



## AGENDA

Jefferson County Planning Commission

Tuesday, February 11, 2020, 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. Election of Planning Commission Officers.
2. Approval of Meeting Minutes: December 10, 2019.
3. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
4. Request for postponement.
5. **Public Workshop:** Concept Plan for Country Club Commons (File #19-17-SD), formerly known as Breckenridge Commercial Subdivision. A proposed Non Residential Major Subdivision, the owner intends to create 4 lots and a public street for future commercial pad-users. In addition, the developer proposes 2 access points: one right in/out from US340 and one full-access onto Old Country Club Rd (WV Rt. 24). The property is designated as Tax District: Harpers Ferry (04); Tax Map: 11, Parcel: 11; Zoned: Residential Light Industrial Commercial; Size: 9.54 acres.

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

6. **Work Session:** Petition from landowner Stanley Dunn, represented by Torch Clean Energy, to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the Rural zoning district.
7. **Discussion and Action:** For the Planning Commission to vote to approve or deny the Martinsburg Pike ROCS Site Plan Application (#18-06-S) as completed in accordance with Sections (24.122 and 24.123) of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8A; Parcel: 19. Zoned: Residential-Light Industrial-Commercial (RLIC); Size: .2379 acres.
8. **Discussion and Action:** Call a special meeting for the purpose of holding a Public Hearing on 3/24/2020 regarding Greenway's proposed Text Amendments addressing the reorganization of Zoning Ordinance and Subdivision Regulations (Phase I), which requires public notice in the paper.
9. Reports from Legal Counsel
10. Planner's Memo: Quarterly Report for October – December 2019
11. President's Report
12. Actionable Correspondence
13. Non-Actionable Correspondence



Meeting Minutes  
Jefferson County Planning Commission  
December 10, 2019

The Jefferson County Planning Commission met on December 10, 2019 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; J Ware, Jack Hefestay, Ron Thomas, Mike Shepp and Ray Bruning. Staff members present included: Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Alex Beaulieu, Zoning Administrator and Jennilee Hartman, Zoning Clerk.

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

1. Approval of the November 12, 2019 meeting minutes: The meeting minutes with the staff edits provided to the Commission were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Request by Rahil Nawaz, II. (File #: 19-17-PCW). Applicant is requesting a waiver from Section 20.201 and 20.202(C) of the 2008 Subdivision Regulations, adopted 10/9/08. Applicant is requesting to change the existing entrance to this property from a platted 50' ROW to a direct access to Hite Road due to the location of the septic reserve. The property is designated as Tax District: Middleway (07); Tax Map: 10; Parcel: 15.4; Zoned: Rural; Size: 3.78 acres.

Mr. Rahil Nawaz, property owner, was present to address the Commission. Ms. Brockman provided an overview of the location of the property. Mr. Nawaz explained the nature of the request stating that the existing septic reserve area would require him to install and maintain an unnecessarily long driveway as opposed to having direct access to Hite Road. Mr. Nawaz added that as a firefighter it was imperative that in the event of an emergency he have the ability to leave his home in an expedient manner during inclement weather.

Ms. Brockman presented her staff report to the Commission noting that of the two other lots required to use the subject easement that one lot was vacant and the other already has two other entrances onto Hite Road. Ms. Brockman added that should the Commission deny the request; the applicant has the option to process a minor plat change to relocate the septic reserve area to allow for the installation of a shorter driveway. Ms. Brockman informed the Commission that a minor plat change would require a new survey plat of the property to be submitted and approval from the Health Department.

Mr. Steve Stolipher motioned to approve the waiver as requested. Mr. Jack Hefestay seconded the motion, which carried unanimously.

5. **Public Hearing:** Request by Townhomes Rental, LLC. (File #: 19-18-PCW). Applicant is requesting a waiver from Section 24.113B.10 that requires a Phase I Archaeological Study. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.1 & 1.2; Zoned: Residential/ Light Industrial/Commercial; Size: 7 and 16.62 acres.

Mr. Paul Raco with P.J. Raco Consulting was present to represent the request on behalf of the property owner. Ms. Brockman provided an overview of the location of the property. Mr. Raco explained the nature of the request to the Commission in detail noting that a Phase I Archaeological Study was an unnecessary requirement for this project. Mr. Raco explained that this is an extensive study that does not have a corresponding end result based on any

Findings. He stated that the County Commission has already determined that this property is appropriate for development through its location in a Preferred Growth Area in the Envision Jefferson 2035 Comprehensive Plan and that the lack of historically significant resources was noted during the Concept Plan Public Workshop.

Ms. Brockman provided an overview of her staff report and noted that while there are two Category II historic resources adjacent to the subject parcel, that the current regulations do not require any special protections for them at this time.

Mr. Mike Shepp motioned to approve the waiver as requested. Mr. Wade Louthan seconded the motion, which carried unanimously.

6. **Discussion and Possible Action:** Petition from landowner Stanley Dunn, represented by Torch Clean Energy, to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the Rural zoning district.

Mr. Sam Gulland with Torch Clean Energy was present to represent the petition. Mr. Gulland provided an overview of the petition and requested that the Commission adopt the proposed text amendment into their work plan. Some members of the Commission questioned why Solar Farms did not fall under the current definition of an essential utility, which would then allow for the proposed land use to be exempt from processing through the office. Ms. Beaulieu briefly explained that it had been her interpretation in the past that the proposed land use did not fit this definition and that this determination has not been questioned to date. The Commission questioned if the definition could be amended. Ms. Beaulieu stated that should the Commission wish to adopt the proposed text amendment into their work plan, then they may amend the text as they deemed necessary. Other members of the Commission cautioned against allowing this land use to be exempt from processing, including concerns related to setbacks, buffering, and decommissioning solar farms. Ms. Beaulieu explained that additional research on the topic would be conducted if the Commission chose to move forward with the proposed text amendment.

Mr. Mike Shepp motioned to accept the proposed text amendment into their work plan and to schedule a work session to discuss the amendment and the definition of Essential Utilities at their January 14, 2020 meeting; Mr. Steve Stolipher seconded the motion. Mr. Fisher called for a vote, which carried unanimously.

7. **Discussion and Possible Action:** Review pending Zoning Ordinance text amendment file #ZTA14-02 pertaining to Mass Event Regulations.

Referring to the memorandum provided in the Commission's packet, Ms. Beaulieu explained that on November 21, 2019, the County Commission made additional revisions to ZTA19-01, Special Event Facilities, which included the Planning Commission's recommendation to remove the sentence prohibiting music festivals and concerts from the definition of Special Event. As part of the Planning Commission's recommendation to remove this sentence, the Planning Commission also requested that the County Commission send the Mass Event text amendment (ZTA14-02) back to them to reevaluate and take formal action. After a limited discussion regarding the text, the Commission agreed that this text amendment should be evaluated along with the comprehensive rewrite of the Zoning Ordinance being conducted by Greenway Engineering.

Mr. Mike Shepp motioned to forward ZTA14-02, Mass Event Regulations, to Greenway Engineering to incorporate into Phase 2 of the contract, depending on the cost; Steve Stolipher seconded the motion. Mr. Fisher called for a vote, which carried unanimously.

**8. Discussion and Possible Action:** 2020 Meeting Dates and Deadlines review.

The Commission agreed to change May's regularly scheduled meeting date to May 5, 2020 in observance of the Election Day.

Mr. Steve Stolipher motioned to approve the proposed meeting schedule with the revised meeting date; Mr. Donnie Fisher seconded the motion and called for a vote, which carried unanimously.

**9. Reports from Legal Counsel.** None.

**10. Planners Memo:**

Mrs. Brockman provided an update from Greenway Engineering (memo distributed) and discussed the decision made by the Committee and staff regarding separating the reorganization phase from the amendment phase in the update efforts. The reorganized draft will be presented to staff and the committee on January 10<sup>th</sup> and distributes at the January PC meeting.

It has been determined that there will need to be a separate Public Hearing for the reorganization prior to the proposed text amendments. Greenway has requested a joint Public Workshop in early February and Public Hearings by the PC and CC in late February.

President Donnie Fisher called for a special meeting of the PC on February 25<sup>th</sup> for the purpose of holding a Public Hearing. Staff will be attending the 12/19/19 CC meeting to discuss the proposed joint work session and required Public Hearing with them.

**11. Actionable Correspondence:** None.


**12. Non-Actionable Correspondence:** None.

Mr. Fisher closed the meeting at 8:25 PM.



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 Jefferson County Planning Commission Meeting  
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**Item # 5 Public Workshop:** Request by applicant for approval of a Concept Plan for Country Club Commons, (File #19-17-SD), which is a proposed Major Non-Residential Subdivision. The owner intends to create 4 lots and a public street for future commercial pad users. In addition, the developer proposes 2 access points: one right in/out from US340 and one full-access onto Old Country Club Rd (WV24).

OWNER:	B.C. Partners, Inc.
DEVELOPER:	Same as Owner
CONSULTANT/ ENGINEER	Paul J. Raco Consulting, LLC./ Piedmont Design Group
PROPERTY LOCATION:	Vacant NE Corner of Route 24 and Route 340
LEGAL DESCRIPTION & ZONING DISTRICT	<p style="text-align: center;">Tax District: Harpers Ferry (04); Tax Map: 11; Parcel: 11; Size: 9.54 ac;        Zone: Residential-Light-Industrial-Commercial</p> 
ADJACENT ZONING DISTRICTS	<p><i>North:</i> Residential Growth  <i>South:</i> Residential/Light Industrial/Commercial  <i>East:</i> Residential/Light Industrial/Commercial  <i>West:</i> Residential Growth</p>
PROPOSED ACTIVITY	4 Non-Residential Lots and a public street for future commercial pad users

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**1. Summary of Request:**

The applicant is requesting to divide the 9.54-acre parcel on the northeast corner of US 340 and Old Country Club Road into 4 non-residential lots, a public street and stormwater area. The property is zoned Residential –Light Industrial-Commercial. The proposed Non-Residential Subdivision is required to process as a Major Non-Residential Subdivision, requiring a Concept Plan, Preliminary Plat and Final Plat. This Concept Plan is the first step in this development.

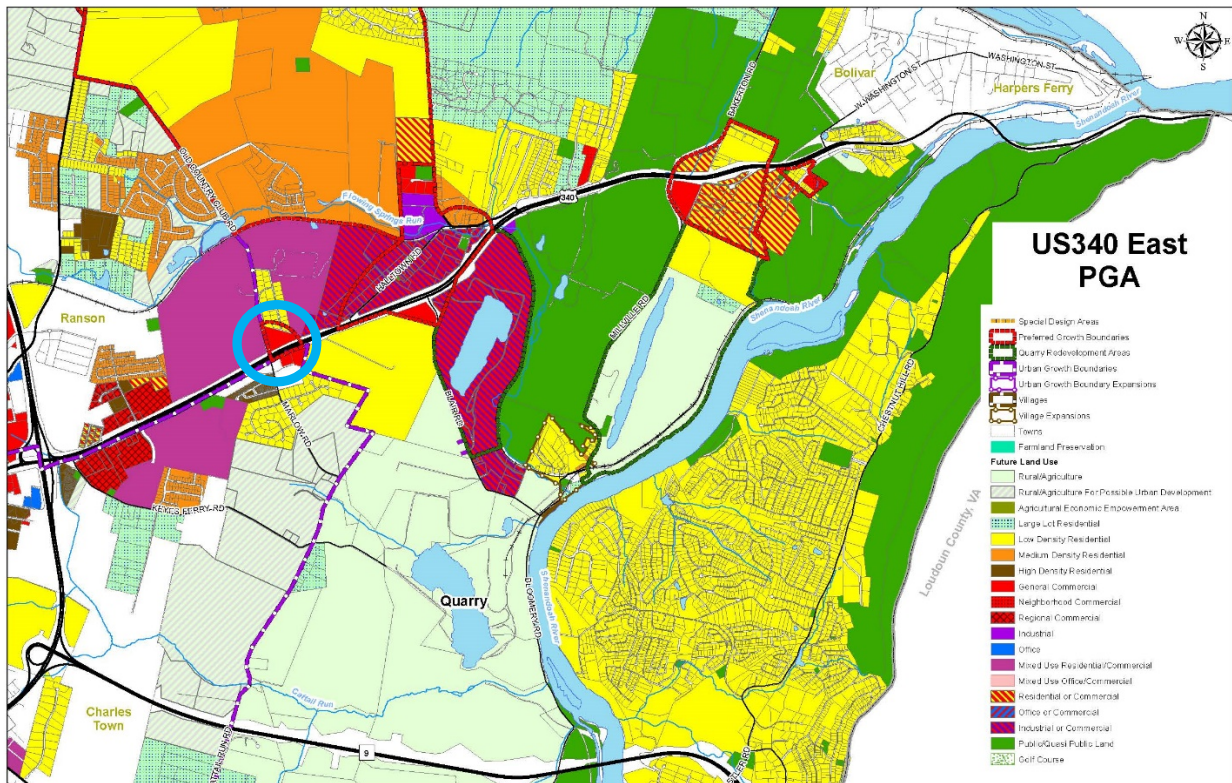
In accordance with Section 20.203 of the Subdivision Regulations, once a Major Non-Residential with master planned roads and stormwater is approved, each Site Plan will be permitted to process as a Minor Site Plan, which is administratively approved and does not require a separate Concept Plan.

The development is proposed to have public street with a full access to Old Country Club Road and a proposed right-in/right-out access to US 340.

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 entrances to state roads for 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. If required, such a study shall be completed during the Preliminary Plat stage. The WV DOH was notified as required by the Subdivision Regulations.

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

The 9.54 acres upon which this development is proposed are zoned Residential-Light-Industrial-Commercial. This zoning has been in effect since zoning was adopted by the County in 1988. This area is depicted on the US 340 East Preferred Growth Area Map (blue circle, below) of the 2035 *Envision Jefferson Comprehensive Plan* as “General Commercial”.



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The 2035 *Envision Jefferson Comprehensive Plan* describes the Land Use Map Classification of “General Commercial” as follows:

“The purpose of this land use category is to provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this category may be characterized by larger buildings, more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district. This category is intended to for individual structures less than 50,000 square feet and could include more than one structure.

The proposed development conforms with these recommendations of the 2035 *Envision Jefferson Comprehensive Plan*.

**3. Waivers/Variances Required**

During the Pre-Proposal Conference (PPC), staff noted that the following waivers/variances may be required based on the current design:

- Table 2.2-1 requires a minimum 60’ ROW width for all Non-Residential/Industrial & Commercial Streets. The applicant is proposing a 50’ wide ROW which will require a Waiver.
- The applicant had indicated that they intended to continue the 50’ ROW related to the frontage road to the property to the east to meet the requirement of Section 21.102D, but is this not shown on the current Concept Plan and may require a waiver.

As the design of this development proceeds through the review process, any waivers or variances that may be required will require their own Public Hearings before the appropriate body.

**4. 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 Regulations) with minor revisions. These requirements, as well as the current review status for each requirement for the Breckenridge Non-Residential application, are provided below:

Required Item from Section 24.110(A-J)	Description	Status
<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.	Provided, based on Residential/ Light Industrial/ Commercial Zoning

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	c) Site resource map.	
<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
<b>5. Traffic Impact Data</b>	<p>This shall include:</p> <ul style="list-style-type: none"> <li>a) Average Daily Trip figures for the adjoining or accessible State road.</li> <li>b) Trip generation figures</li> <li>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.</li> <li>d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.</li> </ul>	<p>The Engineering Dept. requested ADT for US 340 and Old Country Club Road to complete this requirement after the first review of the Concept Plan.</p> <p>NOTE: the County defers to WVDOH regarding whether a Traffic Impact Study (TIS) is required</p>
<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.	Trip generation based on a Shopping Center Land Use is projected to be 143 AM hour peak trips and 580 PM peak hour trip; attached e-mail from WV DOH requires submission of a TIS
<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 (responses attached)
<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.	

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<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 has met 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 will be required during the preliminary plat stage.	WVDOH is requiring a TIS in conjunction with the proposed development
<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 Charles Town Utility Board
<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/ Utility Board approval are 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.

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<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.
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**5. External Agency Reviews (correspondence is attached):**

- a. The WVDOH stated that a TIS is required for this proposed development and that the developer should contact the WV DOT, Commissioners Office of Economic Development, to begin the scoping process for a study. They also noted that since US 340 is Controlled Access, the TIS needs to include a scenario with and without the proposed US 340 access.
- b. Charles Town Utility Board stated they can furnish water and service for the development of (4) non-residential lots upon execution of an Alternate Mainline Extension Agreement.

As of this date, no other agency review comments have been received. Note that final approval of the engineering design is required from the Charles Town Utility Board as the public water and waste water provider 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.

