



Agenda

Jefferson County Planning Commission

Tuesday, November 10, 2020, 7:00 PM

All Citizens that desire to speak must sign-in **prior** to the Agenda Item being addressed. This meeting will NOT be a live broadcast on our website. Instead, it will be accessible through a live ZOOM Meeting. If you wish to participate in Citizen's Communication or public comment for one of the agenda items, please type your name, address, and agenda item # in the chat function at the start of the meeting.

****Please use the following information to join the ZOOM Meeting****

Join Zoom Meeting: <https://us02web.zoom.us/j/86803412403>

Meeting ID: 868 0341 2403

Dial by your location: +1 301 715 8592 US (Germantown)

Find your local number: <https://us02web.zoom.us/u/keiyFa5cho>

1. Approval of Meeting Minutes: October 13, 2020.
2. Citizen Communication: 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 are noted below.
3. Request for postponement.
4. **Public Workshop:** Concept Plan for Summit View Estates. The proposal consists of the re-subdivision of Lot 28 into three (3) total lots and the required 224 acres of associated green space on adjacent Parcels 6 & 7, under Section 5.7D.2 Cluster Provisions. Property Owner: Hy-Crest Farms, LLC. Property Location: Summit View Estates, Lot 28 Located at the end of Keith Dr. Tax District: Kabletown (06); Tax Map: 15; Parcel: 3.3 (Parcel ID: 06001500030003); Size: 8.5 acres; Zoned: Rural; File: 20-18-SD.
5. **Public Workshop:** Concept Plan for a Shepherdstown Professional Center (a Major Nonresidential Site Development). The proposal consists one two-story building with 5,100 sf retail space (first floor) and 5,100 office space (second story); one 6,000 sf single-story building divided into six (6) 1,000 sf retail/office units and associated parking spaces and signage. Property Owner: Rankin Properties, LLC. Property Location: Vacant parcel on the northeast corner at the intersection of Potomac Farms Dr. and Kearneysville Pike (Route 480). Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 8.1 (Parcel ID: 09000800080001); Size: 3.56 acres; Zoning District: General Commercial; File: 20-7-SP.
6. **Public Hearing:** Waiver from Section 20.204 to process a Minor Site Plan with a Concept Plan instead of the required Major Site Plan for the Shepherdstown Professional Center (File: 20-7-SP). Property Owner: Rankin Properties, LLC. Property Location: Vacant parcel on the northeast corner at the intersection of Potomac Farms Dr. and Kearneysville Pike (Route 480). Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 8.1 (Parcel ID: 09000800080001); Size: 3.56 acres; Zoning District: General Commercial; File: 20-10-PCW.
7. **Public Hearing:** Waiver from Section 20.201A.2 to reduce the required 50' wide access easement to 40' for a proposed two (2) lot minor subdivision. Applicant: Brickstreet Homes, LLC. Property Owner: Shaun Alexander. Property Location: Sites Farm, Lot 1B, 10668 Leetown Rd., Kearneysville, WV. Tax District: Middleway (07); Tax Map: 14; Parcel: 20.4 (Parcel ID: 07001400200004); Size: 4.85 acres; Zoning District: Rural; File: 20-9-PCW.
8. **Public Hearing:** Variance request from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for an Accessory Dwelling Unit (In-Law Suite). Property Owner: Kristen Espinosa. Property Location: 6485 Summit Point Road, Charles Town, WV. Tax District: Kabletown (06); Tax Map: 3; Parcel: 1.7 (Parcel ID: 06000300010007); Size: 5.25 acres; Zoning District: Rural; File: 20-4-PCV.

9. **Public Hearing:** Waiver from Section 20.201A.2, which requires all lots in minor residential subdivision to have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots. The applicant is proposing a two (2) lot subdivision, which will create a total of six (6) lots on the existing access easement (Fiddlers Way). Property Owner: Fiddlers 1, LLC. Property Location: Sunset View, Lot 3, 54 Fiddlers Way, Shepherdstown, WV. Tax District: Shepherdstown (09); Tax Map: 5; Parcel: 8.16 (Parcel ID: 09000500080016); Size: 4.25 acres; Zoning District: Residential Growth; File: 20-11-PCW.

There is no public comment for the following items.

10. Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment by property owner James W Van Evera III (et al) to rezone the subject parcel from Residential Growth to Residential-Light Industrial-Commercial is consistent with the 2035 Comprehensive Plan. Property Owner: James W Van Evera III Et Al. Applicant: Bob Franks, Sheetz Inc. Property Location: 7948 Middleway Pike, Shepherdstown, WV. Properties on south side at the intersection of Martinsburg Pike (Route 45) and Maddex Farm Dr. District: Shepherdstown (09), Map: 8; Parcels: 10.2, 13, 14, 15.2; Total Size: 22.17 ac; Proposed Areas: 5.4 ac.
11. Discussion and Possible Action: Proposed revision to the 1979 Subdivision Variance Policy (enacted 10/4/07) regarding notice requirements.
12. Discussion and Possible Action: 2021 Planning Commission Meeting Schedule
13. Reports from Legal Counsel
14. Planner's Memo
15. President's Report
16. Actionable Correspondence
17. Non-Actionable Correspondence

Meeting Minutes
Jefferson County Planning Commission
October 13, 2020

The Jefferson County Planning Commission met on October 13, 2020 with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison, Steve Stolipher, Ron Thomas and Shane Roper. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; Alexandra Beaulieu, Zoning Administrator; and Rachael Burke Planning Clerk.

J Ware was absent without prior notification, Jack Hefestay and Donnie Fisher were absent with prior notification.

By order of the President, the Planning Commission meeting was held virtually via ZOOM. Access information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:02 pm. Mr. Shepp verified we had a quorum at the start of the meeting.

1. Approval of Meeting Minutes: September 8, 2020. Approved as submitted.
2. Citizen Communications: Citizens were able to sign up for this item utilizing the chat function in ZOOM prior to the commencement of the meeting. There were no citizens signed up to speak.
3. Request for postponement. None.
4. **Public Hearing:** (PC File #ZTA20-02): Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 5 District Regulations, Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C, Principal Permitted and Conditional Uses Table.

Ms. Beaulieu explained the purpose of the hearing is for the Planning Commission to review and receive public comment on the proposed text amendment and to determine if the proposal is in conformance with the *Envision Jefferson 2035 Comprehensive Plan*. She reviewed some of the development standards and provided an overview of the Conditional Use process.

Mr. Shepp asked the commissioners if they had questions. There was discussion about whether this pertained to food trucks, which it does not.

Mr. Shepp opened the Public Hearing. No one was signed up to speak. Public Hearing was closed.

Mr. Stolipher made a motion to approve the request as submitted and stated that the proposed text amendment is in conformance with the *Envision Jefferson 2035 Comprehensive Plan* and recommended it to the County Commission for their hearing and action. Mr. Thomas seconded the motion, which carried 5 in favor; 1 opposed (Lorenzetti).

5. **Public Hearing:** Request by property owners Christopher and Kimberly Purvis for a Final Plat Amendment for Lot #14 in the Spruce Hill Subdivision (File #02-28). The request is to allow a 192 sf shed within an easement (See Final Plat note #23 in Plat Book: 19; Page: 57). The property is designated as Tax District: Kabletown (06); Tax Map: 3C; Parcel: 14; Zoned: Residential-Light Industrial Commercial; Size: 1.23 acres.

Ms. Brockman provided an overview of the request, including the history of the property. The Purvis' have received an administratively approved Minor Plat Change to move the septic reserve area and a BZA approved Setback Variance for the shed. This waiver is also required due to a drainage and utility easement being indicated on the recorded Final Plat.

The applicant provided reasoning for allowing the shed in the easements due to the slope of their property.

Mr. Shepp opened the Public Hearing. No one was present to speak. Mr. Shepp closed the Public Hearing.

Mr. Thomas made a motion to approve the request with the condition that if any drainage issues occur due to the shed, the applicants will resolve these. Mr. Roper seconded the motion, which carried unanimously.

6. **Public Hearing:** (File #19-16-SD): Final Plat Public Hearing for the Beallair Subdivision, Phase 4A, Lots 134-159 and Residue Parcel A. Applicant: Mike Wiley, Piedmont Design Group. Owner: Beallair Homes, LLC. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 10A; Parcel: RESA; Zoned: Residential Growth; Size: 69.3 acres.

Ms. Brockman presented her Staff Report and reminded the Planning Commission that this subdivision is processing under the 1979 Subdivision Ordinance, which requires a Public Hearing for a Final Plat. She also noted that there are a few outstanding comments related to the Final Plat listed in the staff report, including that the Preliminary Plat is required to be approved and bonded before the Final Plat can be recorded.

Mr. Michael Wiley, applicant, spoke on behalf of the project. He stated that the 4 outstanding comments on the Staff Report will be addressed within the next 1-2 weeks.

Mr. Shepp opened the Public Hearing. No one was present to speak. Mr. Shepp closed the Public Hearing.

Mr. Stolipher made a motion to approve this Final Plat subject to addressing the outstanding comments noted in the staff report. Mr. Thomas seconded the motion, which carried unanimously.

7. **Public Hearing:** (File #20-6-PCW): Request by property owners Larry & Tammy Sirbaugh for a waiver from Section 20.201B3, that requires access via a 50' access easement. The applicant wishes to access via a state road. The property is designated as Tax District: Kabletown (06); Tax Map: 20A; Parcel: 5; Zoned: Rural; Size: 9.65 acres.

Ms. Brockman presented an overview of this request.

Mr. Louthan recused himself from voting due to owning the adjacent parcel.

The commission discussed the requirements with staff and asked the applicant if they had discussed this proposed entrance with the WV DOH. The applicant stated that the entrance permit had been approved.

Mr. Shepp opened the Public Hearing. No one was present to speak. Mr. Shepp closed the Public Hearing.

Mr. Stolipher made a motion to approve the Waiver request as submitted. Mr. Roper seconded the motion, which carried 5 in favor; zero opposed. (Louthan recused himself)

8. **Public Hearing:** (File #20-7-PCW): Request by applicant, Kyle Carter, for a waiver from Section 20.201A to have direct access to Old Country Club Road, without a 50' access easement to the residue property. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 10; Parcel: 1; Zoned: Residential Growth; Size: 137.17 acres.

Mr. Lorenzetti recused himself from this agenda item due to a potential conflict of interest.

Ms. Brockman gave an overview of the planned one lot subdivision and explained to the Planning Commission that this type of subdivision with 200' of frontage on a state road would be permitted within the Rural Zoning District but requires a waiver to be permitted in the Residential Growth zoning district.

Mr. Carter, applicant, also addressed the request.

Mr. Shepp opened the Public Hearing. No one was present to speak. Mr. Shepp closed the Public Hearing.

Mr. Stolipher made a motion to approve the request as submitted. Mr. Thomas seconded the motion, which carried 5 in favor; zero opposed. (Lorenzetti recused himself).

9. **Public Hearing:** (File #20-8-PCW): Request by applicant, Tripp Lowe, for a waiver from Section 20.201 to process as a Minor Subdivision for 6 duplexes on 2 parcels, because the lots already have access to roads, utilities, and SWM which would normally be designed via the Major Subdivision process. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 23.5 & 23.6; Zoned: Residential Growth; Size: 0.75 & 0.46 acres.

Ms. Brockman provided an overview of the request. She explained that the proposal results in subdividing two (2) existing lots into six (6) duplex lots total, which would require processing as a Major Subdivision.

Mr. Raco, consultant for the project, explained that Ken Lowe developed Lowe Drive and that this road meets the county grade standard. Water and sewer utilities do not require off-site extensions. Stormwater management is proposed to be addressed on-site.

Mr. Shepp opened the Public Hearing for public comment. The following people signed up to speak. They expressed concerns about the potential size of the structures, about a possible paper right of way that they would no longer be able to access and about water pressure as a result of the additional lots:

Meredith Wait
Scott Stanley
Renee Lowe

Mr. Shepp closed the Public Hearing.

Mr. Raco responded to public comment by explaining that they are proffering the use of rain barrels to make up for any additional stormwater for this project and that the duplexes should match the Hartsell Gardens complex across the street. The homes are proposed to be 1-story with a walk out basement. This project is located in the Residential Growth district and Shepherdstown's Preferred Growth Area.

The commission discussed questions about needing a highway entrance permit and the possible paper right of way. Mr. Raco stated that an attorney for the applicant conducted a 60-year title search and had not found a recorded easement to allow access to those lots. Mr. Cochran explained that this right-of-way question needs to be resolved between the parties and that the Planning Commission has no authority over this since an easement has not been indicated on a previous plat. Mr. Stolipher and Mr. Shepp suggested that all parties meet about the right of way.

Mr. Stolipher made a motion to approve the waiver as submitted; Mr. Roper seconded the motion. A vote was taken: 4 in favor; 1 opposed (Lorenzetti); 1 abstention (Thomas).

- 10. Discussion and Possible Action:** (PC File #ZTA20-01): Proposed text amendment to the Jefferson County Zoning Ordinance to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C, Principal Permitted and Conditional Uses Table.

Ms. Beaulieu presented an overview of the request and reminded the Planning Commission that the Public Hearing was held on September 8th and that they had extended public comment for two weeks. No additional comments were received. She asked if the commission had any further questions regarding this project.

The Planning Commission explained that they researched previous public comment concerns regarding run off and contamination of water and found nothing of concern.

Mr. Stolipher made a motion that this Zoning Text Amendment request is in conformance with the *Envision Jefferson 2035 Comprehensive Plan* and recommended approval to the County Commission. Mr. Thomas seconded the motion. A vote was taken, 5 in favor; 1 opposed (Ralph Lorenzetti).

11. **Discussion and Action:** Quarterly Report for July-September 2020. Ms. Brockman provided an overview of the 1st Quarterly Report for FY2020-2021 and requested that the Planning Commission review it and forward it to County Commission.

Mr. Stolipher made a motion to send to County Commission; Mr. Louthan seconded the motion, which carried unanimously.

12. **Reports from Legal:** Mr. Cochran provided a solar update; the Zoning Ordinance Text Amendment was approved by the County Commission and will be effective in November. Mr. Cochran and Mr. Goodwin are presently working on a decommissioning bond plan.

13. **Planner's Memo:** Ms. Brockman provided an update on the Greenway amendments.

14. **President's Report:** None.

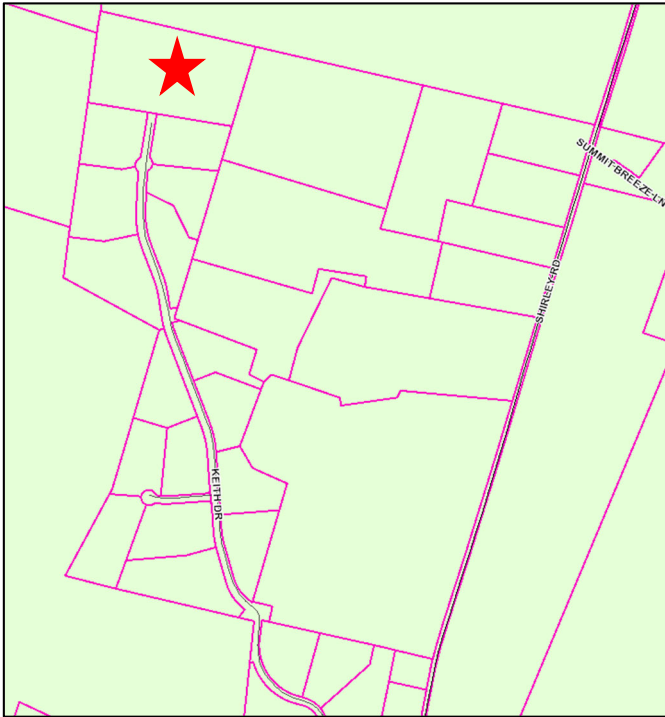

15. **Actionable Correspondence:** None.

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

Mr. Stolipher made a motion to adjourn the meeting at 8:08 pm. Mr. Louthan seconded the motion, which carried unanimously. Mr. Shepp closed the meeting.

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Item #4: Public Workshop (File# 20-18-SD): Concept Plan for the resubdivision of Lot 28 in Summit View Estates into three (3) total lots and the required 224 acres of associated green space on adjacent Parcels 6 & 7, under the Section 5.7D2 Cluster provisions.

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| Applicant: | Hy-Crest Farms, LLC | |
| Owner: | Same as above | |
| Developer: | Same as above | |
| Consultant: | Shepp Surveying & Mapping, PLLC and PJ Raco Consulting | |
| Location: | Summit View Estates, Lot 28 (located at the end of Keith Drive) | |
| Zoning and Legal Description: | Dist.: Kabletown (07); Map: 15; Parcel 3.3; Size: 8.25 acre Zoning: Rural  | |
| Surrounding Zoning: | North: Rural East: Rural South: Rural West: Rural | |
| Proposed Activity: | Three (3) lot subdivision of Lot 28 of Summit View Estates under the Cluster Provisions of Section 5.7D2 of the Zoning Ordinance, with the required 224 acre green space provided within the 232.99 acres in the adjoining Parcels 6 & 7 |  |

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| Concept Plan Status: | Submitted: 09/25/2020 Sufficiency and Completeness Letter: 10/02/2020 Resubmitted for Completeness: 10/09/2020 |
| Previous Approvals: | <ul style="list-style-type: none"> • Open File #10-10; Hy-Crest Farms Minor Subdivision Lots 7, 8, & 9 P to C Lots; proposed to access via Summit View Estates. • Open File #10-09; Summit View Estates Lot 28 Residue & Lot 29; one P to C lot (per the PPC), reviewed once; this overlaps with the current proposed subdivision and would become void if this one processes. • 6/7/10 (File #08-29): Summit View Minor Subdivision Lots 27 and 28-Residue (PB25/PG232) • 4/26/04: Summit View Estates Lots 1-26 and Residue A (PB20/PG85) |

1. Summary of Request

The applicant is proposing the redivision of an existing lot within the Summit View Estates (Lot 28) into three (3) lots. This lot is a part of a previously approved Cluster subdivision. The property has no development rights remaining other than if they utilize the new Cluster provisions found in Section 5.7.D2 of the Zoning and Land Development Ordinance (as amended March 16, 2017) or utilize the Family Transfer provisions. When this Section of the Zoning Ordinance was amended, it was anticipated that previously approved cluster subdivisions may have the opportunity to process additional lots under this new provision.

The CIS for the original Summit View Estates, revised 6/13/03, reflected a starting acreage of 448.17 acres, comprised of three adjacent parcels. This project utilized the Transfer of Development Rights (TDR) provision found in Section 5.7D of the Zoning and Land Development Ordinance.

Under the 2017 revised cluster provision, which allows one (1) lot per five (5) acres, a total of 89 lots would be permitted on the combined acreage. The following lots have been created utilizing the previous cluster provision, which allowed for one (1) lot per ten (10) acres:

- Summit View Estates = 27 Lots (Original 26 Lots + 1 additional Lot as a Minor Subdivision)
- Crest View = 15 Lots (Original 12 Lots; 3 additional lots through 2 Minor Subdivisions)
- Hy Crest Minor Subdivision = 3 Lots
- Elizabeth Dailey Minor Subdivision = 3 Lots

Total = 48 Lots Subdivided

The new cluster provision allows the creation of 41 additional lots; however, it also requires that 50% of the acreage from 1988 be retained as green space. Therefore, 224 acres of the combined parcels are required to be retained as greenspace to utilize the new cluster provisions. Therefore, of the remaining 241.49 undeveloped acres within the combined properties, 17 acres are available for additional development for a maximum of 41 lots. The proposal under consideration at this time is for three additional lots on 8.25 of those 17 acres.

