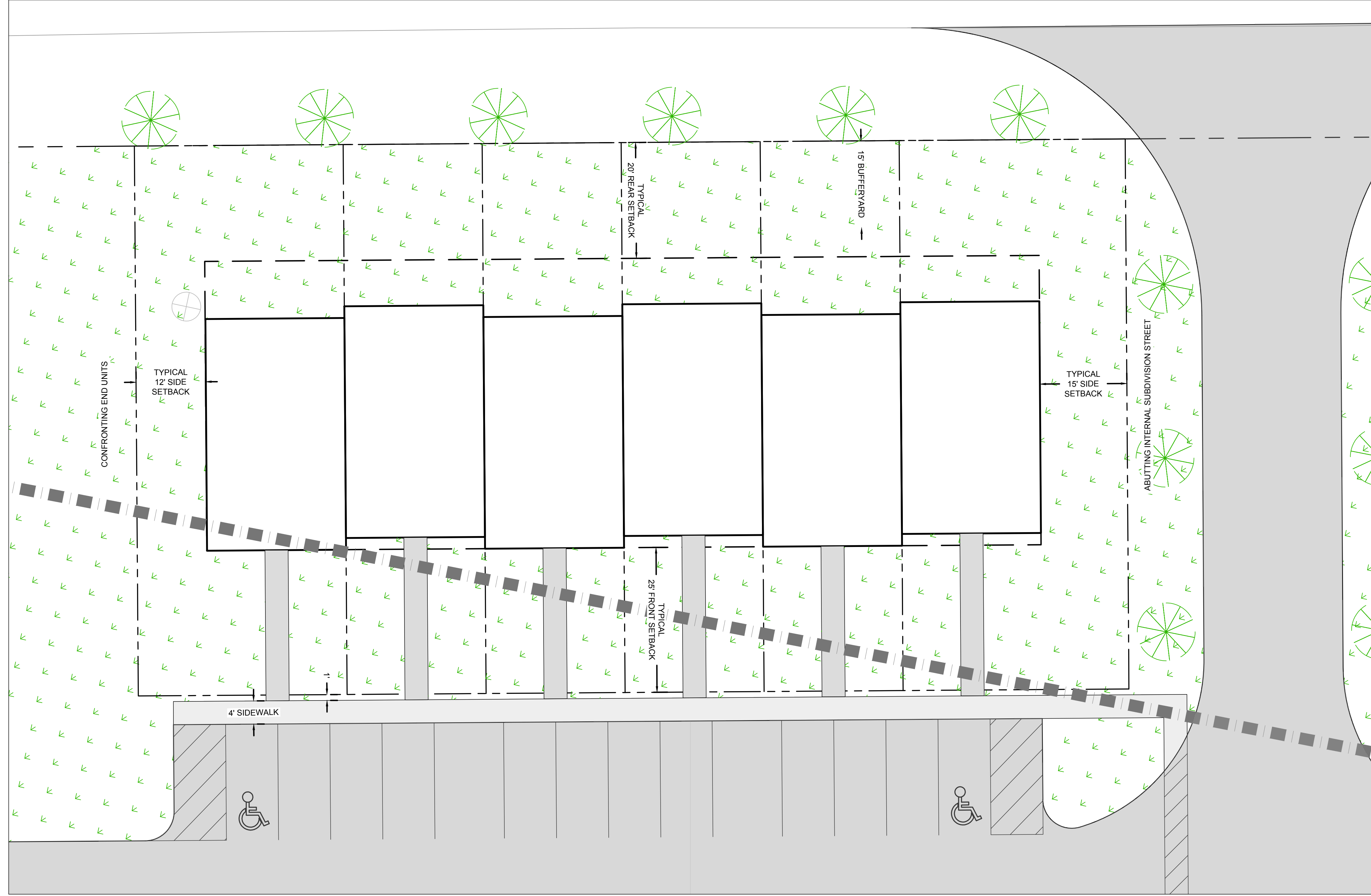
PROJECT NO: 18-115  
 DRAWING FILE: 18-115\_CONCEPT PLAN SHEETS.DWG

DRAWN BY: Z. BARTLEY  
 CHECKED BY: T. LLOYD  
 SCALE: 1" = 60'  
 DATE: February 12, 2019

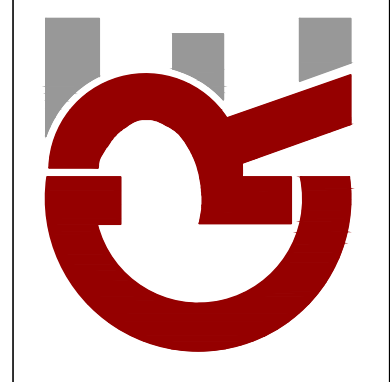
**SITE LAYOUT**  
 SHEET NUMBER:  
**C-101**

**TOWNHOME SETBACK**

FRONT:	25'
SIDE (CONFRONTING END UNITS):	12'
SIDE (ABUTTING INTERNAL SUBDIVISION STREET):	15'
SIDE (ABUTTING ROW $\geq$ 40'):	15'
REAR:	20'



REV NO	DATE	DESCRIPTION	BY
1	05.21.19	JEFFERSON COUNTY COMMENTS	ZPB



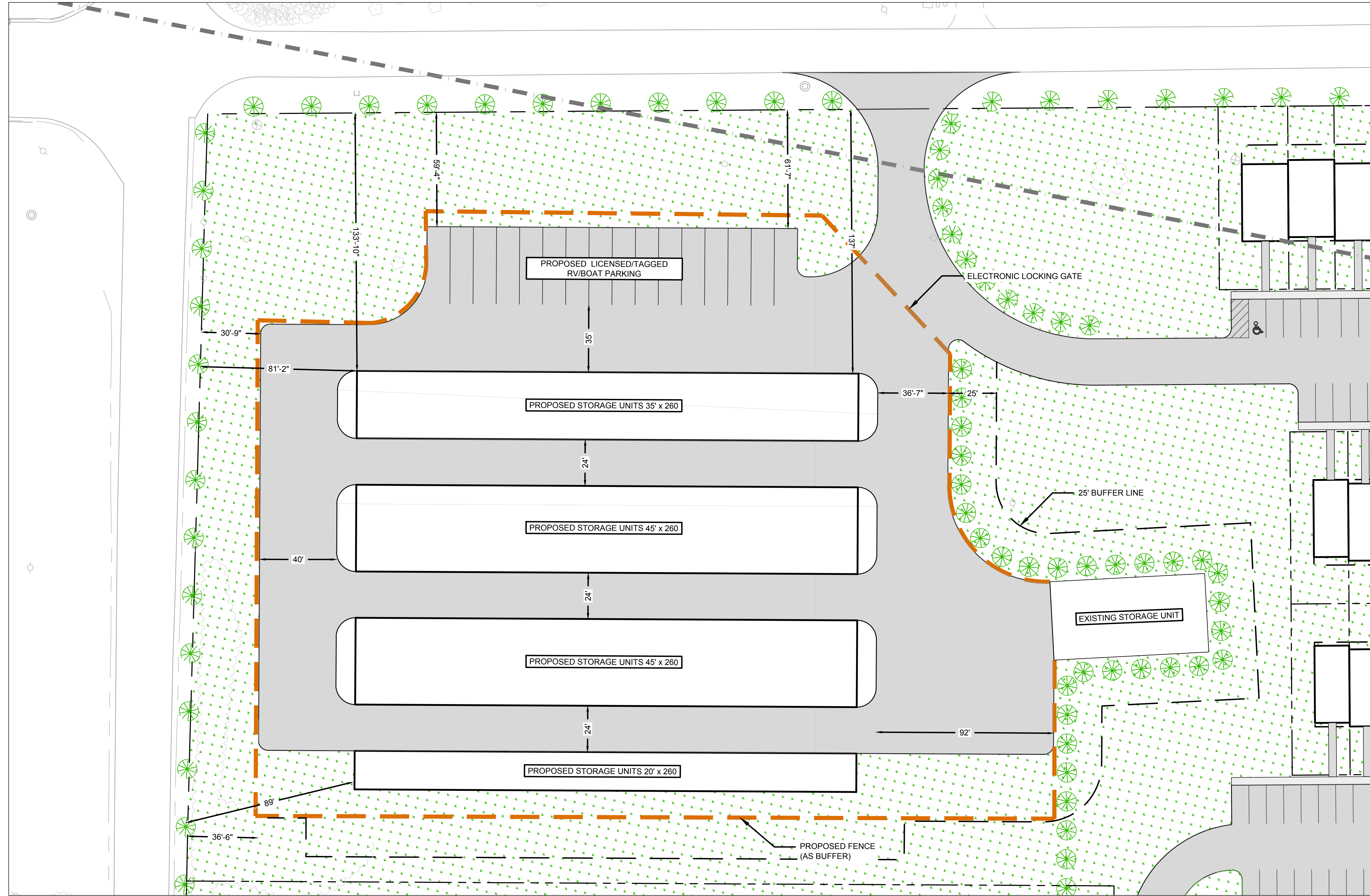
**CHEAT ROAD ENGINEERING, INC.**  
 5011 MID ATLANTIC DRIVE  
 MORGANTOWN, WV 26508  
 PHONE: (304) 212-5480

**ROCKY RIDGE**  
 19-7-SD  
 DISTRICT 07 MIDDLEWAY MAP:1 PARCEL:1.2 DEEDBOOK:1087 PAGE 687  
 KEARNEYVILLE, WV

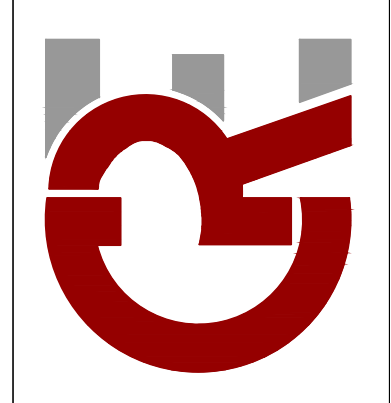
PROJECT NO: 18-115  
 DRAWING FILE:  
 18-115\_CONCEPT PLAN SHEETS.DWG

DRAWN BY: Z. BARTLEY  
 CHECKED BY: T. LLOYD  
 SCALE: 1" = 10'  
 DATE: February 12, 2019

TYPICAL TOWNHOME SETBACKS  
 SHEET NUMBER:  
**C-102**



REV NO.	DATE	DESCRIPTION	BY
1	05.21.19	JEFFERSON COUNTY COMMENTS	ZPB



**CHEAT ROAD ENGINEERING, INC.**  
 5011 MID ATLANTIC DRIVE  
 MORGANTOWN, WV 26508  
 PHONE: (304) 212-5480

**ROCKY RIDGE**  
 19-7-SD  
 DISTRICT 07 MIDDLEWAY MAP:1 PARCEL:12 DEEDBOOK:1087 PAGE 687  
 KEARNEYVILLE, WV

PROJECT NO: 18-115  
 DRAWING FILE: 18-115\_CONCEPT PLAN SHEETS.DWG

DRAWN BY: Z. BARTLEY  
 CHECKED BY: T. LLOYD  
 SCALE: 1" = 30'  
 DATE: February 12, 2019

TYPICAL MINI-STORAGE SETBACKS

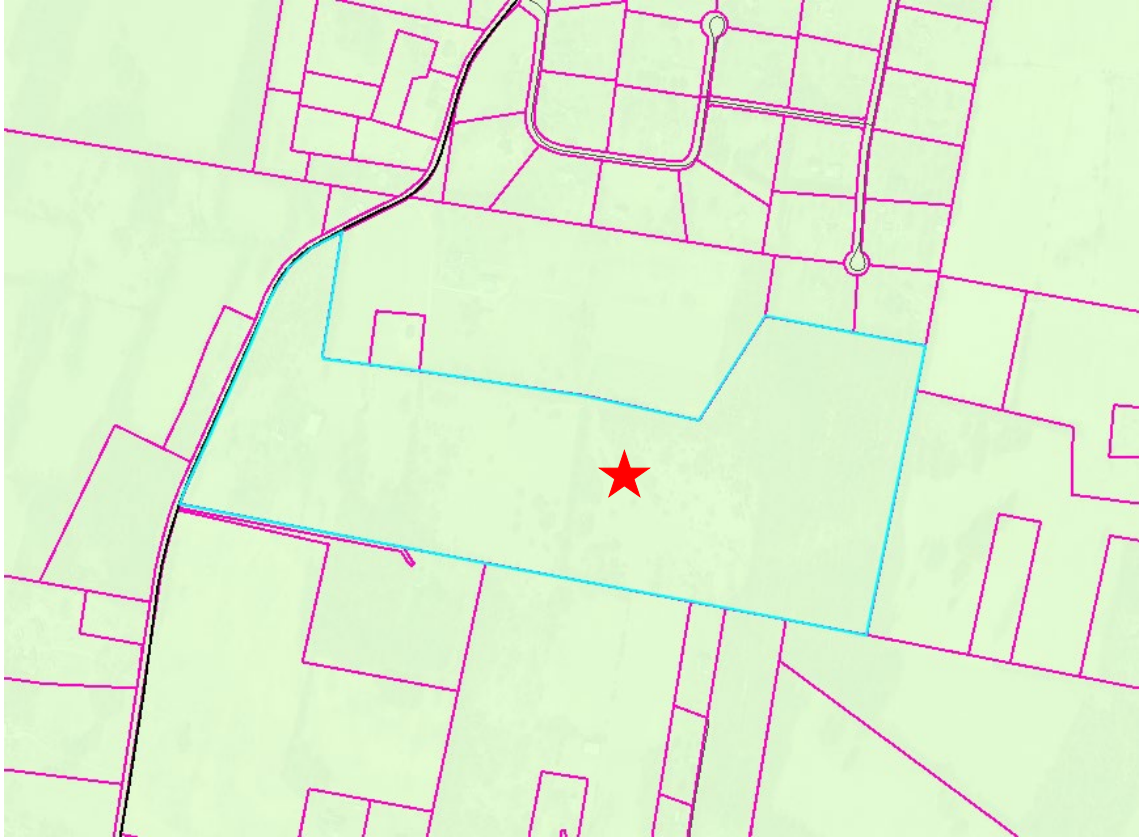
SHEET NUMBER:  
**C-103**



Staff Report  
 Jefferson County Planning Commission Meeting  
 July 09, 2019

**Lutman Properties, LLC. (#19-9-PCW)**

**Public Hearing:** Request by applicant Lutman Properties, LLC. (File # 19-9-PCW) for a waiver from Section 20.201 of the Subdivision and Land Development Regulations to process the first 5 lots of a proposed Cluster Subdivision using the Minor process.

APPLICANT:	Lutman Properties, LLC.
OWNER/ DEVELOPER:	Same as Applicant
CONSULTANT:	P.J. Raco Consulting, LLC
PROPERTY LOCATION:	6636 Flowing Springs Rd
LEGAL DESCRIPTION & ZONING DISTRICT	<p style="text-align: center;">Shepherdstown (09); Map: 20; Parcel: 8; Size: 72.21 acres; Zone: Rural</p> 
SURROUNDING ZONING	North, East, South and West: Rural

**1. Site Background:**

As the above referenced 72.21-acre parcel, zoned Rural, has not been subdivided since October 5, 1988, the property has the right to subdivide under the various provision of Section 5.7D of the Zoning Ordinance:

- Section 5.7D.1 permits subdivision utilizing the 1 lot/15-acre provision, allowing the creation of

Staff Report  
Jefferson County Planning Commission Meeting  
July 09, 2019

a 5-Lot subdivision with a minimum lot size of 3 acres for each lot. This could be done utilizing the Minor Subdivision process.