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

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

- a. **Sidewalks:** (Section 22.208A) Sidewalks are required along at least one side of streets in all zone districts and in any non-residential subdivisions and/or site plans; in the platted street right-of-way.
- b. **Future Connections:** (Section 21.102 D) Where the adjoining land is vacant, the subdivision shall provide stub streets to the property line; access shall be to properties on all sides. The applicant could continue the 50’ right-of-way related to the frontage road to the property to the east which should meet this requirement.

The applicant may want to also consider providing road or pedestrian connectivity from the right-of-way along the northern boundary of this property (Sleepy Hollow subdivision) to the new public street.

- c. **Pedestrian Connectivity:** (Section 21.201B) Pedestrian connectivity from non-residential areas to adjoining residential areas shall be provided wherever there are stubs in existing development or where logical pedestrian development could be provided to vacant residential property.
- d. **Streets:** (Appendix B, Division 2, Sec. 2.2)

A non-residential subdivision shall have bituminous asphalt paved roads designed in accordance with Table 2.2-1, Roadway Design Standards, and the standard details and pavement sections, including sidewalks along one side of the road.

Curbs, Gutters & Sidewalks shall be required in non-residential conventional subdivisions unless exempt by the Planning Commission because of low traffic and pedestrian flows.

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Based on the Subdivision Regulations as noted above, this project will process as a Major Non-Residential Subdivision and the next step is to process a Preliminary Plat that meets all of the requirements and standards of the Subdivision Regulations, other than those for which a waiver is approved.

**7. Planning Commission Direction**

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before complete engineering design and cost are incurred. The Subdivision and Land Development Regulations outline the procedure:

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan can meet the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant's presentation, staff's explanation and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public hearing takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public hearing is closed.

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

“The Planning Commission shall direct the preparation of a 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.





JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning
116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number: A-17-SD
Staff Initials: RBB/JB 12-27-19
Total Fee(s): no fee

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

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: B.C. Partners Inc
Mailing Address: 24042 Frederick Road, Clarksburg, MD 20871
Phone Number: c/o Paul 304/676-8256
Email: c/o Paul pjraco.consulting@gmail.com

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

Name: P.J. Raco Consulting, LLC: Paul J Raco
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: Vacant NE Corner of Route 24 and Route 340. Country Club Road
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: Harpers Ferry Map No: 11 Parcel No: 11
Parcel Size: 9.54 Acres +- Deed Book: 941 Page No: 546

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.

Signature: Paul A. Smith, VP Planning & Dev. LLC
AGENT FOR BC PARTNERS INC 12/27/19

RECEIVED

DEC 27 2019

Signature of Property Owner Date Signature of Property Owner Date



CONCEPT PLAN REVIEW CHECKLIST

- B.1. - SEE JEFFERSON COUNTY ZONING MAP FOR ZONING DISTRICTS WITHIN 500' OF THE SUBJECT PROPERTY.
- B.2. - A CONCEPT PLAN ON 24" X 36" WHITE PAPER CAN BE FOUND ON SHEET 3.
  - SEE SHEET 3 FOR THE LAYOUT OF LOTS, ROADS, BUILDINGS, AND PARKING AREAS.
  - COMMERCIAL BUILDINGS WILL BE WITHIN BUILDING SETBACK LINES.
  - ACTUAL BUILDING FOOTPRINTS WILL VARY WITH INDIVIDUAL BUILDING DESIGN.
- B.3. ZONING INFORMATION
  - A. THE SUBJECT PROPERTY IS LOCATED IN THE RESIDENTIAL / LIGHT INDUSTRIAL / COMMERCIAL ZONING DISTRICT.
  - B. DENSITY CALCULATIONS : (SEE TABULATION BELOW).
  - C. SEE SHEET 2 FOR THE PROPERTY'S "SITE RESOURCES".
  - C.1. BOUNDARY AND TOPOGRAPHIC INFORMATION FROM A SURVEY BY TERRA SOLUTIONS ENGINEERING DATED 10/18/2019. CONTOURS ARE SHOWN AT TWO FOOT INTERVALS. HORIZONTAL DATUM IS WEST VIRGINIA STATE PLANE COORDINATE SYSTEM, VERTICAL DATUM IS NAVD 88.
  - C.2. WOODED AREAS ARE SHOWN ON SHEET 2. THE SITE CONTAINS NO WATER COURSES. NO KNOWN AREAS OF ROCK OUTCROPPING OR SINKHOLES EXIST. THERE ARE NO KNOWN HILLSIDES OR QUARRIES LOCATED IN THE AREA OF DEVELOPMENT.
  - C.3. NO DEVELOPMENT WILL OCCUR WITHIN 1,000' OF THE SHENANDOAH OR POTOMAC RIVERS AND THEREFORE IS NOT SUBJECT TO THE HILLSIDE REGULATIONS FOUND UNDER SECTION 22.504.A. OF THE JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.
  - C.4. FEMA MAP FIRM 54037C0137E EFFECTIVE DATE DEC. 18, 2009 SHOWS NO FEMA MAPPED FLOODPLAIN AREAS ON THE SUBJECT PROPERTY, WHICH IS SHOWN IN ZONE "X", AREAS OF MINIMAL FLOODPLAIN HAZARD.
  - D. SEE SHEET 2 FOR ADJACENT PROPERTY INFORMATION.

PROPOSAL DESCRIPTION: THE SUBJECT PROPERTY IS ZONED RESIDENTIAL / LIGHT INDUSTRIAL / COMMERCIAL. THE REQUESTED CONCEPT PLAN INCLUDES 4 COMMERCIAL LOT AREAS, OPEN SPACE, STORMWATER AREAS AND THE CONSTRUCTION OF ASSOCIATED UTILITIES. SIDEWALKS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF ALL STREETS. NO RESTRICTIVE COVENANTS / CONDITIONS / RESTRICTIONS ARE PROPOSED AT THIS TIME, BUT MAY BE PROVIDED AT THE TIME OF FINAL PLAT.

TRAFFIC IMPACT DATA:

- A. THE WVDOT ONLINE TRAFFIC COUNTS PROVIDE AVERAGE DAILY TRAFFIC COUNTS FOR THE FOLLOWING LOCATIONS:
  - OLD COUNTRY CLUB ROAD AT US 340: 3,321
  - US 340 2.3 MI EAST OF PATRICK HENRY WAY: 23,147
  - US 340 0.9 MI WEST OF OLD COUNTRY CLUB ROAD: 30,001
- B. TRIP GENERATION BASED ON SECTION 24.110(B)5.B. OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS ARE AS FOLLOWS (OR ITE 10TH EDITION, WHICH ARE MORE CONSERVATIVE):
  - (See tabulation below.)
- C. THE NEAREST KEY INTERSECTION AS DEFINED IN THE CONCEPT PLAN CHECKLIST IS THE OLD COUNTRY CLUB ROAD / ROUTE 340 INTERCHANGE.
- D. PER ENVISION JEFFERSON 2035, PAGES 98 AND 99, ONE (1) HIGHWAY PROBLEM AREA EXIST WITHIN A DISTANCE OF APPROXIMATELY 1 MILE OF THE PROJECT SITE: #16 - CATTAIL RUN ROAD & MARLOWE ROAD: 90 DEGREE TURN.

AGENCY REVIEWS: CONCEPT PLAN AND LETTERS WILL BE SENT TO AGENCIES WHEN STAFF PROVIDES A WORKSHOP DATE.

A LIST OF ALL ADJOINING PROPERTIES AND OWNERS ADDRESSES ARE INCLUDED AS PART OF THIS SUBMISSION. PROPERTY OWNERS INFORMATION IS PROVIDED PURSUANT TO JEFFERSON COUNTY ASSESSORS RECORDS.

A LETTER HAS BEEN SENT TO WVDOT REQUESTING THE IDENTIFICATION OF ANY ISSUES, DATA REQUIREMENTS OR NOTICE THAT THERE ARE NONE. PROJECT WILL NEED WVDOT APPROVAL PRIOR TO PRELIMINARY PLAT APPROVAL.

WATER AND SANITARY SEWER SERVICE IS TO BE PROVIDED BY THE CITY OF CHARLES TOWN. PRELIMINARY DISCUSSIONS WITH THE CHARLES TOWN UTILITY BOARD HAVE INDICATED THAT THERE IS ADEQUATE CAPACITY TO SERVE THE PROPOSED DEVELOPMENT.

THE EXACT LOCATIONS OF THE WATER AND SEWER CONNECTIONS WILL BE DETERMINED WITH THE SITE DESIGN IN CONJUNCTION WITH THE CHARLES TOWN UTILITY BOARD.

TRAFFIC GENERATION TABULATION

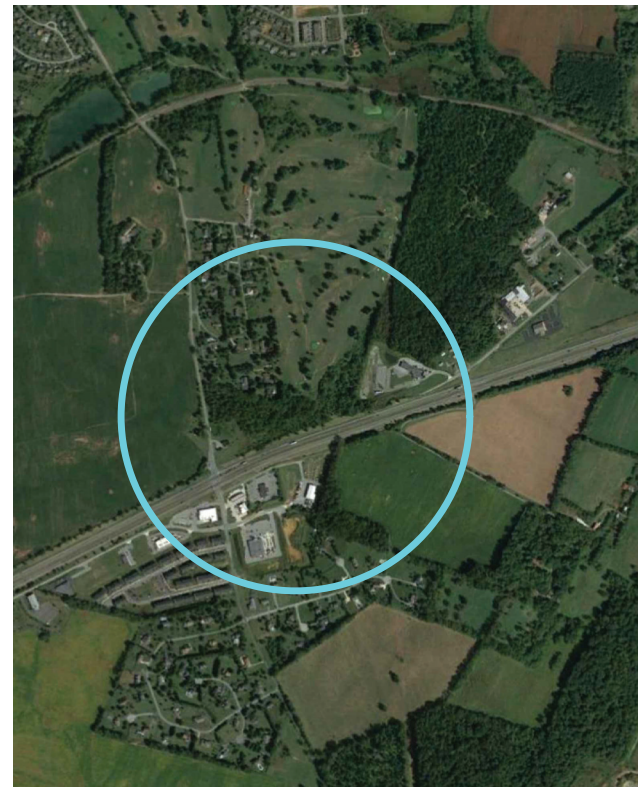
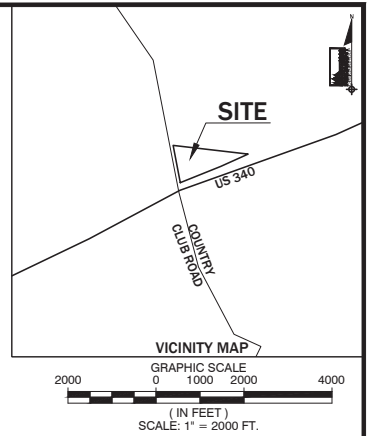
USE	ITE CODE	UNITS		ADT Per Unit	ADT	PEAK HR TRIPS
		AREA	GLA #			
Shopping Center	820	28,500	28.5	-	37.75	1,076
Notes: 1. Figures based on ITE 10th Edition, which are more conservative than the Jefferson County Subdivision Regulations, Article 24, Section 24.119 B.5.b. 2. GLA = (AREA / 1,000). 3. Peak hour factors assumes Saturday peak hour of generator 4. ADT and PHT estimates are preliminary and a detailed Traffic Impact Study can be provided at the Preliminary Plan stage 5. The WVDOT online traffic counts provide average daily traffic counts for the following locations: Old Country Club Road at US 340: 3,321 US 340 2.3 mi east of Patrick Henry Way: 23,147 US 340 0.9 mi west of Old Country Club Road: 30,001						

ZONING INFORMATION

Zoned : Residential/Light Industrial/Commercial (RLIC)  
 Existing Land Use : Vacant  
 Proposed Land Use : Residential/Light Industrial/Commercial  
 Tract Area : 9.5403 Ac.

# CONCEPT PLAN FOR BRECKENRIDGE COMMERCIAL SUBDIVISION

## JEFFERSON COUNTY, WEST VIRGINIA HARPERS FERRY DISTRICT TAX MAP DISTRICT 4, MAP 11, PARCEL 11 PLAT BOOK 18 PAGE 22; DEED BOOK 941 PAGE 546



AERIAL INSET W/500' RADIUS  
 GRAPHIC SCALE: 0, 400, 800, 1,600  
 (IN FEET)  
 SCALE: 1" = 800 FT.



DEVELOPMENT INSET  
 GRAPHIC SCALE: 0, 100, 200, 400  
 (IN FEET)  
 SCALE: 1" = 200 FT.

**LEGEND**

- EXIST. PROP. CORNER
- EXISTING CONTOUR LINES
- EXISTING PROPERTY LINE
- EXISTING TREE LINE
- PROPOSED PROPERTY LINE
- BUILDING SETBACK LINE
- R.O.W. LINE
- CENTER LINE
- ADJACENT PROP. REF. NUMBER
- EXISTING WELL
- EXISTING BLDG (Collapsed)
- EXISTING ROCK OUTCROP
- EXISTING SINKHOLE
- SLOPES > 10.0%
- ZONING DISTRICTS**
  - Residential/Light Industrial/Commercial
  - Rural
  - Residential Growth
  - Incorporated Town

- BASE NOTES**
- PROPERTY IS ZONED RESIDENTIAL LIGHT INDUSTRIAL COMMERCIAL.
  - PROPERTY COMPRISES APPROXIMATELY 9.5403 ACRES PER A PLAT TITLED "PLAT OF SURVEY SHOWING THE 'BAUMGARDNER CHARITABLE TRUST PROPERTY' BY APPALACHIAN SURVEYS DATED OCTOBER 3, 2000 AND RECORDED AMONG THE LAND RECORDS OF THE CLERK OF THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA IN PLAT BOOK 18 PAGE 22 ON OCTOBER 12, 2000.
  - PROPERTY IS OWNED BY BC PARTNERS, INC. PER DEED DATED OCTOBER 4, 2000 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN DEED BOOK 941 AT PAGE 546 ON OCTOBER 12, 2000.
  - BASE INFORMATION IS PER PLAT BOOK 18 PAGE 22 AND A TOPOGRAPHIC SURVEY TITLED "PLAT OF SURVEY SHOWING THE 'BAUMGARDNER CHARITABLE TRUST PROPERTY' BY APPALACHIAN SURVEYS DATED OCTOBER 3, 2000 AND PROVIDED BY THE OWNER.
  - BOUNDARY AND TOPOGRAPHY FROM A FIELD SURVEY BY TERRA SOLUTIONS ENGINEERING DATED 10/18/2019. HORIZONTAL DATUM IS WEST VIRGINIA STATE PLANE COORDINATE SYSTEM, VERTICAL DATUM IS NAVD 88.
- GENERAL NOTES**
- THIS CONCEPT PLAN DEPICTS THE OWNER'S INTENT TO CREATE 4 LOTS AND A PUBLIC STREET FOR FUTURE COMMERCIAL PAD-USERS. IN ADDITION, THE DEVELOPMENT PROPOSES TWO (2) ACCESS POINTS: ONE RIGHT IN/OUT FROM/TO US 340 AND ONE FULL ACCESS ONTO OLD COUNTRY CLUB ROAD (WV R 24).
  - THIS CONCEPT PLAN PROPOSES A RELOCATION OF THE FRONTAGE ACCESS ROAD FROM THAT SHOWN AS RESERVED ON THE APPROVED SKETCH PLAN TO A LOCATION SIMILAR TO SOMERSET BOULEVARD LOCATED IMMEDIATELY ACROSS ROUTE 340 FROM THE SITE. THIS REVISED LOCATION MAINTAINS THE DESIRED PUBLIC ACCESS ALONG ROUTE 340 WHILE MINIMIZING POTENTIAL CONFLICTS WITH THE EXISTING OLD COUNTRY CLUB ROAD/ROUTE 340 INTERSECTION AND PROVIDES BETTER ACCESS TO THE SITE.
  - PROPERTY IS CURRENTLY SERVED BY A PRIVATE WELL AND BY SEPTIC. THE PROPOSED DEVELOPMENT IS PLANNED TO BE SERVED BY THE EXTENSION OF SERVICE FROM THE EXISTING CITY OF CHARLES TOWN WATER AND SEWER LINES LOCATED IN MARLOWE ROAD PENDING FINAL ENGINEERING AND CHARLES TOWN UTILITY BOARD APPROVAL.
  - FINAL PAD USERS AND RESULTING EXACT LOT CONFIGURATIONS WILL BE DETERMINED BASED ON MARKET DEMAND AND WILL BE REVIEWED AND APPROVED THROUGH THE MINOR SITE PLAN PROCESS.