2. 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” upon resubmittal.

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In addition to the Concept Plan requirements of Section 24.110 of the Subdivision Regulations, a Cluster Subdivision is required to meet the Concept Plan requirements of Section 5.7D(2)(b)(iv) and is required to process as a Major Subdivision. Up to five lots may process as a Minor Subdivision in accordance with the Subdivision Regulations. These requirements, as well as the current review status for each requirement for the Summit View Estates Cluster Plan application, are provided below:

| Required Items from Section 24.110(A-J) | Description | Staff Comments |
|--|--|---|
| B. Submission Contents | The submission shall contain the following elements: | |
| 1. General Location | A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document. | Provided (Concept Plan graphic) |
| 2. Concept Plan | A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, Plan & Plat Standards. | Provided Concept plan graphic and narrative |
| 3. Zoning Information | This shall include: a) Determination of the zoning district in which the proposed project is situated. b) Density calculations. c) Site resource map. | Provided Narrative pgs. 1, 2 & 7 - Based on 2017 Cluster provisions of Rural District |
| 4. Proposal Description | 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 – Concept Plan Graphic and Narrative |
| 5. Traffic Impact Data | This shall include: a) Average Daily Trip figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project. | Provided Narrative pgs. 2 - 3, 9 - 12 |
| Trip Generation | e) 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 waived by WV DOH. | Trip generation is less than 100 for this 3-lot subdivision of Lot 28, which will process as a Minor Subdivision. |

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| 6. Agency Reviews | The reviewing agencies found in Section 23.203 and 23.204 shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the schedule public workshop. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan. | Letters to required agencies provided. |
| 7. Adjoining Property | Accurate list of all properties and owners' addresses adjoining the subject property to be notified by staff of the date of the workshop. | Provided |
| 8. Other Data | Because this is a cluster subdivision being developed under Section 5.7D(2) of the Zoning Ordinance the Concept Plan is also required to address the following requirements: | See below |
| | (1) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses. | <u>Parcel 6</u> (119 acres): 87% of the soils are class 2 or 3 (Funkstown and Oaklet silt loam, some rocky); <u>Parcel 7</u> (113 acres): 60% of the soils are class 2 or 3 (Funkstown and Oaklet silt loam, some rocky); [Parcels 6 & 7 are primarily proposed for greenspace] <u>Parcel 3.3</u> (13.26 acres) soils are primarily Class 2 (Funkstown and Oaklet silt loam) [one lot proposed to be divided into 3 lots] |
| | (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses. | The 3 lots being proposed as a part of this subdivision are the redivision of a lot created as a part of a previously approved cluster development, using the same county approved road serving the other cluster lots. |
| 9. Other Reviews | Any other staff or agency reviews of the plans. | GIS/Addressing will approve road names |
| C. Review Content | The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies. | |

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| D. Department | <p>The Department review shall include the following:</p> <ol style="list-style-type: none"> 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. 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. 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. | <p>Staff determined that the proposed Concept Plan meets the requirements of the cluster provisions of the Zoning Ordinance and the Subdivision Regulations</p> |
| E. WVDOH | <p>The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval.</p> | <p>No preliminary plat is required for this 3-lot subdivision. It will process as a Minor Subdivision.</p> |
| F. Traffic Impact | <p>The WVDOH shall determine whether a traffic impact study will be required during the preliminary plat stage.</p> | <p>A WVDOH permit will be required prior to plat approval.</p> |
| G. Public Service | <p>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.</p> | <p>Subdivision proposed to be served by well and on-site septic systems</p> |
| H. Recommended Conditions | <p>All reviews shall contain recommended conditions for moving forward to a plat or reasons why the plat should be denied.</p> | <p>DOH and Board of Health Approval will be required before Plat approval.</p> |
| I. Approval | <p>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.</p> | <p>Planning Staff accepts the Concept Plan as complete.</p> |
| J. Effect | <p>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.</p> | <p>The Concept Plan was scheduled for a Public Workshop consistent with this requirement.</p> |

3. External Agency Reviews

- Jefferson County Historic Landmarks Commission's (JCHLC) states that they have no comments on this Concept Plan.
- WV Division of Highways (DOH) provided no comments at this time.
- As of this date, no other agency review comments have been received.

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4. Staff Recommendation related to Concept Plan

The Planning, Zoning and Engineering Staff find the Summit View Estates Cluster Concept Plan to be “complete” based on the information provided related to the criteria above; however, the following standards will need to be addressed prior to approval of the Final Plat.

- a. Division of Highways and County Health Department approval are both required prior to Final Plat approval.

Staff recommends approval of the Concept Plan with the conditions noted above which should be included in the Planning Commission motion.

Based on the Zoning Ordinance and Subdivision Regulations, noted above, this project will process as a Minor Subdivision and the next step is to process a Final Plat, which will be administratively reviewed and approved. Any further development of additional lots under this Cluster Development may require processing as a Major Subdivision.

5. 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.

Planning Department

From: Planning Department
Sent: Tuesday, October 27, 2020 2:11 PM
To: 'MARTIN BURKE'
Subject: RE: JCHLC has no comments on the Concept Plan for Summit View Estates

Good afternoon Mr. Burke,

This email is to confirm receipt of the HLC's comment(s) for the Concept Plan for Summit View Estates (20-18-SD).

Thank you and have a nice day.

Sincerely,

Jennilee Hartman
Zoning Clerk
304-728-3228

From: MARTIN BURKE <martinburke@frontiernet.net>
Sent: Tuesday, October 27, 2020 11:42 AM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: JCHLC has no comments on the Concept Plan for Summit View Estates

Public
Comments
Received

Planning Department

From: Planning Department
Sent: Wednesday, November 4, 2020 1:46 PM
To: 'Mike Mood'
Subject: RE: Hy-Crest Summit view

Good morning,

Thank you for your comments. They will be included in the 11/10/2020 Planning Commission packet.

Thank you and have a nice day.

Sincerely,

Jennilee Hartman
Zoning Clerk
304-728-3228

From: Mike Mood <middlewayvfc@aol.com>
Sent: Saturday, October 31, 2020 12:32 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Hy-Crest Summit view

Jefferson County Planning and Zoning

I just received this morning so apologies for the delay. I only have 1 concern which is not particular to this subdivision but all subdivisions being approved in non hydrated areas of the county. Houses being built in areas of the county with no fire hydrants put the occupants at greater risk in the event of a fire due to the distance from a fire hydrant, dry hydrant on a pond or water storage tank as well as the number of tankers needed to shuttle water and the distance in which they will need to go to get it and back to the fire. The more house the higher the risk and new light weight construction adds to the concern. The distance from a water source also greatly increases the insurance costs for the homeowners.

I would request future consideration of a requirement of a pond with dry hydrant or an in ground water storage tank with dry hydrant of no less then 15,000 gallons to be maintained by the community be put in place for any subdivision of 3 lots or more with in the community if it had no approved fire hydrants.

Thanks,
Mike Mood
Chief
Middleway VFC



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washing Street, 2nd Floor, P.O. Box 338
Charles Town, West Virginia 25414

File Number: 20-18-51
Staff Initials: PBB

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

The Concept Plan submitted shall be on white paper and shall show in simple form the proposed layout of lots, parking areas, recreation areas, roads, building areas, and other features in relation to each other and to the tract boundary. The Concept Plan shall be at a scale acceptable to the Engineer. Contour lines as shown on the appropriate USGS Topographic Quadrangle map should be transferred to the Concept Plan. Natural features such as woods, watercourses, hillsides, prominent rock outcroppings, sinkholes, and quarries should be highlighted. 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.

This application and a copy of the concept plan must be submitted to the Jefferson County Departments of Planning and Zoning in order to determine sufficiency. Please refer to Article 24 of the Subdivision Regulations for Concept Plan Requirements.

Property Owner Information

Name: Hy-Crest Farms LLC
Mailing Address: 1694 S Childs Road
City: Kearneysville State: WV Zip Code: 25430
Phone Number: c/o 3046768256 Email: c/o pjraco.consulting@gmail.com

Applicant's Registered Engineer or Surveyor Consultant

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

Physical Property Details

Physical Address: Lot 27 and 28 in Summit View Estates At end of Keith Drive from Shirley Road
City: Keaneyville State: WV Zip Code: 25430
Tax District: Middleway Map No: 15 Parcel No: 3.3
Parcel Size: 13.26 +/- Acres Deed Book: 1058 Page No: 292

Zoning District (please check one)

RECEIVED

SEP 25 2020

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Rural (R-A) Residential Growth (R-G) Industrial Commerical (I-C) Residential-Light Industrial-Commercial (R-L-C) Village (V)
[Checked box for Rural (R-A)]

Table with 5 columns: Submittal Date, 1st Review, 2nd Review, 3rd Review, 4th Review. Rows include County Engineer, Zoning Administrator, County Planner, Return Date.

County Engineer Approval Stamp

Hy-Crest Farms LLC
3 Lot Subdivision Concept Plan
Revised Summit View Lot 27 and Lot 28
Submission Contents
September 25, 2020

1. General Location is depicted on several attachments including the Sketch Plat and an aerial. Existing Lot 28 of Summit View is in the rear of Summit View Subdivision on Keith Drive. Lots 27 and 28 and the land around these two lots was intended for further development with access to Keith Drive as indicated by the previously approved subdivision plats and the existing 50' easements that were platted to serve the additional area.
2. Concept Plan is included with topographical information at 2 feet intervals. The Concept Plan includes all intended uses and a description of the uses. These uses include the conversion of Lot 28 into three lots and the possibility of some minor adjustments to Lot 27, such as boundary adjustment, relocation of easement, location of septic reserve, well, etc.

The Concept Plan and aerial also includes representation of existing and manmade features. The property is either tree covered or open land.

3. Zoning Information: The Property is zoned Rural. The proposed and existing uses are permitted within this zoning classification. The Sketch Plat depicts all surrounding zoning classifications (Rural District). Information required as a part of a site resource map is included with the topographical information and natural and manmade features on the concept plan sketch plat and the FEMA Panel map is also referenced and indicates that the property is not within a special hazard area. There are no known sinkholes, quarries or significant rock outcroppings. The woods are generally depicted on the concept plan. Although the contour information is not from the USGS Quadrangle Map, the contour lines are more detailed as they are in 2 feet intervals and are based on aerial photogrammetry.

This proposal includes a Cluster Subdivision as permitted and required by the Zoning Ordinance as explained in the included Zoning Density and Open Space Memo written by the Zoning Administrator. Also included in a Subdivision Map prepared by Staff that shows all of the farms included in the calculations for this cluster and the number of lots taken from contiguously owned lands by the Applicant, as required and allowed by the ordinances in effect in Jefferson County during the developments.

According to Staff, and as permitted by the current Zoning and Subdivision Ordinance, this development of 3 total lots (2 new) on the 8.26 acres will leave the Applicant the rights to create an additional 38 lots on 8.75 acres. On the balance of the properties owned by the Applicant, 224 acres will remain in open/green/farm/forest space.

4. Proposal Property Information and Description:

Total Acreage: The Tax Map shows one parcel equaling 13.26 acres. This includes the existing Lot 27 that is 5+- acres and the existing Lot 28 that includes 8.26 +- acres. Lot 27 will remain generally the same with the possibility of minor adjustments such as a boundary adjustment, relocation of easement and/or septic reserve. Lot 28 will be subdivided into three lots, which, as explained above, is the addition of 2 lots.

Acreage; Tax District, Map and Parcel Information; and, Deed Book and Page:

Middleway District:

Map 15:

Parcel 3.3 Which includes existing Lots 27 and 28. The combined acreage is 13.26 acre which includes Lot 27 which is approximately 5 acres and Lot 28 which is approximately 8.26 acres

5. Traffic Impact Data:

a. ADT for Accessing Road:

The following is the updated traffic count number from the 2017 WVDOH Traffic Count Map for Jefferson County:

Shirley Road (Route 11)

ADT = 402

Other available counts in this area of the County are shown on the attached DOH ADT Map.

b. Trip Generation

According to the Trip Generation Table in the Ordinance for single family detached, the additional two lots will not exceed 100 trips per day. In fact, all three lots will create 18 trips per day (which means an additional 12 trips per day for the two proposed new lots). Also, according to the Table, this will generate a total of 2.1 trips per peak hour (1.4 trips per peak hour for the two new lots).

Single Family Detached:

Daily Trips for 3 Dwellings = 3 units x 6 = 18 trips per day

Peak Hour Trips for 3 Detached Dwellings = 3 units x 0.7 = 2.1 trips/peak

Net New Daily Trips for the 2 additional detached dwellings = 12 trips per day

Net Peak Hour for the 2 additional detached dwellings = 1.4 trips/peak

c. Nearest Key Intersection:

The nearest key intersections are indicated on attached Highway Map:

1. Local Service Road: Shirley Road, Rt 11 and Major Collector: Summit Point Road, Rt 12;
2. Major Collector: Summit Point Road, Rt 12 and Major Collector: Leetown Road, Rt 1; and,
3. Local Service Road: Shirley Road, Rt 11 and Major Collector: Middleway Road, Rt 51.

d. Highway Problem Areas Within One Mile of Site:

No problem areas appear to be within one mile of the site. However, one problem area is within a mile from the subdivision entrance:

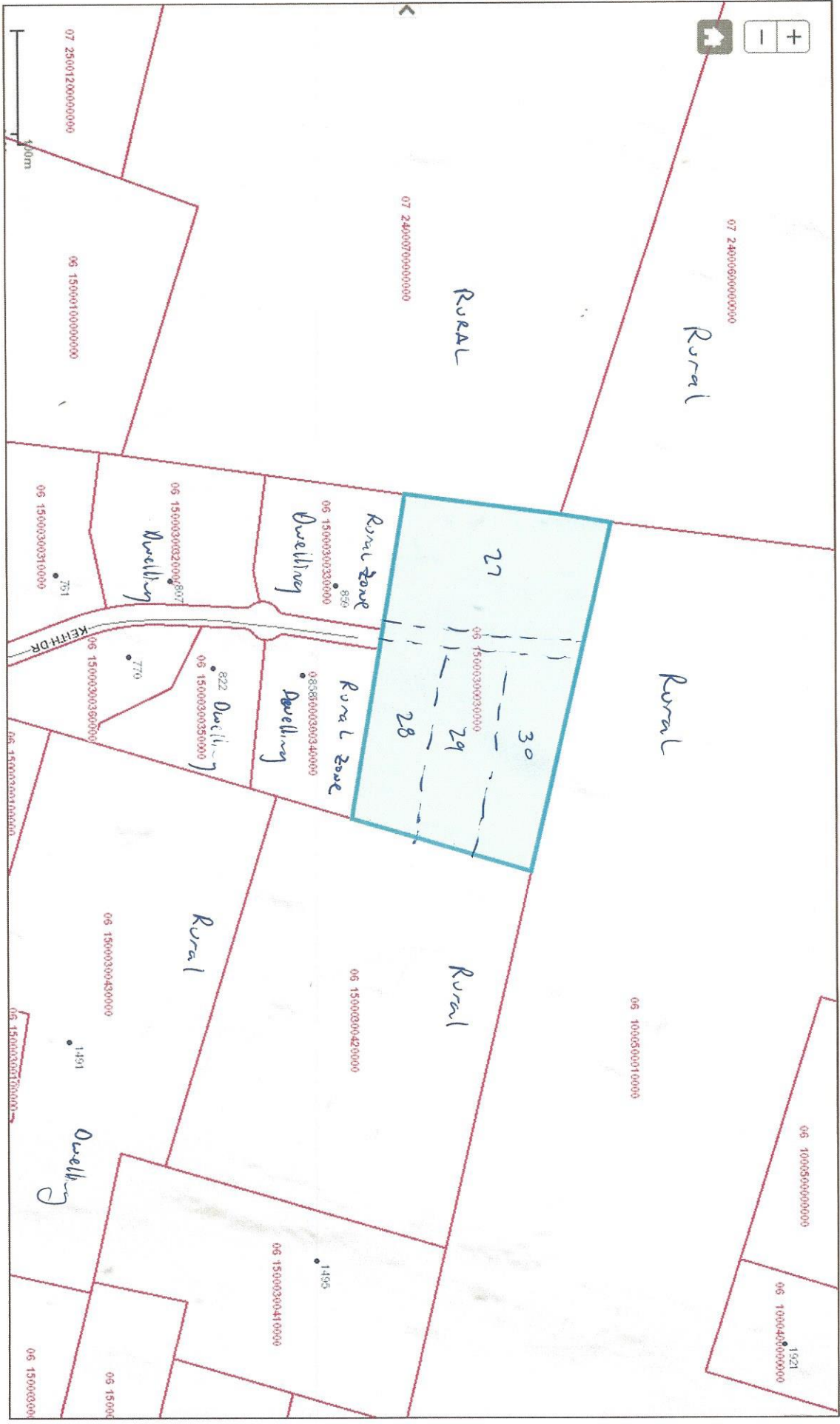
#32 as indicated on the attached Comprehensive Plan's Highway Problem Area Map. This problem area is listed as a poor intersection angle causing poor site distance at the intersection between Leetown Road (Rt 1) and Summit Point Road (Rt 12).

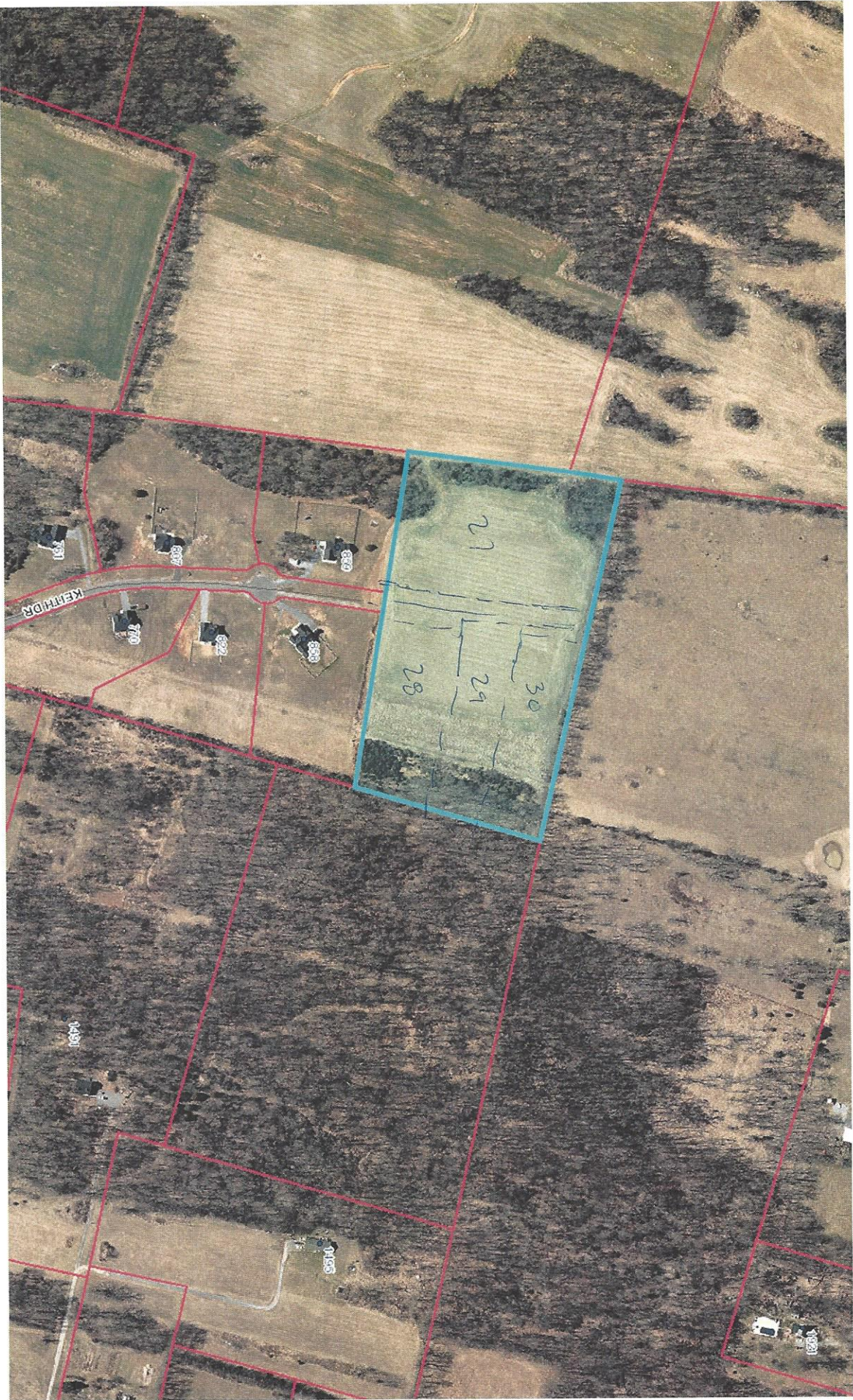
This intersection, as constructed, has existed for many years.