- Section 5.7D.2 permits subdivision utilizing the 1 lot/ 5-acre cluster provision, which would allow the creation of a 14-lot cluster subdivision with a minimum 36.1-acre permanent green space. The Zoning Ordinance requires Cluster subdivisions to process as a Major Subdivision.
- Section 5.7D.3 states that if the development rights under Subsections 5.7D.1 and 5.7D.2 have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five-year period. Such application may process as a Minor Subdivision.

**2. Summary of the Request:**

Section 5.7D.2 of the Zoning Ordinance states that all cluster developments must be processed as a Major Subdivision; while Section 20.201 of the Subdivision and Land Development Regulations states that subdivisions that do not require the development of new off-tract infrastructure and create five (5) residential lots or less, including the parent parcel or residue, are administratively reviewed and approved by the staff. The applicant is considering processing a 14-lot cluster subdivision with a 36.1-acre greenspace (potential Phase II below) but would like to process the first 4 lots and a residue on a 50-foot access easement as depicted as Phase I below.



The applicant has the right to proceed with Phase I as a Minor Subdivision without processing a waiver, but wanted the Planning Commission and neighborhood to be aware that there is a longer term plan to utilize the full cluster development rights. Under the current regulations, a Concept Plan Public Workshop will be required if the applicant moves forward with the full cluster development.

Staff Report  
Jefferson County Planning Commission Meeting  
July 09, 2019

**3. Recommendations of *Envision Jefferson 2035 Comprehensive Plan*:**

As noted in the waiver application, the Rural Land Use Planning Recommendations of the *Envision Jefferson 2035 Comprehensive Plan* states that the County should “protect the viability of agricultural lands and wildlife corridors by encouraging the utilization of cluster subdivisions as the preferred form of residential development within rural areas”. Under that recommendation, it also states that the County should consider amending the Subdivision Regulations to “permit a Cluster Development of any size to process as a minor subdivision, provided that the subdivision standards shall apply”. As an amendment to this effect has not yet been processed, this waiver is necessary.

**4. Requirements of Subdivision and Land Development Regulations:**

Sec. 20.201 “Minor Subdivisions”:

“Minor subdivisions are those that do not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas, and result in the creation of five (5) residential lots or less, or two (2) nonresidential lots or less, including the parent parcel or residue, from contiguously owned parcels of record. Such subdivisions are approved by the staff. Further subdivision of a parent parcel beyond the maximum lots allowed to be created via the minor process after October 5, 1988 shall be classified as a Major subdivision and processed accordingly, unless a waiver is applied for and approved by the Planning Commission. . .”

Sec. 20.202 Major Subdivision:

“A major subdivision, whether residential or non-residential, is any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure. A subdivision may be classified as major if in the judgment of staff, a proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.”

**5. Waiver Requirements:**

The applicant is requesting to create the first five lots of a proposed Cluster Subdivision through the minor subdivision process. They have addressed the following requirements found in “Division 24.300 Waivers” of the Subdivision Regulations in their attached application:

Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;

Staff Report  
Jefferson County Planning Commission Meeting  
July 09, 2019

- (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations;  
and
- (4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

**7. Staff Recommendation:**

This waiver is only required because the Zoning Ordinance requires all Cluster developments to process as a Major Subdivision. Generally, a subdivision of four lots and a residue in the Rural District would be permitted to process as a Minor Subdivision provided it met all of the development standards in the Subdivision Regulations. In this case, staff believes that it is reasonable to allow the initiation of this cluster development with a Minor Subdivision. It should be noted that the proposed 50-foot access easement should be designated in a location that will allow the future cluster development to occur in a logical manner and that the future development of the Cluster will be required to comply with all Zoning and Subdivision requirements in effect at the time of that application.



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Dept. of Engineering, Planning, and Zoning**  
**Office of Planning and Zoning**  
 116 East Washington Street, P.O. Box 716  
 Charles Town, WV 25414  
 www.jeffersoncountywv.org

File Number: 19-9-PCW  
 Staff Initials: APB  
 Sketch Received:   
 List of Adjoiners:   
 Fees Paid: \$100.00

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

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

**Waiver Request**

*Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.*

*Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.*

**Property Owner Information**

Name: Lutman Properties, LLC  
 Mailing Address: 6636 Flowing Springs Road, Shenandoah Junction, WV 25442  
 Phone Number: c/o Paul 304/676-8256 Email: pjraco.consulting@gmail.com

**Applicant Contact Information**

Name: Paul J Raco P.J. Raco Consulting, LLC  
 Mailing Address: Below  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)**

Name: Paul J Raco, P.J. Raco Consulting, LLC  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414  
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: 6636 Flowing Springs Road, Shenandoah Junction  
 Tax District: Shepherdstown Map No: 20 Parcel No: 8  
 Parcel Size: 72.21 +- Acres Deed Book: 1219 Page No: 530

**Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	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 (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RECEIVED**

**JUN 18 2019**

JEFFERSON COUNTY PLANNING,  
 ZONING & ENGINEERING

Place Date Stamp Here

**What Section of the Subdivision Regulations are you Requesting to Waive?**

20.201

**Briefly Describe the Nature of Your Waiver Request:**

See Attached

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

See Attached

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

See Attached


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

See Attached

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

See Attached

**Original signature is required. The information given is correct to the best of my knowledge.**

  
Signature of Property Owner      6-18-19  
Date

\_\_\_\_\_  
Signature of Property Owner      Date

**To Be Completed By Office**

07-09-19 Date of Public Meeting/Public Hearing  
\_\_\_\_\_  
Official/Administrative Body

06-25-19 Date Property to be Posted By  
06-25-19 Date Adjoiner Letters to be Mailed

Approved/Denied by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Approved       Denied

Lutman Properties, LLC  
Flowing Springs Road  
Request for Waiver  
Jefferson County Subdivision Ordinance  
Section 20.201  
June 18, 2019

**Brief Description:**

The Applicant owns a 72+- acre parcel that is entitled to subdivide into 14 Lots utilizing the Cluster Provision, provided that 36 +- acres remain open/green/farm/forest. As indicated in the included PPC Memo, the Staff agrees that there are several ways to develop the property including the above Cluster method. Also, during the PPC Conference, it was identified that due to some cross references in the Ordinances, Cluster developments are considered Major Subdivisions. As such, the Applicant proposed to process the first 5 lots (4 lots and a residue) as a Cluster to preserve the Cluster Rights, as a Minor Subdivision. The Ordinances define a Minor Subdivision, in part, as 5 total lots on a 50' Access Easement. Therefore, the Applicant wishes a waiver to allow the first 5 lots of the Project to be considered Minor and that if any additional Cluster Lots are proposed, then the Applicant will either continue as a Major or revisit the issue with the Planning Commission if the Ordinances are not modified at that point.

It is important to note that, while the Ordinances currently consider a Cluster Subdivision a Major Subdivision, the Ordinances are in contradiction of the Envision Jefferson 2035 Comprehensive Plan. Recommendation Number 4d under the Rural Land Use Planning Recommendations on Page 40 states:

**“Amend the Subdivision Regulations to permit a Cluster Development of any size to process as a minor subdivision, provided that the subdivision standards shall apply.”**

In this case, the standards would allow the Cluster to proceed with the first 5 lots as a Minor on a 50' easement.

The Applicant understands that the Ordinances haven't been amended to reflect this recommendation. However, it is a good indication that the Waiver request meets more than just the intent of the Comprehensive Plan. Accordingly, the Applicant respectfully asks the Planning Commission to grant the Waiver to allow at least the first 5 Cluster Lots as a Minor Subdivision.

Lutman Properties, LLC  
Flowing Springs Road  
Request for Waiver  
Jefferson County Subdivision Ordinance  
Section 20.201  
June 18, 2019

**Four Criteria:**

1. *Explain how the design of the Project will provide public benefit in the form in the reduction of Public maintenance costs, greater open space, parkland consistent with the County Park Plans or benefits of a similar nature;*

This project will have no Public costs since the property is permitted to subdivide into 14 total lots regardless of the process. In any event, any access will be the main cost and, as all roads in West Virginia, it will be a privately built and maintained access. The Applicant and lot owners will assume that cost. The County will have no additional cost since the lots and houses will yield additional taxes and the Impact Fees for Schools, Public Safety and Parks compensates for the costs of those services.

In terms of public benefit, the Cluster provision for subdivision is the preferred method of development in the Rural District as recommended in the Envision Jefferson 2035 Comprehensive Plan. Additionally, the Comprehensive Plan states that the entire Cluster Subdivision should be processed as a Minor Subdivision.

Finally, a Cluster development is the method of subdividing that requires the greatest remaining open space in the property, since half of the land will need to be left open.

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

If the waiver is granted, it will have absolutely no adverse effect on public health, safety or welfare since the project will still need to comply with every standard and requirement of the ordinance, including Division of Highways, Health Department and DEP approvals.

The waiver will not adversely affect the neighbors any more than a Major Subdivision Process. Allowing the first 5 lots to develop as a Minor may ultimately reduce the total amount of lots on the property, if the Applicant decides to stop after the first 5 lots. However, if the Applicant does continue with the additional Cluster Lots, then they will either continue as a Major Process or appear again before the Planning Commission for further action.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

Allowing the first 5 lots (4 lots and a residue) to process as a Minor is literally permitted in the ordinance if it weren't a Cluster development. It seems odd to allow a non-clustered 5 lot development to process as a Minor; but, require the Clustered 5 lot development to process as a Major. Especially since the Clustered is required to keep half of the land as open/farm space. It would seem that the Ordinances should be encouraging the use of the Cluster provisions. In fact, the Comprehensive Plan recommends that the Cluster Development be the preferred method and that it should process as a Minor Subdivision.

As such, the Applicant believes that the Intent and Purpose of the Ordinance supports the waiver since the Ordinances already allow 5 lots subdivisions the ability to process as a Minor and that the Comprehensive Plan endorses Cluster developments to be Minor.

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

The development will be of the same quality, because it will be the same developer utilizing the same regulations to develop and build regardless of the process. However, the character will be better since the Cluster Provision requires the retention of Open/Green/Farm/Forest Space.

Based on the above, the Applicant respectfully requests that the Planning Commission grant the waiver to allow the first 5 lots of this project as a Minor Subdivision. Thank you.



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Engineering, Planning, and Zoning**  
**Office of Planning & Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 716  
Charles Town, West Virginia 25414

Email: [planningdepartment@jeffersoncountyv.wv.org](mailto:planningdepartment@jeffersoncountyv.wv.org)

Phone: (304) 728-3228

Fax: (304) 728-8126

February 4, 2019

**PRE-PROPOSAL CONFERENCE MEMORANDUM**

**MEETING DATE:** Wednesday, January 23, 2019 @ 3:00 PM  
**OWNER/APPLICANT:** Robert Gorman/Dave Lutman  
**MAILING ADDRESS:** 381 French Road, Shenandoah Jct., WV 25442  
**CONSULTANT:** Paul Raco, P.J. Raco Consulting  
P.O. Box 548, Charles Town, WV 25414  
[piraco.consulting@gmail.com](mailto:piraco.consulting@gmail.com)  
304-676-8256  
**PHYSICAL ADDRESS:** 381 French Road  
**PROPOSED PROJECT:** 5-Lot Minor Subdivision or Major Cluster Subdivision  
**PARCEL INFORMATION:** Shepherdstown Tax District (09); Tax Map: 20; Parcel: 8  
Size: 72.21 acres (agreed upon by staff and applicant's consultant as acreage to utilize for this proposed development);  
Zone: Rural; Deed Book: 1046/Page: 234

**MEETING DESCRIPTION/COMMENTS:**

- The meeting attendees included County Planner, Jennifer Brockman; Planning Clerk, Rachael Burke; Zoning Administrator, Alex Beaulieu; County Engineer, Jonathan Saunders and Consultant, Paul Raco
- Overview: The proposed project consists of the creation of a Minor 5-Lot Subdivision or a Major 14 Lot Cluster Subdivision with 50% greenspace
- Tentative site capacity calculations:
  - Utilizing the 1 lot/15 acre provision found in Section 5.7D.1 of the Zoning Ordinance, the applicant may create a 5-Lot subdivision with a minimum lot size of 3 acres for each lot; tentatively proposed to consist of three 5-acre lots, one 7-acre lot and one 50-acre lot. A 5-lot subdivision may process as a Minor Subdivision on a 50 foot undeveloped access easement.
  - Utilizing the 1 lot/ 5 acre provision found in Section 5.7D.2 of the Zoning Ordinance, the applicant may create a 14-lot Major Subdivision with a minimum 36.1-acre permanent green space. This subdivision is required to process as a Major Subdivision but the applicant has indicated that they may request a waiver to process the first five lots as Minor Subdivision.
- Additional relevant information to be considered:
- Contact information for government agencies who may require additional processing:
  - West Virginia Division of Highways (entrance permit): 304-725-5821
  - Jefferson County Health Department: 304-728-8416
- A registered West Virginia Surveyor is required to stamp the Final Plat. If the applicant chooses to pursue the Major Cluster Subdivision, a WV licensed engineer is required to prepare and certify the Preliminary Plat.

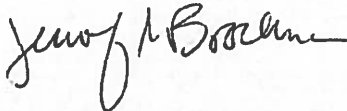
- Lots shall be off of a 50' access easement if a Minor Subdivision is processed. A County grade road, within the 50' access easement and designed by a WV licensed engineer, is required if a Major Subdivision is processed.
- Setbacks in the Rural Zoning District are as follows: 40'Front; 50'Rear; and 15'Side.

**CONCLUSION:**

The Applicant may proceed with the engineering of either the proposed Minor or Major Cluster Subdivision. Upon receipt of the required material, the Office of Planning and Zoning will process said chosen Subdivision type within the timeline requisites stated in the Subdivision Regulations.

Be advised that the purpose of this memo is informational only and is intended to provide general guidance in the submission of a formal Plat.