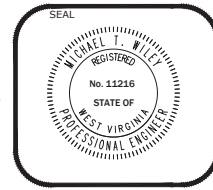
SHEET INDEX

- COVER SHEET
- EXISTING CONDITIONS PLAN
- CONCEPT PLAN
- OFFSITE UTILITY PLAN, ADJOINERS, AND SITE DETAILS

COVER SHEET

**BRECKENRIDGE COMMERCIAL SUBDIVISION  
CONCEPT PLAN**  
 SITUATED NORTH OF US 340 AND WEST OF COUNTRY CLUB ROAD  
 PROPERTY OF BC PARTNERS, INC.  
 24012 FREDERICK ROAD #200, CLARKSBURG MD, 20871  
 D.B. 941 PG. 546  
 HARPERS FERRY DISTRICT 4, MAP 11, PARCEL 11

01/24/20 DATE  
 MICHAEL T. WILEY  
 WV PE # 11216, EXP 12/31/20  
 FOR PIEDMONT DESIGN GROUP, LLC  
 WV COA #CD4223-00, EXP-12/31/21



SCALE AS SHOWN

DESIGNED BY: PDL  
 CHECKED BY: RFB  
 APPROVED BY: MTW

SHEET 1

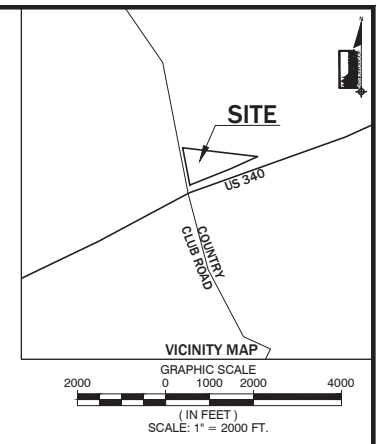
DATE: DECEMBER 23, 2019

5283 CORPORATE DRIVE  
 SUITE 300 FREDERICK, MD 21703  
 301-695-6614

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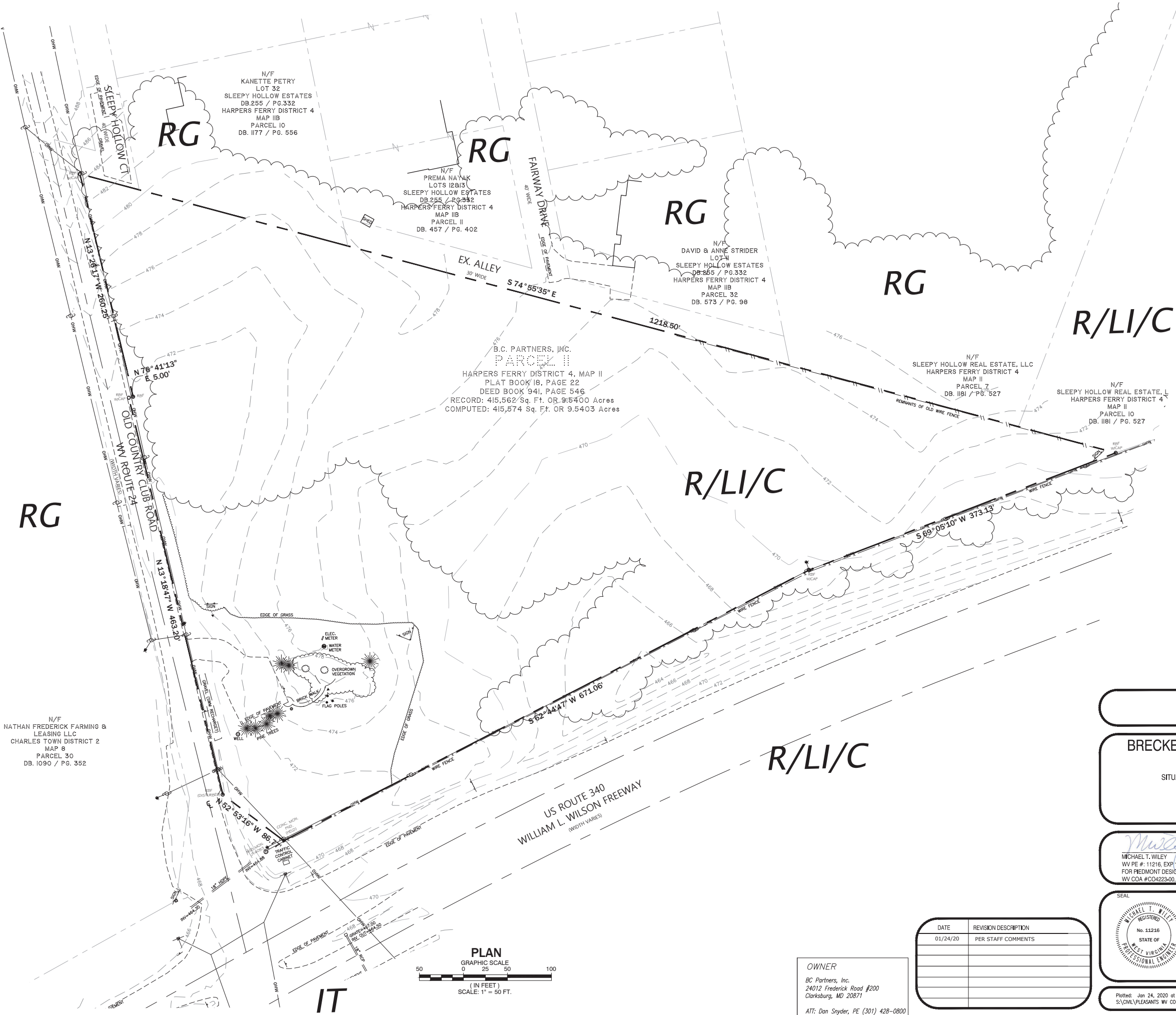
DATE	REVISION DESCRIPTION
01/24/20	PER STAFF COMMENTS

OWNER  
 BC Partners, Inc.  
 24012 Frederick Road #200  
 Clarksburg, MD 20871  
 ATT: Dan Snyder, PE (301) 428-0800



**LEGEND**

- EXIST. PROP. CORNER
- EXISTING CONTOUR LINES
- EXISTING PROPERTY LINE
- EXISTING TREE LINE
- PROPOSED PROPERTY LINE
- BUILDING SETBACK LINE
- R.O.W. LINE
- CENTER LINE
- ADJACENT PROP. REF. NUMBER
- EXISTING WELL
- EXISTING BLDG (Collapsed)
- EXISTING ROCK OUTCROP
- EXISTING SINKHOLE
- SLOPES > 10.0%
- ZONING DISTRICTS**
- R/LI/C Residential/Light Industrial/Commercial
- R Rural
- RG Residential Growth
- IT Incorporated Town

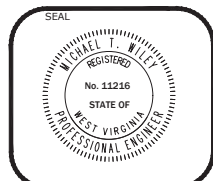


**EXISTING CONDITIONS PLAN**

**BRECKENRIDGE COMMERCIAL SUBDIVISION CONCEPT PLAN**

SITUATED NORTH OF US 340 AND WEST OF COUNTRY CLUB ROAD  
 PROPERTY OF BC PARTNERS, INC.  
 24012 FREDERICK ROAD #200, CLARKSBURG MD, 20871  
 D.B. 941 PG. 546  
 HARPER'S FERRY DISTRICT 4, MAP 11, PARCEL 11

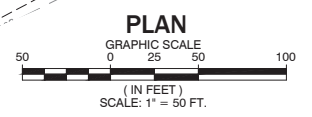
*Michael T. Wiley*  
 MICHAEL T. WILEY 01/24/20 DATE  
 WV PE #: 11216, EXP: 12/31/20  
 FOR PIEDMONT DESIGN GROUP, LLC  
 WV COA #CO4223-00, EXP: 12/31/21

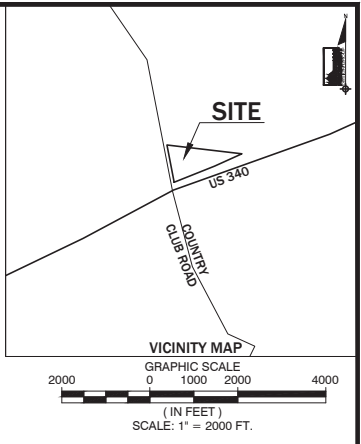
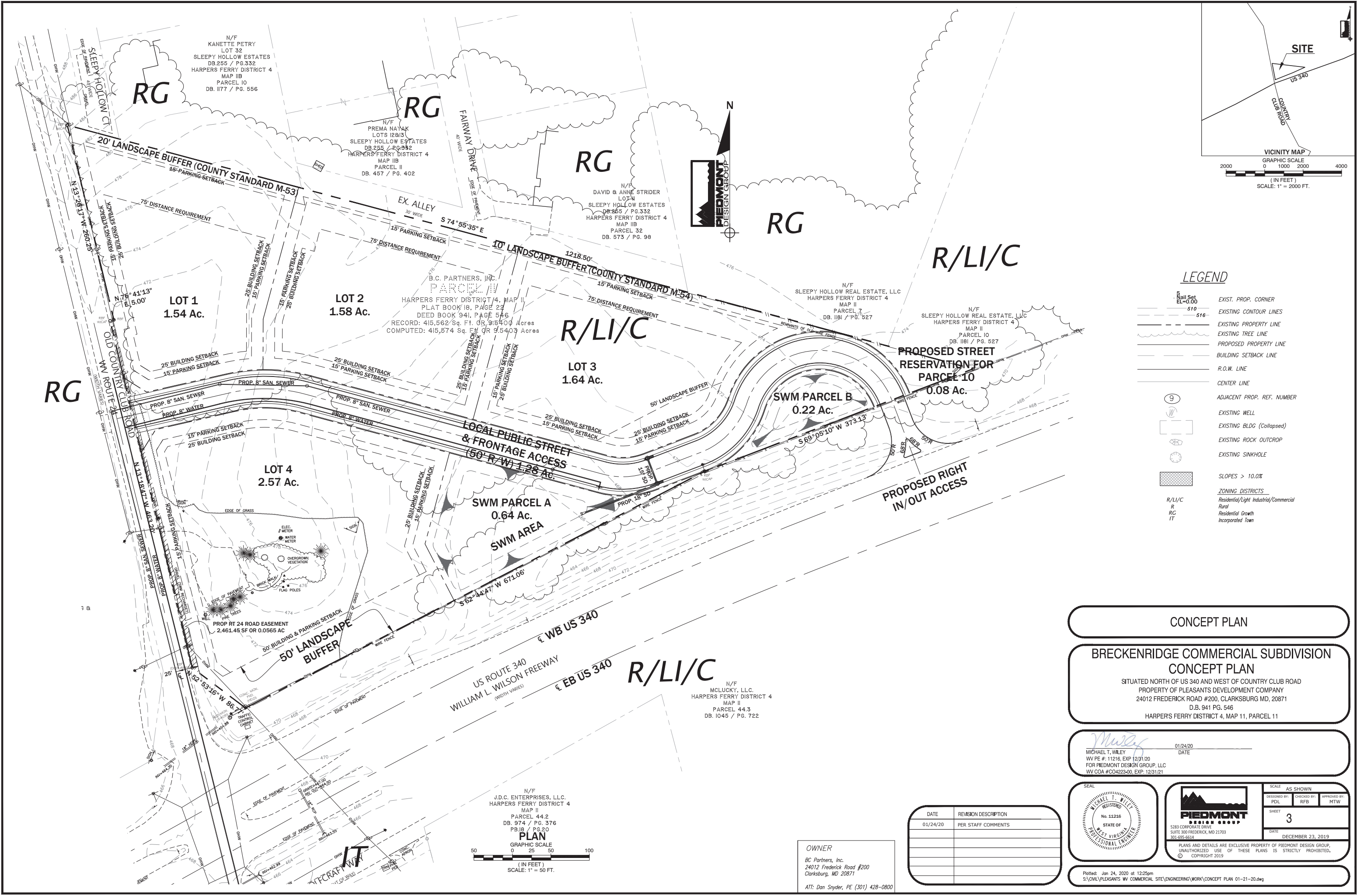


SCALE AS SHOWN  
 DESIGNED BY: PDL CHECKED BY: RFB APPROVED BY: MTW  
 SHEET 2  
 DATE: DECEMBER 23, 2019  
 PIEDMONT DESIGN GROUP, LLC  
 5283 CORPORATE DRIVE  
 SUITE 300 FREDERICK, MD 21703  
 301-695-6614  
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DATE	REVISION DESCRIPTION
01/24/20	PER STAFF COMMENTS

**OWNER**  
 BC Partners, Inc.  
 24012 Frederick Road #200  
 Clarksburg, MD 20871  
 ATT: Dan Snyder, PE (301) 428-0800





- LEGEND**
- EXIST. PROP. CORNER
  - EXISTING CONTOUR LINES
  - EXISTING PROPERTY LINE
  - EXISTING TREE LINE
  - PROPOSED PROPERTY LINE
  - BUILDING SETBACK LINE
  - R.O.W. LINE
  - CENTER LINE
  - ADJACENT PROP. REF. NUMBER
  - EXISTING WELL
  - EXISTING BLDG (Collapsed)
  - EXISTING ROCK OUTCROP
  - EXISTING SINKHOLE
  - SLOPES > 10.0%
  - ZONING DISTRICTS**
  - R/LI/C Residential/Light Industrial/Commercial
  - RG Rural
  - R Residential Growth
  - IT Incorporated Town

**CONCEPT PLAN**

**BRECKENRIDGE COMMERCIAL SUBDIVISION  
CONCEPT PLAN**

SITUATED NORTH OF US 340 AND WEST OF COUNTRY CLUB ROAD  
PROPERTY OF PLEASANTS DEVELOPMENT COMPANY  
24012 FREDERICK ROAD #200, CLARKSBURG MD, 20871  
D.B. 941 PG. 546  
HARPERS FERRY DISTRICT 4, MAP 11, PARCEL 11

*Michael T. Wiley*  
MICHAEL T. WILEY 01/24/20  
DATE  
WV PE #: 11216, EXP 12/31/20  
FOR PIEDMONT DESIGN GROUP, LLC  
WV COA #CO4223-00, EXP: 12/31/21