The required agencies will be notified when Staff approves submission completeness.

The adjacent property owners and address information are shown on Sketch Plat.

Site in Blue
Rural Zoning District





Site in Blue



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV25414

www.jeffersoncountywv.org

Email: planningdepartment@jeffersoncountywv.org

zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

To: Mr. Arnie Dailey

From: Alexandra Beaulieu, Zoning Administrator

Date: July 26, 2017

Memorandum

The CIS for Summit View Estates reflects a starting acreage of 448.17 acres, utilizing a Transfer of Development Rights (TDR) comprised of approximately three parcels.

Under the revised cluster provision, amended March 16, 2017, which allows one (1) lot per five (5) acres, 89 Lots would be permitted. The following lots have been created utilizing the previous cluster provision, which allowed for one (1) lot per ten (10) acres:

- Summit View Estates = 27 Lots (Original 26 Lots + 1 additional Lot as a Minor Subdivision)
- Crest View = 15 Lots (Original 12 Lots; 3 additional lots through 2 Minor Subdivisions)
- Hy Crest Minor Subdivision = 3 Lots
- Elizabeth Dailey Minor Subdivision = 3 Lots
- Total = 48 Lots Subdivided

The new cluster provision would allow you to create 41 more lots. However, the new cluster provision also requires that 50% of the acreage from 1988 be retained as green space, which would require 224 acres.

It appears that approximately 241 acres are undeveloped. 224 acres = green space; therefore, 17 acres are available for additional development.

Please be advised, lots created through the Family Transfer process are exempt from density. Therefore, the Green Space area would be permitted to be subdivided through the Family Transfer process.

Alexandra Beaulieu
2017-07-26

Density Cluster
Required open green
space map

* SITE
V

LOT 27
30
29
28

Hy-CREST FARMS LLC
NW DISTRICT, MAP 24, PARCEL 6
119.68± ACRES

* TOTAL PARCELS 6 & 7 = 232.99±
ACRES
224 ACRES
TO BE
GREEN TOPSOIL /
FARM SPACE

Hy-CREST FARMS, LLC
NW DISTRICT MAP 24 PARCEL 7
LOT 3 RESERVE
113.31± ACRES

Abbey Rd

Ledge Dr

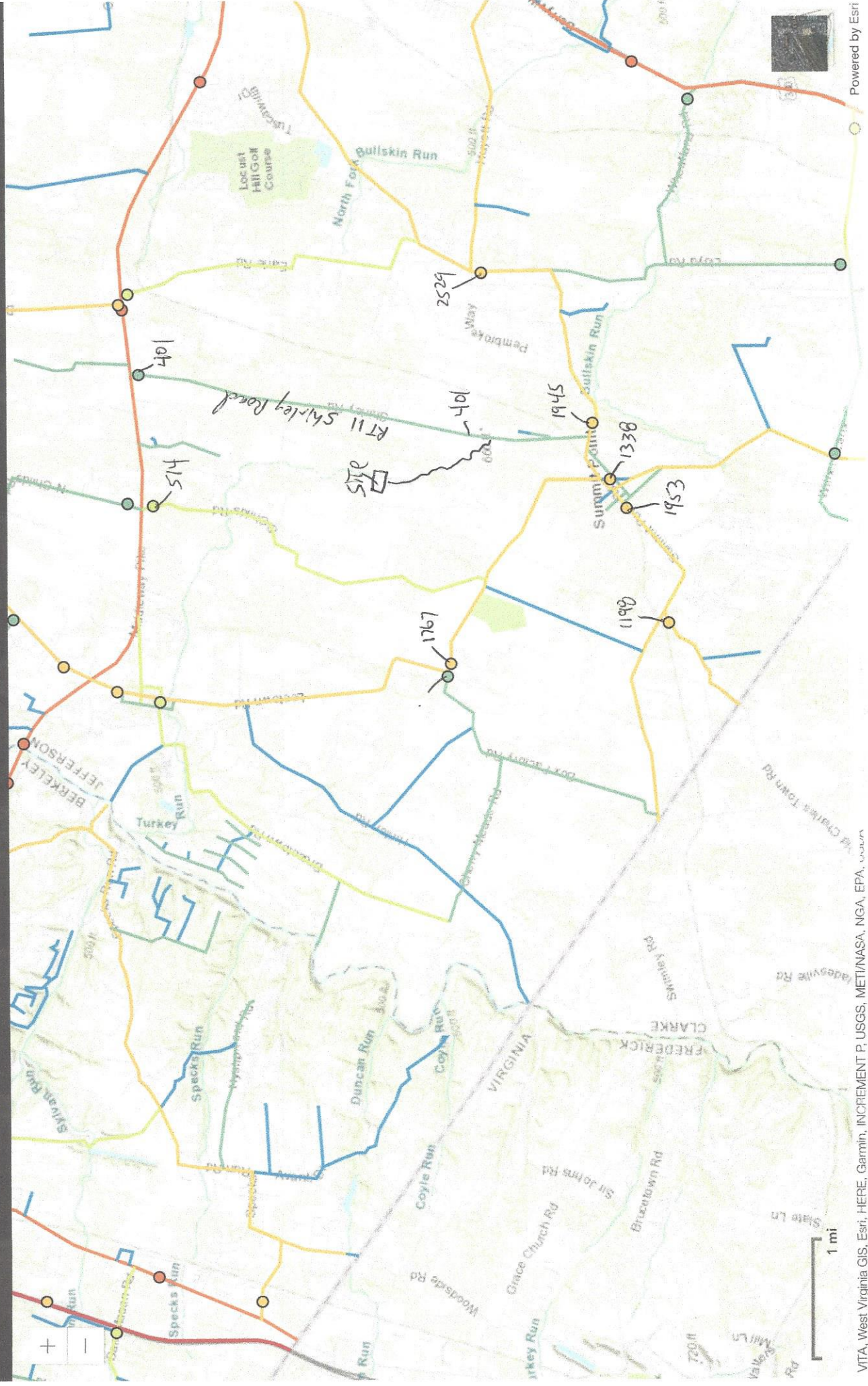
White Tail Ln

St. Johns Rd

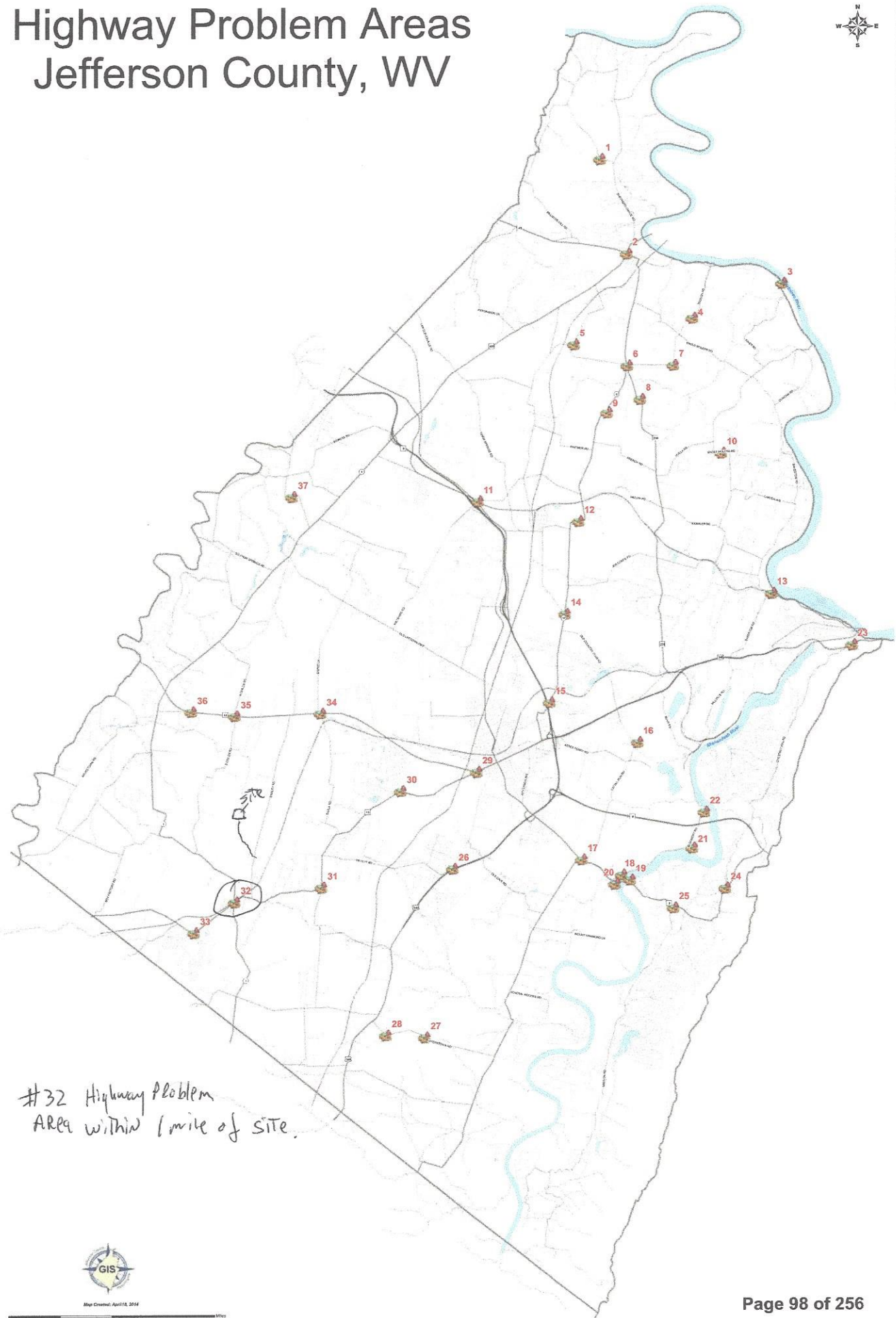


2017 WVDOT TRAFFIC COUNTS ADT MAP

Statewide Traffic Volume | WVDOT Division of Highways - Planning Division - Transportation Modeling & Analysis Unit



Highway Problem Areas Jefferson County, WV




#32 Highway Problem
Area within 1 mile of site.



Map Created: April 16, 2014



 Highway Problem Areas in Jefferson County

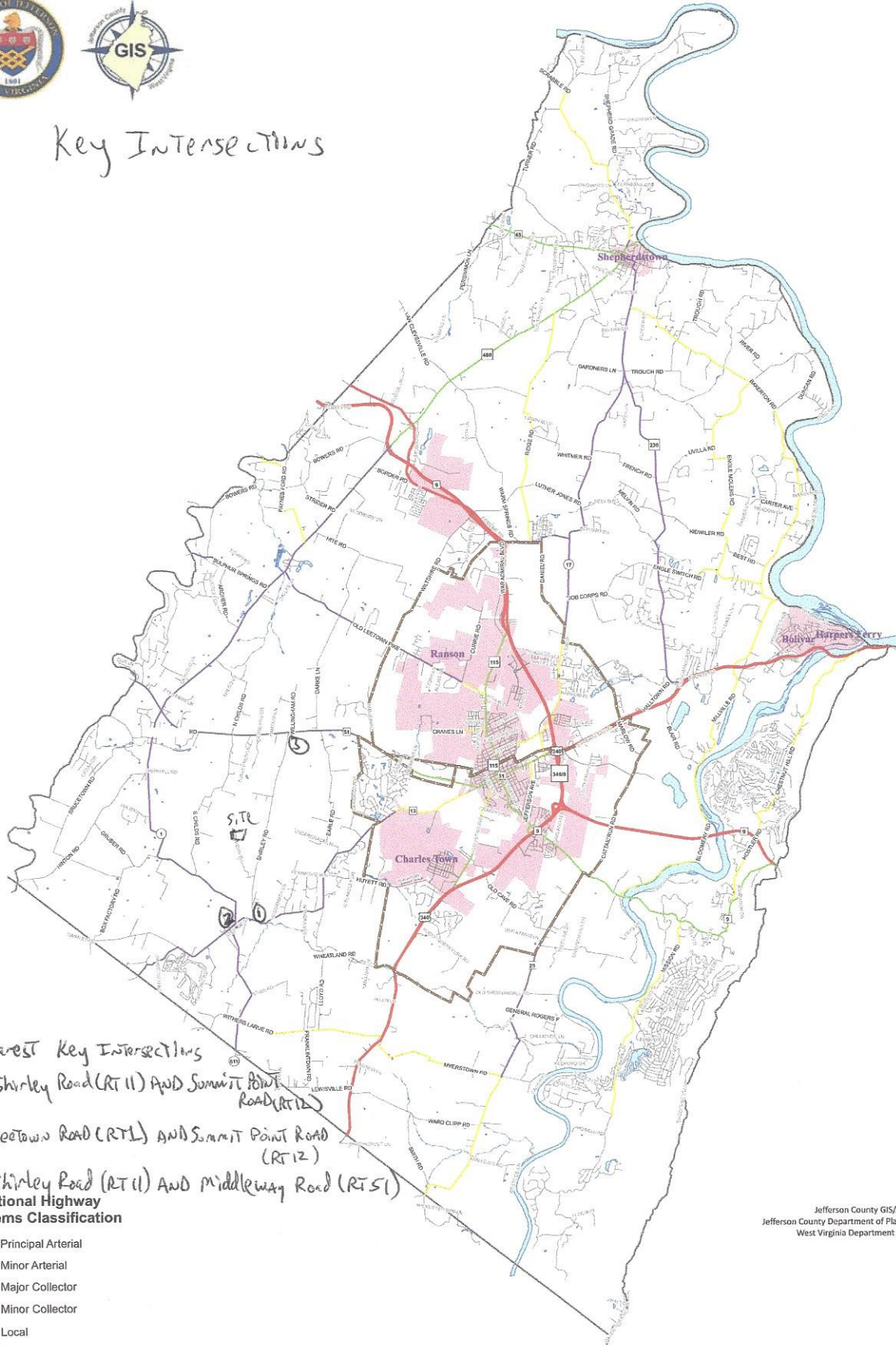
| Number | Route/Road | Location | Problem |
|--------|---|---|--|
| 1 | Scrabble Road | 1/4 mile West of Sheperherd Grade Road | 90 Degree turn |
| 2 | WV 45 | Intersection with WV 480, WV 45 and WV 230 | Road width through historic area limits turn movements |
| 3 | River Road | Near Potomac Ridge Lane | Prone to flooding |
| 4 | Trough Road | One mile east of WV 230 | 90 Degree turn |
| 5 | Ridge Road | Intersection with Gardners Lane | Poor intersection angle causing poor visibility |
| 6 | Intersection of WV 230 and Flowing Springs Road | Intersection of WV 230, Flowing Springs Road, Gardners Lane and Trough Road | High number of access and turning movements, visibility constraints |
| 7 | Trough Road | 1/2 mile north of Engle Molers | Two 90 degree turns |
| 8 | WV 230 | 1 mile south of Flowing Springs Rd | S Curve |
| 9 | Flowing Springs Road | Approximately 1 south of WV 230 intersection | Curve |
| 10 | Engle Molers Road | 1/4 mile south of Uvilla | Two 90 degree turns |
| 11 | Luther Jones Road | Intersection with Wiltshire Road and Old Charlestown Road | Limited stacking area at light due to tracks. Development is expected to take place in this area over next two decades |
| 12 | Flowing Springs Road | Approximately 700 feet north of Shenandoah Junction Road | Two 90 degree turns |
| 13 | Bakerton Road | Bakerton Road Tunnel | Sharp Curve, Poor Sight Distance, One Lane Tunnel |
| 14 | Daniel Road | Intersection with Flowing Springs Road just north of Old Country Club Road | Poor intersection angle causing poor visibility |
| 15 | Sun Road | Intersection with WV 9 West | No merge lane on Route 9 |
| 16 | Cattail Run Road | Intersection with Marlow RD and Cattail RD | 90 Degree turn |
| 17 | Cattail Run Road | At intersection with WV 115 | Poor sight distance pulling onto WV 115 |
| 18 | Bloomery Road | 1,000 north of WV 115 | Within 100 Year Floodplain, periodic flooding |
| 19 | Wilt Road | From WV 115 at to dead end | Within 100 Year Floodplain, periodic flooding |
| 20 | John Rissler Road | From WV 115 at Bloomery to dead end | Within 100 Year Floodplain, periodic flooding |
| 21 | Bloomery Road | 2,500 South of Rt. 9 tunnel | 90 Degree turn |
| 22 | Bloomery Road | 1,250 north of WV 115 | 90 Degree turn |
| 23 | US 340 and Chestnut Hill Road | Intersection with Chestnut Hill Road | Inadequate Turning Area onto Chestnut Hill Road; Poor intersection angle causing poor visibility, steep slope |
| 24 | WV 115 | At Chestnut Hill | Poor intersection angle causing poor visibility |
| 25 | WV 115 | At Mission Road | Multiple Accident Location Long dead-end road with only 1 point of ingress/egress |
| 26 | Augustine Ave | Intersection with US 340 | Adjacent intersection with Hyuett Road may lead to stacking during peak hours. |
| 27 | Meyerstown Road | One mile east of US 340 | Two 90 degree turns |
| 28 | Meyerstown Road | 1/2 mile east of US 340 | 90 degree turn |
| 29 | Summit Point Road | Intersection with WV 51 (Washington St) | Poor intersection angle causing poor visibility, intersection at capacity |
| 30 | Summit Point Road | Near Lindsay Drive | 90 Degree turn |
| 31 | Summit Point Road | Intersection with Lloyd Road | 90 Degree Turn |
| 32 | Summit Point Road | At intersection with Leetown Road and Summit Point Road | Poor intersection angle causing poor visibility |
| 33 | Summit Point Road | In vicinity of Summit Point Raceway | 90 Degree turn |
| 34 | WV 51 | Intersection with Earl and Darke Lane | Misalignment of intersection |
| 35 | WV 51 | Intersection with Childs Road | Poor sight distance turning onto WV 51 |
| 36 | Old Middleway Road | Intersection with WV 51 | Poor sight distance and intersection angle |
| 37 | Paynes Ford Road | 3,500 feet west of Leetown Road | Two 90 degree turns |



DRAFT



Key Intersections



- * Nearest Key Intersections
1. Shirley Road (RT 11) AND Summit Point Road (RT 12)
 2. Leetown Road (RTL) AND Summit Point Road (RT 12)
 3. Shirley Road (RT 11) AND Middleway Road (RT 51)
- Functional Highway Systems Classification

- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local
- Urban Growth Boundaries
- Towns

Data Sources:
 Jefferson County GIS/Addressing Office
 Jefferson County Department of Planning and Zoning
 West Virginia Department of Transportation



Roadway Classification Map Envision Jefferson 2035

Land Capability Classification

The land capability classification of map units in the survey area is shown in this table. This classification shows, in a general way, the suitability of soils for most kinds of field crops (United States Department of Agriculture, Soil Conservation Service, 1961). Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations designed to show suitability and limitations of groups of soils for rangeland, for forestland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels: capability class, subclass, and unit.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

- Class 1 soils have slight limitations that restrict their use.
- Class 2 soils have moderate limitations that restrict the choice of plants or that require moderate conservation practices.
- Class 3 soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both.
- Class 4 soils have very severe limitations that restrict the choice of plants or that require very careful management, or both.
- Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.
- Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Capability subclasses are soil groups within one class. They are designated by adding a small letter, *e*, *w*, *s*, or *c*, to the class numeral, for example, 2*e*. The letter *e* shows that the main hazard is the risk of erosion unless close-growing plant cover is maintained; *w* shows that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage); *s* shows that the soil is limited mainly because it is shallow, droughty, or stony; and *c*, used in only some parts of the United States, shows that the chief limitation is climate that is very cold or very dry.