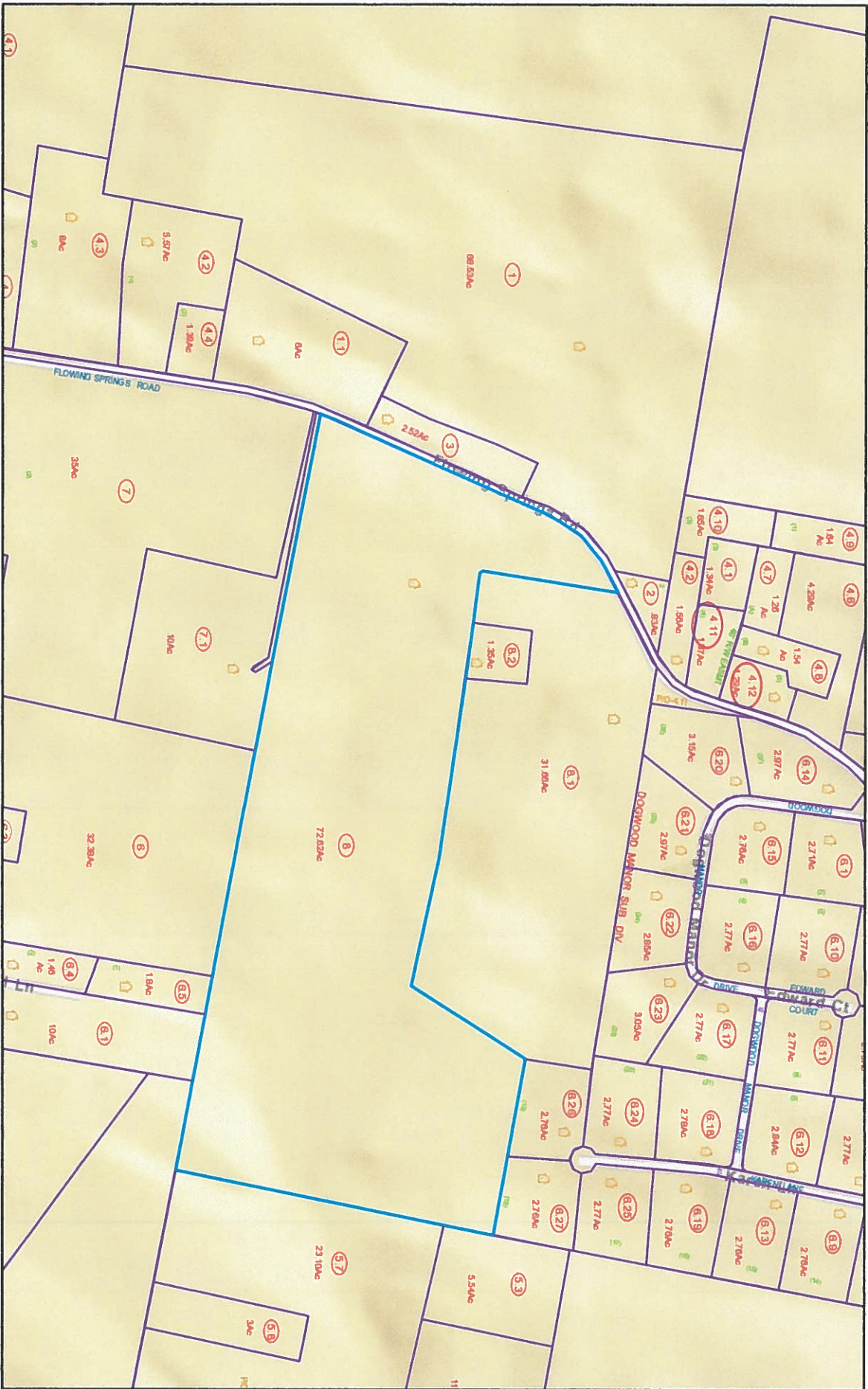
Sincerely,



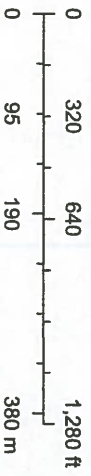
Jennifer M. Brockman, AICP  
County Planner

cc: Engineering and Building Permit Offices

# Viewer Map



June 11, 2019



1:9,028

WashCo MD, VITA, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Me  
Copyright 2014

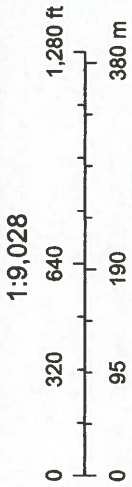


# Viewer Map

POTENTIAL Phase II MAX



June 11, 2019



Staff Report  
 Jefferson County Planning Commission Meeting  
 July 09, 2019

**Item # 6**

**Public Hearing:** Waiver Request for Seneca Crossing, LLC. (19-10-PCW). Applicant is requesting a waiver from Section 20.102B of the Subdivision Regulations to allow early grading and potentially a footing and foundation permit for the proposed Seneca Crossing Business Park and Lot 1 Site Plan for Berkeley Medical Center.

APPLICANT	Seneca Crossing, LLC.	
OWNER/DEVELOPER	Same as above	
CONSULTANT	Paul J. Raco Consulting, LLC., Fox & Associates Steve Cvjanovich, P.E.	
PROPERTY LOCATION	Vacant Parcel Approx. 430' West of Sheetz on WV 45/Martinsburg Pike	
LEGAL DESCRIPTION & ZONING DISTRICT	Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 50; Size 4.5 ac; Zone: Residential-Light-Industrial-Commercial	
ADJACENT ZONING DISTRICTS	<i>North:</i> RLIC & Residential Growth <i>East:</i> RLIC	<i>South:</i> Residential Growth <i>West:</i> Residential Growth
PARCEL HISTORY:	2/12/19: Waiver to process 3 lot Non-Residential Subdivision PP Admin. (19-2-PCW) 2/12/19: 3 lot Non-Residential Subdivision (File#18-25) Concept Plan Public Workshop 12/13/18: BZA Variance #ZV18-21 to reduce distance requirement from RG zone 9/28/07: Approved Seneca Crossing South Subdivision (40 townhouses) (File#06-10)	

Staff Report  
Jefferson County Planning Commission Meeting  
July 09, 2019

**1. Background:**

This applicant/developer of this property recently had a Concept Plan approved to allow the property to be changed from a previously approved 40-lot townhouse development, which has been bonded and recorded but never developed (File#06-10), to a 3-lot non-residential subdivision (File#18-25). The approved Concept Plan included a sketch for the proposed development of Lot 1 of the subdivision as a 9,676 sq. ft. WVU Medical Office Facility. The Planning Commission also approved a waiver from Sections 24.114 and 24.115 of the Subdivision Regulations to allow the amendment to the previously approved Preliminary Plat to process administratively. The revised Preliminary Plat (#18-25) for the 3-lot subdivision was submitted on March 26, 2019 and the Site Plan for Lot 1 (#19-1-S) was submitted on March 27, 2019. The 4<sup>th</sup> review comments for both have been returned to the applicant with minimal outstanding issues.

The development is proposed to have access via Maclaine Way from Martinsburg Pike (WV 45), within a right-of-way for a Non-Residential Street. Maclaine Way is proposed to be a shared entrance with the proposed ROCs development occurring to the east of this property. Coordination of the development of this shared road is pending approval of the shared WV DOH entrance permit.

**2. Subdivision Regulation Requirements:**

Section 20.102 “Applicability” of the Subdivision and Land Development Regulations states in subsection “B. Approval Required” that “Before development of the land is commenced, subdivision plats and site plans must be approved by the Planning Commission, recorded, and surety posted for required improvements in accordance with these Regulations and the Comprehensive Plan.” There is no provision allowing the approval and bonding of a portion of the required engineering design for plats and/or site plans.

**3. Summary of the Request:**

Applicant is requesting a waiver (19-10-PCW) from Section 20.102B of the Subdivision Regulations to allow early grading and potentially a footing and foundation permit for the proposed improvements interior to the site of the proposed Seneca Crossing Business Park and Lot 1 Site Plan for Berkeley Medical Center. The waiver request is not related to the entrance from Martinsburg Pike (WV45), which is still pending DOH approval.

This particular type of waiver request is different from most other waiver requests. The applicant is not requesting a waiver from any standards or procedures in this request. The applicant is planning to meet all standards and processes, as required in the Zoning Ordinance and Subdivision Regulations. The request is to split the grading approval and bonding, and the footing and foundation approval and bonding, from the remainder of the subdivision and site plan approval and bonding. In the current Ordinance and Regulations, the applicant is required to have an approved Final Subdivision and/or Site Plan before any site grading can occur.

The applicant would like to begin the interior site grading prior to receiving final subdivision and/or site plan approval and to possibly be permitted to proceed with footing and foundation for the Medical Center. There are other communities whose land development regulations allow for rough site grading, before issuance of a final site plan or issuance of a building permit and it is generally a separate permit process. It is understood that the applicant assumes the risk that during final

Staff Report  
Jefferson County Planning Commission Meeting  
July 09, 2019

subdivision plat and/or site plan review, a change could occur which would affect the grading that was previously completed. A bond would be required for any work related to the rough grading that would allow the property to be restored to original condition if the Site Plan is not approved or is not completed.

**4. Waiver Requirements:**

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

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

**5. Staff Comments/Recommendation:**

As stated above, the requested waiver is limited to splitting the approval and bonding process for site grading and footing and foundation for Lot 1 from the rest of the Subdivision and Site Plan approval and bonding process. The applicant will follow all standards and processes unless another waiver is processed. The Planning Commission has previously approved similar requests on a limited basis with conditions related to the request.

Staff recommends approval of the waiver request with the following conditions:

- a. A grading permit is issued to allow the owner to perform site grading in preparation for the building pad and related improvements. This permit is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading plan and building permit application and a NPDES permit is obtained; and
- b. The building permit is issued only for the footers and foundations of the proposed buildings (building construction will stop at the foundations until the site plan is approved); and
- c. The owner/Developer assumes all risk for “jump-starting” the project and understands that the final site plan design approved by the Planning Commission might necessitate some changes and additional construction cost; and
- d. Provide bonding of all proposed site improvements related to sediment and erosion control/SWM pertaining to the permit.





**JEFFERSON COUNTY, WEST VIRGINIA**  
**Dept. of Engineering, Planning, and Zoning**  
**Office of Planning and Zoning**  
 116 East Washington Street, P.O. Box 716  
 Charles Town, WV 25414  
 www.jeffersoncountywv.org

File Number: 19-10-PCW  
 Staff Initials: AB  
 Sketch Received:   
 List of Adjoiners:   
 Fees Paid: \$100.00

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

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

**Waiver Request**

*Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.*

*Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.*

**Property Owner Information**

Name: Seneca Crossing LLC  
 Mailing Address: P.O. Box 1027, Shepherdstown, WV 25443  
 Phone Number: c/o Paul Raco 304/676-8256 Email: c/o Pjraco.consulting@gmail.com

**Applicant Contact Information**

Name: Eric Lewis, Seneca Crossing, LLC and Paul J Raco, P.J. Raco Consulting, LLC  
 Mailing Address: Above and Below  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)**

Name: Consultant: Paul J Raco P.J. Raco Consulting, LLC Engineer: Fox and Assoc. Michael Shifler P.E.  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414 981 Mt. Aetna Road, Hagerstown, MD 21740  
 Phone Number: 304/676-8256 301/733-8503 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: Martinsburg Road Vacant Parcel  
 Tax District: Shepherdstown Map No: 8 Parcel No: 50  
 Parcel Size: Approx 4.5+- Acres Deed Book: 1034 Page No: 396

**Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RECEIVED**

**JUN 13 2019**

**JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING**

Place Date Stamp Here

Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**What Section of the Subdivision Regulations are you Requesting to Waive?**

20.102B

**Briefly Describe the Nature of Your Waiver Request:**

See Attached

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

See Attached

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

See Attached

See Attached

See Attached

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

See Attached

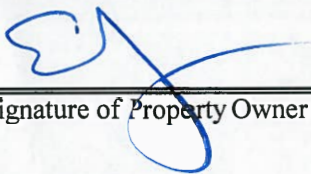
See Attached

See Attached

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

See Attached

**Original signature is required. The information given is correct to the best of my knowledge.**



Signature of Property Owner

6/12/19

Date

Signature of Property Owner

Date

**To Be Completed By Office**

07-09-19 Date of Public Meeting/Public Hearing

06-25-19 Date Property to be Posted By

Official/Administrative Body

06-25-19 Date Adjoiner Letters to be Mailed

Approved/Denied by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Approved

Denied

**What Section of the Subdivision Regulations are you Requesting to Waive?**

20.102B

**Briefly Describe the Nature of Your Waiver Request:**

See Attached

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

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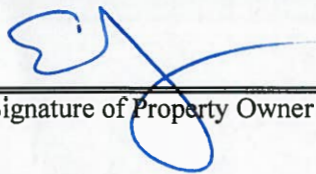
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Signature of Property Owner

6/12/19

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\_\_\_\_\_ Date of Public Meeting/Public Hearing

\_\_\_\_\_ Date Property to be Posted By

\_\_\_\_\_ Official/Administrative Body

\_\_\_\_\_ Date Adjoiner Letters to be Mailed

**Approved/Denied by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_**

*Approved*       *Denied*

Seneca Crossing, LLC  
Request for Waiver  
Section 20.102B  
Jefferson County Subdivision and Site Development Ordinance  
June 18, 2019

**Brief Description**

The request is to allow early grading and potentially a footing and foundation permit for the proposed Seneca Crossing Business Park and the Lot 1 Site Plan for the Berkeley Medical Center.

The Applications for the Seneca Subdivision and the Site Plan for the BMC Medical Office Building are in the Final Stage of Preliminary Plat and Site Plan approval stage and are merely waiting for the Division of Highways approval. The approval for the Entrance Permit is tied together with the ROCs Convenience Store Site Plan and they are waiting for the DOH Entrance Permit for the connected project entrance.

These plans have thoroughly processed through the County Process and have submitted plans and revised plans to the State for the Entrance Permit.

An early grading permit will allow the project to begin without any risk to the County. Many jurisdictions allow grading permits provided that all Erosion and Sediment Control Plans have been approved by both the State DEP and County. These plans have received such approval for all Erosion and Sediment Control measures.

Jefferson County has allowed early grading plans and/or foundation and footing plans to be approved on other projects including the Coast Guard, Stasis and Charles Town Self Storage Center. These waivers were granted for the same type of request.

Allowing this project to begin will be extremely helpful in getting the Berkeley Medical Office Building's pad site and possibly the footing and foundation finished before the end of the year. The biggest concern is with all off the delays caused by the weather for summer construction for the past several years. The two plans are essentially just waiting for the final DOH approval to come through even though the State has already approved the Traffic Impact Study and outlined what is needed to be included with the plans. This requested approval for early grading and foundation and footing plan will have no impact on the Entrance Road or the improvements to Route 45. None of those improvements will be started until after the State gives the final approval for the Entrance Permit. This request is for grading and work interior to the site.

The Applicant is prepared to provide the NPDES Permit, the Bond for reclamation of the land if the plan doesn't move forward and will install and have inspected the Erosion and Sediment Controls before any work is commenced.

Hopefully, by the time this waiver is heard, the request will be moot, but until that time, any relief while the applicant is waiting for the Final Entrance Permit will be appreciated.

Based on the above, the Applicant respectfully requests the Planning Commission to grant the waiver to allow the early grading site work and foundation/footing permit if necessary, prior to the final approval of the Site Plan and Preliminary Plat which are both being processed administratively and simultaneously. Thank you for your consideration of the request.

Seneca Crossing, LLC  
Request for Waiver  
Section 20.102B  
Jefferson County Subdivision and Site Development Ordinance  
June 18, 2019

**Four Criteria:**

1. *Explain how the design of the Project will provide public benefit in the form in the reduction of Public maintenance costs, greater open space, parkland consistent with the County Park Plans or benefits of a similar nature;*

This project will have no Public costs since this is the private construction of a commercial project that will be maintained by the owner. There will be no public maintenance costs involved as the infrastructure will be built and maintained with private funds. In actuality, the project will be a net gain for the County since the Tax Benefit for Commercial projects is greater than the public cost to privately provide infrastructure. In this case the project will benefit the community with a medical facility and an extension of public water and sewer. The extension of the public water and sewer will be at the applicant's expense and will be dedicated to Shepherdstown Utilities. Furthermore, the Public Utility will have a recurring benefit of the applicant paying a monthly bill for the water and sewer service.