SCALE: AS SHOWN

DESIGNED BY: PDL	CHECKED BY: RFB	APPROVED BY: MTW
SHEET 3		
DATE: DECEMBER 23, 2019		

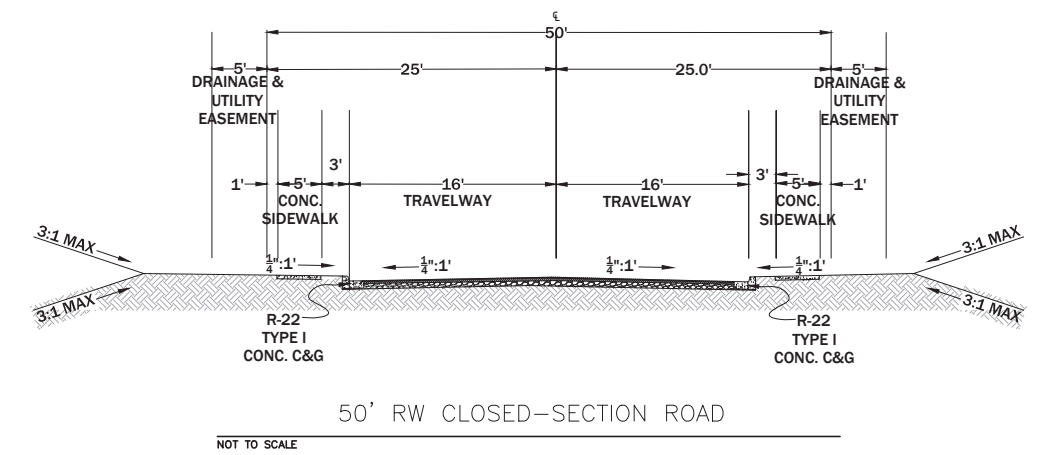
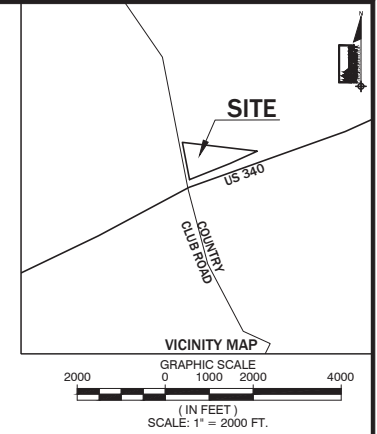
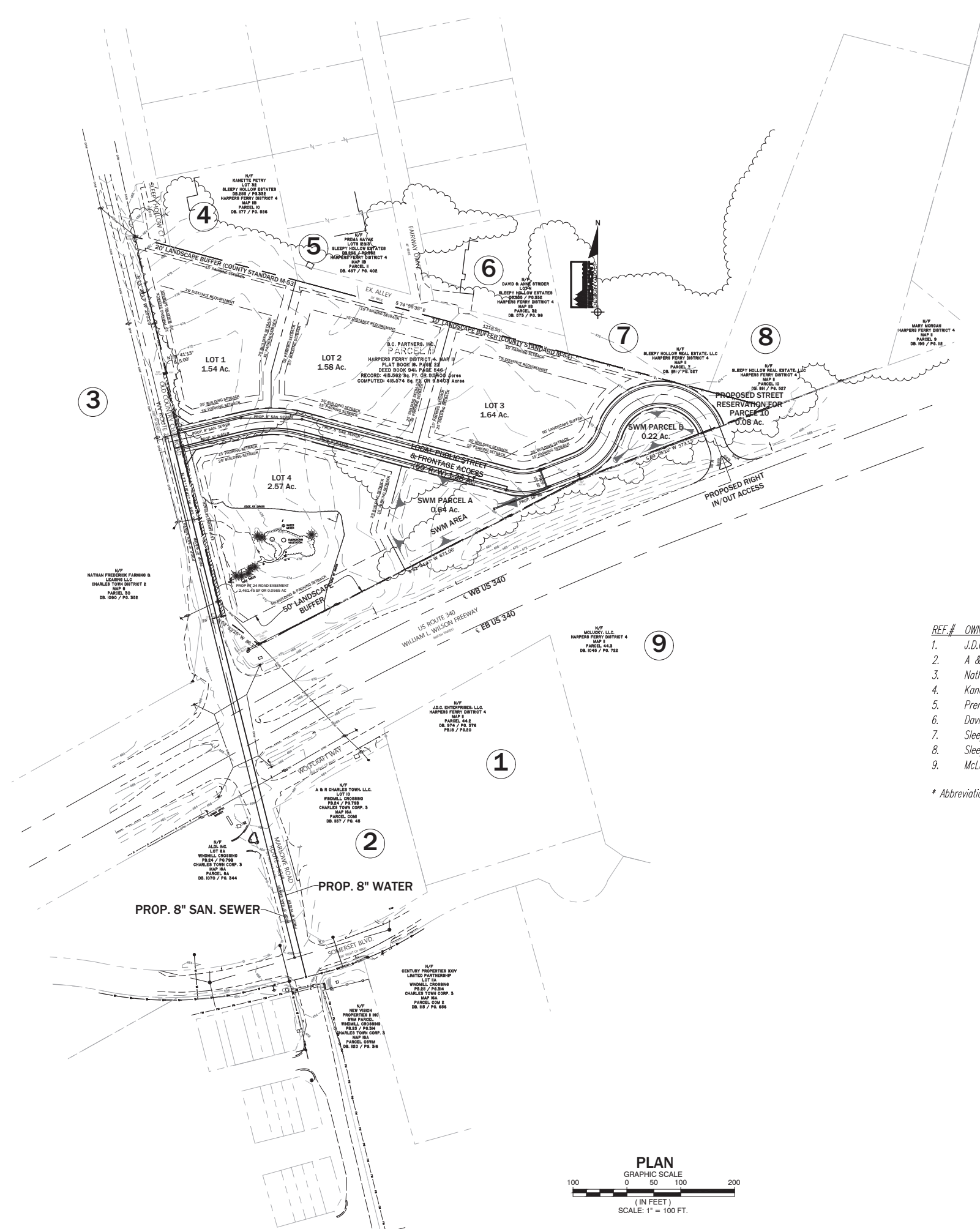
5283 CORPORATE DRIVE  
SUITE 300 FREDERICK, MD 21703  
301-699-6614

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DATE	REVISION DESCRIPTION
01/24/20	PER STAFF COMMENTS

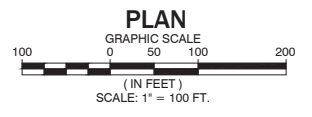
**OWNER**  
BC Partners, Inc.  
24012 Frederick Road #200  
Clarksburg, MD 20871  
ATT: Dan Snyder, PE (301) 428-0800

N/F  
J.D.C. ENTERPRISES, LLC.  
HARPERS FERRY DISTRICT 4  
MAP II  
PARCEL 44.2  
DB. 974 / PG. 376  
PB 18 / PG. 20  
**PLAN**  
GRAPHIC SCALE  
0 25 50 100  
(IN FEET)  
SCALE: 1" = 50 FT.



REF.#	OWNER	ADDRESS	TAX DIST.	MAP	PARCEL	ZONING	DEED BOOK/PAGE
1.	J.D.C. Enterprises, LLC	P.O. Box 812, Charles Town, WV 25414	4	11	44.2	RLIC	974/376
2.	A & R Charles Town, LLC	7237 Preservation Ct. Fulton, MD 20759	3	16A	COMI	IT	1157/45
3.	Nathan Frederick Farming & Leasing	198 Thomas Johnson Dr. #207 Frederick, MD 21702	2	8	30	RG	1090/352
4.	Kanette Petry	100 Sleepy Hollow Ct., Charles Town, WV 25414	4	11B	10	RG	1177/556
5.	Prema Nayak	13 Fairway Dr. Charles Town, WV 25414	4	11B	11	RG	457/402
6.	David & Anne Strider	4 Fairway Dr. Charles Town, WV 25414	4	11B	32	RG	573/98
7.	Sleepy Hollow Real Estate, LLC	117 W. Patrick St., Frederick, MD 21702	4	11	7	RG	1181/527
8.	Sleepy Hollow Real Estate, LLC	117 W. Patrick St., Frederick, MD 21702	4	11	10	RLIC	1181/527
9.	McLucky, LLC	18 Rhodes Ct. Harpers Ferry, WV 25425	4	11	44.3	RLIC	1045/722

\* Abbreviations : RLIC - Residential/Light Industrial/Commercial; RG - Residential Growth; IT - Incorporated Town



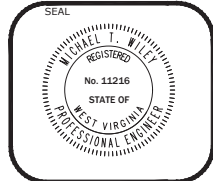
**OWNER**  
 BC Partners, Inc.  
 24012 Frederick Road #200  
 Clarksburg, MD 20871  
 ATT: Dan Snyder, PE (301) 428-0800

DATE	REVISION DESCRIPTION
01/24/20	PER STAFF COMMENTS

**OFFSITE UTILITY PLAN,  
 ADJOINERS, AND SITE DETAILS**

**BRECKENRIDGE COMMERCIAL SUBDIVISION  
 CONCEPT PLAN**  
 SITUATED NORTH OF US 340 AND WEST OF COUNTRY CLUB ROAD  
 PROPERTY OF PLEASANTS DEVELOPMENT COMPANY  
 24012 FREDERICK ROAD #200, CLARKSBURG MD, 20871  
 D.B. 941 PG. 546  
 HARPER'S FERRY DISTRICT 4, MAP 11, PARCEL 11

01/24/20  
 MICHAEL T. WILEY  
 WV PE #: 11216, EXP 12/31/20  
 FOR PIEDMONT DESIGN GROUP, LLC  
 WV COA #CO4223-00, EXP. 12/31/21



SCALE: AS SHOWN  
 DESIGNED BY: PDL  
 CHECKED BY: RFB  
 APPROVED BY: MTW  
 SHEET: 4  
 DATE: DECEMBER 23, 2019  
 PIEDMONT DESIGN GROUP  
 5283 CORPORATE DRIVE  
 SUITE 300 FREDERICK, MD 21703  
 301-495-6316  
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Plotted: Jan 24, 2020 at 12:25pm  
 S:\CIVIL\PLEASANTS WV COMMERCIAL SITE\ENGINEERING\WORK\CONCEPT PLAN 01-20-20.dwg

**From:** [Willis, Trixie A](#)  
**To:** [Planning Department](#)  
**Cc:** ["Paul Raco"; Cramer, David E](#)  
**Subject:** Breckenridge Commercial Subdivision concept plan  
**Date:** Friday, January 24, 2020 10:02:00 AM

---

Breckenridge/B.C. Partners  
4 lot commercial subdivision  
Concept plan  
WVDOH Comments 1/24/20

Based on the information provided to this point (300K+ sq ft of retail) a TIS would be required for this proposed development. Should the developer wish to proceed they should contact David Cramer of the WV Department of Transportation, Commissioners Office of Economic Development, in order to begin the scoping process for a study.

Since US 340 is Controlled Access, the review process is quite lengthy and there would be no guarantee that the proposed access would be approved so any study may need to include a scenario with and without the proposed US 340 access.

Thanks,

*Trixie Willis*

Entrance Permit Reviewer  
(Mineral & Jefferson counties)  
2120 Northwestern Turnpike  
P.O. Box 99  
Burlington, WV 26710  
304-289-2229



**JEFFERSON COUNTY, WEST VIRGINIA**  
**DEPARTMENT OF ENGINEERING, PLANNING, & ZONING**  
**GIS / ADDRESSING OFFICE**

Todd Fagan, GISP • Manager  
116 East Washington Street • Suite 201  
Charles Town, WV 25414  
Telephone: (304) 724-6759 • FAX: (304) 724-8992  
gis@jeffersoncountywv.org



January 27, 2020

Paul Raco  
PO Box 548  
Charles Town, WV 25414

**TO WHOM IT MAY CONCERN:**

This certifies that the Jefferson County 9-1-1 GIS/Addressing Office has given final approval for the following subdivision name at **Harpers Ferry District, Map Page 11** on **Parcel 11** (DPZE File 19-17-SD):

**COUNTRY CLUB COMMONS**

Requests for road names for your subdivision must be submitted through the same entity that you submitted your subdivision name request. The form(s) will be forwarded to the GIS/Addressing Office and the GIS/Addressing Office will have final approval in naming of roads in order to avoid duplication or confusingly similar names.

Should you have any questions, please contact the Jefferson County GIS/Addressing Office at (304) 724-6759 or via email at [addressing@jeffersoncountywv.org](mailto:addressing@jeffersoncountywv.org).

Sincerely,

Jessica Gormont, GIS Analyst  
Jefferson County GIS/Addressing Office



# JEFFERSON COUNTY, WEST VIRGINIA

DEPARTMENT OF ENGINEERING, PLANNING, & ZONING

GIS / ADDRESSING OFFICE

Todd Fagan, GISP • Manager

116 East Washington Street • Suite 201

Charles Town, WV 25414

Telephone: (304) 724-6759 • FAX: (304) 724-8992

gis@jeffersoncountywv.org



January 27, 2020

Paul Raco  
PO Box 548  
Charles Town, WV 25414

## TO WHOM IT MAY CONCERN:

This certifies that the Jefferson County 9-1-1 GIS/Addressing Office has given final approval for the following road name for the **COUNTRY CLUB COMMONS** subdivision. DPZE File # **19-17-SD**.

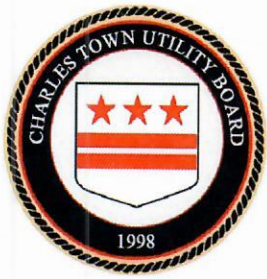
Road Name	Suffix
Granite Springs	Drive

All road signs must be purchased through the County's maintenance contract if the roadways are located within the unincorporated area of the County. A plat of the subdivision must be submitted and the GIS/Addressing Office will calculate the fees required for road sign purchase. Fees must be remitted to the GIS/Addressing office prior to the scheduling of road sign installation.

Should you have any questions, please contact the Jefferson County GIS/Addressing Office at (304) 724-6759 or via email at gis@jeffersoncountywv.org.

Sincerely,

Jessica Gormont, GIS Analyst  
Jefferson County GIS/Addressing Office



# Charles Town Utility Board

661 S. George Street, Suite 101 Charles Town, WV 25414  
Phone: (304) 725-2316 ♦ Fax: (304) 725-7150 ♦ Web: [www.ctubwv.com](http://www.ctubwv.com)

---

January 30, 2020

UTILITY  
BOARD

Re: Breckenridge Non-Residential Concept Plan  
Water /Sewer Review

CHAIRMAN  
*Daryl  
Hennessy*

Delivered via email to [planningdepartment@jeffersoncounty.org](mailto:planningdepartment@jeffersoncounty.org)

VICE  
CHAIRMAN  
*Pete  
Kubic*

Dear Ms. Brockman:

CTUB has received a copy of the concept plan for the proposed commercial development at the intersection of Route 340 and County Club Road. We offer the following comments:

**Water Service:**

SECRETARY  
TREASURER  
*Kevin  
Tester*

The Charles Town Utility Board (CTUB) can furnish water service for the development of four (4) non-residential unit lots upon execution of an Alternate Mainline Extension Agreement (AMLEA). The owner shall provide a copy of the site plan with proposed uses and flow requirements for CTUB to determine all applicable fees. All design and construction shall be in accordance with the CTUB Rates, Rules and Regulations. A copy can be found at: [www.ctubwv.com](http://www.ctubwv.com).

*Jacquelyn  
Milliron*

*City of Ranson Mayor  
Duke  
Pierson*

**Sewer Service:**

UTILITY  
MANAGER  
*Jane E.  
Arnett*

The nearest gravity sewer is located in the intersection of Marlow Road and Somerset Boulevard. CTUB can furnish sewer service for the development of four (4) non-residential unit lots upon execution of an Alternate Mainline Extension Agreement. The owner shall provide a copy of the site plan with proposed uses and flow requirements for CTUB to determine all applicable fees. The Sewer Capacity Improvement Fees (CIF) of \$1,127.00 per equivalent dwelling unit (EDU) will apply. One EDU is equal to 150 gallons per day. The total Sewer Capacity Improvement Fee for the subject property will be dependent on the proposed sewer usage for each lot. A copy of the CTUB Rates, Rules and Regulations can be found at: [www.ctubwv.com](http://www.ctubwv.com).

If you have any questions, please contact me at (304) 725-2316.

Sincerely,

Travis Markley  
Engineering Technician

6. **Work Session:** Review and discussion of the proposed draft Zoning Ordinance Text Amendment to create a process to allow Solar Energy Facilities in the Rural zoning district. The petition was submitted by Torch Clean Energy on behalf of landowner Stanley Dunn on December 10, 2019. The Planning Commission voted to incorporate the request into their work plan and to hold a work session to discuss the proposal further.



Jefferson County Planning Commission  
116 East Washington Street  
Suite 200  
Charles Town, WV 25414

I am lifelong resident of Jefferson County. I have been a dairy farmer for 36 years and have also grown corn, soybeans, and wheat on land that I own and lease.

Today I am requesting that the County amend its Zoning Ordinance to allow for solar farms in the Rural District as a Conditional Use. Solar is a safe, quiet, and passive use of the land, and would provide value to landowners and the County as a whole. It would also be consistent with the Comprehensive Plan's stated goal: the "Enhancement of the Rural Economy."

I am working with Torch Clean Energy, who will coordinate directly with the County in the development and adoption of this amendment. I hope that the Commission will allow the County's farmers—and the County itself—to benefit from the land's potential for solar farms.

Respectfully,

 11/18/19  
Stanley Durrn

RECEIVED  
Jefferson County  
Office of Planning and Zoning  
November 26, 2019





November 25, 2019

Jefferson County Department of Engineering, Planning, and Zoning  
104 E Washington Street  
Charles Town, WV 2514

**RE: Zoning Ordinance Text Amendment for Solar Energy Facilities**

Section 12.4.B of the Zoning and Land Development Ordinance allows for members of the County to propose text amendments to the Planning Commission. Torch Clean Energy is working with landowners in the County and proposes this text amendment on their behalf.

Torch is a developer, owner, and operator of renewable energy projects in the United States, with several projects under development in Virginia. Unlike the state's more mountainous regions, Jefferson County has land that is ideal for solar: clear, flat land with proximity to a robust transmission system. Solar would provide a source of clean energy and an economic benefit to landowners and the County in the form of lease payments, investment and employment, and increased property taxes. In addition, allowing for solar energy facilities in the Rural district would be consistent with the Comprehensive Plan:

- The Plan mentions the need to evaluate the use of alternative energy in general, and solar in particular.
- A central goal of the Plan was the "enhancement of the rural economy", which include uses outside of traditional agriculture that will enhance the viability of operating rural based businesses.
- The Plan recognizes the need for farm operators to "diversify or change their operations to meet the needs of the marketplace."
- The Plan seeks to control residential development and traffic volume in the Rural District.
- A Solar Energy Facility would not permanently remove agricultural land from the County and would enhance the surrounding agricultural land by using pollinator-friendly seed.
- A Solar Energy Facility would enhance the County's tax base without requiring any County Services.
- Allowing the development of renewable energy would help the County attract leading technology companies and create higher-paying jobs.

Torch looks forward to working with the County on this proposed amendment.

A handwritten signature in black ink, appearing to read "Samuel S. Gulland".