In class 1 there are no subclasses because the soils of this class have few limitations. Class 5 contains only the subclasses indicated by *w*, *s*, or *c* because the soils in class 5 are subject to little or no erosion.

Report—Land Capability Classification

| Land Capability Classification—Jefferson County, West Virginia | | | | |
|--|------------------|----------------------|--------------------------|-----------|
| Map unit symbol and name | Pct. of map unit | Component name | Land Capability Subclass | |
| | | | Nonirrigated | Irrigated |
| Fk—Funkstown silt loam | | | | |
| | 85 | Funkstown, silt loam | 2w | — |
| OaB—Oaklet silt loam, 3 to 8 percent slopes | | | | |
| | 70 | Oaklet, silt loam | 2e | — |
| OeC—Oaklet silt loam, 8 to 15 percent slopes, very rocky | | | | |
| | 65 | Oaklet, silt loam | 3e | — |
| OrB—Oaklet-Rock outcrop complex, 3 to 8 percent slopes | | | | |
| | 60 | Oaklet, silt loam | 6s | — |
| | 15 | Rock outcrop | — | — |
| OrC—Oaklet-Rock outcrop complex, 8 to 15 percent slopes | | | | |
| | 55 | Oaklet, silt loam | 6s | — |
| | 20 | Rock outcrop | — | — |

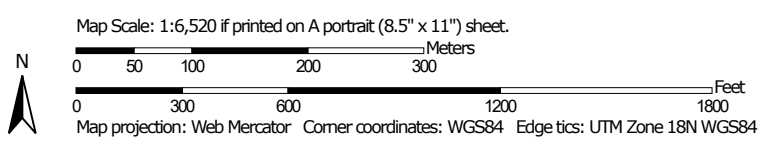
Data Source Information

Soil Survey Area: Jefferson County, West Virginia
 Survey Area Data: Version 14, Jun 3, 2020

Soil Map—Jefferson County, West Virginia
(Summit View Estates Parcel 6)




Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Jefferson County, West Virginia
Survey Area Data: Version 14, Jun 3, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

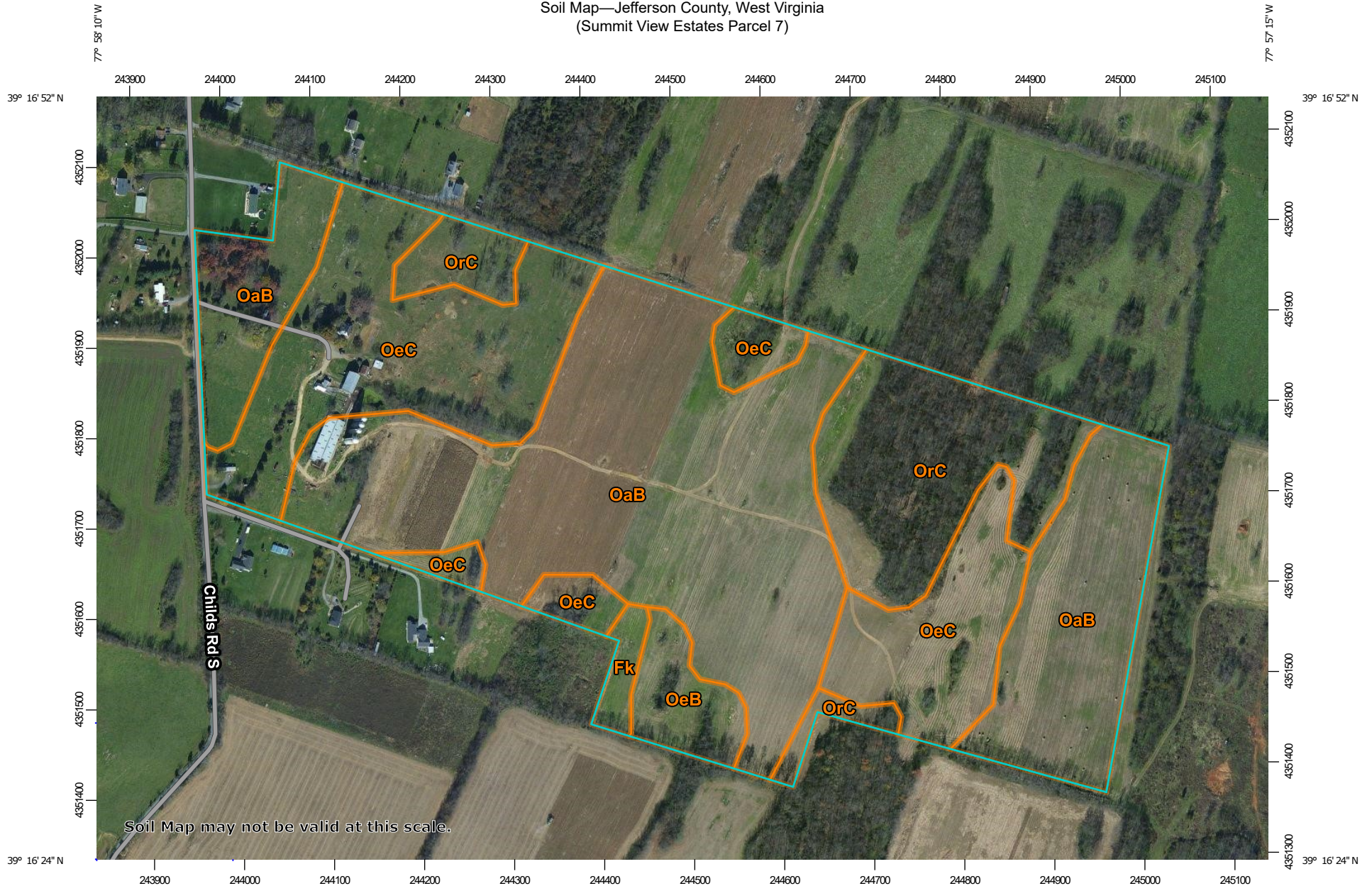
Date(s) aerial images were photographed: Apr 14, 2011—Nov 6, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

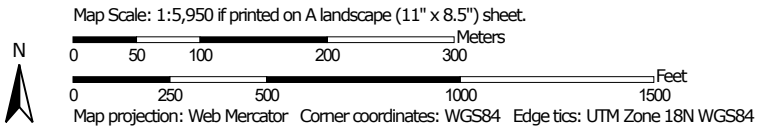
Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|--|--------------|----------------|
| Fk | Funkstown silt loam | 17.9 | 15.2% |
| OaB | Oaklet silt loam, 3 to 8 percent slopes | 41.0 | 34.8% |
| OeC | Oaklet silt loam, 8 to 15 percent slopes, very rocky | 43.6 | 37.0% |
| OrB | Oaklet-Rock outcrop complex, 3 to 8 percent slopes | 1.9 | 1.6% |
| OrC | Oaklet-Rock outcrop complex, 8 to 15 percent slopes | 13.4 | 11.4% |
| Totals for Area of Interest | | 117.8 | 100.0% |

Soil Map—Jefferson County, West Virginia
(Summit View Estates Parcel 7)




Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

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Please rely on the bar scale on each map sheet for map measurements.

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Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

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Survey Area Data: Version 14, Jun 3, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

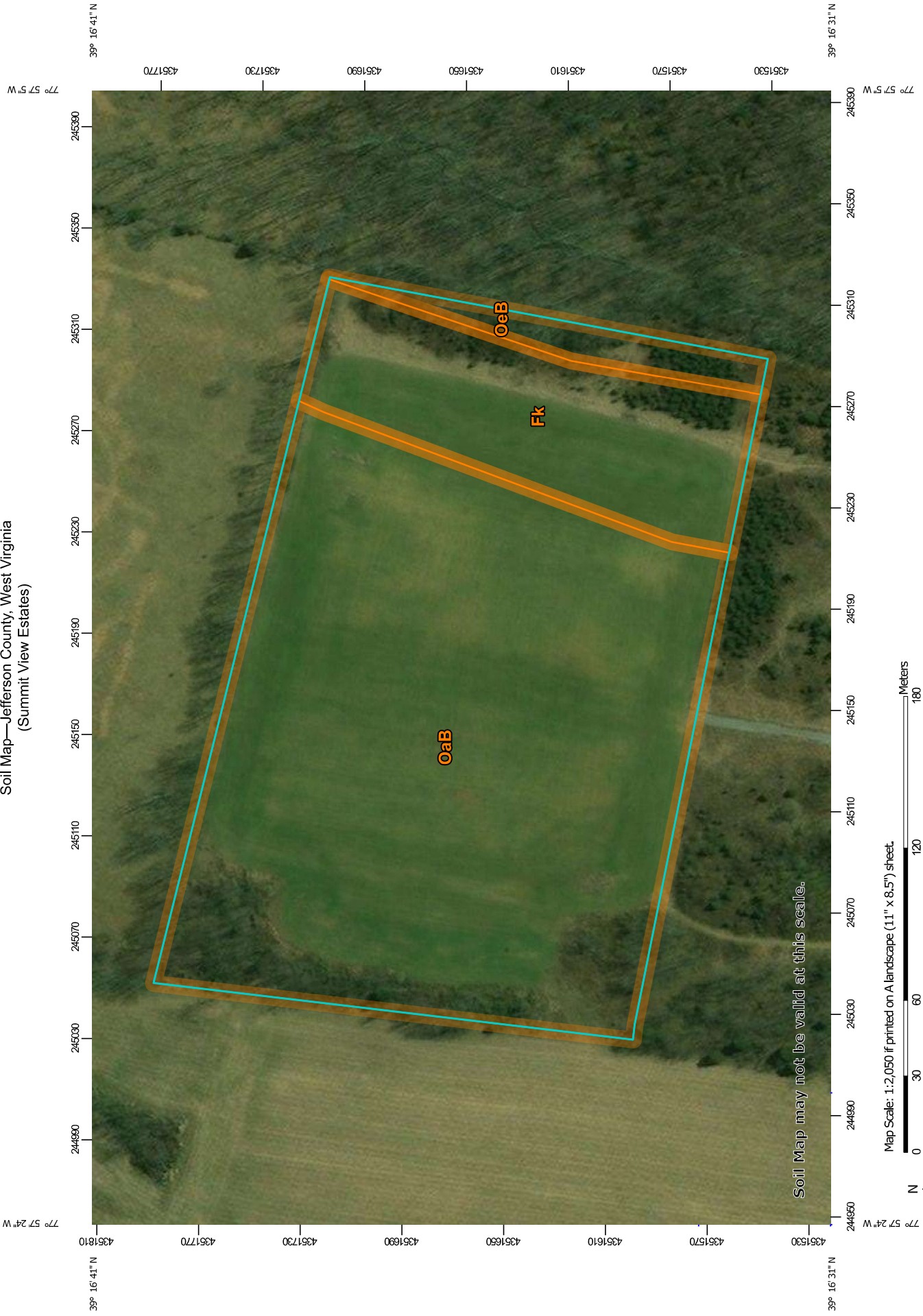
Date(s) aerial images were photographed: Apr 14, 2011—Nov 6, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|--|--------------|----------------|
| Fk | Funkstown silt loam | 1.2 | 1.1% |
| OaB | Oaklet silt loam, 3 to 8 percent slopes | 57.5 | 53.0% |
| OeB | Oaklet silt loam, 3 to 8 percent slopes, very rocky | 3.4 | 3.1% |
| OeC | Oaklet silt loam, 8 to 15 percent slopes, very rocky | 29.9 | 27.6% |
| OrC | Oaklet-Rock outcrop complex, 8 to 15 percent slopes | 16.5 | 15.2% |
| Totals for Area of Interest | | 108.5 | 100.0% |

Soil Map—Jefferson County, West Virginia
(Summit View Estates)




Soil Map may not be valid at this scale.

Map Scale: 1:2,050 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

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Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Jefferson County, West Virginia

Survey Area Data: Version 14, Jun 3, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 25, 2014—Mar 10, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|---|--------------|----------------|
| Fk | Funkstown silt loam | 2.4 | 19.2% |
| OaB | Oaklet silt loam, 3 to 8 percent slopes | 9.7 | 77.0% |
| OeB | Oaklet silt loam, 3 to 8 percent slopes, very rocky | 0.5 | 3.7% |
| Totals for Area of Interest | | 12.6 | 100.0% |

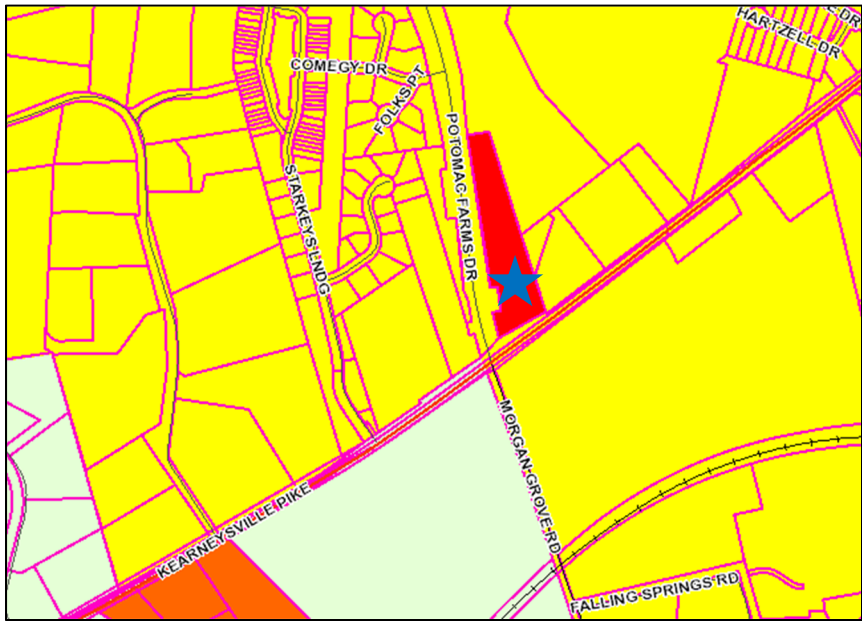
Staff Report

Jefferson County Planning Commission

November 10, 2020

Shepherdstown Professional Center (20-7-SP)

Item #5: Public Workshop (File# 20-7-SP): Concept Plan for a Shepherdstown Professional Center (a Major Non-Residential Site Development). The proposal consists of one two-story building with 5,100 sf retail space (first floor) and 5,100 office space (second story); one 6,000 sf single-story building divided into six (6) 1,000 sf retail/office units, associated parking spaces and signage.

| | |
|---|---|
| Applicant: | Rankin Properties, LLC |
| Owner/Developer: | Same as above |
| Surveyor/Engineer: | Alpha Associates |
| Property Location: | Vacant parcel on the northeast corner at the intersection of Potomac Farms Dr. and Kearneysville Pike (Route 480). |
| Parcel Information and Zoning District: | <p style="text-align: center;">Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 8.1 (Parcel ID: 09000800080001); Size: 3.56 acres; Zoning District: General Commercial</p>  |
| Surrounding Zoning: | <p><i>North:</i> Residential Growth <i>South:</i> Rural (park) & Residential Growth <i>East:</i> Residential Growth <i>West:</i> Residential Growth</p> |
| Proposed Activity: | A two-story building with 5,100 sf retail space (first floor) and 5,100 office space (second story); a 6,000 sf single-story building divided into six (6) 1,000 sf retail/office units and associated parking spaces and signage |
| Concept Plan Status: | <p>Submitted: 09/25/2020 Sufficiency Letter, with conditions: 10/05/2020 Resubmitted for Completeness: 10/06/2020 Deemed Complete: 10/09/2020</p> |
| Previous Approvals: | <ul style="list-style-type: none"> • Zoning Map Amendment for Rankin Properties, LLC from Residential Growth to General Commercial (CC approve 11/16/71) • CUP#Z07-03 Shepherdstown Professional Center, two-story commercial building with approximately 24,640 sq.ft. (2008; expired) |

Staff Report

Jefferson County Planning Commission

November 10, 2020

Shepherdstown Professional Center (20-7-SP)

Introduction and Summary of Request

The applicant is proposing the construction of the Shepherdstown Professional Center (a Major Non-Residential Site Development). The proposal consists of one two-story building with 5,100 sf retail space (first floor) and 5,100 office space (second story); one 6,000 sf single-story building divided into six (6) 1,000 sf retail/office units, associated parking spaces and signage. The proposed uses fall under “Professional Office” and “Shopping Center” as defined in Article 2 of the Zoning Ordinance. Per Appendix C, a Professional Office is a Principal Permitted Use in the General Commercial zoning district.

The property is located on the northwest corner of Kearneysville Pike (WV 480) and Potomac Farms Drive (Alternate 45). The property will be served by Shepherdstown water and wastewater facilities and is proposed to have a two access points off Potomac Farms Drive (pending WV DOH approval). The applicant is also proposing a few parking spaces for the use of bike path along Potomac Farms Drive.

Note that in accordance with Section 4.6B of the Zoning Ordinance, all portions of the proposed commercial use will be required to be setback 75 feet from any lot in the Residential Growth district (northern and eastern boundaries).