The granting of the early grading and foundation/footing permit/waiver will allow the project to get a start on construction during the summer months while the Applicants for the Subdivision and the Site Plan for the Berkeley Medical Center's Medical Office Building. Both Projects have processed entirely through the process including 4 resubmissions of the plans to the County and multiple submissions to the State DOH. The projects have received all approvals including Health and City of Shepherdstown for water and sewer and DEP for the Processing of the NPDES Permit. Furthermore, the plan has been completely vetted with the DOH with the Adjacent ROCs Site Plan. The projects' entrance permits are waiting for final design approval and bonding of the entrances.

There will be no cost to the public since the Applicant will provide Erosion and Sediment Control measures that will be inspected by the County and a reclamation bond in the event the projects don't move forward. The County will not incur any additional cost.

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

If the waiver is granted, it will have absolutely no adverse effect on public health, safety or welfare since the projects have complied with every standard and requirement of the ordinance and is working with the State DOH and ROCs project to obtain the final piece of the puzzle with the Entrance Permit. However, even when the State DOH Entrance Permit process is included, it will still take months to make bonding arrangements and receive the final permit. If the waiver is approved to begin the grading and possibly the foundation/footing, the public, the County and the neighbors will be protected with the Erosion and Sediment Control devices in place, the NPDES Approval by the DEP and the reclamation bond to make sure that the property is stabilized if anything goes awry. Again, all the requirements of the ordinances have been met except for the final Entrance Permit being granted.

The waiver will not have any effect on the neighbors since both the Site Plan and Preliminary Plat have been thoroughly reviewed by the Staff in four separate reviews. The Staff has essentially approved the two plans conditioned on the Final DOH Permit being issued.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

The Staff has essentially approved both the Site Plan for Lot 1 and the Preliminary Plat for the business park subject to DOH approval. Therefore, all the actual standards of the Ordinances have been met. Some of the issue with the delay of the DOH approval has to do with the combined and connected entrance with the ROCS. The purpose of the ordinance is to make sure that a proposed project is designed and constructed to ordinance standards and requirements. The granting of the waiver will not change that fact since the County and State DEP have completely reviewed the projects for design purposes and then the projects will be bonded to ensure proper construction.

The Planning Commission has approved other requests for early grading permits and for foundation/footing construction contingent on the reclamation bond, the NPDES Permit and the proper Erosion and Sediment Control devices being in place. The Applicant agrees with these conditions.

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

Currently, all standards of the ordinances have been met. There is just a delay in plan review for the State Road improvements associated with the required entrance permits. Essentially, there is some final review of the ROCs Plans by the State to issue the combined entrance permits. The Applicant has done everything else that they can do for County and State compliance.

While the Applicant hopes that the final permit is issued before this waiver is approved, they would still need for the State to accept the entrance bond and the actual entrance permit being issued. This could take several months. The Applicant needs to begin the grading while the weather is good, especially since the weather has been extraordinarily rainy the past several years. Once the grading is started and completed, then Berkeley Medical Center can begin the construction of the Medical Office Building to hopefully be under roof before winter.

The granting of the waiver will not change the fact that both the Preliminary Plat for the Subdivision and the Site Plan for the Medical Office Building have all the standards of the ordinance and will be issued an entrance permit once ROCs completes the design for the State Highway approval. This waiver will just allow the Applicant and Berkeley Medical Center the ability to get a jump on the site work while the ROCs Shared Entrance Permit is finalized.

The conditions of the waiver will also protect everyone involved with the Reclamation Bond and the Erosion and Sediment Control measures in place.

Accordingly, the Applicant respectfully asks that the Planning Commission approve the waiver so that the earthwork that is already approved can begin. Thank you for your consideration.



**GENERAL CONSTRUCTION NOTES:**

1. TRASH WILL BE COLLECTED BY A PRIVATE CONTRACTOR AT DISPOSER LOCATION SHOWN ON THESE PLANS.
2. THE PROJECT SERVED BY PUBLIC WATER AND SEWER PROVIDED BY THE CORPORATION OF SHEPHERDSTOWN.
3. NO EXISTING VEGETATION WITHIN THE LIMITS OF DISTURBED AREA IS PLANNED TO BE SAVED.
4. THIS SITE SHALL COMPLY WITH THE APPLICABLE WITH ORDINANCES ACT AND ALL APPLICABLE JEFFERSON COUNTY CODE REGULATIONS.
5. NO SUBSURFACE INVESTIGATION HAS BEEN PERFORMED BY FOX & ASSOCIATES, INC. TO DETERMINE THE EXISTENCE OR LOCATION OF BURIED UTILITY LINES OR OTHER PUBLIC OR PRIVATE UTILITIES. EXCEPT AS SPECIALLY INDICATED, NO ENVIRONMENTAL STUDIES HAVE BEEN CONDUCTED BY OUR FIRM.
6. EXISTING UTILITY INFORMATION SHOWN HEREON IS FROM OFFICIALS AND/OR OTHER SOURCES PROVIDED BY OWNERS OF THE VARIOUS UTILITIES. EXACT LOCATIONS SHALL BE DETERMINED IN THE FIELD BEFORE BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE UTILITY (7-800-80-4344) AT A MINIMUM OF 48 HOURS BEFORE BEGINNING ANY WORK SHOWN ON THESE DRAWINGS. ANY DAMAGE TO UTILITIES BY THE CONTRACTOR SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE AND TO THE SATISFACTION OF THE UTILITY OWNER. IN NO EVENT SHALL THE CONTRACTOR BE HELD RESPONSIBLE FOR DAMAGE TO EXISTING UNDERGROUND UTILITIES.
7. THE CONTRACTOR SHALL NOTIFY THE APPLICABLE MUNICIPAL, COUNTY AND/OR STATE AGENCIES AT LEAST 48 HOURS BEFORE BEGINNING ANY WORK NEAR PUBLIC RIGHT OF WAY.
8. THE CONTRACTOR SHALL VERIFY ALL SURFACE AND SUBSURFACE CONDITIONS (ELEVATIONS AND SLOPES) PRIOR TO BEGINNING AND DURING CONSTRUCTION. ANY DISCREPANCIES BETWEEN THE DRAWINGS AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER AND/OR ENGINEER BEFORE PROCEEDING IF THEY AFFECT THE DESIGN OR SAFETY OF THE PROJECT. ANY DAMAGE TO UTILITIES, CONCERNING AVOIDANCE OF OTHER UNDERGROUND UTILITIES OR ADJACENT TO THE SITE OR NOT SPECIALLY INDICATED FOR THE DISTURBANCE SHALL BE REPAIRED OR REPLACED AT CONTRACTOR'S EXPENSE AND TO THE SATISFACTION OF THE OWNER.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE LOCAL AND REGULATORY REQUIREMENTS. CONTRACTOR SHALL OBTAIN ANY PERMITS REQUIRED BY COUNTY/STATE OR FROM NEIGHBORING COUNTY/STATE AGENCIES.
10. TEMPORARY EROSION CONTROL MEASURES WILL BE USED TO CORRECT CONDITIONS THAT DEVELOP DURING CONSTRUCTION THAT ARE UNACCEPTED DURING THE DESIGN STAGE OR THAT ARE NEEDED TO MAINTAIN EXISTING EROSION CONTROL CONSTRUCTION PROCESSES.
11. JOB SITE SAFETY SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
12. EXISTING UTILITIES SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY. EXACT LOCATIONS SHALL BE DETERMINED IN THE FIELD BEFORE BEGINNING CONSTRUCTION.
13. A COMPLETE SET OF THE PRELIMINARY PLAT AND SITE PLAN MUST BE ON SITE AND AVAILABLE FOR USE BY THE INSPECTOR.
14. TOPOGRAPHY SHOWN ON THESE PLANS IS FROM FIELD SURVEY BY FOX & ASSOCIATES, INC. IN MARCH 2019.
15. ALL WORK SHALL BE APPROVED BY AND IN COMPLIANCE WITH THE REQUIREMENTS OF JEFFERSON COUNTY.
16. ALL WATER AND SEWER CONSTRUCTION SHALL BE IN COMPLIANCE WITH THE CORPORATION OF SHEPHERDSTOWN'S REQUIREMENTS, LATEST EDITION.
17. LANDSCAPING LAYOUT AND SCHEDULES ARE SHOWN ON LANDSCAPING PLAN SHEET 5.
18. ALL PROPOSED STORM DRAIN PIPES MUST BE PLACED ON SIDE COMPACTED FILL ACCORDING TO ADOPTED 17.000 STANDARD.
19. FENCING, DRIVE WALKS, LANDSCAPING AND STORMWATER STALLING SHALL BE MAINTAINED BY PROPERTY OWNER.
20. THIS SITE IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAN (F.E.M.A. COMMUNITY PANEL SA5010301) AS OF DATE DECEMBER 16, 2006.
21. FUTURE EGRESS AND STREETS ON RIGHT-OF-WAY ARE SHOWN HEREON.
22. ALL PROPOSED ON-SITE UTILITY SERVICE LINES SHALL BE UNDERGROUND.
23. SENECA CROSSING, LLC AND/OR FOX & ASSOCIATES, INC. AGREE THAT IF ANY RECORD OF ARCHITECTURAL, ENGINEERING OR SURVEYING DRAWINGS, NOTES, MAPS, STOPS AND APPROPRIATE AGENCIES WILL BE CONTACTED TO OBTAIN APPROPRIATE INVEIGILANCE OF SUCH PROJECTS.
24. THESE PLANS SHALL BE REVIEWED BY THE COUNTY ENGINEER.

**SHOWN DATE:**  
 PRELIMINARY DESIGN OF HIGHWAY POINT 09-2019-021  
**DESIGN APPROVED:**  
 MARCH 2020, ISSUE DATE 01-01-2019  
 MARCH 2020, ISSUE DATE 01-01-2019

Jefferson County CONSTRUCTION NOTES (Table 1.3-1)	
1.	Mention & Enclosure Control Measures shall be in place and inspected prior to performing any site/lot work, including activities and site grading.
2.	Storm Water shall be controlled to the percentages of maximum dry density in accordance with ASHRAE 1990, as shown below: a. Paved Areas - 95% b. Parking Lots for heavy trucks - 95% c. Parking Lots for passenger vehicles - 95% d. Utility Area - 95% e. Building Pads - 100% The above construction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer.
3.	Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.
4.	Work areas temporary traffic control along a public road shall be in accordance with West Virginia Division of Transportation requirements and approved.
5.	Stormwater (S.W.) shall be collected in accordance with public works department of a town served by a sewerage system, and meet LULU (LULU 1-200-244-014).

**Jefferson County  
SITE WORK  
MILESTONE INSPECTIONS**

The developer shall request County Engineer inspections minimum of 48 hours in advance (Call 304-346-3446). Inspections shall be requested according to the Table of Milestones shown below.

1.	EXISTING CONDITIONS PLAN
2.	EXISTING CONDITIONS PLAN WITH PROPOSED ROADS CONVEYANCE STORE
3.	PRELIMINARY PLAT
4.	SITE PLAN
5.	LANDSCAPING PLAN
6.	GRADING PLAN
7.	SOIL EROSION & SEDIMENT CONTROL PLAN
8.	SOIL EROSION & SEDIMENT CONTROL NOTES & DETAILS
9.	SOIL EROSION & SEDIMENT CONTROL NOTES & DETAILS
10.	LANDSCAPING PLAN AND PROFILE
11.	SITE DETAILS
12.	STORM DRAIN PLAN AND PROFILES
13.	STORM DRAIN PROFILES & DETAILS
14.	STORM DRAIN DETAILS
15.	SANITARY SEWER PLAN & PROFILE
16.	SANITARY SEWER DETAILS
17.	WATERLINE PLAN AND PROFILE
18.	WATERLINE DETAILS
19.	WATER QUALITY BMP AND DETAILS

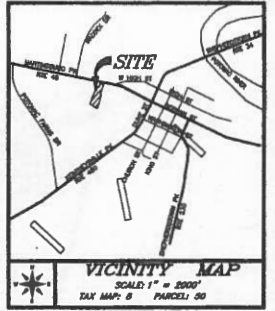
Note: The County Engineer may accept "one-stop" inspection and certification reports in place of inspections performed by the Jefferson County Engineering Department, upon prior request. These "one-stop" inspection reports shall be submitted in the format specified by the County Engineer.

# PRELIMINARY PLAT

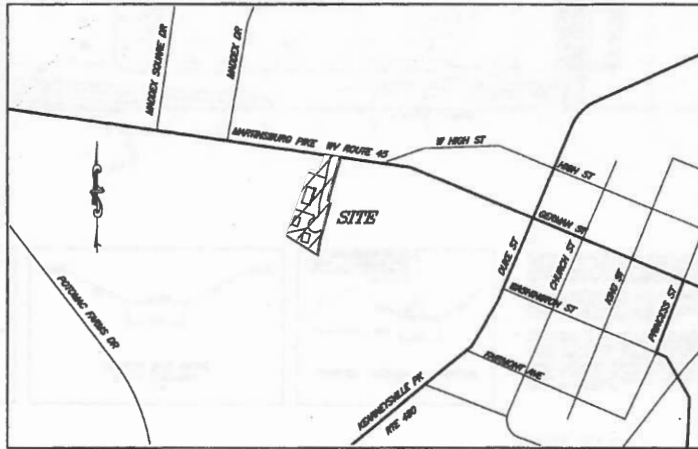
# SENECA CROSSING, LLC.

## SENECA CROSSING SUBDIVISION, LOTS 1-3

TAX MAP 8 PARCEL 50  
 SHEPHERDSTOWN TAX DISTRICT (09)  
 JEFFERSON COUNTY, WEST VIRGINIA  
 (D.B. 1034, PG. 396)



WALIVER / VARIANCE TABLE		
COUNTY FILE NUMBER	OWNER / VARIANCE	HEARING DATE
19-3-2019	OWNER FROM SECTION 24.114 AND 24.115 OF SUBDIVISION REGULATIONS TO PREPARE A PRELIMINARY PLAT ADMINISTRATIVELY.	2-12-2019
20-18-21	VARIANCE FROM SECTION 4.8 TO REDUCE THE SERVICE REQUIREMENT FROM 30 TO 25 ALONG THE WESTERN AND SOUTHERN BOUNDARIES TO ALLOW PROPOSED COMMERCIAL USES ADJACENT TO THE RD DISTRICT.	12-12-2019



**LEGEND**

- ADJACENT PROPERTY LINE
- B.M.
- EXISTING CENTERLINE
- EXISTING UNDERGROUND FIBER OPTIC
- 400' INDEX CENTERLINE
- EXISTING STORM DRAIN
- EXISTING UNDERGROUND ELECTRIC
- EXISTING UNDERGROUND ELECTRIC
- EXISTING EDGE OF PAVEMENT
- EXISTING EASEMENT
- EXISTING FENCE
- EXISTING SIGN
- PROPERTY LINE
- RIGHT-OF-WAY
- EXISTING SANITARY SEWER - GRAVITY
- EXISTING SANITARY SEWER - FORCE MAIN
- SOIL
- EXISTING SIDEWALK
- TREES
- EXISTING CENTERLINE
- PROPOSED BLVD
- PROPOSED CURB
- PROPOSED CENTERLINE
- PROPOSED STORM DRAIN
- PROPOSED EASEMENT
- PROPOSED FENCE
- PROPOSED SANITARY SEWER
- PROPOSED CONC./SIDEWALK
- PROPOSED WATERLINE
- PROPOSED CENTERLINE

**PLAN PURPOSE NOTE**

THE PURPOSE OF THIS PLAN IS TO PROVIDE DETAILS OF CONSTRUCTION FOR THE ROADWAY, WATER, SANITARY SEWER, AND STORM DRAIN INFRASTRUCTURE ASSOCIATED WITH THIS PROPOSED THREE (3) LOT HIGH-RESIDENTIAL SUBDIVISION. ADDITIONALLY, THIS PLAN DETAILS THE GRADING REQUIRED ON LOT 1 TO RESULT IN THE LOT 1 SITE BEING AT THE PROPER HOLD-DOWN ELEVATION TO ALLOW FOR SITE DEVELOPMENT UNDER A SEPARATE PLAN OF DEVELOPMENT. THE PROPOSED IMPROVEMENTS ON LOTS 1, 2, AND 3 HAVE BEEN GRAY-SHADED ON THIS PLAN SET FOR INFORMATIONAL PURPOSES ONLY AS A SEPARATE SITE PLAN SUBMITTAL WILL BE PREPARED FOR THE ACTUAL DEVELOPMENT PROPOSED ON LOTS 1, 2, AND 3.