Sam Gulland  
Development Manager  
Torch Clean Energy

RECEIVED

Jefferson County  
Office of Planning and Zoning  
November 26, 2019



# Jefferson County Zoning and Land Development Ordinance

Jefferson County,  
West Virginia

RECEIVED  
Jefferson County  
Office of Planning and Zoning  
November 26, 2019

Prepared By  
The Jefferson County  
Planning Commission

Adopted July 7, 1988, As Amended  
Amendments adopted by the County Commission, October 18, 2018

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## **ARTICLE 2: DEFINITIONS**

### **Section 2.1 Definitions**

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, the singular number includes the plural and the plural is the singular. The word “shall” is mandatory and the word “may” is permissive. The words “used for” shall include “arranged for”, “designed for”, “intended for”, “maintained for”, “constructed for”, or “occupied for”. The word “person” shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or the manager, lease, agent, servant, officer or employee of any of them. The word “land” shall include water surface and land under water.

### **Section 2.2 Terms Defined**

Abandonment or Abandoned <sup>17,21</sup>	The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.
Accessory Agricultural Dwelling Unit <sup>26, 32</sup>	An accessory dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.
Accessory Dwelling Unit <sup>32</sup>	A secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the main home and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. An accessory dwelling unit shall meet the definition of an accessory agricultural dwelling unit or an in-law suite as provided in Section 8.15 of this Ordinance.
Accessory Equipment <sup>22</sup>	Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
Accessory Use	A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building and must meet those setbacks.
Adaptive Reuse of Historic Structures <sup>32, 35</sup>	Adaptive reuse refers to the process of reusing a historic site or building for a purpose other than that for which it was built or designed.

theater for community events is permitted. This use does not include an adult use or a bar or nightclub.

Personal Services<sup>27</sup>

Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services (as defined in this Ordinance); duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.

Photovoltaic Technology

Materials and devices that absorb sunlight and convert it directly into electricity.

Plat<sup>23</sup>

A scaled, graphic drawing of a land subdivision project prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance. A plat depicts the design and layout of a project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.

Preliminary Plat<sup>23</sup>

A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development, and is prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance.

Preschool<sup>23</sup>

Use of a site for the provision of pre-elementary educational services on a scheduled basis to children through kindergarten. If the West Virginia Department of Education establishes requirements for a preschool, the land use shall meet these requirements.

Preservation of a Historic Site<sup>35</sup>

The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Primary Public Safety Provider<sup>22</sup>

An FCC licensed governmental user that uses wireless telecommunication facilities to provide primary communications for law enforcement, fire, ambulance or related emergency services. Primary Public Service Provider does not include Commercial Wireless Service Providers, or Competitive Local Exchange Carriers (CLEC), who provide telecommunication services on a commercial basis to Primary Public Service Providers, or who deliver emergency calls or messages from its customers to a Public Safety Answering Point (PSAP).

Principal Permitted Use<sup>23, 31, 32</sup>

Any use included on the Principal Permitted and Conditional Uses Table (Appendix C) which is or may be lawfully established in a particular district, approved by the Office of Planning and Zoning without requirement of approval by a board or commission, provided the use conforms with all applicable requirements of this Ordinance. Such use does not include Conditional Uses as defined in this Ordinance.

Sign, Inflatable <sup>36</sup>	Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.
Sign, Off Premises <sup>36</sup>	A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.
Sign, Pylon <sup>36</sup>	A sign which advertises more than one land use on the premises where the sign is located.
Sign, Vehicle	A sign or advertising device which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisements of products and services or directing people to a business or service or other activity on or off the premises or public right-of-way where such vehicle sign is located. This does not include identification signs on vehicles which are moved regularly and used in the normal, day-to-day operation of the business.
Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.
<u>Solar Energy Facility</u>	<u>A facility that generates electricity from sunlight by utilization of photovoltaic (PV) technology and distributes the generated electrical power. On-site components of the facility may include solar panels and other accessory components including, without limitation, transformers, inverters, cabling, electrical lines, and other improvements necessary to support the generation, collection, storage, and transmission of electrical power.</u>
Species, Rare or Endangered	Any species listed with the West Virginia Department of Natural Resources Heritage Program Species List or by the U.S. Department of the Interior, Department of Fish and Wildlife Management.
Specified Anatomical Area <sup>15</sup>	As used herein specified anatomical areas means and includes any of the following: <ul style="list-style-type: none"> <li>A. Less than completely and opaquely covered human genitals, public region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or</li> <li>B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.</li> </ul>
Specified Sexual Activities <sup>15</sup>	As herein, specific sexual activities means and includes any of the following: <ul style="list-style-type: none"> <li>A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;</li> <li>B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; Masturbation, actual or simulated; or</li> <li>C. Excretory functions, when such activities are a part of or in connection with any of the activities set forth in the following definitions: Adult Use; Adult Arcade; Adult Bookstore; Adult Cabaret; Adult Mini Motion Picture; Adult Sauna; Adult Theater; Massage Parlor; Sexual</li> </ul>

## **Section 8.20 Solar Energy Facilities**

Solar energy facilities shall be permitted only in the Rural (R) District as a conditional use following review and approval of the Board of Zoning Appeals as provided in this Ordinance. For purposes of this Ordinance, a solar energy facility shall be considered only an agricultural use and shall not be considered a commercial use, an industrial use, or any type of use other than an agricultural use.

Except as otherwise subject to conditions, restrictions, or modifications of the following standards imposed by the Board of Zoning Appeals upon issuance of a Conditional Use Permit for the solar energy facility, a solar energy facility shall be subject to the following standards and limitations:

### A. Application for Conditional Use Permit

In addition to other application requirements specified in this Ordinance, an application for a Conditional Use Permit for the solar energy facility shall include:

1. Project description and overview in textual form that sets forth the estimated completion date and operational lifespan of the solar energy facility, contemplated on-site components, and a description of any supplementary structures or uses; and
2. General layout plan that includes, at a minimum, location, access points, and anticipated location of solar and ancillary equipment needed to generate and distribute energy. If facility development is to be phased, a general phasing plan should also be included.

### B. Decommissioning Plan

A Decommissioning Plan for the solar energy facility shall be submitted with any site plan required by the Subdivision and Land Development Regulations. The Decommissioning Plan shall include the following:

1. Timeline for, and written description of, decommissioning procedures which shall include, but not be limited to removal of cables, fencing, debris, buildings, structures or equipment (including foundations and pads) related to the solar energy facility and the restoration of the facility land and related disturbed areas to a condition substantially similar to their condition prior to commencement of activities related to the facility; *provided that*, the Planning Commission may authorize specified items to remain on the site when intended to be utilized with respect to a permitted use to subsequently be undertaken on the site; and
2. A detailed estimate of the cost of decommissioning, which may include net salvage value of equipment, facilities, or devices, and site restoration. If decommissioning is phased, then such costs shall be so described and calculated to match the phased plan. The estimate shall be prepared by a licensed engineer with expertise in the removal of solar energy facilities and site restoration.

### C. Access to Facility

Access to the solar energy facility shall be provided to the local fire department(s) and code enforcement official(s) with cognizant jurisdiction in a manner satisfactory to the respective parties.

### D. Facility Operation and Design

1. Design, construction, and installation of the solar energy facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the West Virginia State Building Code (87 CSR Series 1) and with all other applicable fire and life safety requirements.

2. Prior to commencing the transmission of electricity, the solar energy facility's operator shall provide to the Planning Commission documentation evidencing an interconnection agreement or similar agreement with the applicable public utility or other off-taker in accordance with applicable law.
3. Generation of electrical power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
4. Solvents necessary for the cleaning of solar panels shall be biodegradable.
5. Internal wiring, excluding that which is on a solar array, shall be located underground except where necessary to mitigate impacts to environmental features.
- 6.
7. Onsite lighting shall be the minimum necessary for security and onsite maintenance and shall comply with Sec. 2.6 of the Subdivision and Land Development Regulations.
8. Solar equipment shall not be utilized to provide advertising or function as signs.
9. Except for initial construction or decommissioning activity, maintenance periods or emergency conditions which require temporary use of onsite generator, noise generated by the solar energy facility shall not exceed sixty (60) dBA as measured at property line with any adjacent property not part of facility.

#### E. Health and Safety

Operating areas of the solar energy facility shall be secured with security fencing a minimum of six (6) feet in height, and with secured gates. Notwithstanding the foregoing, the Planning Commission may approve an alternative method of security at time of site plan approval where demonstrated that such method meets or exceeds the intended security function of fencing.

#### F. Change in Responsible Party

The Planning Commission shall be notified by certified mail of any change in the ownership or operator of the solar energy facility or the party responsible for decommissioning of the facility within sixty (60) days of such change.

#### G. Decommission, Abandonment and Maintenance

1. The Planning Commission shall be notified by certified mail at least thirty (30) days prior to the intended decommissioning of the solar energy facility.
2. Damaged or unusable panels or arrays shall be removed from the site within sixty (60) days of removal from service.
3. The solar energy facility, or any portion thereof, shall be considered abandoned where not utilized for the generation and distribution of electricity for a continuous period of six months; *provided that*, the facility, and any such portion thereof, shall be deemed to be utilized for the generation and distribution of electricity, and shall not be considered to be abandoned: (i) during any period in which the facility, or any such portion thereof, is not actually operating but its owner or operator is actively arranging, negotiating, or contracting for, or conducting, the maintenance, repair, refurbishment, alteration, or upgrade of the facility, or such portion thereof, for its return to operation; or (ii) when the facility is operationally capable of generation of electricity, the temporary failure to utilize the facility for power generation is due to reasons beyond the reasonable control of the owner or operator of the facility, and the owner or operator has, in fact, not intentionally abandoned the facility.
4. Decommissioning procedures shall be completed within one (1) year of the owner or

operator's issuance of notice of decommissioning (unless such notice is withdrawn), abandonment of the solar energy facility, or receipt of written notice issued by the code enforcement official or other County official with cognizant jurisdiction that the solar energy facility or any aspect of it has been determined to be unsafe; *provided that*, if the owner or operator of the solar energy facility corrects any condition of the facility determined to be unsafe to the reasonable satisfaction of the code enforcement official or other County official, decommissioning shall not be required and the facility may continue in operation. Failure by the property owner to meet decommissioning requirements or comply with request for removal or repair may result in the County:

- a. removing and salvaging facility equipment and structures and performing related restoration. Where the proceeds of salvage are insufficient to cover the costs of removal and restoration, the County may seek to recover such costs through legal action to include legal fees, expenses and fines; or
- b. pursuing legal action to have the solar energy facility, or portion thereof as applicable, removed at the owner's expense. The County may seek to recover its costs, legal fees and legal expenses incurred to have the facility decommissioned in compliance with the Decommissioning Plan.

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE 27, 32, 35**

Zoning District	Development Type <sup>o</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height	ImperVIOUS Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11)								
						Building Setbacks			Parking/ Drive Aisle Setbacks			A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Screened / Unscreened			Adjacent Use		
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Rear	Distance Front Side Rear	Front	Side & Rear	Rear	Commercial Use
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)		
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)		
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)		
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%										See IC District					
	Churches	2 acres	200	45	N/A	25	50	50							N/A	50(U) or 15 (S)	N/A	10(S)		
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100									N/A		N/A	N/A		
Rural (R)	Hospitals	10 ac	500	45	N/A	100									N/A		N/A	N/A		
	Other Rural principal permitted uses and Solar Energy Facilities	40,000	100	45	N/A	40	50	50							N/A		See I-C District for commercial or industrial use; Otherwise, N/A	N/A		
	Commercial or Industrial**																			
Village (V)	Commercial*	N/A	N/A	35	N/A	25	10	40												
	Industrial**	See IC District		35																
Residential Growth (RG)	Commercial or Industrial**	See IC District		35																
	Commercial	N/A	N/A	35	70%	15 min 25 max	10 £	10 <sup>o</sup>										See IC District		
	Commercial	N/A	N/A	75	80%	20	10	25												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	75	80%	25	25	25												
	Commercial	N/A	N/A	75	80%	25	25	25												
General Commercial (GC)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25												
	Commercial	N/A	N/A	75	90%	25	10	50												
Light Industrial (LI)	Commercial	N/A	N/A	75	90%	25	50	50												
	Industrial	3 ac ***	N/A	75	90%	15 min 25 max	10 £	10 <sup>o</sup>												
Major Industrial (MI)	Commercial	N/A	N/A	75	80%															
	Commercial	3 acres																		
Office/Commercial Mixed Use (OC)	Commercial																			
	Commercial																			
Planned Neighborhood Development (PND)	Commercial																			
	Commercial																			

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by "ac" (acres).

\* Maximum building height is subject to Sec. 9.2.

\*\* If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

\*\*\* MLA for industrial uses does not apply if the site is located in an approved Industrial Park (Source: Sec. 5.6E)

\*\*\*\* Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

o Non-Residential Site Development in the Village District shall comply with Section 5.10A.2.

± Setback may be reduced if adjacent to industrial use.

φ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

oA rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

θ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

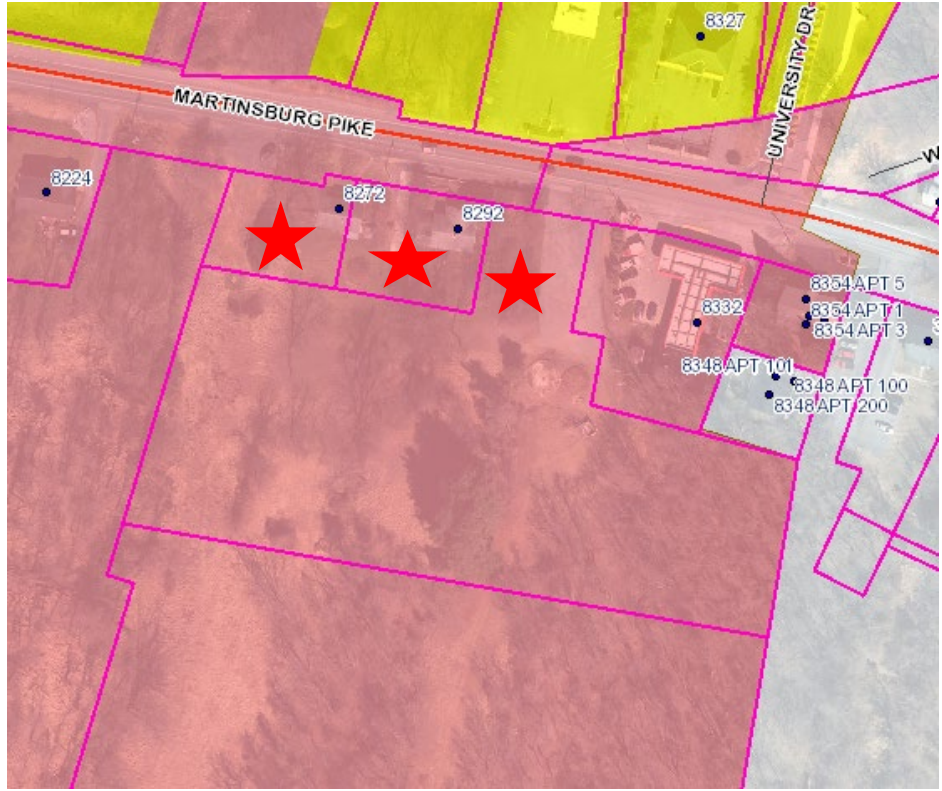
Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail 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	
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>Solar Energy Facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>Sec. 8.20</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
- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District

- 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.

Staff Report  
 Jefferson County Planning Commission Meeting  
 February 11, 2020

**Item # 7: Discussion and Action:** To approve or deny the Martinsburg Pike ROCS Site Plan Application (File # S18-06) as complete in accordance with Sections 24.122 and 24.123 of the Subdivision Regulations for the purpose of scheduling a Public Hearing.

APPLICANT:	SAB Real Estate 2, LLC.
OWNER/DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Gordon; Ryan Perks
PROPERTY LOCATION:	Martinsburg Pike (WV45), Lots west of Sheetz (Parcels 19, 21 & 23)
LEGAL DESCRIPTION:	Tax District: Shepherdstown (09); Tax Map: 8A; Parcels 19, 21 and 23
	
ZONING DISTRICT:	Residential-Light Industrial-Commercial (RLIC)
SURROUNDING PROPERTIES:	<i>North:</i> RLIC & Residential Growth <i>South:</i> RLIC <i>East:</i> RLIC & City <i>West:</i> RLIC
LOT AREA:	3.56 acres combined (total of 3 lots)
PROPOSED ACTIVITY:	Construction of a 6,000 sq. ft. gas station with an attached convenience store building. The project includes 5 fuel islands and 10 gas pumps with a canopy, drive isles, and parking areas with associated drainage structures, SWM facilities and public utilities.
Approvals:	

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**February 11, 2020**

Concept Plan	Submitted:	09/17/2018
	Sufficiency Determination:	09/21/18 & 09/24/2018
	County Planner/Zoning Administrator Approval:	10/16/2018
	County Engineer Approval:	10/04/2018
	Planning Commission Public Workshop & Approval:	11/13/2018
Waivers/Variances	19-14-ZV: Variance related to monument sign setbacks	07/25/2019
	19-15-PCW: Early Grading	09/10/19
	19-37-ZV: Variance to eliminate the landscaping/buffer requirements; parking/drive aisle & building setbacks for internal lot lines	01/23/20

**Introduction and Summary of Request**

The applicant is proposing the construction of a ROCs gas station with a 6,000 sq. ft. gas station with attached convenience store building. The project includes 5 fuel islands and 10 gas pumps. The proposed use meets the definition of a “gas station, large” including the associated convenience store and is a Principal Permitted Use.