Site Plan Category

The site development associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.204 requires developments that “require the development of new infrastructure or the extension of off-tract infrastructure” process as a Major Site Development and further states that all Major Site Development shall adhere to Full Site Plan requirements. A Concept Plan is the first step in a Major Site Development. The applicant is also requesting a Waiver to be permitted to process as a Minor Site Plan with a Concept Plan, which will also require a Public Hearing on tonight’s agenda.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of the applicant’s Concept Plan, Staff found the submitted plan “sufficient” (i.e. meeting all requirements of Section 24.106 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed retail building application, are provided below:

| | Description | Status |
|-----------------------|---|----------|
| 1. General Location | A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document. | Provided |
| 2. Concept Plan | In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> . | Provided |
| 3. Zoning Information | a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map d) Use designation for all adjoin and confronting parcels | Provided |

Staff Report
Jefferson County Planning Commission
November 10, 2020
Shepherdstown Professional Center (20-7-SP)

| | | |
|--------------------------------|---|--|
| 4. Proposal Description | 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 in Concept Plan application |
| 5. Traffic Impact Data | <ul style="list-style-type: none"> a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project. | Provided on Concept Plan: Alt WV 45: 3,987ADT; WV 480 6,557 ADT Trip generation: 27 peak hour and 1,381 ADT |
| 6. Traffic Study | A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan. | A Traffic Impact Study may be required by WV DOH but no response has been received at this time |
| 7. Agency Reviews | The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review. | Letters to required agencies provided. Responses received are below. |
| D. Department | <p>The Department review shall include the following:</p> <ul style="list-style-type: none"> 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan. | Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Major Site Plan. |
| E./F. WVDOH | WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5. | WVDOH has not yet determined if a Traffic Study is required. |
| G. Public Service | 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. | This project is proposed to be served by Shepherdstown public water and sewer with connections to the north. |

Staff Report

Jefferson County Planning Commission

November 10, 2020

Shepherdstown Professional Center (20-7-SP)

| | | |
|----------------------------------|--|-----------|
| H. Recommended Conditions | All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied. | See below |
|----------------------------------|--|-----------|

Concept Plan Review

1. External Agency Reviews (attached)

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

- The Jefferson County Historic Landmarks Commission (JCHLC) sent a letter (10/20/20) stating they are concerned about the visual impact of a two-story building at this corner entrance to Shepherdstown and the amount of parking proposed. The letter further details historic resources in the area and recommends some design changes.
- The Shepherdstown Water and Sewer Board has indicated that they can serve the property but have not settled on where the interconnection should occur. A main line extension needs to be submitted to Shepherdstown Water and Sewer Board for their approval.
- WVDOH indicated that the only comments they had on the Concept Plan at this time is the parking proposed in the WV DOH right-of-way. Note that this is proposed to serve the bike path and may be discussed further with the WV DOH.

As of this date, no other agency review comments have been received.

2. Staff Recommendation related to Concept Plan

The Subdivision Regulations state that unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff is required to accept or deny the concept plan as complete. Upon accepting the application as complete, Planning staff is required to place it on the next possible Planning Commission agenda as a public workshop, which is advertised at least fourteen (14) days in advance of the meeting and posted on the property.

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Shepherdstown Professional Center Concept Plan at the corner of WV480 and Alt WV 45) to be “complete” based on the information provided related to the criteria above; however, the following standards will need to be addressed prior to approval of the Site Plan:

- a. Based on the Subdivision Regulations, noted above, the site plan will process as a Major Site Development, unless a waiver of process is approved by the Planning Commission.
- b. WV DOH approval and Utility permits from the Corporation of Shepherdstown will be required in conjunction with the Site Plan.

3. Planning Commission Direction

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

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

Staff Report

Jefferson County Planning Commission

November 10, 2020

Shepherdstown Professional Center (20-7-SP)

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

Section 24.121 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Major Site Plan Concept Plan review:

“The Planning Commission shall direct the preparation of a Site Plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.”

It should be noted that the direction provided to the applicant in the Major Site Plan 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.



October 20, 2020

Richard Klein
Alpha Associates Inc.
535 W. King Street
Martinsburg, WV 25401

Re: Jefferson County Concept Plan Submittal - Shepherdstown Professional Center

Dear Mr. Klein,

I reviewed the Concept Plan for the Shepherdstown Professional Center, submitted to JCHLC by Alpha Associates Inc. of Martinsburg, West Virginia dated September 25, 2020. The Concept Plan outlines the site plan and topography for the Professional Center; a building with parking lots situated on Potomac Farms Drive Shepherdstown, West Virginia. I noticed that the Corporation of Shepherdstown was not among the reviewing agencies, but the land is within the Urban Growth Boundary for Shepherdstown.

Within the Area of Potential Effect (APE), a one half mile radius, of the planned development there are a wealth of historic resources; two National Register Historic Districts, Shepherdstown and Morgan Grove, the core of a Federally recognized Civil War Battlefield known as the Williamsport Action that was fought along Kearneysville Pike, multiple National Register listed homes including *Rose Lawn* and *Falling Waters* and a number of Class III businesses and residences. Fortunately, there are no Historic Resources located on the development parcel described in the submitted documents.

JCHLC is most concerned about the visual impact of a two-story building at the corner of a small lot with an attached strip mall located at the entrance to the oldest town in West Virginia. Although design review is not required under the JC Zoning Ordinance, this is a case where any building design should be submitted to the Corporation of Shepherdstown for review. A few recommendations: reduce the number parking places. I'm aware the number parking places is set in the Zoning regulations, go to the Board of Zoning Appeals and ask for a variance. Add more plantings along Potomac Farms Road to screen the building from the road. Redesign the signage and convert to a monument type for all businesses in the mall. Take advantage of the increasing residential density in the area and encourage walking/biking to the businesses that occupy the buildings. Toll House Woods, a 69-house development, already approved, will be built just across Kearneysville Pike from the site. Also, the new Shepherdstown Library is about to start construction which will draw foot traffic to the area. In conclusion, design a building that is sensitive to the historic nature of the area.

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

Martin Burke
Chair, JCHLC

cc: Ms. Jennifer Brockman, Jefferson County Planning Department (via email)

Planning Department

From: Planning Department
Sent: Tuesday, October 27, 2020 2:12 PM
To: 'MARTIN BURKE'
Subject: RE: Review of concept plan - Shepherdstown Professional Center

Good afternoon Mr. Burke,

This email is to confirm receipt of the HLC's comment(s) for the Concept Plan for Shepherdstown Professional Center (20-7-SP).

Thank you and have a nice day.

Sincerely,

Jennilee Hartman
Zoning Clerk
304-728-3228

From: MARTIN BURKE <martinburke@frontiernet.net>
Sent: Tuesday, October 27, 2020 9:48 AM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Review of concept plan - Shepherdstown Professional Center

See attached

Jennilee Hartman

From: Frank Welch <fwelch@shepherdstown.us>
Sent: Wednesday, October 28, 2020 8:56 AM
To: Jennifer Brockman
Subject: RE: Shepherdstown Professional Center Concept Plan (480 and Alt 45)

Hi Jennie,

I have that project on the agenda for this Thursday's Water/Sewer Board meeting. I really don't have a problem with the project hooking on both water and sewer, except for the fact of where they are going to hook. They have not applied for any Mainline Extension as of yet.



Frank Welch
Public Works Director
Shepherdstown Public Works
409 E. High St.
PO Box 248
Shepherdstown, WV 25443-0248
Email: fwelch@shepherdstown.us
Phone: 304-876-3322
Cell: 304-702-2895
Fax 304-876-9207

From: Jennifer Brockman
Sent: Tuesday, October 27, 2020 6:49 PM
To: Frank Welch
Cc: Andy Beall ; Planning Department
Subject: Shepherdstown Professional Center Concept Plan (480 and Alt 45)

Frank

I am completing the staff report for this Concept Plan which will be heard at the November 10th Planning Commission meeting and had not received any comments from Shepherdstown Water and Sewer Offices so I wanted to check in with you to ask if you have any concerns or comments about serving this property with water and sewer.

The proposed project is one two-story building with 5,100 sf retail space (first floor) and 5,100 office space (second story); one 6,000 sf single-story building divided into six (6) 1,000 sf retail/office units. If you did not receive a copy of the Concept Plan please let me know.

Thanks
Jennie

Jennifer M. Brockman, AICP
County Planner
Jefferson County Office of Planning and Zoning
116 E. Washington St
Charles Town, WV 25414
304-728-3228
planningdepartment@jeffersoncountywv.org

Jennilee Hartman

From: Willis, Trixie A <Trixie.A.Willis@wv.gov>
Sent: Wednesday, October 28, 2020 10:54 AM
To: 'Richard Klein'
Cc: Jennifer Brockman
Subject: Shepherdstown Professional Center - WV 45 Alt

WVDOH is OK with the concept plan of the subject project. However, we request parking be eliminated from WVDOH right of way.

The Developer will need to provide a full site plan for further review before a permit can be issued.

Thanks,

Trixie Willis
Entrance Permit Reviewer
(Mineral & Jefferson counties)
2120 Northwestern Turnpike
P.O. Box 99
Burlington, WV 26710
681-320-2039

Public
Comments
Received



Hagerstown/Eastern Panhandle Metropolitan Planning Organization

33 W. Washington St., 4th Floor, Suite 402, Hagerstown, MD 21740

Phone: 240-313-2080, Fax: 240-313-2084

www.hepmo.net

November 2, 2020

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

Re: Comments on Proposed Shepherdstown Professional Center Concept Plan

It is the intent of this letter to provide comments from the Hagerstown/Eastern Panhandle MPO on the proposed Shepherdstown Professional Center for your consideration as part of the project's November 10, 2020 Public Workshop.

In review of the project concept plan dated 9-25-2020 and prepared by Alpha Associates Inc., HEPMPO appreciates the Developer's foresight to multimodal planning as evident in the proposed connections from the development to the existing separated multi-use path on Potomac Farms Drive.

The MPO would like to offer for the Developer's consideration extending the Potomac Farms Drive path's southern terminus further south to the Kearneysville Pike intersection. This extension would be approximately 220' and consistent with preliminary plans for the Shepherdstown Path Project (see attached).


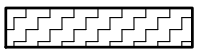
Extending the Potomac Farms Path will help enhance community quality of life by allowing a safe alternative transportation route to Morgan's Grove Park, the area's largest park. The park includes playgrounds, soccer fields, volleyball courts, pavilions, trails, as well as a historic spring house and placards. This extension will also help connect Morgan's Grove Park to the new Shepherdstown Public Library.

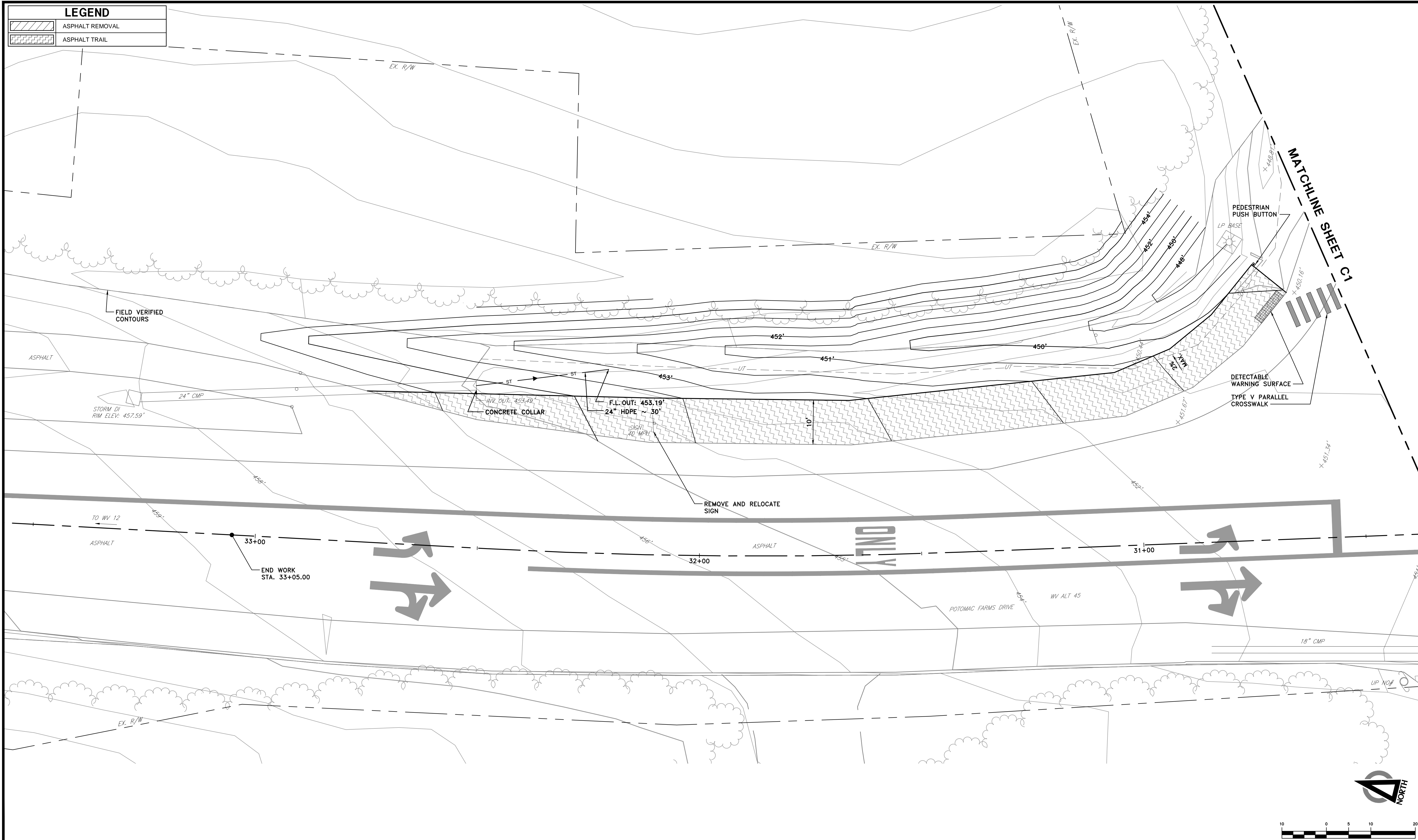
The planned Shepherdstown Path Project and the potential extension of the Potomac Farm Drive Path are consistent with the Jefferson County Comprehensive Plan, the Jefferson County Master Parks Plan, the Corporation of Shepherdstown Comprehensive Plan and the HEPMPO Regional Bicycle Plan (see attached).

If Developer agrees, HEPMPO would be happy to coordinate with WVDOT and County staff on finalizing any needed agreements or details as appropriate to help complete this important bicycle and pedestrian connection.

Sincerely,

Matthew T. Mullenax, GISP
Executive Director

| LEGEND | |
|---|-----------------|
|  | ASPHALT REMOVAL |
|  | ASPHALT TRAIL |



| REVISION NUMBER | REVISIONS | DATE | BY |
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Chapman Technical Group
a division of GRW

AIRPORT PLANNING / DEVELOPMENT
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St. Albans, WV (304) 727-9501
Buckhannon, WV (304) 472-8914
Martinsburg, WV (304) 260-1222

www.chaptech.com


PROJECT INFORMATION

Shepherdstown Bicycle/Pedestrian Trail
WV 480 Kearneysville Pike
Jefferson County, West Virginia

PLAN SHEET

SEAL

- PRELIMINARY -
NOT FOR
CONSTRUCTION

| | |
|--------------|---|
| JOB NUMBER: | 14016 |
| SCALE: | 1" = 10' |
| DATE: | JANUARY 2018 |
| DRAWN BY: | FLB |
| DESIGNED BY: | RJK |
| CHECKED BY: | JEB |
| SHEET NO. | REVISION |
| C1A |  |

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|----|--|
| | a. Ensure additional buffering, landscaping, and placemaking features at gateway areas and along the roadway corridors are provided that would enhance the entrance into the County. |
| | b. Encourage early and effective communication between the County Commission and the WVDOH for proposed road improvements and projects in the County. |
| | c. Encourage the WVDOH to identify preferred alternatives and required ROW and communicate with local planning staff as early as possible to minimize conflict with future development. |
| 5. | Coordinate with the WVDOH and state and local emergency service agencies to identify additional points of ingress and egress for mountain communities off of Mission Road. |
| | a. Encourage the WVDOH and state and local emergency service agencies to work with Virginia or other appropriate agencies to develop an implementation strategy and identify funding for these additional points of ingress and egress. |
| 6. | Coordinate with Virginia and Maryland state transportation agencies to identify ways to improve mobility within the US 340 corridor in the Harpers Ferry area. |
| 7. | Strengthen provisions in the County's Subdivision and Land Development Regulations to accomplish the following: |
| | a. Provide for the incremental construction of sidewalks and bicycle and pedestrian paths in and between new and existing neighborhoods as development occurs. |
| | b. Require commercial developers to enhance sidewalks, bicycle, and pedestrian paths accessibility, and visibility within their developments. |
| | c. Strive to provide connectivity between bike and pedestrian paths that pass through or connect to adjacent new and existing residential developments. |
| 8. | Coordinate with planning efforts underway by a variety of stakeholder groups to identify and build a series of multi-use trails connecting the County's municipalities, villages, schools, and parks, as well as developing connections to adjacent counties for commuter and recreational purposes. |
| | a. Collaborate with the WVDOH to allow pedestrian and bike trails to be constructed within the right-of-way where appropriate. |
| | b. Collaborate with CSX and Norfolk Southern Railways to allow pedestrian and bike trails to be constructed within railroad rights-of way. |
| | c. Negotiate for future highway widening projects of state and federal roadways to require the provision of multi-use trails that could serve as trunk lines for a countywide trail system. |
| | d. Design future trails and pathways to balance the mobility needs of County residents with the preservation of natural and historic features. |

Eastern Panhandle Transit Authority (EPTA, previously known as PanTran)

EPTA provides service to Jefferson County with several weekday round trips between the Harpers Ferry and Charles Town/Ranson areas and the Veterans Administration hospital in Berkeley County. In addition, a shuttle service between Martinsburg and Shepherd University also serves as a circulator around the Shepherd campus throughout the day. EPTA provides limited Demand Response Services allowing people with disabilities to be served off the regular route in Jefferson County. More information on the EPTA services related to MARC can be found in this section on page 110.

While both the population of Jefferson County and the number of students enrolled at Shepherd University have grown over the years, EPTA has been unable to expand transit service to meet the growing needs or to provide a connection between the Shepherdstown and Charles Town/Ranson areas. Financial constraints that limit existing services in turn discourage residents and visitors from utilizing EPTA. With numerous subdivisions proposed along Flowing Springs Road and Wildwood Middle School and Jefferson High School located along this corridor, it is recommended that EPTA service be extended along the Flowing Springs/Shepherdstown Pike corridor to connect Shepherdstown to Charles Town/Ranson.

Sidewalks and Trails

Jefferson County road corridors should be designed to include sidewalks and trails as a part of new developments and along state roadways. The creation of the pedestrian/bike trail along Route 9 highway from Martinsburg to Ranson, and from Charles Town to the Virginia State line has been a significant asset to the County for both recreational and commuter bicyclists and pedestrians. Elsewhere in the County, pedestrian/bike trails are available in some subdivisions, parks, tourist sites, and along other short stretches of state roads in the County. A challenge in creating sidewalks and trails is that the West Virginia Department of Transportation typically does not permit pedestrian/bike trails in their right-of-way unless the state installs the sidewalk, or the sidewalk is owned by a municipality. Otherwise, the pedestrian/bike trail must be outside of the state right-of-way. There are similar issues to putting trails within active railroad rights-of-way and would require coordination with the individual railroad companies to accommodate these goals. Creating pedestrian/bike paths will allow people without a motor vehicle safer commuter options. Future multi-use paths should consider incorporating the use of Segways, golf carts, scooters, bike taxis, and eco-electric personal transports in a manner that is compatible with the pedestrian and bicycle users.

There are currently efforts underway in Jefferson County to expand the trail, pedestrian, and biking network. The Corporation of Shepherdstown has recently received a grant from the West Virginia Recreational Trail Fund Program and the federal Transportation Alternatives Program to construct a one-half mile long bike path between the existing bike path beside Alternate WV 45 and Minden Lane. The Corporation of Harpers Ferry Parks and Recreation Committee has developed plans

for a Greenway Trail Connector to connect the surrounding trail network including Maryland Heights, C & O Canal, Appalachian Trail, Loudon Heights, Bolivar Heights, battlefield sites, and ultimately Jefferson County utilizing Town owned property and rights of way.