**STATEMENT OF ACCEPTANCE**

THE DEVELOPER, IN SHOWING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON, AND TO COMPLETE ALL THE IMPROVEMENTS REQUIRED BY THE PRELIMINARY PLAT OR SITE PLAN.

DEVELOPER \_\_\_\_\_ DATE \_\_\_\_\_

JEFFERSON COUNTY, WEST VIRGINIA

PRELIMINARY PLAT APPROVAL

SITE PLAN APPROVAL

BY \_\_\_\_\_ COUNTY ENGINEER DATE \_\_\_\_\_

BY \_\_\_\_\_ COUNTY PLANNER DATE \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

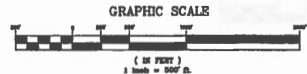
I, GEORGE E. WALSH, A duly licensed Professional Surveyor in the State of West Virginia, do hereby certify that I have personally surveyed the property described by this plat and that it is correct to the best of my knowledge and belief, that it is in accordance with the laws of the State of West Virginia, and that it is in accordance with the requirements of Section 1.3.1.1 of the Jefferson County Subdivision Regulations.

I HEREBY CERTIFY THAT THE LOTS ARE PROPERLY AND ACCURATELY DESCRIBED AND ARE BEING PLACED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF JEFFERSON COUNTY FOR THE PROPOSED HIGH RESIDENTIAL SUBDIVISION BASED ON A SURVEY MADE IN THE FIELD OF LOTS 1, 2 AND 3 AND IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1.3.1.1 OF THE JEFFERSON COUNTY SUBDIVISION REGULATIONS.

ONE UNDER MY HAND THIS 22ND DAY OF May 2019

GEORGE E. WALSH, PLS 2000

- INDEX OF SHEETS**
1. COVER SHEET
  2. EXISTING CONDITIONS PLAN
  3. EXISTING CONDITIONS PLAN WITH PROPOSED ROADS CONVEYANCE STORE
  4. PRELIMINARY PLAT
  5. SITE PLAN
  6. LANDSCAPING PLAN
  7. GRADING PLAN
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  13. STORM DRAIN PROFILES & DETAILS
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  15. SANITARY SEWER PLAN & PROFILE
  16. SANITARY SEWER DETAILS
  17. WATERLINE PLAN AND PROFILE
  18. WATERLINE DETAILS
  19. WATER QUALITY BMP AND DETAILS



**OWNER/DEVELOPER**  
 SENECA CROSSING, LLC.  
 ATTN: ERIC LEMMON  
 208 WEST LIBERTY STREET  
 CHARLES TOWN, WV 25414  
 PHONE: (204) 278-0574



**FOX & ASSOCIATES, INC.**  
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101 W. ACTA ROAD  
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 or (301)446-7200  
 FAX: (301)733-1853  
 www.foxandassociates.com

63 BOWMAN MILL COURT  
 SUITE 107  
 PRESIDENT, MD 21701  
 PHONE: (301)988-0800  
 FAX: (301)988-0808  
 www.foxandassociates.com

**COVER SHEET**

**SENECA CROSSING, LLC.**  
**SENECA CROSSING SUBDIVISION, LOTS 1-3**

SITUATE ON THE SOUTH SIDE OF MARKET STREET (WV RTE 48) BETWEEN MARKET DR. & WEST HIGH ST. JEFFERSON COUNTY, WEST VIRGINIA

CO. FILE #19-85

D-0272  
 10/16/19  
 3/14/2019  
 AS BY CHW/1  
 19-0284  
 SHEET 1 OF 18





**ROOF DRAIN CONNECTION NOTE**

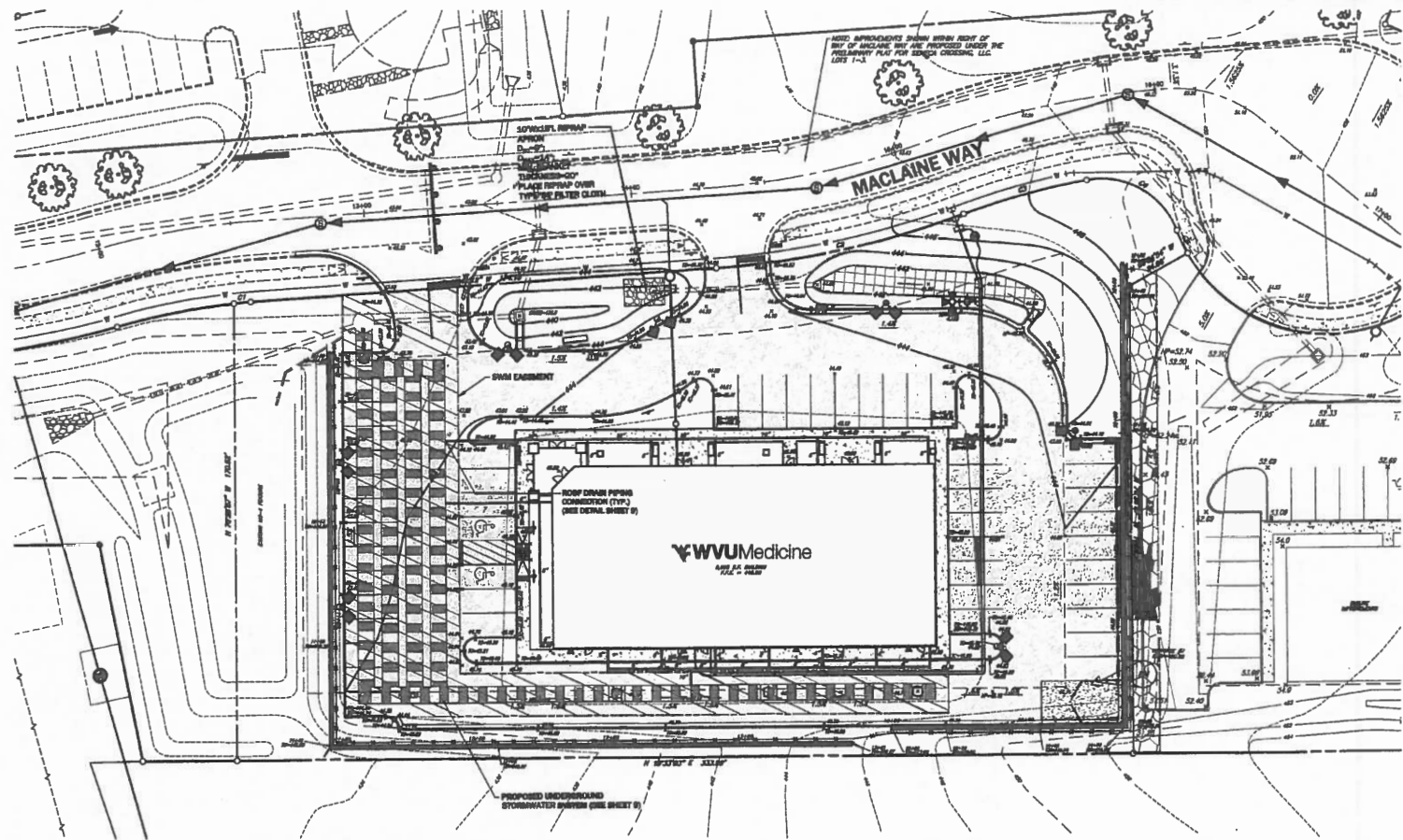
THE ROOF DRAINS FROM THE PROPOSED BUILDING SHALL BE PIPED TO THE UNDERGROUND STORMWATER MANAGEMENT SYSTEM. THE ROOF DRAIN CONNECTION TO THE UNDERGROUND STORMWATER SYSTEM SHALL BE ACCOMPLISHED THROUGH THE USE OF A CORRUGATED METAL PIPE SHADE CONNECTION AS MANUFACTURED BY CORTECH CONSTRUCTION PRODUCTS AND SHALL BE CONNECTED WITH THE ANTI-VIBRATION LOOP WITHIN THE UNDERGROUND STORMWATER SYSTEM. THE CONNECTION FROM THE ROOF DRAIN TO THE UNDERGROUND STORMWATER SYSTEM SHALL BE MADE USING THE CORTECH CONSTRUCTION PRODUCTS PIPE SHADE CONNECTION. ALL MATERIALS USED AS A PART OF THE ROOF DRAIN PIPING SYSTEM, INCLUDING THE PIPE SHADE AND THE PERIODIC CLEANOUT USED TO JOIN THE AGE 1/2-1.5 ST. PIPE TO THE CORTECH CONSTRUCTION PRODUCTS CORRUGATED METAL PIPE SHALL BE IN ACCORDANCE WITH THE MANUFACTURER'S WRITTEN INSTALLATION INSTRUCTIONS.

**CURVE TABLE**

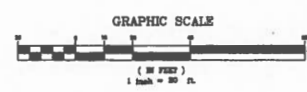
LINE	BEARING	ANGLE	CHORD	ARC LENGTH	PIECE POINT	PIECE BEARING	PIECE DISTANCE
1-2	N 15° 00' 00" E	90°	100.00	157.08	100.00	S 75° 00' 00" W	100.00
2-3	S 75° 00' 00" W	90°	100.00	157.08	100.00	N 15° 00' 00" E	100.00
3-4	N 15° 00' 00" E	90°	100.00	157.08	100.00	S 75° 00' 00" W	100.00
4-5	S 75° 00' 00" W	90°	100.00	157.08	100.00	N 15° 00' 00" E	100.00
5-6	N 15° 00' 00" E	90°	100.00	157.08	100.00	S 75° 00' 00" W	100.00
6-7	S 75° 00' 00" W	90°	100.00	157.08	100.00	N 15° 00' 00" E	100.00
7-8	N 15° 00' 00" E	90°	100.00	157.08	100.00	S 75° 00' 00" W	100.00
8-9	S 75° 00' 00" W	90°	100.00	157.08	100.00	N 15° 00' 00" E	100.00

**ROADWAY AND SIGN OWNERSHIP AND MAINTENANCE RESPONSIBILITY STATEMENT**

THE DEVELOPER OF THE PROJECT IS SENeca CROSSING LLC. SENeca CROSSING LLC WILL OWN AND MAINTAIN AND STORMWATER MANAGEMENT AGREEMENT WITH ALL OTHER PARTIES WHO WILL UTILIZE THE ROADWAY MAINTENANCE AND THE UNDERGROUND STORMWATER MANAGEMENT SYSTEM ON LOT 1 AS SHOWN ON THE LOT 1 SITE PLAN AND STORMWATER PROFILES PROVIDED BY THE PROJECT. THIS AGREEMENT SHALL ESTABLISH EVIDENCE FOR USE BY ALL PARTIES TO THE PROJECT. THE PARTIES TO THE AGREEMENT SHALL INCLUDE SENeca CROSSING LLC, THE ROAD ESTABLISH & LLC OWNER OF PHYSICAL PROPERTY ON WHICH THE PROPOSED ROADS CONFORMANCE SHALL BE TO BE SITUATED R. H. ROAD & SIGN AND OWNERSHIP OF ROADS CONFORMANCE SHALL BE TO BE SITUATED ON LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. THE ROADWAY AND SIGN OWNERSHIP AND MAINTENANCE RESPONSIBILITY FOR ROAD RIGHT OF WAY FOR MAINTENANCE AND THE ROAD LOCATED AS SHOWN SHALL BE WITH THE SENeca CROSSING PROPERTY OWNERS ASSOCIATION. THE AGREEMENT SHALL BE ASSIGNED BY THE PARTIES TO INCLUDE OTHER PARTIES OF EXISTING ROAD PARTIES. THE PROPERTY SHOWN AS THE ROAD RIGHT OF WAY FOR MAINTENANCE AND THE ROAD LOCATED AS SHOWN SHALL BE CONSIDERED TO BE SENeca CROSSING PROPERTY OWNERS ASSOCIATION AS THAT ENTITY WILL BECOME THE PIPE SHADE OWNER OF THE ROAD RIGHT OF WAY FOR MAINTENANCE AND THE ROAD LOCATED AS SHOWN LOCATED ON LOTS 1, 2, AND 3. THE MAINTENANCE RESPONSIBILITY FOR ROAD RIGHT OF WAY FOR MAINTENANCE AND THE ROAD LOCATED AS SHOWN SHALL BE WITH THE SENeca CROSSING PROPERTY OWNERS ASSOCIATION AND OTHER PARTIES NAMED ABOVE WHO WILL UTILIZE THE ROAD RIGHT OF WAY FOR MAINTENANCE AND THE ROAD LOCATED AS SHOWN. THE UNDERGROUND STORMWATER MANAGEMENT SYSTEM ON LOT 1 SHALL BE MAINTAINED BY THE SENeca CROSSING PROPERTY OWNERS ASSOCIATION. THE NAME OF THE DEVELOPMENT MAY ALSO CHANGE FROM SENeca CROSSING TO SOME OTHER NAME AT SOME TIME IN THE FUTURE.



NOTE: ROOF DRAIN LOCATIONS SHALL BE COORDINATED WITH PLUMBING PLANS. ROOF DRAIN SHALL BE 4" DIA. PIPED INTO UNDERGROUND STORMWATER MANAGEMENT SYSTEM.



**OWNER**  
SENeca CROSSING LLC  
ATTN: GUY LINDS  
303 WEST LIBERTY STREET  
CHARLES TOWN, WV 26414  
PHONE: (304) 278-0274

**DEVELOPER**  
CITY HOSPITAL INC. dba  
BERKELEY MEDICAL CENTER  
ATTN: ANTHONY ZELINSKA  
2800 HOSPITAL DRIVE  
MARTINSBURG, WV 26401  
PHONE: (304) 264-1348

**PROFESSIONAL CERTIFICATION**

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF WEST VIRGINIA.