The Concept Plan previously proposed a drive through service window associated with the convenience store which would have required a Conditional Use Permit for this use. This proposed use is no longer included in the Site Plan.

During the Concept Plan review, staff noted that the Site Plan would require merging Parcels 19, 21 and 23, all of which are zoned RLIC, and removing the existing single family residential structures. Instead of merging the Parcels, the applicant chose to pursue variances to eliminate the landscaping/buffer requirements and the parking/drive aisle/building setbacks for internal lot lines, which were approved at the January 23, 2020 BZA meeting.

**Concept Plan Approval**

The Planning Commission held a Public Workshop for the Concept Plan for the proposed Martinsburg Pike ROCS on July 25, 2019 and a Public Hearing for a requested Subdivision Regulations Waiver to allow Early Grading of the site on September 10, 2019.

The Planning Commission approved a motion to accept the Concept Plan as presented, with the following conditions:

- Look into meeting the three written comments which include the monument signage concept, screening the bioretention facility # 2 along WV 45, and extending Back Alley for pedestrian/bike access;
- Meet with the Shepherdstown Historic Landmarks Commission for their input into the design;
- Address Staff Recommendations a – e, below:
  - a. Based on the Subdivision Regulations, noted above, the site plan will process as a Major Site Development.
  - b. The drive-through component is required to process a Conditional Use Permit, which requires approval by the Board of Zoning Appeals, subject to a Public Hearing.

**Staff Report**  
Jefferson County Planning Commission Meeting  
February 11, 2020

- c. The westernmost shared access crosses an undeveloped property with an approved Final Plat known as Seneca Crossing. This proposed shared access impacts the previously recorded Final Plan which may need to be modified or amended to reflect the proposed shared access shown on this plan set. Such modification may impact both the preliminary plat and final plat and may require processing a Concept Plan for this property to allow this access to occur.
- d. Lots 19, 21 and 23 shall be merged and the existing houses shall be demolished prior to Site Plan approval.
- e. The gas pumps are proposed to be located within a recorded 60' access easement that is the only legal access to Parcel 19.2. No structures are allowed within an easement. All properties shall have at least a 50' easement (60' for commercial). Revisions to this easement as well as the provision of a new 60' alternative easement to the rear property will have to process prior to the Site Plan approval.

**Approved Waivers**

At the September 10, 2019 Planning Commission meeting, the Commission also approved a waiver from Section 20.102B to allow for site grading to commence prior to site plan approval, 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 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
- c. Provide bonding of all proposed site improvements related to sediment and erosion control/SWM pertaining to the permit.

**Summary of Request**

The applicant has submitted the Site Plan for Martinsburg Pike ROCS for review and approval. The Planning Commission is required to deem all Major Site Plan applications complete and schedule a Public Hearing within 45 days in accordance with the following requirements of the Subdivision Regulations.

Per Sec. 24.122 of the Subdivision Regulations, a Major Site Plan requires the Department of Engineering, Planning and Zoning to review the submission and determine whether it is sufficient within ten (10) days of the 45-day sufficiency and completeness review. Staff reviewed the plan submitted and had numerous comments but deemed the application “sufficient” and agreed to proceed with the completeness review provided that the comments were addressed as requested in the sufficiency e-mail.

Engineering, Planning and Zoning Staff have conducted three reviews of the Plan set and have now finalized the “completeness review” with some outstanding comments (attached). Per Section 24.122 of the Subdivision Regulations, staff has placed the Major Site Plan and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. An 11” x 17” copy of the pages showing the lot layout is included in this packet. The complete file containing

**Staff Report**  
Jefferson County Planning Commission Meeting  
February 11, 2020

the Site Plan and application will be at the Planning Commission meeting should any members wish to review it for completeness and confirm the staff's review.

Per Sec. 24.122(E), if the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial. A motion to deem the application to be complete should include a condition that the outstanding staff comments be addressed prior to the hearing.

**Site Plan Contents and Review**

The Major Site Plan submission requirements include the following (Section 24.122(B)) and the application has been deemed sufficient and complete by staff:

- Site Plan
- Density Calculation and Site Resource Map
- General Location Map
- Final Engineering Plans
- Final Landscape Plans
- Transportation Impact Study and WV DOH Approvals
- Water and Sewer Services
- On-Site Sewer and Water (if applicable)
- Special Engineering
- Open Space
- Stormwater Management Plan
- Surety Estimates
- Other Agency Sign-offs
- Identified Concerns from Concept Plan direction or proffers

The Subdivision Regulations require the review of the submitted application and Site Plan by the Department of Engineering, Planning and Zoning as well as the WVDOH and the relevant Public Service Agency, in this case the Shepherdstown Sewer and Water Utilities. The Department is required to determine whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues and/or variances that can be identified at the Preliminary Plat submission. Additionally, the Department is required to review and approve all matters under its jurisdiction; issue a zoning compliance letter (Zoning Certificate); and certify that all proffers have been satisfied.

The WVDOH has approved the required Traffic Impact Study and issued an approved encroachment permit for the access via the Seneca Crossing non-residential subdivision and for the right in/right out access to the ROCS site.

The Shepherdstown Water and Waste Water Departments will be providing water and waste water service to the Martinsburg Pike ROCS site. The ROCS site plan was originally submitted with off-site infrastructure improvements for sewer which required crossing WV 45; however, as the design progressed, the Corporation of Shepherdstown determined that the site could be served by the mainline sewer in the Seneca Crossing development. This proposed sewer lateral connection is reflected in the most recent submission of the Site Plan. If bonding is not required by the Corporation of Shepherdstown, bonding for these improvements will be required by the County

Staff has finalized its completeness review but is not able to stamp the Site Plan as approved by staff until all outstanding comments have been addressed. This staff report serves as the written opinion that

Staff Report  
Jefferson County Planning Commission Meeting  
February 11, 2020

the Site Plan essentially conforms with the Zoning Ordinance requirements, generally meets the site planning criteria specified in Articles 21 and 22 and Appendix B of the Subdivision Regulations, and fulfills the Concept Plan direction. The outstanding staff comments are attached to this report and addressing them shall be a condition of finding the Site Plan “complete”.

**Planning Commission Action Required**

The Subdivision Regulations require that, after staff concludes the completeness review, staff shall place the Major Site Plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days of that meeting. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Section 24.122(D) further directs the Planning Commission review of Major Site Plan and states that if the Site Plan and application are incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the Site Plan; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Site Plan and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Site Plan approval.

Upon deeming the application complete, the Planning Commission shall schedule a Public Hearing to receive public comments, concerns, and inputs on the proposed Site Plan within 45 days. The Commission’s next regular meeting on March 10, 2020 will satisfy this requirement and the 21-day notice requirement can be met by staff. A reduced copy of the revised complete Site Plan and application will be included in the Public Hearing packet.

Staff Report  
Jefferson County Planning Commission Meeting  
February 11, 2020

**S18-06 Martinsburg Pike ROCS Site Plan Rev 3 Markup Summary  
June 2019 Returned Comments**

Resolving the following comments should be included as a condition of a determination of completeness for the Major Site Plan and shall be addressed prior to stamping the Site Plan as approved:

1. Add a note about the approved variance required for proposed sign location (19-14-ZV; 07-25-19);
2. 75' distance requirement is not required along the front property line since the dwelling units will be demolished and these parcels will be merged with Parcel 23;  
*\*\*\* Note the applicant chose to pursue variances related to landscaping/buffer requirements; parking/drive aisle & building setbacks for internal lot lines rather than merging the lots. These variances were approved by the BZA at their 1/23/2020 meeting \*\*\**
3. Add DB/PG for the creation of a cross-access easement that states ROCS has permission to use it;
4. Need to merge the 3 lots before the Site Plan can be approved; Plat should include vacating and creating required easements;  
*\*\*\* see note #2 above \*\*\**
5. Provide Permit Number and Letter dates;
6. If structures on adjoining property are not existing or being proposed on this site plan, please do not show.



SOIL NAME	MAPPING UNIT	ERODIBILITY	SHRINK-SWELL POTENTIAL	PERMEABILITY (IN/HR)	HSG
HAGERSTOWN ROCK OUTCROP COMPLEX 8-15% SLOPES	HcC	MODERATE	MODERATE	MODERATE-0.6-2.0	B
URBAN LAND UDOORTHENTS,	Uu	MODERATE	MODERATE	MODERATE-0.6-2.0	D
URBAN LAND HAGERSTOWN COMPLEX, 0-15% SLOPES	UwC	MODERATE	MODERATE	MODERATE-0.6-2.0	B

SOILS INFORMATION PROVIDED BY THE USDA SOIL SURVEY OF JEFFERSON COUNTY, WEST VIRGINIA.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N08°51'22"E	10.00'
L2	N81°08'32"E	30.24'

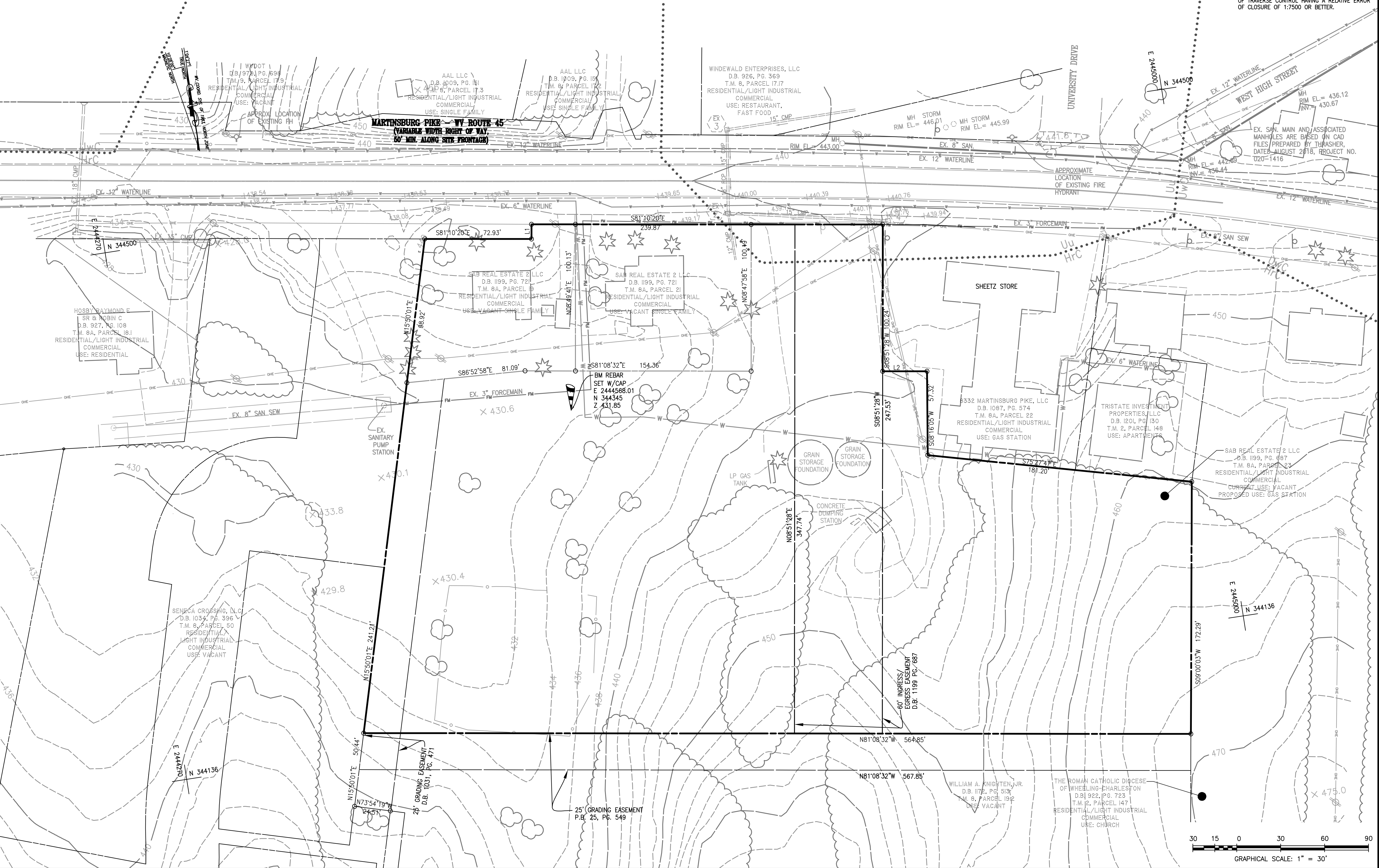
EXISTING CONDITIONS LEGEND	
SYMBOL	DESCRIPTION
UwC	SOIL KEY
	BENCHMARK
	PROPERTY CORNER MARKER (TO BE SET)

**RESOURCE PROTECTION NOTE:**

THE PROTECTION OF NATURAL RESOURCES SHALL COMPLY WITH ALL ENVIRONMENTAL PROTECTION REQUIREMENTS IN THE ZONING ORDINANCE AND THESE REGULATIONS. BEFORE CONSTRUCTION BEGINS, THESE AREAS SHALL BE PROTECTED FROM SILTATION. STAFF SHALL INSPECT THE PROPOSED MEANS OF PROTECTION PRIOR TO PERMITTING THE CONSTRUCTION TO PROCEED.

**SURVEY REFERENCES:**

1. THE TOPOGRAPHIC CONTOUR INTERVAL IS TWO (2) FEET. TOPOGRAPHIC INFORMATION WAS COMPILED FROM A COMBINATION OF FIELD TOPOGRAPHIC SURVEY INFORMATION PREPARED BY DEWBERRY & DAVIS, LLC, DATED 7/10/08 AND GORDON, DATED 8/16/18. HORIZONTAL DATUM IS REFERENCED TO WY GRID NORTH MAD 83. EXISTING CONTOURS AND SITE CONDITIONS ARE BASED ON AERIAL PHOTOGRAPHY SUPPLIED BY RESOURCE INTERNATIONAL LIMITED AND FIELD VERIFIED BY DEWBERRY ON NOVEMBER, 2005.
2. PERIMETER BOUNDARY INFORMATION SHOWN HEREON IS PER A MERGER AND EASEMENT PLAT SURVEY PERFORMED IN MARCH OF 2016 BY GORDON AS RECORDED IN PLAT BOOK 25 PG 549. IT HAS BEEN ESTABLISHED BY A NETWORK OF TRAVERSE CONTROL HAVING A RELATIVE ERROR OF CLOSURE OF 1:7500 OR BETTER.