Additionally, the Eastern Panhandle Trailblazers is a three-county citizens group which exists to facilitate walking, running, bicycling, and wheeling opportunities by developing trail infrastructure to enhance health, recreation, transportation, safety, tourism, and economic development for residents and visitors. The Eastern Panhandle Trailblazers has a goal to develop a recreation trail from Harpers Ferry to Hancock. They are collaborating with the Harpers Ferry National Historical Park and the Town of Harpers Ferry to develop a trail along Potomac Street Extended. County residents have expressed interest in additional networks of trails. The State is currently updating its 2002 state trails plan which may identify additional trails in Jefferson County.

Where pedestrian and bike trails do not exist along the roadways, pedestrians and bicyclists are obliged to use small shoulder areas or the grass. Many roads in the County do not have paved or graveled shoulders. This limits the desirability of walking or biking in these locations. Creating bike and pedestrian interconnectivity between subdivisions and/or commercial developments enhances mobility and accessibility. This type of improvement increases the ability for someone without access to a private automobile to access their homes, school, employment, medical appointments, shops, and services.

The increased availability of sidewalks and trails would encourage:

- greater transportation options;
- health, wellness and safety of residents;
- reduced transportation costs for both communities and for residents; and
- a greater sense of community.

By working to create a more balanced approach to transportation and by better connecting neighborhoods together, there will be a positive impact to the physical and mental health of residents and visitors.

Commuter Transit












Maryland and Washington, D.C.

Jefferson County and the Eastern Panhandle have access to commuter rail via the Maryland Area Regional Commuter (MARC) Brunswick Line. As of the end of 2013, MARC has three round trips per day between Martinsburg and Union Station in Washington, D.C. that stop at stations in Duffields and Harpers Ferry. In addition, there is an evening shuttle service via EPTA from the Brunswick station to the three stations in West Virginia for two additional outbound trains, allowing workers that use an early or late train to have a guaranteed ride back to their vehicle. Ridership to the three WV stations had an average daily ridership of 488 people between 2008 and 2012. Maintaining MARC services is an important asset to the local economy and

| Education Recommendations (Goal 22) | |
|--|--|
| 1. | Encourage the Jefferson County Board of Education (JCBOE) to include County and municipal agencies on future facility plans and redistricting efforts and ensure that these planning efforts include the potential collaboration of new educational and other public facilities. |
| 2. | Encourage the JCBOE and relevant government agencies, notably the State School Building Authority, to continue to jointly fund and utilize existing and future school facilities. |
| | a. Continue the use of impact fees at an appropriate level to enable the schools to keep up with the projected increases in student population. |
| | b. Encourage the County Commission to support excess levy initiatives to expand the educational capacity of the County. |
| 3. | Continue to work with the West Virginia Department of Education and the local State delegation to re-evaluate the funding formula related to state based educational aid schools in order to create a quality Jefferson County public school system. |
| 4. | Site, when possible, new public and private schools in locations that are walkable and/or bikeable to the neighborhoods that the school serves. |
| 5. | Collaborate with others to construct sidewalks and/or multi-use pathways in order to connect public and private schools to nearby communities, neighborhoods, and to countywide trail, park and recreational facilities. |
| 6. | Continue and expand before and after care programs at the County's public schools, including child care during school hours for school-age parents, by providing adequate space on site. |
| 7. | Expand life-long learning opportunities to meet a variety of interests in community and local government activities. |
| 8. | Recognize the roles of private education, distance learning, and home schooling in Jefferson County in providing non-traditional opportunities for students. |
| 9. | Continue and expand education programs for students interested in agriculture-based occupations, such as Future Farmers of America. |
| | a. Consider working with secondary and institutions of higher education to create educational programs that would tie into agricultural marketing and the production of value added products. |
| 10. | Expand education opportunities for students and adult learners who are interested in skilled trade programs and specialized areas of higher education in a variety of disciplines in order to create a flexible, resilient workforce. |
| | a. Encourage legislation to establish trade programs in local school systems. |
| | b. Support the provision of resources and opportunities to students who are interested in exploring a career in a skilled trades program in addition to existing college prep curriculum. |
| | c. Foster partnership with vocational schools and a mentor-to-work program with employers looking for employees with skilled trades training. |

MAP 5.4 PROPOSED TRAILS AND GREENWAYS

LEGEND

-  Rail Lines
-  Existing Designated Trail Route
-  Proposed Dedicated On-Road Route
-  Proposed Multi-Use Trail Route
-  Proposed On-Road Portion of a Trail Route
-  State Boundary
-  Jefferson County Boundary
-  Incorporated Areas
-  American Battlefield Protection Program
-  Greenway Corridors (Recreation/Conservation)
-  Public Park Lands

- 1. **Morgan Grove Park**
- 2. Hite Road Park (Not Developed)
- 3. Leetown Park
- 4. Harvest Hills Park (Not Developed)
- 5. Sam Michael's Park
- 6. Bolivar Nature Park
- 7. South Jefferson (Summit Point) Park
- 8. Moulton Park
- 9. Heather Marriott Park (Not Developed)
- 10. Mount Mission Park
- 11. Potomac Riverfront Park (Proposed)
- 12. Jefferson County Solid Waste Authority Fairgrounds

City Parks

- A. Marcus Field
- B. Flowing Springs Park
- C. Briar Run Park
- D. Evitts Run Park
- E. Willingham Knolls Park
- F. Jefferson Memorial Park
- G. Bolivar Community Park
- H. James Rumsey Monument Park
- I. Cullison Park
- J. Viola Devonshire Park
- K. Bane-Harris Park
- L. Riverside Park

State Parks

- M. Shannondale Springs WMA West
- N. Shannondale Springs WMA East

Federal Parks

- O. Harpers Ferry NHP
- P. Appalachian Trail
- Q. C&O Canal
- R. Maryland Heights Park
- S. Antietam National Battlefield



*map not to scale



An interconnected, safe and accessible network of pedestrian and bicycle infrastructure will span the entire community and connect it to the larger region.

1.1 Require Pedestrian and Bicycle Infrastructure

STRATEGY: Continue to enforce development regulations that require the inclusion of bicycle and pedestrian facilities in the design of new streets.

JUSTIFICATION: Shepherdstown is a community in which biking and walking are an integral part of life. As new development occurs, it is imperative that the town continue to require the provision of infrastructure to allow for safe biking and walking to help support this aspect of Shepherdstown's high quality of life. The provision of this type of infrastructure also has the added benefit of reducing overall demand for parking, decreasing the number of car trips necessary (thereby saving energy and reducing air pollution, and contributed to a healthier lifestyle.

1.2 Develop a Regional Bicycle and Pedestrian Plan

STRATEGY: Work with the MPO, WVDOT and other local governments in the region to develop a regional bicycle and pedestrian plan.

JUSTIFICATION: Integrating the town's pedestrian and bicycle network into a larger regional network, with connections to destinations outside of the corporate limits, will contribute to the ability of Shepherdstown's residents to have greater access to external destinations and promote tourism, particularly bicycle tourism. As part of a regionally integrated plan for bicycle and pedestrian infrastructure, the town and its partners should also be more successful in leveraging state and federal funds to construct both internal and regional connections.



This map identifies the potential locations of the primary bicycle and pedestrian routes in town and through the greater Shepherdstown area. Routes and portions of routes that are in closest proximity to the corporate limits are generally designated for mixed pedestrian and bicycle use, while the more rural routes would likely be utilized as bicycle routes only.

- ● ● Multi-Use Routes
- ● ● Bicycle Routes

Conceptual Bicycle and Pedestrian Plan Primary Route Map

1.3 Develop Greenway Trails

STRATEGY: Identify corridors for the establishment of greenway trails in and around Shepherdstown, and work to acquire easements for the construction of trails along those corridors.

JUSTIFICATION: As land is developed, the community will often lose opportunities to establish greenway trail connections if adequate plans are not in place to establish them prior to development. Once development occurs, acquiring easements for trails can be a difficult and expensive proposition, leading to lost opportunities to make critical connections between neighborhoods and regional destinations.

1.4 Regional Coordination for Greenway Development

STRATEGY: Encourage Jefferson County to participate in the identification of greenway corridors and to require the dedication of easements for greenway corridors in the area around Shepherdstown.

JUSTIFICATION: Like other bicycle and pedestrian facilities, greenway trails can provide important regional connections.

Collaborating with Jefferson County to identify and develop these corridors will ensure a greater degree of connectivity throughout the area and ensure that new development outside of the corporate limits can be connected to a larger regional greenway network.

1.5 Install Shared Lane Markings for Bicycles

STRATEGY: Explore options for the retrofitting of bicycle routes with pavement markings indicating road sharing requirements where dedicated bicycle lanes are not feasible.

JUSTIFICATION: Adding pavement markings along routes used by bicycle riders that remind drivers of the requirement to share the road will help to improve safety for bike riders and increase awareness of the presence of bicycles on these routes. Since the development of dedicated bike lanes or off-road paths can take years to complete, this is a cost effective interim solution to the need to provide accommodation for bicycles on more heavily traveled routes.



1.6

Require Bicycle Parking Facilities

STRATEGY: Amend commercial development regulations to require dedicated bicycle parking wherever off-street automobile parking is provided.

JUSTIFICATION: Being a bike friendly community means not only having on-road facilities for bike riders to be able to safely travel between destinations, but also a way for them to safely and securely park their bicycles once they arrive. The lack of adequate bicycle parking can discourage biking for purposes other than recreation, or lead to bikes being parked in locations that are not appropriate for that use. Like automobile parking, providing sufficient space for bike riders should become a standard part of the development process.

1.7

Expand Public Bicycle Parking Facilities

STRATEGY: Develop a public bicycle parking facilities plan and install bicycle parking facilities in accordance with the plan.

JUSTIFICATION: Not all of the community's needs for bicycle parking can be met through the provision of privately developed

facilities. Planning for the installation of public bike parking facilities in locations such as downtown, at parks and in other public spaces / destinations will help to fill in gaps in available resources, encourage biking as a form of transportation, and most importantly, demonstrate the community's ongoing commitment to biking as an alternate form of transportation.

1.8

Expand Bicycle and Pedestrian Access to Schools

STRATEGY: Participate in the State's Safe Routes to School program to assist in the development of policies, programs and funding for the improvement of pedestrian and bicycle access to local schools.

JUSTIFICATION: The Safe Routes to Schools program provides an opportunity to leverage grant funds to develop or improve pedestrian and bicycle facilities between neighborhoods and schools. Ensuring that safe access is provided for children to walk or ride a bike to school contributes to the community's quality of life by reducing the reliance on parents to drive children to school while also teaching children good walking and biking habits that can lead to a lifetime of preference of choosing these forms of transportation over driving. The policies and programs that participation in Safe Routes to School provides access to

also help the community support walking and biking in addition to the funding of infrastructure.

1.9 Improve Bicycle and Pedestrian Connections

STRATEGY: Collaborate with WVDOT and Jefferson County to improve bicycle and pedestrian connections between the core of the town and parks, schools shopping areas that are located outside of town.

JUSTIFICATION: Since many of the destinations that residents of Shepherdstown want to access on foot or by bicycle are located outside of the corporate limits of the town, the cooperation and participation by the county and WVDOT will be necessary to help improve these routes. Improving access to these destinations will help to reduce car trips and support a healthy and active lifestyle for residents of the town as well as residents of the unincorporated areas around town.

1.10 Improve Pedestrian Safety

STRATEGY: Identify opportunities to increase pedestrian safety

through the use of appropriately placed pedestrian warning signage and high visibility pedestrian crosswalks.

JUSTIFICATION: As the town works to support pedestrian travel as a means of transportation, ensuring the safety of walkers will be important to maintaining confidence in residents' ability to walk rather than drive to destinations around town. Adding and improving crosswalks, installing pavement markings and adding warning signage increase the visibility of pedestrian activity areas and helps to build awareness among motorists of the need to be mindful of pedestrians and drive safely .

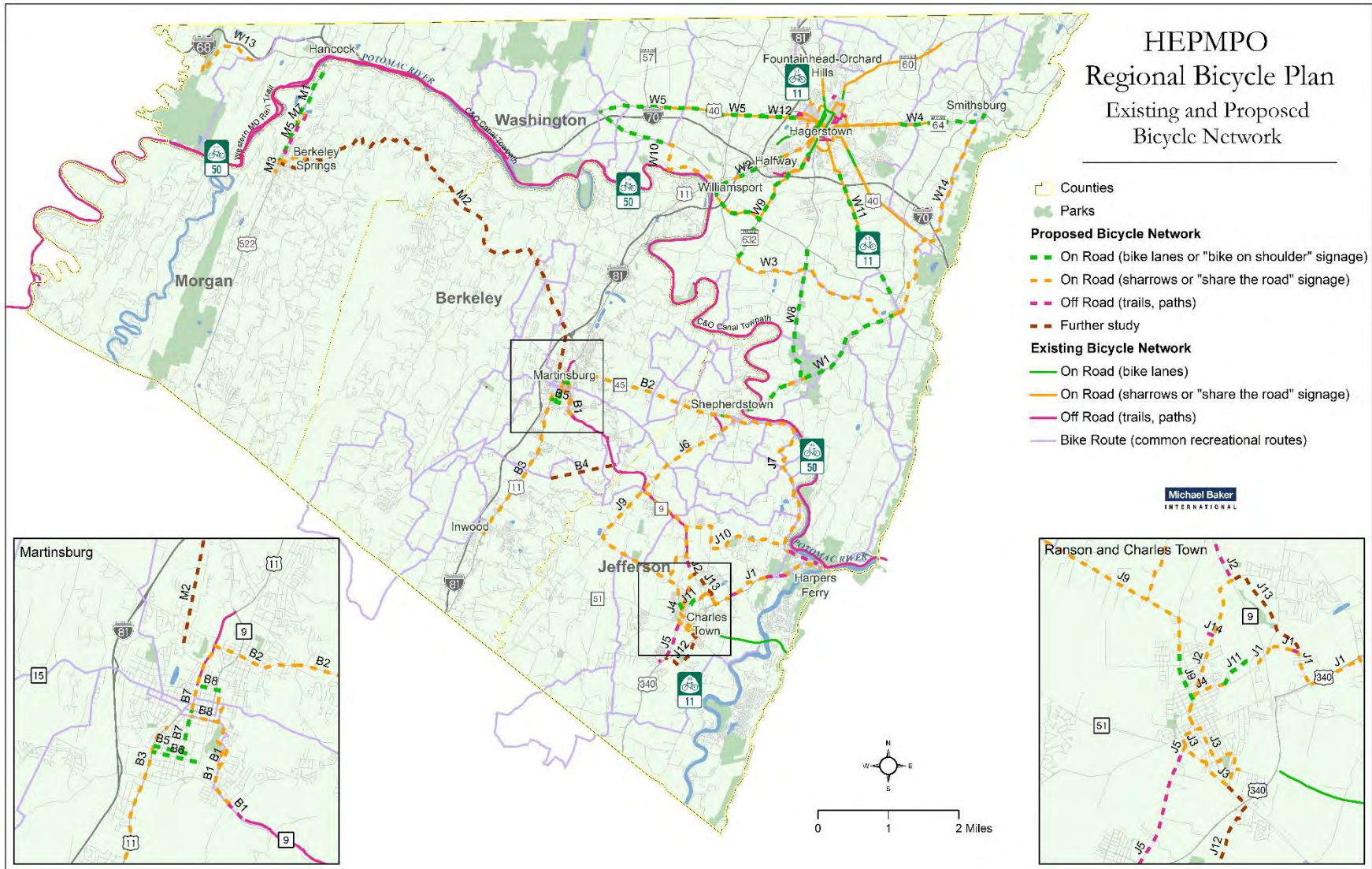
1.11 Develop a Community Bike Sharing Program

STRATEGY: Explore opportunities for creating a local bike-sharing program that could be used by residents, tourists and Shepherd University students.

JUSTIFICATION: Installing either free or paid bicycle sharing stations at key locations in the town, including on the campus of Shepherd University will help to increase participation in biking as an alternate form of transportation in the community and encourage active and healthy lifestyles. Bike sharing also allows

REGIONAL BICYCLE PLAN

FIGURE 17: THE EXISTING AND PROPOSED BICYCLE NETWORK





JEFFERSON COUNTY, WEST VIRGINIA

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

File Number: _____
Staff Initials: _____
Total Fee(s): _____

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: MR. CHRISTOPHER RANKIN, SHEPHERDSTOWN PROFESSIONAL CENTER
Mailing Address: 99 MADDEX SQUARE, SHEPHERDSTOWN, WV 25443
Phone Number: 304-876-1313 Email: cc@christiancaine.com

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

Name: MR. RICHARD KLEIN, PE. ALPHA ASSOCIATES, INC.
Mailing Address: 535 WEST KING STREET, MARTINSBURG, WV 25401
Phone Number: 304-264-0051 Email: Richard.klein@thinkalphafirst.com

Physical Property Details

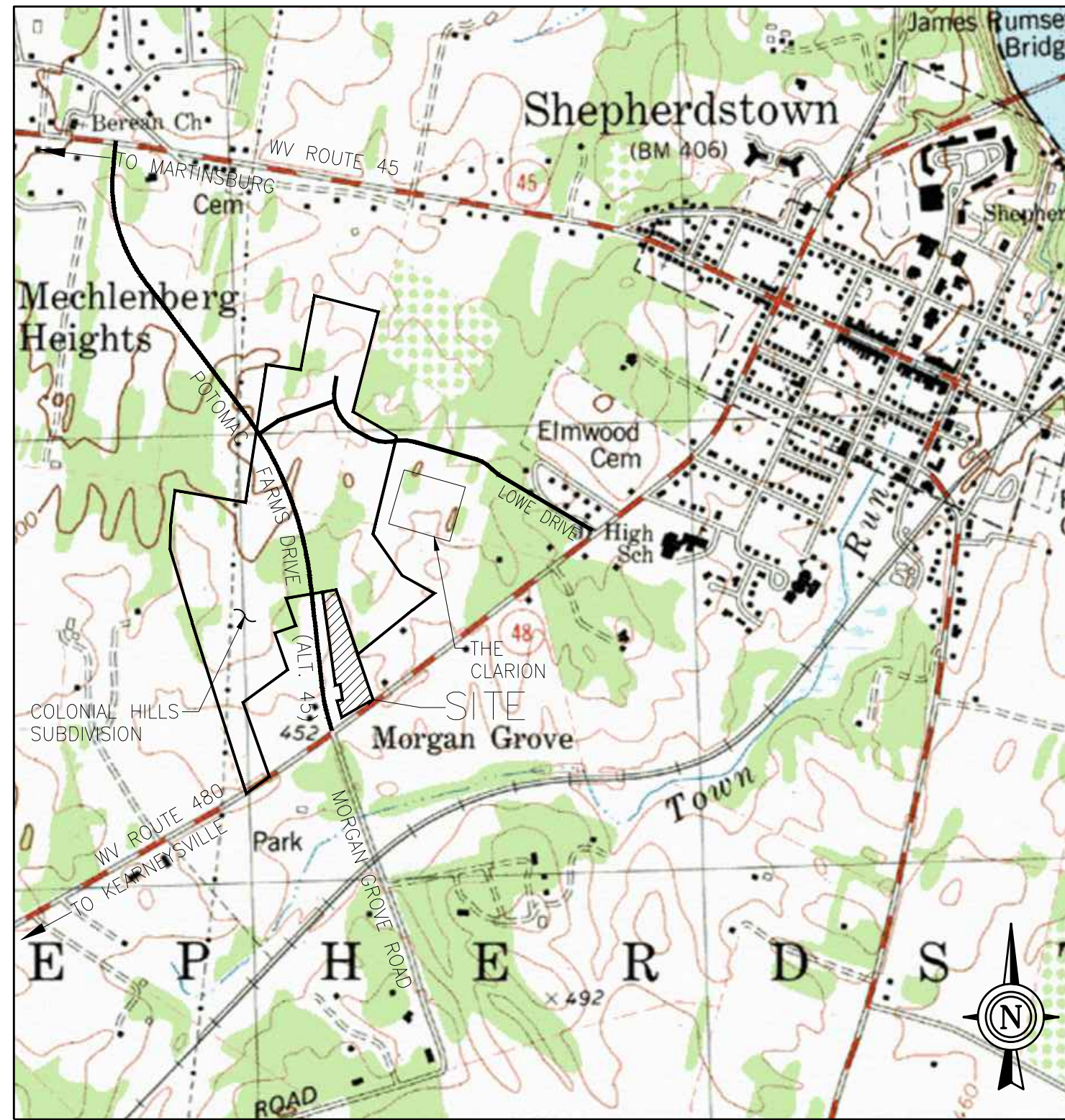
Physical Address: vacant property
City: Shepherdstown State: WV Zip Code: 25443
Tax District: Shepherdstown Map No: 8 Parcel No: 8.1
Parcel Size: 3.562 Deed Book: 1015 Page No: 89