EXPIRES: 12/31/2025

**FOX & ASSOCIATES, INC.**  
ENGINEERS • SURVEYORS • PLANNERS

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83 NORMANS HILL COURT  
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01/19	E	REV. FOR COUNTY COMMENTS
02/19	E	REV. FOR COUNTY COMMENTS
03/19	I	REV. FOR TOWN COMMENTS

**CO. FILE #10-1**

**GRADING AND DRAINAGE PLAN**

**BERKELEY MEDICAL CENTER  
LOT 1 - SENeca CROSSING SUBDIVISION**

SITUATE ON THE SOUTH SIDE OF MARTINSBURG FREE (WV RTE 48) BETWEEN  
MACLAINE DR. & WEST HIGH ST.  
JEFFERSON COUNTY, WEST VIRGINIA

Drawing No.	D-0205
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Sheet	5 OF 13





# JEFFERSON COUNTY, WEST VIRGINIA

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## MEMO

**TO: Planning Commission**

**FROM: Alexandra Beaulieu, Zoning Administrator**

**DATE: 07-09-19**

**RE: ZTA19-01, Special Event Facilities**

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On April 9, 2019, the Planning Commission made a motion to accept into their work plan Quintina Reddington's request to create a text amendment to allow an event facility in the Rural zoning district.

Staff has received a number of inquiries to establish event venues, typically for weddings and similar types of receptions/celebrations. Since the adoption of Section 8.14 in 2014, which allows for a Rural Event Facility in an existing structure, it has been brought to our attention that converting existing barns is cost prohibitive due to the requirements set forth in Building Code; however, under the current regulations, there are no provisions to process a newly constructed event facility in the Rural zoning district.

The draft amendment before you today proposes two types of event facilities. An Agricultural Special Event Facility, which mimics the intent of the existing provisions in Section 8.14 but proposes additional text for clarity such as a minimum acreage and that the use be accessory to an existing farm.

The second type of facility is a Special Event Facility, which is a facility that operates independent from any other use on the property. A Special Event Facility would require processing a Conditional Use Permit to operate in the Rural, Residential Growth, and Village zoning districts. The proposed text includes criteria for the Board of Zoning Appeals to consider when reviewing an application such as the proposed frequency of events, maximum building capacity, signage, etc. Requiring a Conditional Use Permit for this land use is consistent with the County Commission's 2018 revision to Appendix C to allow most Commercial Uses to process as a Conditional Use in these zoning districts. Staff also found that the proposed text is consistent with the Envision Jefferson 2035 Comprehensive Plan's recommendation to "Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses." (recommendation 5, page 77 of the Plan.)

The proposed text is also consistent with the Plan's recommendation 5.b to "Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps preserve farmland and open space and continue agricultural operations."

**The Planning Commission's role** is to receive input from the public and to determine whether the proposed text amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan. Following the public hearing, the Planning Commission will finalize the draft text amendment and make a recommendation to the County Commission. Once the Planning Commission forwards their recommendation to the County Commission, the County Commission is required to hold a Public Hearing to receive additional public input.

The proposed text amendment reflects revisions to Section 2.2, Terms Defined; Section 8.14, Rural Reception/Event Facility [Proposed Special Event Facility]; and Appendix C, Principal Permitted and Conditional Uses Table.

**Attachments:**

- Agricultural and Rural Economy Recommendations (Goal 8) from the Envision Jefferson 2035 Comprehensive Plan
- ZTA19-01, Special Event Facilities

## 2.B. Agricultural and Rural Economy

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses.

There must be a viable rural economy to maintain the rural landscape. The rural economy is much more than traditional farming. It includes innovative agriculture, horticulture, forestry, commercial and non-commercial equine industry, other forms of animal husbandry, tourism, rural based public and commercial recreation, ancillary rural business, and compatible rural institutional uses. Many of these sectors are growing and collectively contribute significantly to Jefferson County's economy and provide several thousand jobs. The County's citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment.

A key aspect of the County's rural economy is recognizing the changes in the regional and national marketplace that might affect agricultural activities at the local level. In some instances, farm operators have adapted to these changes by diversifying into additional farm based activities, changing the types of farming activities taking place on a site, or seeking to include direct sales and on-site marketing, and value added processing of crops or products. The ability of a farm operator to diversify or change their operations to meet the needs of the marketplace is an important consideration in providing a framework for the continuation and enhancement of farm and agricultural activities in Jefferson County.

The enhancement of the rural economy is a central focus of the rural strategy of this Plan and requires the support of the Jefferson County Development Authority and other organizations which support the agricultural economy. A broad-based rural economy can be a net-revenue generator for the County because tax revenues generally exceed expenditures for rural properties. The County recognizes its fiscal responsibility to protect the land resource for the rural economy, to provide fundamental protection for rural businesses, to ensure prudent fiscal management of limited public resources, and to provide needed protection of the public health and safety.

### Rural Economic Activities

The agricultural community in Jefferson County recommended the following priorities to strengthen the rural economy:

<b>Agricultural Community Priorities</b>
Diversify farm operations through the sale and marketing of value added products (such as the processing and marketing of products on-site);
Allow farm operators to work with nearby farm operators to market and sell each other's goods on each individual farm;
Allow a wider range of service activities to take place on agricultural properties.

The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.

By enabling farm operators to have more options and encouraging the creation of cottage industries that reflect the rural aesthetic, the viability of operating rural based businesses in the County's rural areas will be enhanced in the coming decades. While Jefferson County has modified its Zoning and Land Development Ordinance to allow for a greater variety of uses, additional steps might be needed to improve opportunities for farm operators to continue or expand their businesses, and for artisans and other individuals to operate small businesses that complement these activities. A streamlined process for uses with minimal impacts to surrounding neighbors should be developed.

The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an Agricultural Based Economic Empowerment Area, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm co-ops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area.

There are many creative people that live and work in Jefferson County, using their talents to create poetry, pottery, paintings, plays, performances, photographs, novels, fabric art, sculpture, carvings, installations, music and dance, and the fine art and culture of all forms. The County is home to numerous cultural and historical organizations as well as artist studios, galleries, museums, and theaters which host a number of activities and events throughout the year. These activities and organizations add to the cultural value in the County and provide economic resources for the artisan. This Plan supports the artisan community and its needs for developing a robust economic and cultural community.

While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations. This requires eliminating the Land Evaluation Site Assessment (LESA) system and modifying the CUP process. For additional discussion, see Rural Land Use Planning Section (page 34).

### **Agricultural Service Facilities**

An issue expressed by members of Jefferson County's agricultural community during the planning of this document was the lack of agricultural service facilities located in Jefferson County. Farm operators currently travel to Winchester, Hagerstown, or Frederick to purchase farm machinery or to get their machinery repaired. Farmers raising livestock also need to travel out of state to sell or purchase animals at auctions. There are few large animal veterinarians in Jefferson County that can assist with maintaining the health of animals or be available in case of emergency. There are no meat processing facilities in the County and nearby out of state facilities are limited to mass production which excludes small farmers from receiving this service. The lack of service facilities could have a negative impact on the maintenance or expansion of agricultural activities in Jefferson County in the coming years.

### **Distribution and Marketing of the County's Agricultural Products**

In recent years, there has been a change in the way farm products are marketed and sold in Jefferson County. In the past, a large number of farm products cultivated on Jefferson County farms were commodities, with little differentiation between the products of individual farm operators. Currently this is changing due to the increasing reliance of the local farm community on farmers' markets and direct sales to local and regional restaurants. There are several farmers' markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers' market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers' market into a regional agricultural center

complex could serve as another means of selling the County's farm products and could include dining and/or commercial kitchen facilities.

While the farmers' markets have helped individual farm operators differentiate between their products, there is still a limited local or regional identity when it comes to agriculture in the Eastern Panhandle. In some cases, individual farms have addressed this concern through the creation of an identity for the farm and/or for the product being produced. It would be beneficial to the Jefferson County rural economy if a more unified effort occurred through a shared marketing mechanism, regional branding, or the creation of common distribution and marketing facilities.

An increasing movement toward smaller farming operations of less than 40 acres in size in the County should not be discounted, even though a number of farms in Jefferson County are located on large tracts of land. According to the 2012 U.S. Agricultural Census, over half of all farms in Jefferson County provide a limited income to farm operators; however, there are opportunities for expansion of smaller farming operations. The majority of the farms in Jefferson County have the opportunity to provide a viable range of income generating agricultural activities to an individual farm operator.

### **Enhance Farmland Protection Activities**

In 2000, Jefferson County formed a Farmland Preservation Program that is funded by a portion of the transfer tax collected when a house or land is sold. To date, this program has purchased the development rights of 3,900 acres. As mentioned in the Land Use element, the funding that is available to support the County's farmland protection program is much less than the demand from farm operators to participate in it. Since the County's farmland protection program is funded by a portion of the transfer tax, the viability of the program is subject to a widely fluctuating real estate marketplace. In times when there is a great deal of real estate activity, revenue generated for the program is strong, enhancing the ability to purchase development rights and protect farmlands. Conversely, in times when the real estate market is slow, the amount of money available for protection efforts is limited. Therefore, it is important to establish reliable funding sources to support farmland protection activities. One option to protect farmland is to coordinate with the American Battlefield Protection program to make the most efficient use of funding resources.

To reduce the conversion of farmland, the Plan recommends that clustering should be the preferred method of any rural residential development. This would allow land owners to group lots in a traditional rural community pattern, while retaining a majority of the land for agricultural and rural economic uses. Even when the development of a residential cluster results in the loss of some farm land, the goal of the regulations related to cluster developments is to retain as much farmland as possible by adjusting the number and size of the lots in the cluster and requiring the balance of the farm (the residue) to be retained as a permanent agricultural use. Cluster developments on a property should minimize the use of high quality soils and maximize the use of less

productive agricultural land. In order to retain the maximum amount of land in farm use and rural economic activity, the open space requirement for residential cluster development shall be met by the residue which will retain no development rights.

### **Transportation in the Rural Environment**

The County's rural road network originally evolved serving the needs of the farming community and is not intended to serve the needs associated with the higher traffic volumes and speeds required for large residential subdivisions. At certain seasons of the year conflict can be created between residential traffic and large pieces of slow moving farm equipment. The LESA/CUP system has not effectively protected the rural road network from this type of development pressure. As such, this Plan recommends utilizing cluster developments as the preferred form of residential development within the rural areas. Limiting suburban development in the rural area helps protect agricultural land use activities.

Most of the roads in the County's rural area are paved, but tend to have narrow widths, excessive horizontal and vertical curvatures, bridge and drainage problems, and poor intersection alignments. These conditions contribute to the safety concerns associated with increasing motor vehicle traffic on the rural roads. The increased residential densities that have occurred in the rural area in the past are producing additional traffic volume and requiring more maintenance of the rural road network of predominantly narrow, two-lane paved roads with existing design issues.

### **Agriculture Tourism**

The rural areas of the County contribute to the local tourism economy in a variety of ways. Not least of these is the maintenance of attractive viewsheds to enhance the experience of visitors to battlefields, historic sites and villages. Tourism is addressed later in this Element on page 81.

The following recommendations provide action steps to foster and expand the diverse rural economy through a variety of policy, regulatory, incentive-based, and programmatic approaches that will protect the rural land, structures, and character necessary to advance the rural economy.

<b>Agricultural and Rural Economy Recommendations (Goal 8)</b>	
<b>1.</b>	Support West Virginia’s and Jefferson County’s “Right to Farm” policies which protect the rights of existing and future farms and farmers by developing zoning standards, other legislation, and educational programs designed to reduce potential conflicts arising from the proximity of agriculture to residential development (State Code § 19-19; Section 4.5 of the County’s Zoning Ordinance).
	<b>a.</b> Identify and utilize a wider variety of funding sources that could serve to expand the County’s farmland protection program.
	<b>b.</b> Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.
<b>2.</b>	Enact Zoning Ordinance provisions to reduce the intensity of residential development in the Rural zone, other than by clustering, thereby protecting and increasing the investment potential and attractiveness of the agricultural lands for families, entrepreneurs, and businesses.
	<b>a.</b> Decrease the problems of rural traffic volume and the need for additional costly public infrastructure services in rural areas while conserving areas of the Rural zone for agricultural uses and the rural economy through support for rural cluster development vs large subdivisions of new home growth.
<b>3.</b>	Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:
	<b>a.</b> performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
	<b>b.</b> the adaptive reuse of existing historic and agricultural structures.
<b>4.</b>	Collaborate with the County’s agricultural community to assess the current land use regulations and determine what opportunities for agriculture might currently exist and what additional opportunities might be able to succeed in Jefferson County.
<b>5.</b>	Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.
	<b>a.</b> Incorporate into the zoning provisions innovative agricultural uses including the creation of standards which permit flexibility in the sale of farm products and related auxiliary products.
	<b>b.</b> Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.

	<p><b>c.</b> Require that new non-rural commercial uses that are not compatible with the dominant agricultural land use pattern locate only in the Urban Growth Boundaries (UGBs) and Preferred Growth Areas (PGAs) as identified by the future land use recommendations of this Plan.</p>
<b>6.</b>	<p>Coordinate with local businesses and the Jefferson County Development Authority (JCDA) to brand and market Jefferson County farms and products by identifying and linking potential partnerships and matching suppliers with potential local and regional markets.</p>
	<p><b>a.</b> Conduct market research on high-value agricultural products, ancillary farm businesses, and other rural economic uses such as farm agri-tourism, retreats, and country inns;</p>
	<p><b>b.</b> Develop and expand, in conjunction with the Jefferson County Convention and Visitors Bureau, brand identification of Jefferson County farm products;</p>
	<p><b>c.</b> Provide more alternatives to promote rural tourism and rural land uses.</p>
<b>7.</b>	<p>Work with Jefferson County’s agricultural community to effectively distribute local agricultural products and encourage the growth of the market for local products.</p>
	<p><b>a.</b> Facilitate the establishment of year round marketing outlets to support the farm community, such as farmers’ markets or a product distribution center;</p>
	<p><b>b.</b> Encourage the expansion of off-site farmers’ markets to provide marketplaces for farmers and artisans to sell their goods within a variety of Jefferson County commercial venues;</p>
	<p><b>c.</b> Promote products to Jefferson County based businesses.</p>
<b>8.</b>	<p>Coordinate with key agricultural and rural stakeholders to identify ways to expand marketing and value added production activities for farmers and artisans on their properties in rural areas of Jefferson County.</p>
	<p><b>a.</b> Amend existing regulations in order to identify and facilitate ways to allow the sale of items grown, processed, crafted, or manufactured in Jefferson County on farms other than the farm where the product originated.</p>
	<p><b>b.</b> Develop a streamlined process for such uses when there are minimal impacts to surrounding neighbors.</p>
	<p><b>c.</b> Expand and improve high speed Information Technology (IT) connections in rural areas of Jefferson County with local internet or advanced technologies providers to enable residents to run businesses from home or to telecommute.</p>
<b>9.</b>	<p>Collaborate with the local artisan community and Jefferson Arts Council to review and amend the local land use regulations to promote and enhance the viability and livelihood of artisans in the rural areas of Jefferson County.</p>
	<p><b>a.</b> Encourage local non-profit organizations and local and regional economic development agencies to create a regular forum where all County artisans, businesses, and members of the non-profit and arts communities can meet to network and collaborate.</p>