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 CIVIL ENGINEERING  
 LANDSCAPE ARCHITECTURE  
 SURVEY AND MAPPING  
 SECURITY CONSULTING  
 148 S Queen Street, Suite 201  
 Martinsburg, WV 25401  
 Phone: 304-725-8456  
 www.gordon.us.com



NO.	DATE	REVISIONS
01	02/04/19	REVISED PER WVDH AND COUNTY COMMENTS
02	02/27/19	REVISED PER CORP. OF SHEPHERDSTOWN COMMENTS
03	05/10/19	REVISED PER WVDH COMMENTS

**EXISTING CONDITIONS PLAN**  
**MARTINSBURG PIKE ROCS**  
 TAX MAP 8A - PARCELS 19, 21, AND 23  
 SHEPHERDSTOWN DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=30'
DATE:	SEPTEMBER 1, 2018
JOB:	2756-0203
DRAWN:	AC
CHECK:	JG
CADD:	C-XP-101.DWG
NCS:	XP-101
SHEET:	04 OF 28

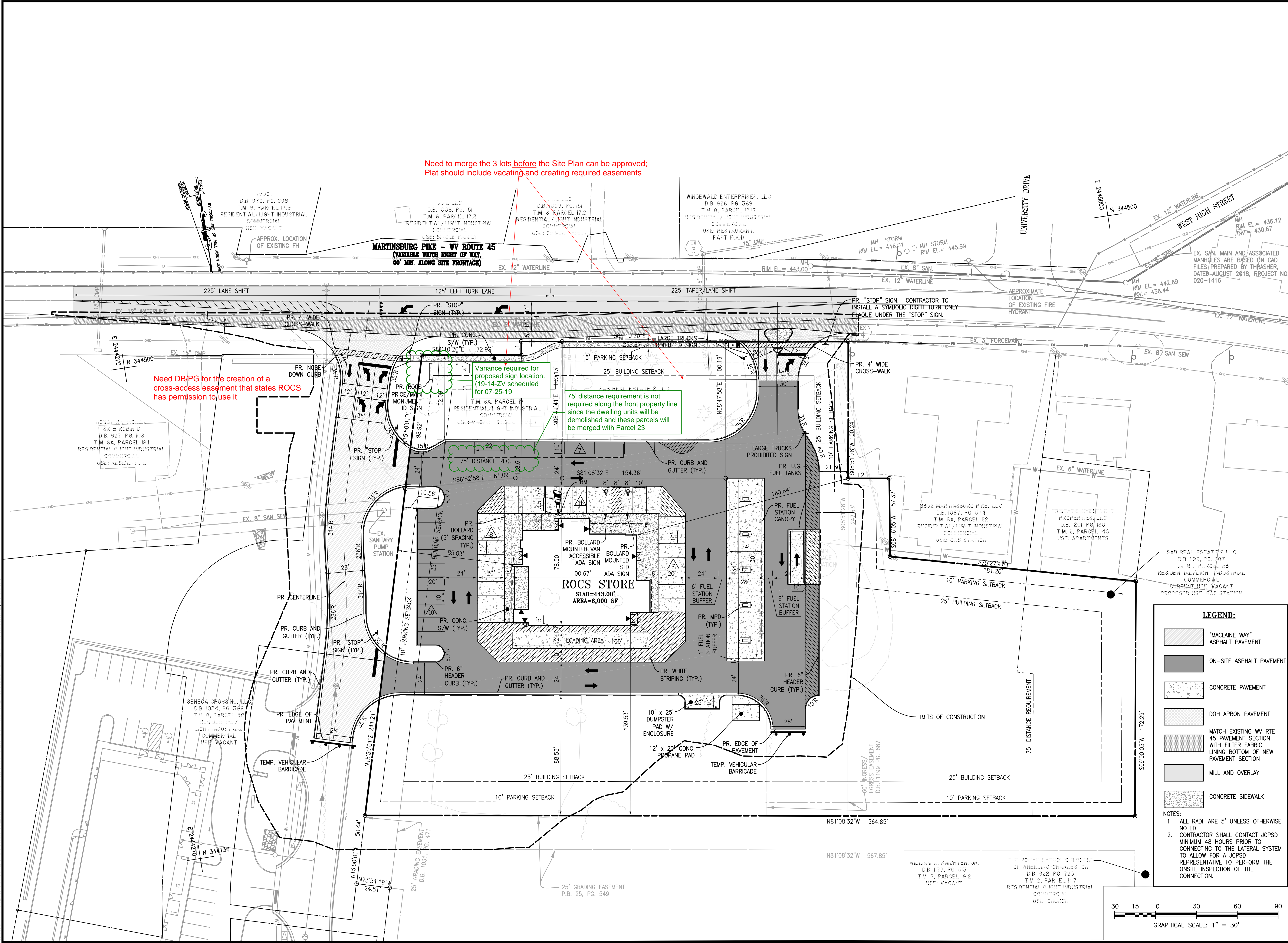
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Need to merge the 3 lots before the Site Plan can be approved;  
Plat should include vacating and creating required easements

Need DB/PG for the creation of a  
cross-access easement that states ROCS  
has permission to use it

Variance required for  
proposed sign location.  
(19-14-ZV scheduled  
for 07-25-19)

75' distance requirement is not  
required along the front property line  
since the dwelling units will be  
demolished and these parcels will  
be merged with Parcel 23

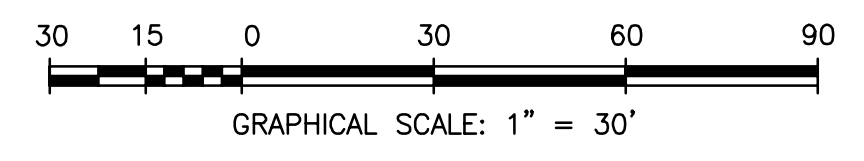


**LEGEND:**

- "MACLAINE WAY" ASPHALT PAVEMENT
- ON-SITE ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- DOH APRON PAVEMENT
- MATCH EXISTING W/ RTE 45 PAVEMENT SECTION WITH FILTER FABRIC LINING BOTTOM OF NEW PAVEMENT SECTION
- MILL AND OVERLAY
- CONCRETE SIDEWALK

**NOTES:**

- ALL RADII ARE 5' UNLESS OTHERWISE NOTED
- CONTRACTOR SHALL CONTACT JOPSD MINIMUM 48 HOURS PRIOR TO CONNECTING TO THE LATERAL SYSTEM TO ALLOW FOR A JOPSD REPRESENTATIVE TO PERFORM THE ONSITE INSPECTION OF THE CONNECTION.



NO.	DATE	REVISIONS
01	02/04/19	REVISED PER WOOD AND COUNTY COMMENTS
02	02/27/19	REVISED PER CORP. OF SHEPHERDSTOWN COMMENTS
03	05/10/19	REVISED PER WVDOH COMMENTS

**MARTINSBURG PIKE  
ROCS**  
TAX MAP 8A - PARCELS 19, 21, AND 23  
SHEPHERDSTOWN DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

**EXISTING FORCEMAIN CONSTRUCTION PHASING NOTE:**

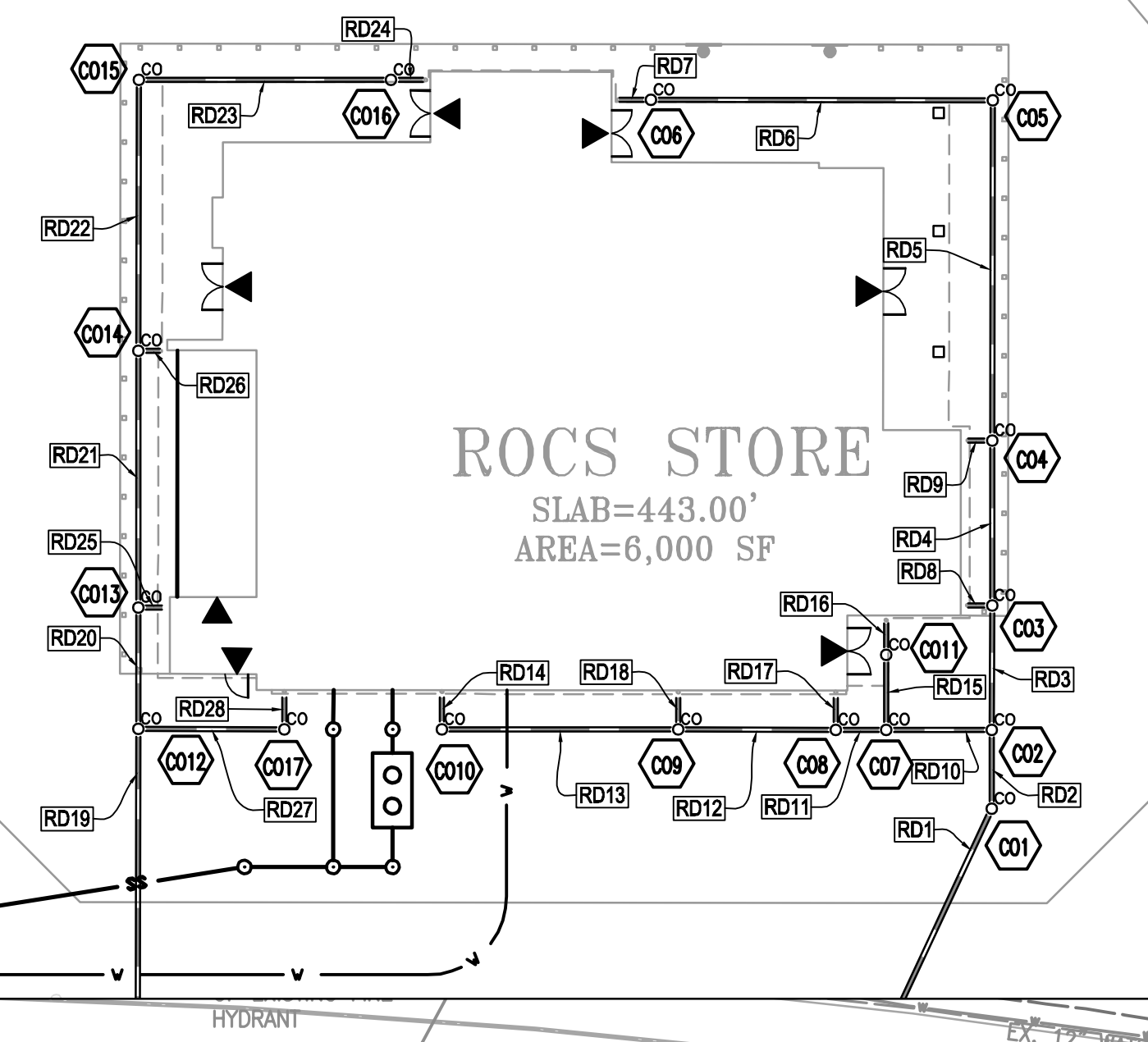
NEW SANITARY SEWER, PUMP STATION, AND FORCEMAIN TO BE CONSTRUCTED AS PART OF THE ADJACENT SENECA DEVELOPMENT TO THE WEST. EXISTING FORCEMAIN SHOWN TO REMAIN WITH THIS APPLICATION WILL BE ABANDONED IN PLACE ONCE THE NEW INFRASTRUCTURE IS INSTALLED AND IN SERVICE. IN THE EVENT THE EXISTING SANITARY SEWER FORCEMAIN AND/OR EXISTING PUMP STATION IS STILL IN SERVICE DURING CONSTRUCTION, CONTRACTOR TO ENSURE ANY ADJUSTMENTS NECESSARY FOR CONSTRUCTION OF THE IMPROVEMENTS PROPOSED WITH THIS APPLICATION ARE MADE TO ENSURE NO INTERRUPTION OF SERVICE TO THE EXISTING FORCEMAIN UNTIL SUCH TIME THE NEW INFRASTRUCTURE IS IN SERVICE.

FROM	UPPER INVERT	PIPE NO.	LENGTH	SIZE (in.)	SLOPE (%)	LOWER INVERT	TO
BLDG	442.00	RD7	5.00	6"	1.99%	441.90	CO6 01
CO6	441.90	RD6	43.33	6"	2.07%	441.00	CO5 02
CO5	441.00	RD5	43.18	6"	2.31%	440.00	CO4 03
BLDG	440.20	RD9	4.00	6"	5.00%	440.00	CO4 04
CO4	440.00	RD4	20.95	6"	2.38%	439.50	CO3 05
BLDG	439.70	RD8	4.00	6"	5.00%	439.50	CO3 06
CO3	439.50	RD3	15.80	6"	2.53%	439.10	CO2 07
BLDG	442.00	RD14	5.00	6"	10.00%	441.50	CO10 08
CO10	441.50	RD13	30.00	6"	3.33%	440.50	CO9 09
BLDG	441.00	RD18	5.00	6"	10.00%	440.50	CO9 10
CO9	440.50	RD12	20.00	6"	4.00%	439.70	CO8 11
BLDG	440.00	RD17	5.00	6"	6.00%	439.70	CO8 12

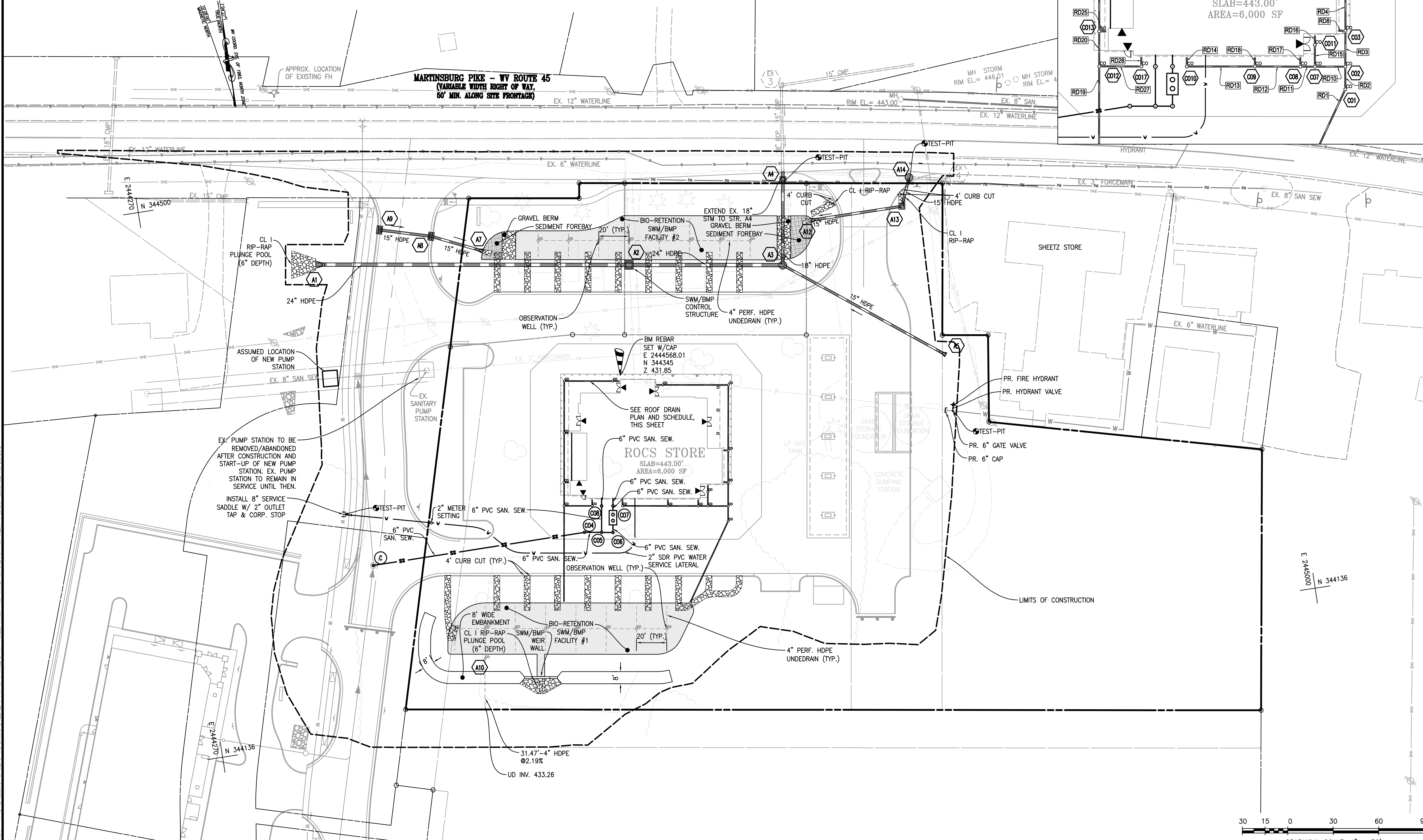
FROM	UPPER INVERT	PIPE NO.	LENGTH	SIZE (in.)	SLOPE (%)	LOWER INVERT	TO
CO8	439.70	RD11	6.40	6"	3.12%	439.50	CO7 13
BLDG	440.00	RD16	5.00	6"	4.00%	439.80	CO11 14
CO11	439.80	RD15	9.50	6"	3.15%	439.50	CO7 15
CO7	439.50	RD10	13.41	6"	2.98%	439.10	CO2 16
CO2	439.10	RD2	10.00	6"	1.99%	438.90	CO1 17
CO1	438.90	RD1	60.21	6"	3.65%	436.70	OUTFL 18
BLDG	442.00	RD24	5.00	6"	1.99%	441.90	CO16 19
CO16	441.90	RD23	32.00	6"	2.18%	441.20	CO15 20
CO15	441.20	RD22	34.40	6"	2.03%	440.50	CO14 21
BLDG	441.00	RD26	3.67	6"	13.63%	440.50	CO14 22
CO14	440.50	RD21	32.58	6"	2.14%	439.80	CO13 23
BLDG	440.00	RD25	4.00	6"	5.00%	439.80	CO13 24

FROM	UPPER INVERT	PIPE NO.	LENGTH	SIZE (in.)	SLOPE (%)	LOWER INVERT	TO
CO13	439.80	RD20	15.45	6"	2.58%	439.40	CO12 25
BLDG	442.00	RD28	5.00	6"	2.00%	441.90	CO17 26
CO17	441.90	RD27	18.52	6"	13.49%	439.40	CO12 27
CO12	439.40	RD19	64.10	6"	4.21%	436.70	OUTFL 28