Zoning District (please check one)

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

[Signature] 9/25/2020
Signature of Property Owner Date

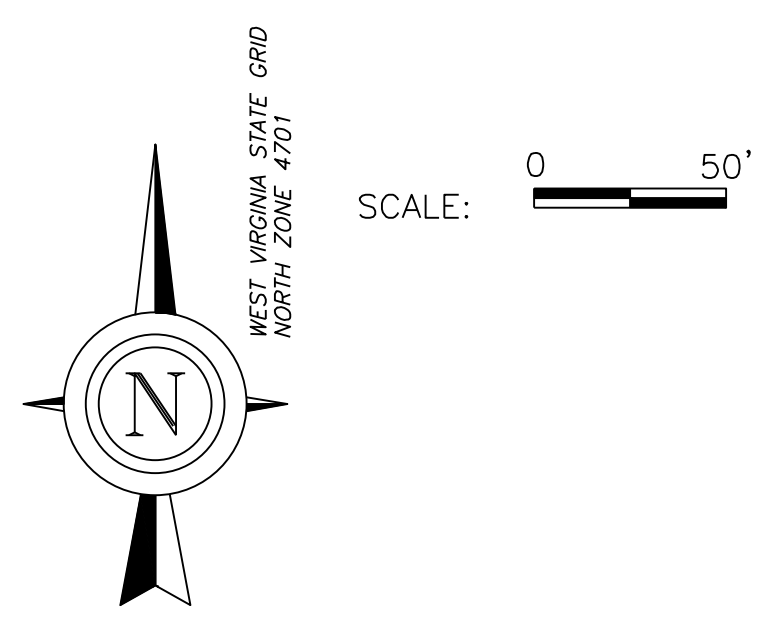
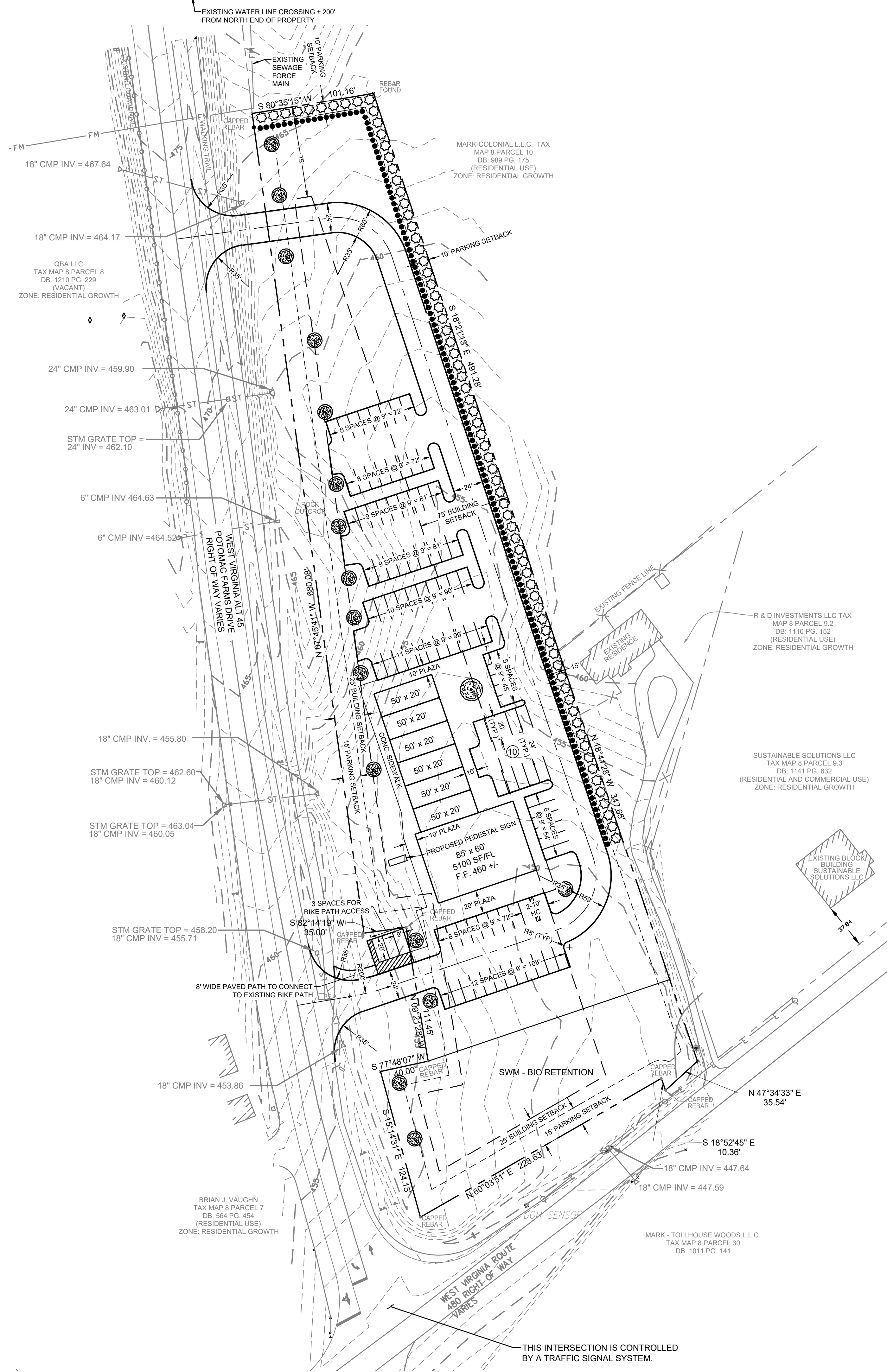
[Signature] 9/25/2020
Signature of Property Owner Date



SITE LOCATION MAP
SCALE 1" = 1000'

SYMBOLS, LINETYPES & ABBREVIATIONS

| | |
|--|-------------------------------|
| | EXISTING RIGHT-OF-WAY |
| | PROPOSED SETBACK |
| | EXISTING FENCE |
| | EXISTING GUARDRAIL |
| | ADJOINING PROPERTY LINE |
| | PROPERTY LINE |
| | EXISTING ROAD CENTERLINE |
| | PROPOSED ROAD CENTERLINE |
| | PROPOSED BACK OF CURB |
| | PROPOSED FACE OF CURB |
| | EXISTING ROAD |
| | PROPOSED ROAD |
| | EXISTING SIDEWALK |
| | PROPOSED SIDEWALK |
| | EXISTING INDEX CONTOUR |
| | EXISTING INTERMEDIATE CONTOUR |
| | EXISTING STORM DRAIN LINE |
| | EXISTING ELECTRIC LINE |
| | BUILDING |
| | EXISTING BUILDING |
| | PROPOSED TREES/BUSHES |
| | EXISTING DRAINAGE INLET |
| | EXISTING METAL END SECTION |
| | EXISTING POWER POLE |
| | EXISTING SIGN |



- NOTES:
1. SITE IS ZONED GC (GENERAL COMMERCIAL)
 2. TRACT AREA:
± 3.562 ACRES
 3. TOPOGRAPHY IS BASED ON FIELD SURVEY BY ALPHA ASSOCIATES, INC. MAY, 2006.
 4. PROPOSED USAGE:
RETAIL AND PROFESSIONAL OFFICE SPACE.
 5. THIS PARCEL IS NOT WITHIN THE 100-YEAR FLOODPLAIN PER FEMA MAP PANEL 54037C0040E EFFECTIVE DATE 12/18/2009.
 6. THE EXISTING SITE IS ENTIRELY WOODED AT THIS TIME.
 7. NEAREST KEY INTERSECTION IS POTOMAC FARMS DRIVE (WV RT. ALT. 45) AND KEARNEYSVILLE PIKE (WV RT. 480).
 8. LANDSCAPING SHOWN IS FOR PRESENTATION PURPOSES ONLY AT THIS TIME.

PARKING TABLE

| | | |
|--------------------------|--------------------------------|----------------------|
| 85' X 60' - RETAIL | 5.5 PER 1000SF OF RETAIL SPACE | 5100 X 5.5/1000 = 28 |
| 85' X 60' - PROF. OFFICE | 1 PER 150SF | 5100/150 = 34 |
| 50' X 20' X 5 - RETAIL | 5.5 PER 1000SF OF RETAIL SPACE | 6000 X 5.5/1000 = 33 |
| | | TOTAL REQUIRED: 95 |

ON SITE PARKING PROVIDED: 98
ADDITIONAL PARKING FOR BIKE PATH ACCESS: 3
TOTAL: 101

CONCEPT PLAN
FOR
SHEPHERDSTOWN
PROFESSIONAL CENTER

OWNER/DEVELOPER:
RANKIN PROPERTIES LLC
ADDRESS:
99 MADDEX SQUARE
SHEPHERDSTOWN, WV 25443
PHONE:
304-876-1313
ATTN:
CHRISTOPHER RANKIN

REVISIONS

| No. | ITEM | DATE |
|-----|------|------|
| | | |
| | | |
| | | |
| | | |
| | | |
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| | | |
| | | |

PROJ. NO.: 2008062.00
DATE: 9/25/2020
SHEET NO.:

C101
COPYRIGHT 2020 ALPHA ASSOCIATES, INC.
ALL RIGHTS RESERVED.

**SHEPHERDSTOWN
PROFESSIONAL CENTER**
SHEPHERDSTOWN DISTRICT,
T.M. 8 PAR. 8.1 D.B. 1015 Pg. 89
JEFFERSON COUNTY, WEST VIRGINIA

CONCEPT PLAN

Z:\ACAD_CONTENT\SHSHEETS\X_T\B\A\X\MTR\CDWG - DOORSTELLO



SHEPHERDSTOWN PROFESSIONAL CENTER

MAJOR SITE PLAN CONCEPT PLAN REVIEW

File 20-7-SP

SEPTEMBER 25, 2020

Revised October 5, 2020

SUBMISSION CONTENTS

1. **General Location:** A Site Location Map is included on the Concept Plan Drawing #C101, at a scale of 1"=1000'. Major landmarks and subdivisions have been shown. The Zoning for this property and the adjoining properties has also been shown on the Concept Plan.
2. **Concept Plan:** The Concept Plan Drawing # C101 is attached. The content and formatting guidelines provided in Appendix A, Plan & Plat Standards have been followed. All features have been shown. There are no known sinkholes, wetlands, streams, watercourses, steep slopes as defined in the ordinance, quarries, caves or endangered species.
3. **Zoning Information:**
 - a. The zoning district for the project is GC (General Commercial).
 - b. Density calculations are not applicable to this project.
 - c. Site resource map – The Concept Plan attached hereto is based on actual field survey dated May 2006. The site is woods and overgrown brush. As stated in Item 2 above, there are no significant natural features on this land.
 - d. Use designations for all adjoining and confronting parcels are shown on the Concept Plan.
4. **Proposal Description:** The proposed project is to construct a new jewelry store for Christian Caine Jewelers of Shepherdstown, on the first floor of the 85' by 60' building shown on the plan. The second floor of this building will be rented for professional offices such as accountants, lawyers, architects, etc. The proposed plan also includes six 50' by 20' small retail shops. Potential uses of these shops could include a coffee shop, hair or nail salon, insurance agent, stock broker, real estate office, interior designer of similar uses.

5. Traffic Impact Data.

- a. ADT figures for the adjoining or accessible State road (from WVDOH website):
 1. ADT for Alternate Rt. 45@ Rt. 480 = 3,987 (2017)
 2. ADT for Rt. 480 @ Alternate Rt. 45 = 6,557 (2017)
 - b. Trip generation figures for this proposed project based on the JCPC Table:
 1. ADT – Peak Hour = 26.79 (Four offices plus small shopping center)
 2. Average Daily = 1,380.6 ($4 \times 17.7 = 70.8 + 11.1 \times 118 = 1,309.8$)
 - c. Nearest key intersection that will serve the proposed project. The nearest key intersection is adjacent to the site, that being the intersection of Potomac Farms Drive (Alt. Rt. 45) and Rt. 480.
 - d. The nearest “Highway Problem Area”, according to the current Comprehensive Plan, is the Intersection of Rt. 480 and Rt. 45 (the Shepherdstown 4-way stop). This intersection is approximately 0.9 miles from the site.
6. **Traffic Study:** Based on the chart, the event trip generation in the peak hour does not exceed 100 and therefore, a traffic study should not be required.
7. **Agency Reviews:** In accordance with the requirements, all of the reviewing agencies found in Sections 23.201 and 23.2004 will be sent the Concept Plan and this document for their review. Applicant will provide a copy of the letter sent to outside agencies to the office of Planning and Zoning within seven (7) days of submission of Concept Plan.
8. **Other Data:** Applicant does not have other data or information that he believes will assist in the review.
9. **Other Reviews:** A Pre-Proposal Conference was held on September 23, 2020, at which time the staff gave favorable reviews.

10. **Adjoining Property.** Provided below is an accurate list of all properties and owners' addresses adjoining the subject property, for your use in notifying them of the date of the workshop.

Parcel 8.9.2:

R&D Investments, LLC
4389 Kearneysville Pike
Shepherdstown, WV 25443

Parcel 8.9.3:

Sustainable Solutions LLC
4419 Kearneysville Pike
Shepherdstown, WV 25443

Parcel 8-10:

Mark-Colonial Hills, LLC
c/o Kinsley Construction
6259 Reynolds Mill Road
Seven Valley, PA 17360



TERRENCE J. REIDY
HEALTH OFFICER

GILLIAN R. BEACH
ACTING ADMINISTRATOR

1948 WILTSHIRE ROAD, SUITE 1
KEARNEYSVILLE, WV, 25430
PHONE: 304-728-8416
FAX: 304-728-3319
WWW.JCHDWV.ORG

September 29, 2020

Alpha Associates
ATTN: Planning Department
535 W. King St.
Martinsburg, WV 25401

**RE: Concept Plan Shepherdstown Professional Center
Project No: 2008062.00**

To whom it may concern,

This letter is in response to your concept plan submittal for the above referenced project. At this time, you will not need approval from our office for the project. If a coffee shop or any public food service establishments will be using one of the suites they must submit a plan review application to our office prior to renovating, building, or adding equipment. Similarly, if one of the suites is rented to or occupied by a child care, tattoo parlor, or body piercer they would need approval from our office prior to opening or beginning renovations. If a hair or nail salon will be offering microblading, they will need prior approvals from our office as well.

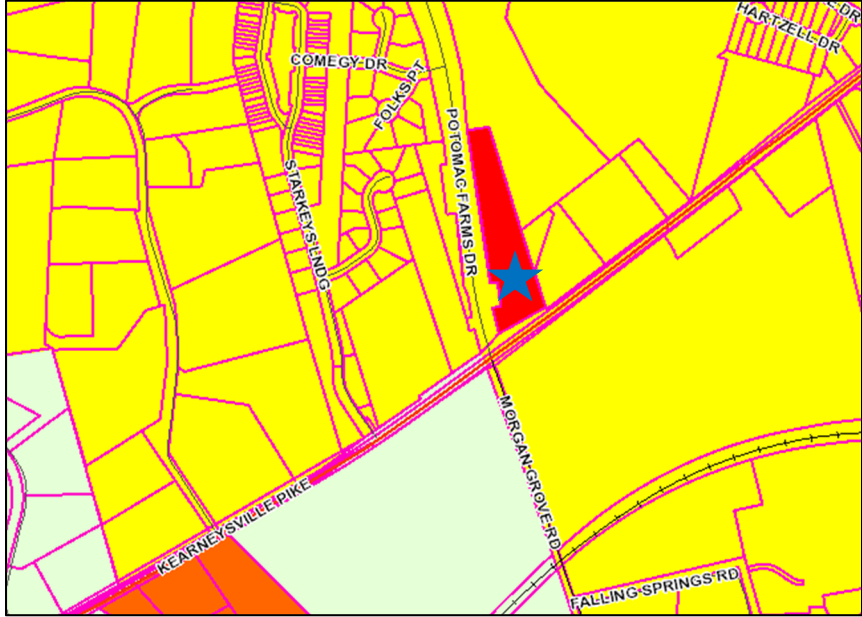
Please let me know if you have any questions.

Sincerely,

Gillian Beach, R.S.
Acting Administrator, Sanitarian Supervisor
Jefferson County Health Department
Gillian.R.Beach@wv.gov
(304) 728-8416 ext 3033

Staff Report
 Jefferson County Planning Commission
 November 10, 2020
Shepherdstown Professional Center (20-10-PCW)

Item #6: Public Hearing: Request by applicant, Christopher Rankin, for a Waiver from Section 20.204 to process a Minor Site Plan with a Concept Plan instead of the required Major Site Plan for the Shepherdstown Professional Center (File: 20-7-SP).

| | |
|---|---|
| Applicant: | Rankin Properties, LLC |
| Owner/Developer: | Same as above |
| Surveyor/Engineer: | Alpha Associates |
| Property Location: | Vacant parcel on the northeast corner at the intersection of Potomac Farms Dr. and Kearneysville Pike (Route 480). |
| Parcel Information and Zoning District: | <p style="text-align: center;">Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 8.1 (Parcel ID: 09000800080001); Size: 3.56 acres; Zoning District: General Commercial</p>  |
| Surrounding Zoning: | <p><i>North:</i> Residential Growth <i>South:</i> Rural (park) & Residential Growth <i>East:</i> Residential Growth <i>West:</i> Residential Growth</p> |
| Proposed Activity: | A two-story building with 5,100 sf retail space (first floor) and 5,100 office space (second story); a 6,000 sf single-story building divided into six (6) 1,000 sf retail/office units and associated parking spaces and signage |
| Previous Approvals: | <ul style="list-style-type: none"> • Concept Plan File #20-7-SP Public Workshop (11-10-20 PC Meeting) • CUP#Z07-03 Shepherdstown Professional Center, two-story commercial building with approximately 24,640 sq.ft. (2008; expired) • Zoning Map Amendment for Rankin Properties, LLC from Residential Growth to General Commercial (CC approve 11/16/71) |

Overview and Summary of the Request:

The proposed Shepherdstown Professional Center (a Major Non-Residential Site Development) is located on the northwest corner of Kearneysville Pike (WV 480) and Potomac Farms Drive (Alternate 45). The

Staff Report
Jefferson County Planning Commission
November 10, 2020
Shepherdstown Professional Center (20-10-PCW)

proposal consists of one two-story building with 5,100 sf retail space (first floor) and 5,100 office space (second story); one 6,000 sf single-story building divided into six (6) 1,000 sf retail/office units, associated parking spaces and signage (File #20-7-SP).