	<ul style="list-style-type: none"> <li>b. Work to improve connections between County businesses and artisans that may have products and services that can be sold in local stores or other businesses.</li> </ul>
	<ul style="list-style-type: none"> <li>c. Ensure that training and educational opportunities are available that would enable the success of such businesses.</li> </ul>
	<ul style="list-style-type: none"> <li>d. Establish and support an endowment for arts funding for rural crafted arts.</li> </ul>
<b>10.</b>	Strengthen the Agricultural Committee of the JCDA by creating a public/private Rural Economic Development Council comprised of rural industry sector leaders. This organization will:
	<ul style="list-style-type: none"> <li>a. link governmental, non-governmental, and regional organizations;</li> </ul>
	<ul style="list-style-type: none"> <li>b. link state and federal farm assistance programs to local farmers;</li> </ul>
	<ul style="list-style-type: none"> <li>c. receive and make grants;</li> </ul>
	<ul style="list-style-type: none"> <li>d. act as an advocacy group for rural issues; and</li> </ul>
	<ul style="list-style-type: none"> <li>e. promote activities that nurture the rural economy.</li> </ul>
<b>11.</b>	Create a county or regional agricultural industrial park that could include sites for service providers such as farm equipment repair facilities, tractor and implement sales, meat processing facilities, and veterinarian services; as well as:
	<ul style="list-style-type: none"> <li>a. A local or regional food hub that could be tied into Community Supported Agriculture (CSA) packaging and distribution, a regional food bank, and to serve as a marketing site for farms and farmers;</li> </ul>
	<ul style="list-style-type: none"> <li>b. A neighborhood based CSA or Development Supported Agriculture;</li> </ul>
	<ul style="list-style-type: none"> <li>c. A permanent, year-round farmers' market site;</li> </ul>
	<ul style="list-style-type: none"> <li>d. Sites for Industrial Agriculture such as Vertical Farming, Hydroponic Greenhouses, and Aquaponic Farming;</li> </ul>
	<ul style="list-style-type: none"> <li>e. Agriculture based training, research, and continuing education facilities created in conjunction with institutes of higher learning and research;</li> </ul>
	<ul style="list-style-type: none"> <li>f. Commercial aquaculture activities;</li> </ul>
	<ul style="list-style-type: none"> <li>g. A livestock auction facility;</li> </ul>
	<ul style="list-style-type: none"> <li>h. A Community Cold Storage/Meat Locker Facility that would allow county residents to rent space to purchase and store sides of meat; and/or</li> </ul>
	<ul style="list-style-type: none"> <li>i. Alternative Energy Production facilities, ranging from ethanol refining to algae production for biofuels.</li> </ul>
<b>12.</b>	Promote and expand the commercial and recreational equine industry as a fundamental component of the rural economy by amending County ordinances to reflect the current practices and needs of the industry.
<b>13</b>	Collaborate with the County's culinary, artisan, and farm communities and JCDA to study the feasibility of establishing a Culinary Center that would provide exposure to and for marketing the goods that are produced in Jefferson County and the Eastern Panhandle.

	<p>a. Collaborate with the West Virginia Extension Service, West Virginia Department of Agriculture, and local stakeholders to establish a regional commercial kitchen and packing facility in the Eastern Panhandle that could be used by farm operators in the manufacture of value added products.</p>
14.	<p>Expand vocational programs, either through the existing Future Farmers of America program in the County’s high schools or through programs that combine classroom exercise with a co-op program exposing students to a variety of agricultural formats and opportunities.</p>
	<p>a. Advocate for Jefferson County Schools to partner with Berkeley and Morgan County schools to create a regional Agriculture Magnet School whose curriculum would be focused on agriculture and agribusiness fields.</p>
	<p>b. Encourage the Board of Education to provide equal vocational education programs in all middle schools and high schools throughout the County.</p>
15.	<p>Coordinate with Jefferson County Schools to encourage the following agricultural activities:</p>
	<p>a. Preserve and expand the Future Farmers of America programs that are in place at the County’s middle and high schools.</p>
	<p>b. Coordinate with local artisans to improve accessibility and awareness of arts education and programming.</p>
	<p>c. In conjunction with local gardening organizations and Jefferson County Agricultural Development Office, expand school garden programs that could serve as a source of fresh foods for cafeterias.</p>
	<p>d. Encourage schools to use local agricultural products in cafeterias through partnerships with local farmers and CSA programs.</p>
16.	<p>Encourage the West Virginia University Extension Office to consider the creation of Mentoring/Training Programs similar to FarmLink programs that are in place in other states such as Maryland and Virginia.</p>
17.	<p>Support the County’s rural economic strategy by working with the State Legislature to review the State Code and consider the following amendments:</p>
	<p>a. Tax credits on farm-related capital improvements;</p>
	<p>b. Tax abatement or deferral when a farmer makes an investment in high-value crops that do not turn a profit for several years (orchards, Christmas trees, vineyards, etc.);</p>
	<p>c. Assessment of farm worker housing on farms below residential market value;</p>
	<p>d. Additional reduction in the real estate tax rate on rurally zoned property that is under permanent conservation easement.</p>



**From:** [Reddington, Quintina](#)  
**To:** [Planning Department](#)  
**Subject:** Reddington Farm Barn Language  
**Date:** Tuesday, March 26, 2019 3:51:33 PM  
**Attachments:** [Proposed Event Barn Content.docx](#)

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Hi Alex,

Below is the language for the event barn we discussed on Monday. Please let me know if this is what you had in mind.

Thank you,

Tina

#### Proposed Event Barn Content

We are proposing to build a new barn or barn like structure that will house a distillery and will be a multi- purpose facility to allow rental of the space for meetings or events.

- The structure will hold approximately 100-300 people inside depending on the space configuration ie. Tables and chairs vs standing room only.
- The structure will contain restrooms that meet the International Pumbing Code.
- Food will be prepared and served from a permanent or mobile facility that has been approved by the health department.
- If alcohol is served on site, separate from the distillery, all State liquor licensing laws will be.
- Events may include but are not limited to weddings, graduation festivities, corporate retreats/meetings.

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## Section 2.2 Terms Defined

<u>Rural Reception/Event Facility</u> <sup>26</sup>	<del>A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential Light Industrial-Commercial Districts (permitted by Special Exception). Such events are limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision.</del>
<u>Rural Reception/Event Facility, Small</u> <sup>26</sup>	<del>A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings with attendance not to exceed 75 cars at a frequency of no more than one event per month.</del>
<u>Special Event</u>	<u>A gathering of individuals for the common purpose of attending a celebration, ceremony, reception, or similar activity for the benefit of someone other than the property owner. No events that involve charging admission or are solely performance events are permitted under this provision. Private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a special event.</u>
<u>Special Event Facility</u>	<u>A facility where special events are permitted to occur. Special event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a rental fee for the use of the facility. Facilities may operate entirely within a structure, entirely outside of a structure, or both inside and outside a structure.</u>
<u>Special Event Facility, Agricultural</u>	<u>A Special Event Facility located on a parcel which the Assessor's Office has classified as "farm use".</u>

### Section 8.14 ~~Rural Reception/Event Facility~~<sup>26</sup> Special Event Facilities

The purpose of this section is to create a process by which a property owner in a Rural, Residential Growth, and Village zoning districts may establish a Special Event Facility. A Special Event Facility in any other zoning district may process in accordance with Appendix C.

- A. Special Event Facility, Agricultural is permitted in any zoning district on a parcel with an existing farm and shall operate accessory to the property owner's primary residence or caretaker's residence. The minimum acreage required is five acres.
1. A Special Event Facility, Agricultural may be established on a separate legal lot of record adjoining a parcel with farm use status, as long as it is under the same ownership.
  2. A Special Event Facility, Agricultural shall not exceed attendance of 250 people, excluding event staff and vendors.
  3. A Special Event Facility, Agricultural shall not occur more frequently than once a week and shall be limited to one day, not including set-up and take down. Overnight accommodations may be processed in accordance with Appendix C.

4. All aspects of the land use, excluding parking, but including any permanent structures and any outdoor components such as event tents, portable restrooms, etc. shall be setback 75' feet from all property lines. Parking shall be setback 25' from all property lines.
5. Parking shall be provided at a ratio of one parking space for each two guests allowed on-site and one parking space for each permanent employee who does not reside on premises. Parking may occur on grass if the if the applicant can demonstrate that the parking will occur on usable ground and identifies how handicapped accessibility (if applicable) will be addressed.
6. The land use shall comply with Section 8.9A.1 and shall apply the Residential Growth District standard to all adjacent lots.
7. If the facility utilizes a private, shared right-of-way, driveway, or easement for vehicular access, the use shall be subject to a public hearing before the Board of Zoning Appeals and process as a Special Exception in accordance with Article 6 shall address the criteria listed in subsection i below.
8. If a site plan is not required pursuant to the Subdivision Regulations, the following documentation shall be submitted as part of the Zoning Certificate application:
  - i. A sketch reflecting the layout of the proposed event shall be submitted to ensure compliance with setbacks and parking. The sketch should delineate the parking area, the event tent(s), location of portable restrooms, and the location of any vendors.
  - ii. A traffic control plan shall be submitted and address the criteria listed in subsection i below.
9. If the frequency of the Special Event Facility, Agricultural exceeds one event per week, or attendance exceeds 250 people, the use shall be subject to a public hearing before the Board of Zoning Appeals and process a Conditional Use Permit in accordance with Article 6 and subsection B below.

If the subject parcel associated with an approved Special Event Facility, Agricultural loses the associated "farm use" classification through the Assessor's Office, the property owner may apply for a Special Exception in accordance with Article 6 to continue operating the land use.

B. A Special Event Facility is a facility that operates independent from any other use on the property.

1. In the Rural, Village, and Residential Growth zoning districts, a Special Event Facility shall process a Conditional Use Permit in accordance with Article 6.
  - i. The minimum lot size shall be five acres. Site development standards shall comply with Appendix B.
  - ii. Parking shall be provided at a ratio of one parking space for each two guests allowed on site and one parking space for each permanent employee.
  - iii. In addition to the criteria set forth in Article 6, Section 6.3, the Board shall evaluate the following:
    1. Proposed frequency;
    2. Number of attendees (maximum building capacity);

3. Signage;
4. Adequacy of parking area. The Board should consider the number of parking spaces as well as the location of the proposed parking area;
5. Adequacy of vehicular access to the property. The applicant shall provide a traffic control plan to address traffic flow and ingress and egress to the property to ensure that traffic will not hinder shared access (if applicable) or create a back-up onto public or private roads; and
6. Impact on adjacent properties.

Parks and Recreation events and facilities are exempt from Section 8.14.

~~A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events proposed in the Rural, Village, Residential Growth, and Residential Light Industrial Commercial Districts are approved by the Board of Zoning Appeals following a public hearing. Such public hearing shall be conducted according to the requirements of Section 6.1C; may be continued according to the requirements of Section 6.1D; and is subject to the notification requirements of Section 6.1B.<sup>32</sup>~~

~~Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.<sup>32</sup>~~

~~A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings with attendance not to exceed 75 cars, at a frequency of no more than one event per month. Such events are permitted administratively provided that if the facility would utilize a private, shared right of way, driveway or easement for vehicular access, a public hearing before the BZA is required.<sup>32</sup>~~

~~Approvals of all Rural Reception/Event Facility and Rural Reception/Event Facility, Small shall include a provision that noise at the property line shall conform with Section 8.9A.1 of this Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well as adjacent lots in the Rural District.~~

~~Note that any vendors and/or production staff are not counted in the trip generation for this Section.<sup>32</sup>~~

**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE**<sup>23, 29, 32, 33, 35, 37</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses</b>													<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4

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>
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	CU	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
<u>Special Event Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>Sec. 8.14</u>
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
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	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	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	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	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	CU	P	P	NP	
<u>Special Event Facility, Agricultural</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 8.14</u>
<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 Uses  
 NP Not Permitted Uses  
 CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)  
 \*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU  
<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.  
<sup>2</sup> Approval process is per the Salvage Yard Ordinance.





# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

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## MEMO

**TO: Planning Commission**

**FROM: Alexandra Beaulieu, Zoning Administrator**

**DATE: 07-09-19**

**RE: ZTA19-02, Churches in the Industrial-Commercial Zoning District**

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Recently, Staff was made aware that a church had been operating out of a building in the Burr Industrial Park. Currently, Churches are listed as “Not Permitted” in the Industrial Commercial zoning district in Appendix C of the Zoning Ordinance.

The Church would like to come into compliance with the County’s requirements. In order for the church to continue operating from their current location, Staff advised that the first step to coming into compliance would be to request a text amendment to change churches from “Not Permitted” to either “Permitted” or “Conditional Use” in the Industrial-Commercial zoning district.

Staff recommended that the request should be to amend the Ordinance to allow churches to process via a Conditional Use Permit which would allow the opportunity for the Board of Zoning Appeals to evaluate each application on its own merits based on public input and surrounding uses. For example, the subject property is surrounded primarily by commercial uses and not industrial uses. In some instances, allowing an institutional use to locate within an industrial area may not be appropriate, which is why Staff advised against amending Appendix C to allow churches in the Industrial-Commercial zoning district by right.

Staff found that the proposed text amendment is consistent with the Comprehensive Plan’s recommendation to “Encourage the adaptive reuse of existing buildings and previously used sites within Jefferson County in context with their surroundings, paying particular attention to brownfield and greyfield sites.” (Urban Level Development Recommendations [Goal 1] Recommendation 10, page 32.) Staff did not identify any conflict with the Plan with regard to new construction of churches in the Industrial Commercial Zone via the Conditional Use Permit process.

With regard to the subject church, if the proposed text amendment is approved, the next step would be to apply for a Conditional Use Permit, subject to a Public Hearing before the Board of Zoning Appeals.

**The Planning Commission’s role** is to receive input from the public and to determine whether the proposed text amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan. Following the public hearing, the Planning Commission will finalize the draft text amendment and make a recommendation to the County Commission. Once the Planning Commission forwards their recommendation to the County Commission, the County Commission is required to hold a Public Hearing to receive additional public input.

This text amendment reflects revisions to Appendix C, Principal Permitted and Conditional Uses Table.

**Attachments:**

- Urban Level Development Recommendations (Goal 1) from the Envision Jefferson 2035 Comprehensive Plan
- ZTA19-02, Churches in the Industrial-Commercial Zoning District

## Land Use Classifications as shown on the Future Land Use Guide

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. Detailed information regarding the land use classifications as shown on the Existing Land Use Map and Future Land Use Guide and discussed in the following recommendations can be found in Appendix G – Land Use Map Classifications.

### 1.A. Urban Level Development Area

Land use and infrastructure are intertwined and in turn affect each other. This section is primarily focused on the land use recommendations for the urban areas. More information on infrastructure can be found in the section titled “Economic Development, Employment, and Infrastructure” on page 64.

Much of the development that has taken place in recent decades has taken place outside of the traditional boundaries of the municipalities of the County. In fact, over 76% of the County’s population resides outside the municipalities. In some cases, development has taken place on land either annexed into municipalities or adjacent to existing incorporated areas, with some residential development disconnected from the adjacent municipalities with large gaps of open land that may or may not be farmed at present. This form of development can affect the viability of agricultural activities (due to noise, smell, and access issues) as well as creating the need to provide infrastructure services to outlying areas which has proven costlier than developments located closer to the existing urban core of the County.