**ROOF DRAIN PLAN**  
SCALE: 1"=20'



**ROCS STORE**  
SLAB=443.00'  
AREA=6,000 SF



**MARTINSBURG PIKE - WV ROUTE 45**  
(VARIABLE WIDTH RIGHT OF WAY,  
60' MIN. ALONG SITE FRONTAGE)

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STATE OF WEST VIRGINIA  
REGISTERED PROFESSIONAL ENGINEER  
6/9/19

NO.	DATE	REVISIONS
01	02/04/19	REVISED PER WOOD AND COUNTY COMMENTS
02	02/27/19	REVISED PER CORP. OF SHEPHERDSTOWN COMMENTS
03	05/10/19	REVISED PER WVDHCH COMMENTS

**MARTINSBURG PIKE**  
**ROCS**  
TAX MAP 8A - PARCELS 19, 21, AND 23  
SHEPHERDSTOWN DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

UTILITY PLAN  
SCALE: HORIZ: 1"=30'  
VERT: 1"=30'  
DATE: SEPTEMBER 1, 2018  
JOB: 2756-0203  
DRAWN: AC CHECK: JG  
CADD: C-CU-101.DWG  
NCS: CU-101  
SHEET: **07 OF 28**  
S18-06

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# Jefferson County, West Virginia

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## Planner's Memorandum Planning Commission Meeting February 11, 2020

### 1) Greenway Ordinance/Regulation Amendment Update

- a) Status Update – PC Committee and staff working with Greenway has determined the proposed reorganization is not ready for a work session or hearing and schedule is being modified based on comments; additional revisions scheduled for February
- b) Tentative Joint Work Session with County Commission (possibly 3/10/20 before PC meeting)
- c) Proposed Planning Commission Public Hearing for Phase 1 Reorganization recommended for 3/24/20 needs to be called

### 2) Status of Zoning Ordinance Text Amendments

- a) ZTA19-03: Zoning Ordinance Text Amendment to allow Solar Farms in the Rural District on agenda for work session

### 3) Upcoming PC meetings

- a) Next Regular Meeting: **March 10, 2020**





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

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Fax: (304) 728-8126

## 2nd Quarterly Report for Planning and Zoning FY 2020 (October 1, 2019 – December 31, 2019)

Attached is an electronically generated report of all applications submitted and reviewed within the 2nd Quarter of FY2020. This data is being provided as a part of the 2<sup>nd</sup> Quarterly Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

### PLANNING COMMISSION ITEMS

**Planning Commission Meetings:** **3 Meetings**

**Subdivision Regulations Text Amendments** **none this quarter**

**Zoning Ordinance Text Amendments** **3**

#ZTA19-01: Zoning Ordinance Text Amendment to revise 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. *PC reviewed 11/12/19; CC approved as revised 11/21/19*

#ZTA19-03: Zoning Ordinance Text Amendment to allow Solar Farms in the Rural District.  
*PC agreed to hold work session at January 2020 meeting for discussion*

#ZTA 14-02: CC referred proposed Mass Event Ordinance Text Amendment back to PC for reconsideration

**Zoning Map Amendments/Rezoning** **1**

Zoning Map Amendment petition by property owner Murall Limited Partnership for a property located near the Jefferson and Berkeley County lines; currently zoned Rural/requesting General Commercial zoning; designated as Tax District: Middleway (07); Tax Map: 2; Parcel: 1.3; Size: 5.68 acres.

*PC review and recommendation 11/12/19; CC PH 12/19/19; still under review*

**Concept Plan Public Workshop** **none this quarter**

### BOARD OF ZONING APPEALS (BZA) ITEMS

**Board of Zoning Appeals Meetings:** **3 meetings**

**Zoning Appeal of Administrative Decision** **none this quarter**

### PLANNING & ZONING STAFF ITEMS

**Pre-Proposal Conference (PPC) Meetings:** 5 Total (3 Subdivision & 2 Site Plan)

**Information Request Forms (IRFs) -- general inquiries from the public:** 26 Total

**Zoning and Land Development Fees Collected:** \$ 39,569.32

<b>Regional Transportation Planning Meetings</b>	<b>DATE</b>
State Auditor's Training Seminar	10/3/19
Eastern Panhandle Transit Authority (EPTA) Board Meetings	10/3/19; 10/21/19; 11/18/19; 12/16/19
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	10/16/19
HEPMPO US Bike Route 11 Public Meeting	12/4/19
<b>Regional Planning Meetings</b>	
Maryland APA Chapter 2019 State Conference	10/6/19 - 10/8/19
Envision Jefferson 2035 Comp Plan presentation to JCDA Board	10/10/19
Safe Water Conservation Collaborative Meeting	12/18/19

**Planning and Zoning FY 2020 2nd Quarterly Report  
10/1/2019 -- 12/31/2019 (Generated 1/3/2020)**

Type	Project Number	Creation Date	Owner Name	Mailing	Location	Status	Description
Easements	19-3-E	11/14/2019	CASE LINDA W-TR	1735 LLOYD RD, CHARLES TOWN, WV 25414	1735 LLOYD RD, CHARLES TOWN, WV 25414	Closed	Conservation Easement
	19-4-E	12/4/2019	WILLARD HENRY A III & JOHN B	PO BOX 1192, SHEPHERDSTOWN, WV 25443	1502 RIVER RD, SHEPHERDSTOWN, WV 25443	Closed	92.952 acres, which includes the 3 acre residential dwelling area.
	19-5-E	12/6/2019	MAGAHA T L SONS INC	7924 MIDDLEWAY PIKE, CHARLES TOWN, WV 25414	7924 MIDDLEWAY PIKE, CHARLES TOWN, WV 25414	Open	3 plats included with e-mail submission, will need possible subdivision or BLA also (separate)
	19-6-E	12/27/2019	CASE LINDA - TR & POTOMAC VALLEY AUDOBON SOCIETY INC	PO BOX 578, SHEPHERDSTOWN, WV 25443	1469 LLOYD RD, CHARLES TOWN, WV 25414	Open	
						<b>Type Total:</b>	<b>4</b>
					<b>Category Total:</b>	<b>4</b>	
Merger or Boundary Line Adjustment	19-29-M	11/1/2019	BURNS BESSIE M	215 VERMEER LN, CHARLES TOWN, WV 25414	1238 LLOYD RD, SUMMIT POINT, WV 25446	Open	Tax Map 12 Parcels 5 & 5.1 Kabletown District
	19-30-M	11/6/2019	Jason Gray	, , WV	1619 BOWERS RD, KEARNEYSVILLE, WV 25430	Closed	Lot 6 & Lot 7, Opequon Forest Park 1
	19-31-M	11/27/2019	CASE LINDA W-TR	1735 LLOYD RD, CHARLES TOWN, WV 25414	1735 LLOYD RD, CHARLES TOWN, WV 25414	Closed	Boundary Line Adjustment associated with conservation easement.
	19-32-M	12/10/2019	CROGHAN JOHN T & EDITH C - EST	1930 BAKERTON RD, HARPERS FERRY, WV 25425	1930 BAKERTON RD, HARPERS FERRY, WV 25425	Open	Boundary Line Adjustment
	19-33-M	12/27/2019	CLARK CHARLES M & SHIRLEY A	25 WHITE DOGWOOD PL, HARPERS FERRY, WV 25425	25 WHITE DOGWOOD PL, HARPERS FERRY, WV 25425	Open	Deed Only: Lots 7, 8, 9 and 17
						<b>Type Total:</b>	<b>5</b>
					<b>Category Total:</b>	<b>5</b>	
Miscellaneous Fees	19-15-Q	10/24/2019	ALLINGER TY B & BRANDY L	41 LOUISE CT, CHARLES TOWN, WV 25414	41 LOUISE CT, CHARLES TOWN, WV 25414	Closed	Lot 17 Sec. II, Schaeffers Crossroads
	19-17-Q	11/4/2019	FREY CHRISTOPHER J JR	970 DEER RUN DR, WINCHESTER, VA 22602	Meandering Lane, Kearneysville, WV 25430	Closed	Minor Plat Change: relocate septic reserve
	19-16-Q	10/25/2019	Crofts at Shepherdstown Homeowners Association - Peter Corum	PO Box 536, Shepherdstown, WV 25443	Shepherdstown, WV 25443	Withdrawn	Addition of Security Gate and Control Box
	19-18-Q	12/10/2019	MCGEE CIVIL CONSTRUCTION LLC	PO BOX 250, PURCELLVILLE, VA 20134	306 JAMES BURR BLVD, KEARNEYSVILLE, WV 25430	Open	McGee Civil Construction redline revision to relocate structure, etc. S18-07 Lot 40 Expansion
						<b>Type Total:</b>	<b>4</b>
					<b>Category Total:</b>	<b>4</b>	

Planning Commission Waiver	19-17-PCW	11/1/2019	Rahil Nawhz, II	PO Box 219, Ranson, WV 25438		Open	Waiver from Section 20.201 and 20.202(C) of the 2008 Subdivision Regulations, adopted 10/9/08. Applicant is requesting to change the existing ROW Entrance to this property due to the location of the septic reserve.
	19-18-PCW	11/19/2019	TOWNHOMES RENTAL LLC	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	Open	Applicant is requesting a waiver from Section 24.113B.10, Article 24 that requires a Phase I Archaeological Study.
							<b>Type Total:</b> 2
							<b>Category Total:</b> 2
Site Plan	19-7-S	10/24/2019	Jefferson County Development Authority - Jefferson County Development Authority	272 James Burr Blvd., Kearneysville, WV 25430	, Kearneysville, WV 25430	Open	The construction of a warehouse building, storage building, drive aisles and parking areas with associated public utilities.
	18-06-S	12/6/2019	N/A			Open	
	19-8-S	11/18/2019	TOWNHOMES RENTAL LLC	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	Open	Joint Review: The storage facility will have various unit sizes (approx. 61,100 sq/ft total), parking for the storage of licensed and tagged RV's and boats, and a separate stormwater facility. This portion will access hospice way from one location shown on the plan. Total height of two story storage buildings will be 20'. Single story storage buildings will have a height of 10'.
	15-5-S	12/18/2019	Shepherdstown Public Library	PO Box 278, Shepherdstown, WV 25443		Open	
							<b>Type Total:</b> 4
							<b>Category Total:</b> 4
Subdivision	19-16-SD	11/8/2019	BEALLAIR HOMES LLC	5283 CORPORATE DR STE 300, Frederick, MD 21703		Open	Preliminary Plat Showing Lots 134-159 & Residue Parcel A
	05-27-SD	11/14/2019	WINDMILL CROSSING HOME	142 N. Queen St. Nartinsburg, WV		Closed	Import Paper to Digital File for Bob with Piedmont - more files to come later.
	19-17-SD	12/30/2019	B.C. Partners, Inc.	24042 Frederick Rd., Clarksburg, MD 20871		Open	The owner intends to create 4 lots and a public street for future commercial pad-users. In addition, the developer proposes 2 access points: one right in/out from/US340 and one full-access onto old country club road (WV Rt 24).
							<b>Type Total:</b> 3
						<b>Category Total:</b> 3	
	19-30-ZC	10/21/2019	WILT KENNETH L	1280 WILT RD, CHARLES TOWN, WV 25414	539 MISSION RD N, HARPERS FERRY, WV 25425	Closed	

Zoning Certificate	19-31-ZC	10/21/2019	Tri-State Investment Properties - Chris Hill	PO BOX 1, KEARNEYSVILLE, WV 25430	248 CHERRY TREE DR, CHARLES TOWN, WV 25414	Closed	To operate a Large Day Care Center with approximately 50 children ages 6 weeks to 5 years old.
	19-33-ZC	11/8/2019	KITA LLC	2668E 27TH ST, BROOKLYN, NY 11235	43 RULAND RD STE F, KEARNEYSVILLE, WV 25430	Closed	Commercial Use: Chinese foot massage, cleaning and aromatherapy
	19-34-ZC	11/8/2019	Brian Renzella - Brian Renzella	75 SYBIL CT, SHEPHERDSTOWN, WV 25443	75 SYBIL CT, SHEPHERDSTOWN, WV 25443	Closed	Home Occupation, Level 1: Cosmetic Tattooing
	19-35-ZC	11/15/2019	ANNA S TAYLOR - ANNA TAYLOR	397 FRUIT HILL LN, SHEPHERDSTOWN, WV 25443	397 FRUIT HILL LN, SHEPHERDSTOWN, WV 25443	Closed	Cottage Industry: Web and Graphic Design Business in a detached garage (994 office space)
	19-37-ZC	12/2/2019	LOCK BRYAN S & THERESA S	PO BOX 625, HARPERS FERRY, WV 25425	Charles Town Road, Harpers Ferry, WV 25425	Closed	Accessory Dwelling Unit: In-Law Suite
	19-36-ZC	12/23/2019	S & T GROUP LLC	PO BOX 246, SHEPHERDSTOWN, WV 25443	7670 MARTINSBURG PIKE STE 3, SHEPHERDSTOWN, WV 25443	Open	Replace face of 4'x16' sign (paint cabinet existing). Remove/replace 2'x8' sign. Replacement is ACM panel w/ routed PVC lettering.
	19-32-ZC	11/7/2019	JEFFERSON REALITY LLC	62 ORCHARD DR, RANSON, WV 25438	4843 MIDDLEWAY PIKE STE 100, KEARNEYSVILLE, WV 25430	Closed	A 41" (H) x 75" (W) Electronic Sign on an existing Freestanding Sign structure
	19-38-ZC	12/30/2019	DDS LLP	18034 SHAWLEY DR, HAGERSTOWN, MD 21340	1453 N MILDRED ST, RANSON, WV 25438	Open	Leasing of this Facility while structure is rebuilt.
						<b>Type Total:</b>	<b>9</b>
					<b>Category Total:</b>	<b>9</b>	
Zoning Map Amendment	19-1-Z	10/30/2019	Murall Limited Partnership	PO BOX 575, Shepherdstown, WV 25443	Route 115, Kearneysville, WV 25430	Open	Request and landowner petition for a Map Amendment.
						<b>Type Total:</b>	<b>1</b>
					<b>Category Total:</b>	<b>1</b>	
Zoning Variance	19-32-ZV	10/21/2019	Seneca Crossing LLC - Eric Lewis	PO BOX J, Shepherdstown, WV 25443	50 Maclaine Way, Shepherdstown, WV	Open	variance from Section 4.11A.2, 4.11E and Appendix B to reduce the landscape buffer from 10' to 0' on the southern boundary of Lot 1 and to retain an unscreened landscape buffer on the northern boundary of Lot 2. The applicant is proposing to install a 6' privacy fence between Lots 1 and 2 in lieu of the required buffer.
	19-33-ZV	10/22/2019	BEALLAIR HOMES LLC	5283 CORPORATE DR STE 300, FREDERICK, MD 21703	Beallair Manor Drive, Charles Town, WV 25414	Open	Variance from Section 5.4B.1 and Appendix A to reduce the rear setbacks from 20' to 15'; the front setbacks from 25' to 20'; and the side setback from 12' to 10' for the proposed Phase 3A, Lots 134-159
	19-34-ZV	10/22/2019	BEALLAIR HOMES LLC	5283 CORPORATE DR STE 300, FREDERICK, MD 21703	Beallair Manor Drive, Charles Town, WV 25414	Open	Variance from Appendix A to reduce the side setback from 5' to 2'; and, the rear setback from 20' to 10' to allow for the construction of a 10' x 16' deck on Villa Lots 50-67 (Phase 2) and Villa Lots 283-304 (Phase 3)

	19-35-ZV	11/14/2019	I&K FARM LLC	219 W. Washington St., CHARLES TOWN, WV 25414	5437 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	Open	Variance from Section 10.4B.3 to reduce the front setback from 25' to 5' along Route 480 and along Route 115 for a 20' tall Freestanding Sign with a 5' (W) x 8' (H) [sign face].
	19-36-ZV	11/15/2019	COSTELLO JOSEPH D & CHRISTINA R POLEN	115 LEYLAND LN, HARPERS FERRY, WV 25425	115 LEYLAND LN, HARPERS FERRY, WV 25425	Open	Variance from Section 5.7B and 9.6C to reduce the front setback from 40' to 22' for a 24' x 41' accessory structure.
	19-37-ZV	12/13/2019	SAB REAL ESTATE 2 LLC	333E JOHN ST, MARTINSBURG, WV 25401	8272 MARTINSBURG PIKE, SHEPHERDSTOWN, WV 25443	Open	Variance from Sections
						<b>Type Total:</b>	<b>6</b>
						<b>Category Total:</b>	<b>6</b>
						<b>Grand Total:</b>	<b>38</b>