As communities have looked more closely at the cost of extending services to developments constructed further from existing fire, police, water and sewer facilities, many communities have recognized the need to rethink their land use plans and planning processes to favor residential and commercial development in closer proximity to these services.

This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan. By encouraging higher densities within the Urban Growth Boundaries and Preferred Growth Areas and working closely with municipalities, the best result can be accomplished by providing opportunities for development within these areas with established infrastructure systems. It should be noted that these statements are not about reducing development; it is about growing in a fashion that more efficiently uses existing infrastructure and services.

While the Jefferson County Commission may not have a fiduciary responsibility to provide some of these services or the authority for some services provided, such as public utility systems and the road network, citizens of the County are impacted by the cost of these services. Any land use policy that Jefferson County adopts will have an impact on other agencies such as water and sewer providers, law enforcement, fire and rescue, EMS, and the West Virginia Division of Highways (WVDOH). Appropriate placement of utilities and roads can concentrate those resources in a way that the cost of providing those services decreases in proportion to the number of residents who use those features. The WVDOH has noted that the ability to provide roadway improvements in a concentrated area is a better use of their limited resources.

In addition to the provision of water and sewer services in a community, one of the key differentiations between urban areas and rural areas is the proximity of residents to community facilities such as parks, schools, community centers, fire and police facilities, and libraries. In urbanized areas, community facilities are typically located in close proximity to neighborhoods. In some cases, schools, playing fields, recreational facilities, and libraries share parking and/or stormwater infrastructure with two or more uses being located within the same building or site. These facilities are connected to neighborhoods via sidewalk, bike or trail networks and serve as anchors for the neighborhood and its residents. In many cases, the school playgrounds and fields also serve, either formally or informally, as a park space for the neighborhood. Conversely, as the growth of communities has become more decentralized over the last several decades, the location of community facilities has followed this pattern.

As new neighborhoods are connected into the water and sewer networks, a large number of subdivisions have their own pump station to move sewer from their area to the main treatment facility. While this is partially a result of current regulations that do not allow for public utilities to expand facilities until there is demand present, the pattern has been cited by local public service officials as one that adds to the cost of both maintaining and operating the existing system. This also results in a capacity issue to serve all the developments. For existing developments that are on well and septic, there may be opportunities to connect to public water and sewer, dependent upon the residents' wishes or any necessary public safety and health requirement.

The WVDOH is responsible for the construction and maintenance of nearly all publicly owned roadways in the state, including all roadways located outside of municipalities.

The remaining roadways are privately owned and are maintained by the residents of a community, by owners of properties adjoining a roadway, or by members of a Homeowners Association (HOA).

Since West Virginia county governments have little control over the roadways in their jurisdiction, planning for interconnectivity of developments requires creative solutions. HOAs are reluctant to allow automobile traffic that is not generated by the subdivision to utilize their road system because they are not contributing to the maintenance costs. When an accident occurs where there is not interconnectivity, drivers are unable to be rerouted away from the main roads/entrances and rescue vehicles are forced to work through the stalled traffic to get to the accident site. Conversely, in a more connected development, the side streets would serve as a valve to the main roadway while also being used as a way for rescue vehicles to get to an accident site.

With this in mind, it is important for Jefferson County to work with the West Virginia Division of Highways, land developers, and homeowners associations in order to be in a position to better connect neighborhoods via an enhanced street network including walking, biking, or trail paths and to provide for a more efficient public utility system. Additional information regarding transportation can be found in the “Economic Development, Employment, and Infrastructure Element (includes Transportation)” on page 64.

### **Redevelopment**

There are numerous examples, both locally and nationally, of existing buildings that have been repurposed and retrofitted to meet modern needs. Examples range from large barns that have been repurposed for small local business or into apartment buildings to factories that have been reutilized as mixed-use facilities incorporating housing, offices and retail. More modern buildings have been repurposed as churches, schools, or public libraries with the ability for adaptive reuses presenting many applications.

In many cases, the repurposing of a building not only benefits the community by redefining the fabric of a neighborhood, but tends to be less costly than new construction once financial incentives are factored into the total cost. The reuse of older buildings also benefits the environment by retaining a building that might otherwise end in a landfill, saving the use of new building materials, and not developing on existing farmland or open space. With abandoned or underutilized structures, the concept of reutilization and revitalization is something that should be explored; however, at times the State Building Code makes rehabilitation of existing structures difficult.

In some areas of Jefferson County there are buildings that may avail themselves to be converted into residential structures. While some, like the upper levels of stores in the municipalities and villages are available, other buildings, such as former warehouses and other such structures and barns, require additional creativity to recognize as potential dwellings. By providing guidance and directing potential developers to

structures that might be fit for adaptive reuse for housing, it is anticipated that some of the older structures in Jefferson County could be retained and have a new life.

### **Urban to Rural Transition**

Due to annexation and changes in building practices across our Country since World War II, there is less delineation between downtown areas and the rural areas of the community. This is due to suburban residential and highway commercial development patterns with individual access and parking along major corridors leading from traditional downtowns. With the approval of Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) as a part of Envision Jefferson 2035, an opportunity exists to work with the municipalities to create and implement a series of design principles that reflect the nature of the existing communities, while ensuring an appropriate transition between town and country inside the UGBs and PGAs. In instances where a municipal boundary abuts an area designated for Rural Land Use and the Agricultural Economy as defined in this section, page 36, it is expected such areas shall be rural.

In an effort to guide land development in the municipalities, UGBs, and PGAs, the following are recommendations to achieve this goal.

<b>Urban Level Development Recommendations (Goal 1)</b>	
<b>1.</b>	Recognize the existing vested rights, development entitlements, and permitted density levels on properties in Jefferson County.
	<b>a.</b> No property’s zoning status will be changed as part of this Plan.
<b>2.</b>	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:
	<b>a.</b> Economic Well-Being of the County; or
	<b>b.</b> Error or Under Scrutinized Property on the Future Land Use Guide; or
	<b>c.</b> Change in Neighborhood; or
	<b>d.</b> Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
	<b>e.</b> Environmental impacts are considered.
<b>3.</b>	Identify opportunities for small area plans and involve key stakeholders.
<b>4.</b>	In coordination with the Jefferson County Development Authority, utility providers, and other agencies, extend natural gas services and alternative energy sources into Jefferson County and encourage the extension of these services into new subdivisions to provide access to alternatives for heating and cooking uses.
<b>5.</b>	Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.
	<b>a.</b> Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.
	<b>b.</b> Reduce application fees for urban level development located within the areas desired for urban future growth.
	<b>c.</b> 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.
	<b>d.</b> Consider the utilization of alternatives to use-separated (Euclidean) zoning within the UGB and PGA, such as the SmartCode adopted by the City of Ranson or performance based zoning to achieve the desired land used goals.
	<b>e.</b> Update the County’s zoning regulations in a way that balances flexibility of use for property owners and developers while preserving the quality of life for residents.

	<p><b>f.</b> Streamline development review and permitting policies by establishing a two tiered system that would allow greater power for staff review for projects of a certain size or smaller scale, etc.</p>
<b>6.</b>	<p>Require new urban level development to provide opportunities for multi-modal accessibility and to occur in a manner that enables connectivity to existing street and infrastructure networks or for future connectivity as development is extended to municipalities, UGBs, PGAs, or Villages.</p>
	<p><b>a.</b> Create and implement the results of small area studies that would address the potential provision of infrastructure, accessibility, place making, and community facilities.</p>
	<p><b>b.</b> Require viable integration of multi-modal accessibility to facilities as part of new development plans.</p>
	<p><b>c.</b> In coordination with the West Virginia Division of Highways, identify key corridors where publicly owned roadways might be beneficial to the overall development of the County.</p>
	<p><b>d.</b> Coordinate with existing property owners/HOA's to extend existing roadway corridors when possible to connect into adjoining neighborhoods or new development. At a minimum, this may include pedestrian, non-motorized vehicle, and/or emergency access ways.</p>
<b>7.</b>	<p>Encourage the location of new infrastructure (water, sewer, utilities) within municipalities, UGBs, PGAs, or Villages.</p>
	<p><b>a.</b> Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available.</p>
	<p><b>b.</b> In designating where public utilities are to be delivered, enable public utility providers the ability to right size the infrastructure needed as development occurs, while considering the ability of current and future customer base to assume the debt for the infrastructure.</p>
	<p><b>c.</b> Encourage that new investment by public entities be focused toward the municipal areas, including the UGBs and the PGAs.</p>
<b>8.</b>	<p>Encourage the location of new community public facilities (such as schools, libraries, parks) within Municipalities, UGBs, PGAs, or Villages.</p>
	<p><b>a.</b> Encourage the clustering of development so that the developer retains their density while dedicating community facilities.</p>
	<p><b>b.</b> Locate and integrate new neighborhoods so that existing community centers, schools, parks, or libraries serve the needs of the new development.</p>
	<p><b>c.</b> Whenever possible, construct community facilities in areas served by public water and/or sewer.</p>

9.	Develop incentives for the protection of historic, cultural and/or natural resources during site development.
	<ul style="list-style-type: none"> <li>a. Allow the applicant the ability to achieve permitted density and/or intensity on a site while allowing for the protection of the desired resource.</li> </ul>
	<ul style="list-style-type: none"> <li>b. Allow opportunities for development to take place at a higher density/intensity than might be otherwise be possible to offset the cost associated with protection of these resources.</li> </ul>
10.	Encourage the adaptive reuse of existing buildings and previously used sites within Jefferson County in context with their surroundings, paying particular attention to brownfield and greyfield sites.
	<ul style="list-style-type: none"> <li>a. Identify specific sites and structures where adaptive reuse could occur that will assist with the redevelopment of brownfields and greyfield areas where the existing building(s) can be rehabilitated. (using sites from <i>Ranson Renewed</i> as an example)</li> </ul>
	<ul style="list-style-type: none"> <li>b. Identify and obtain funding mechanisms to remediate sites and encourage the utilization of these areas.</li> </ul>
	<ul style="list-style-type: none"> <li>c. Collaborate with the development community and interested environmental associations that can assist the County in amending its development provisions to encourage universal design, energy efficiency, and enhanced on- or off-site storm water retention.</li> </ul>
11.	Reduce stormwater runoff, nutrients, sediment, and waste materials that reach the Potomac and Shenandoah Rivers, as well as other water bodies through development oversight provisions.
	<ul style="list-style-type: none"> <li>a. Amend the parking requirements to support walkable and/or transit oriented communities per the land development standards based on site design and site amenities.</li> </ul>
	<ul style="list-style-type: none"> <li>b. Allow developers the option to provide fewer than the minimum required parking spaces if it can be determined that sufficient mitigation measures are in place.</li> </ul>
12.	Development on US 340 South should limit any land uses of a higher intensity than current zoning allows to the area between the existing US 340 right-of-way and the proposed preferred alignment right-of-way.
	<ul style="list-style-type: none"> <li>a. The area to the east of the preferred alignment is to remain zoned Rural, except the intersection of Myerstown Road and the proposed preferred alignment.</li> </ul>
	<ul style="list-style-type: none"> <li>b. Once a Record of Decision is published by the West Virginia Division of Highways, within 18 months, the Departments of Planning and Zoning should begin an updated land use plan for this area to reflect the commitment on the part of the state to construct the new four lane road.</li> </ul>

	<p><b>c.</b> Require that confirmation from public service providers be submitted, as a part of the application, stating that public water and sewer infrastructure can be provided to the proposed property to be rezoned (including cost), before any zoning map amendments occur in this area.</p>
<b>13.</b>	<p>Develop design criteria and access management standards for the WV 45 corridor west of the Shepherdstown Preferred Growth Area and within the Shepherdstown Growth Management Boundary to the Jefferson/Berkeley County line.</p>
	<p><b>a.</b> Ensure that any new development or redevelopment along this corridor occur in a manner that recognizes and enhances the gateway aspect of this corridor.</p>
	<p><b>b.</b> Require that an additional setback from the road right-of-way be set aside to allow for a roadway widening improvement easement, a pedestrian easement to include a hard surface trail, a landscaping strip wide enough to support large canopy trees, and the subsequent start of the development. This commitment of land shall not affect the overall permitted density and may require adjustments elsewhere in the development plan. This easement area shall be required whether or not the land is conveyed to a public agency.</p>
	<p><b>c.</b> Require that developments be configured to eliminate lots having individual access onto WV 45. Lots shall use common access easements or rights-of-way to gain access to the state right-of-way.</p>
<b>14.</b>	<p>Require all commercial/industrial zoning map amendment requests to utilize new zoning categories adopted on June 1, 2014 (or later) and discourage the use of the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests.</p>
	<p><b>a.</b> Encourage any development in a zone that permits mixed use to be developed according to the Mixed Residential/Commercial or Mixed Office/Commercial ratios found in the land use category recommended by this Plan, unless otherwise provided in the Zoning Ordinance.</p>
<b>15.</b>	<p>Develop new non-rural residential zoning categories in line with the residential land use categories recommended by this Plan and require that all non-rural residential zoning map amendment requests utilize the new categories, after the creation of such new residential zoning districts.</p>
<b>16.</b>	<p>Collaborate with state legislators to amend WV Code 8A to allow conditions to be imposed meeting specified requirements on proposed zoning map amendments.</p>
	<p><b>a.</b> Encourage the state legislature to include adaptive reuse of historic structures in State Building Code.</p>

# ASCENSION

73 Edmond Rd., Suite 2  
Kearneysville, WV. 25425

RECEIVED

JUN 03 2019

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

June 3, 2019

Dear Planning Commission,

We are a tenant at 73 Edmond Rd, which is in a complex of business offices. The zoning for this complex is Industrial Commercial (IC) which does not permit a church to operate. We are requesting a text amendment to Appendix C: Principle Permitted and Conditional Uses Table to change the Land Use for a Church in the IC zoning from Not Permitted (NP) to Conditional Use (CU).

Thank you for your consideration.



Pastor Tanie Guy  
Church Administrator  
304 930 1161 (O)  
304 886 5409 (C)



**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	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	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church	P	P	P	P	CU	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
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	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
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	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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## Planner's Memorandum Planning Commission Meeting July 9, 2019

### 1) RFQ for Consultant to Assist with Ordinance Updates

3 RFQ applications received by due date

PC Committee reviewed/ranked applications

Interviews 7/19/19

### 2) Zoning Ordinance Text Amendments

a) ZTA19-02 Churches in IC zone

b) ZTA19-01 Event Venue in new structures

c) Revise Article 10 "Provisions for Signs" to incorporate procedures for various signs

d) WV45 Gateway Design Standards (ZTA17-02) requested by Corp of Shepherdstown

e) Revise Section 5.7D.2 "Clustering" to address issues with current requirements

f) Revise and coordinate Section 4.11 "Landscaping, Screening and Buffer Yard Requirements" and Appendices A and B which are in conflict in some areas

g) Revise Article 11 "Off-Street Parking Standards" to address more diverse land uses

### 3) Subdivision Regulation Text Amendments

a) Incorporation of Improvement Location Permit Ordinance into Subdivision and Land Development Regulations

b) Subdivision and Land Development Regulations Amendments (STA18-01) – reorganization and update to current processes

### 4) Upcoming PC meetings

a) Next Regular Meeting: **August 13, 2019**