As noted in the staff report for the Shepherdstown Professional Center Concept Plan, this project meets the definition of a Major Site Development because it requires the development of new infrastructure or the extension of off-tract infrastructure. The applicant is requesting a waiver from Section 20.204 of the Subdivision Regulations to allow them to process the Shepherdstown Professional Center as a Minor Site Plan. The application states that the project meets all of the Minor Site Development criteria with the exception of the extension of the Shepherdstown Water System approximately 200' along the public ROW.

Waiver Requirements:

The applicant provides a response to the requirements found in "Division 24.300 Waivers" of the Subdivision Regulations, which is attached to the application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

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

Staff Discussion:

This project is proposed to be served by Shepherdstown Water and Sewer Utilities, which is the aspect of the project that requires the extension of off-site infrastructure. Any aspect of the extension of water and sewer mains will require the review and approval of the Shepherdstown Water and Sewer Utility Board prior to the approval of the Site Plan. As the accesses for the project are directly to a state road, no off-site road infrastructure is required. All stormwater management is proposed to be on site.

The major difference between processing as a Major or Minor Site Development is whether a Public Hearing is required for the Site Plan. A full site plan will be required to meet all of the Subdivision Regulations. Under either review process, all construction documents are reviewed by staff to ensure that all requirements are being conformed with.

Staff Recommendation:

Planning and Engineering staff believe that is reasonable to process this project as a full site plan under the Minor Site Development process. The Concept Plan Public Workshop allowed public input early in the process and the staff and the relevant utility providers will ensure that all construction requirements are conformed with.



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 20-10-PCW
 Mtg Date: 11/10/2020
 Date Rec'd: 10/19/2020
 Fees Paid: 100.00
 Staff Int: jh
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: MR. CHRISTOPHER RANKIN
 Business Name: SHEPHERDSTOWN PROFESSIONAL CENTER
 Mailing Address: 99 MADDEX SQUARE, SHEPHERDSTOWN, WV 25443
 Phone Number: 304-876-1313 Email: CC@CHRISTIANCAINE.COM

Applicant Contact Information

Applicant Name: _____ Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Name: MR. RICHARD W. KLEIN, PE. PS
 Business Name: ALPHA ASSOCIATES, INC.
 Mailing Address: 535 WEST KING STREET
 Phone Number: 304-264-0051 Email: RICHARD.KLEIN@THINKALPHAFIRST.COM

Physical Property Details

Physical Address: _____ Vacant Lot:
 Tax District: SHEPHERDSTOWN Map No: 8 Parcel No: 8.1
 Parcel Size: 3.562 Deed Book: 1015 Page No: 89
 Zoning District: GENERAL COMMERCIAL (GC)

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?

Section 20.204 (2018 Regulations)

Briefly Describe the Nature of Your Waiver Request:

The applicant is requesting that the site plan be processed as a Minor Site Development, as it meets all of the criteria with exception of an extension of the Shepherdstown Water System for a distance of approximately 200' along the public road Right-of-Way.

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

As part of this project, the applicant is proposing to provide three parking spaces adjacent to the Potomac Farms Drive Trail. This will provide the ability for many more residents to use the trail for exercise.

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

The public health, safety and welfare and the rights of the adjacent property owners are protected by virtue of the Concept Plan Public Workshop. The scope of the second site plan public hearings is limited to whether the site plan application meets the requirements of the Regulations and Zoning Ordinances, which will be done by the JCPC Staff under the minor process.

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

The intent and purpose of the Ordinance will be met and insured by the review of the site plan by the staff of the Planning Commission.

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

If the project is processed under the Minor Site Plan process, the review can include a "Staff Review Conference" with the Developer. This conference is open to the public and gives additional opportunity for input to improve the quality of the project.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

 10.19.2020
Property Owner/Applicant Signature Date

Property Owner/Applicant Signature Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

11/10/2020
Public Hearing Date

10/28/2020
Date Placard Posted

10/28/2020
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___

Staff Report
Jefferson County Planning Commission Meeting
November 10, 2020

Brickstreet Homes, LLC Waiver (20-9-PCW)

Under the provisions of Section 5.7D3 of the Zoning Ordinance, the subject parcel has the right to process another lot and a residue (for a total of 2 lots); however, because the access easement is only 40' wide, a waiver from the required 50' width is necessary. Currently Lot 1-A has a nonexclusive access easement to Leetown Rd over the 40' pipestem of Lot 1-B. This request would allow the proposed 1.09-acre lot to use this access as well.

Relevant Site Information:

When Lot 1-A and Lot 1-B were created under the 1979 Subdivision Regulations, it would have been permissible to create another lot on the required 40' access easement under the Minor Subdivision process in effect at that time. In 2008, the access easement requirement was changed to 50'; therefore, this waiver is required. Steven's Landing Road to the north of this property does not provide access to this property and is a private road accessing nearby lots.

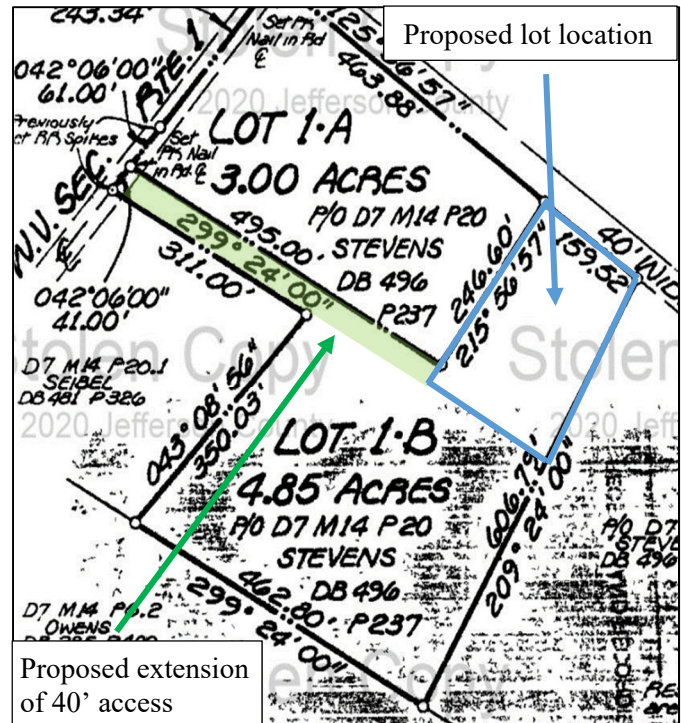
Waiver Requirements:

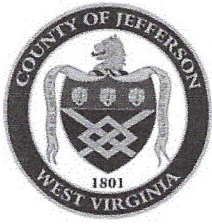
The applicant provided a response to the requirements found in "Division 24.300 Waivers" of the Subdivision Regulations in the waiver application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a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

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

Staff Recommendation:

Staff acknowledges that the applicant is unable to widen the existing pipestem and/or easement serving Lots 1-A and Lot 1-B without acquiring property from the adjoining property owners along the access easement. When these lots were created in 1984, 3 lots would have been permitted on the 40' access easement. If the Planning Commission is inclined to approve this waiver request, staff recommends that the applicant be limited to one additional lot, for a maximum of 3 lots on the existing 40-foot access easement.





Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 20-9-PCW
 Mtg Date: 11-10-20
 Date Rec'd: 10/5/20
 Fees Paid: 100.00
 Staff Int: jth
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Shawn Alexander
 Business Name: 10668 Leetown LLC
 Mailing Address: 140 B Purcellville Gateway Dr Ste 881 Purcellville, VA
 Phone Number: 202 423 1348 Email: shawnent@gmail.com 20132

Applicant Contact Information

Applicant Name: David Leonard Same as owner:
 Business Name: BrickStreet Homes LLC
 Mailing Address: 36 Bakerton Rd. Harpers Ferry, WV 25425
 Phone Number: 304 671-4085 Email: david.brickstreet@gmail.com

Consultant Information

Name: David Leonard
 Business Name: same as above
 Mailing Address: _____
 Phone Number: 304 671 4085 Email: _____

Physical Property Details

Physical Address: 10668 Leetown Rd. Kearneysville, WV 25430 Vacant Lot:
 Tax District: 7-Middleway District Map No: 0014 Parcel No: 0020.4
 Parcel Size: 4.85 acres Deed Book: 1042 Page No: 534
 Zoning District: _____

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?

20.201 A2

Briefly Describe the Nature of Your Waiver Request:

would like to use existing 40' access
 for subdividing one lot.

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

We would be willing to pay road maintenance fee.

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

We will have low traffic. Keep the new house near to wooded area to reduce visibility.

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

due to low traffic, 50' access would not be needed.

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

We will construct a new house on the property tastefully. We will use new construction materials and build something of nice quality. This will be a custom build.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

Quinn Powell 10/5/2020
Property Owner/Applicant Signature Date

Property Owner/Applicant Signature Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

11-10-2020
Public Hearing Date

10-27-2020
Date Placard Posted

10-27-2020
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



STEVENS LANDING

159.22'
PROPERTY LINE

300.00'
PROPERTY LINE

PROPOSED
1.09 ACRE LOT

246.80'
PROPERTY LINE

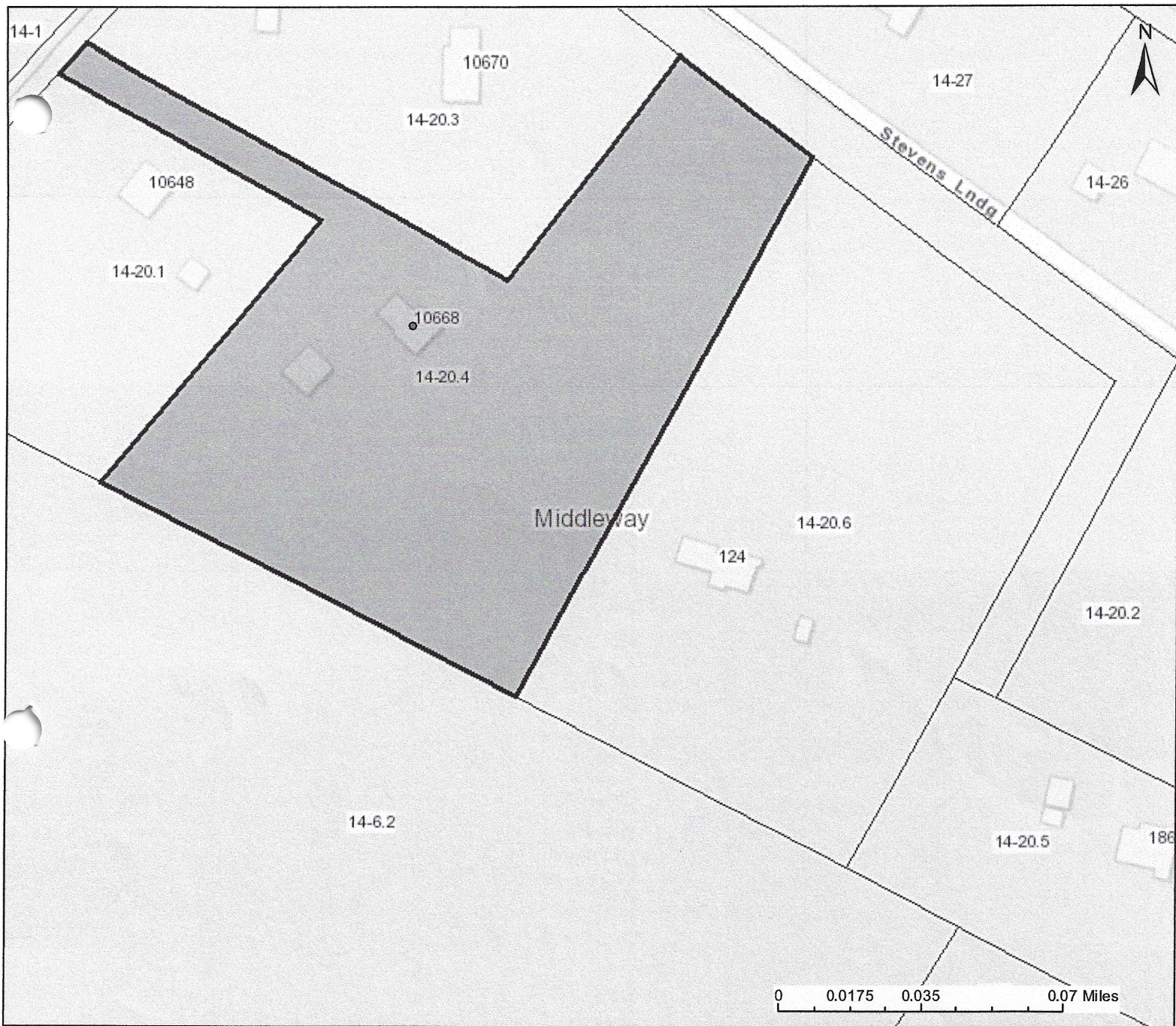
200.21 ±'
PROPOSED PROPERTY LINE

NORTH

EXISTING LOT,
3.76 ACRES REMAINING

LEETOWN ROAD

PARCEL ID: 19-07-0014-0020-0004



User Notes:

Legend

- Districts
- WVParcels

Map created on September 28, 2020

Owner(s):

BURKETT ERNEST L & APRIL A

Address:

10668 LEETOWN RD

Class Type:

Residential

Legal Description:

LT 1B (4.85 AC.) SITES FARM

Public
Comments
Received

20-9-PCW

October 29, 2020

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

To Jefferson County Planning Department:

This is to reply to the letter I received in the mail regarding a waiver for Section 10201A.2 for Brickstreet Homes LLC (20-9-PCW).

My concern about extending the pipeline (driveway) to make another driveway to access the lot to be subdivided for a new home for Sites Farm, lot 1B, is the water runoff from the proposed driveway. I already deal with water runoff from the driveway to Steven's Landing from the opposite side of our property. We have had a dry summer so at first look it doesn't seem like much of a problem, but when we have a regular spring or summer season with rain, areas of that side of my property can stay wet for weeks, not allowing me to mow, and the rock ledge that runs along the back of our property forms a hill and washes gravel from their road into my yard and the same will happen with this proposed driveway. This rock ledge runs from Lot 1A through Lot 1B. The runoff I deal with that runs along Steven's Landing is along the far side of my property. This new driveway would be 55' from my house and my well is between the house and the proposed driveway. We have a depression in this area and I am concerned that water will collect there. I know from past experience of living here for almost 32 years and maintaining the current driveway and mowing this area for the Coffman's and Burkett's, the ground is soft there. So, to put a driveway in, let alone running heavy equipment that will be needed to clear the wooded lot and build a home, that area will have to be built up to support the traffic and the weight of the trucks and equipment. Thus, creating the same water runoff problem, only this time it is near my house.

I am retired and live on a fixed income and I don't have the extra money to hire an engineer and relandscape to counteract the runoff problems this will cause.

I humbly thank you for listening to my concerns.

Sincerely,

David Crosby
Sites Farm, Lot 1A, Kearneysville
Mailing address:
10670 Leetown Rd
Kearneysville, WV 25430
304-728-4077

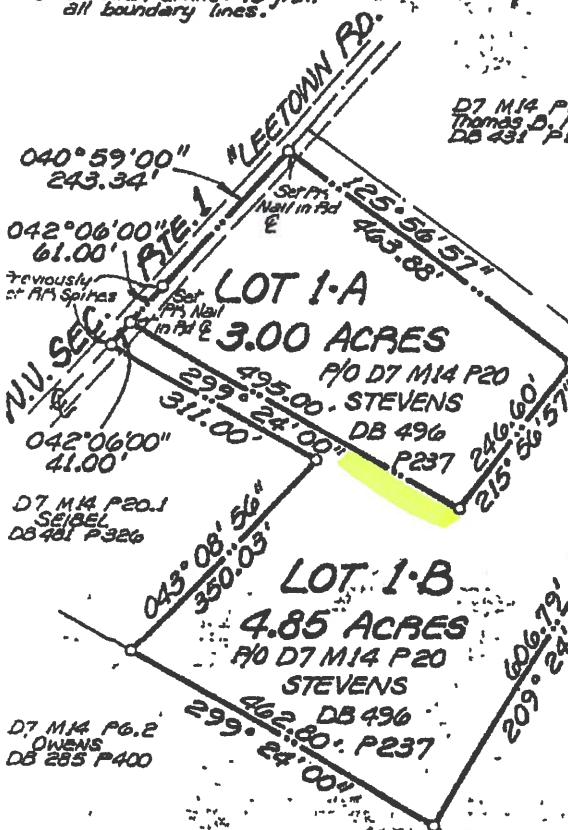
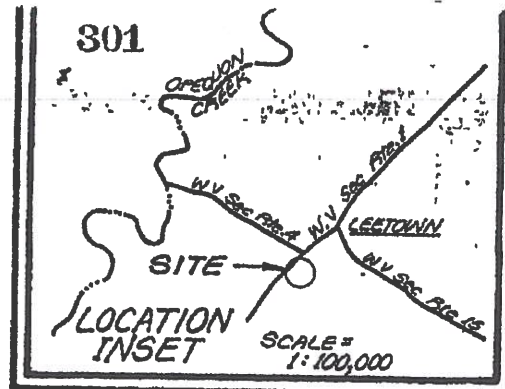
RECEIVED

OCT 29 2020

**JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING**

* included in PC Packet 11/10/20 - JTT

1. Unless otherwise labeled, all corners are Set 5/8" Rebars.
2. This plat meets or exceeds surveying standards as set forth in Chap. 30 of the W.V. Code.
3. Setback Limits: 75' from all boundary lines.

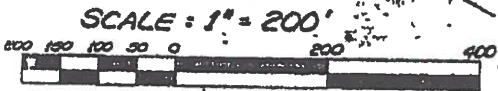


DEVELOPER:
 Phillip O. Stevens
 Pamela W. Stevens
 Rte. 3 Box 183
 Kearneysville, W.V.
 25430



Approved
 Donald J. Williams
 Acting Planning Director
 January 19, 1984

NORTH: FB 2 P359



NO D7 M14 P20
 STEVENS
 DB 496 P237

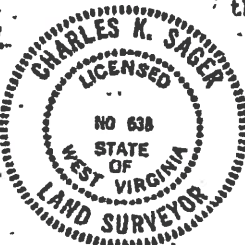
RESTRICTIVE COVENANTS for this property are recorded in DB494 P336.

NOTE: Lot 1-A shall have a nonexclusive access easement to Rte. 1 over the 40' pipestem of Lot 1-B. Any other access to Rte. 1 for Lot 1-A shall be prohibited.

SURVEY PLAT showing
 LOTS 1-A & 1-B
 from the property of
 Phillip O. & Pamela W.
 Stevens

MIDDLEWAY DISTRICT
 JEFFERSON COUNTY, W.V.
 NOVEMBER, 1983

Charles K. Sager
 Charles K. Sager, LLS



Phillip O. Stevens
 Phillip O. Stevens
Pamela W. Stevens
 Pamela W. Stevens

APPALACHIAN SURVEYS, INC. PO Box 35 CHARLES TOWN, W.V.

State of West Virginia, County of Jefferson, Sct.

IN THE CLERK'S OFFICE OF COUNTY COMMISSION:

On JAN 19 1984, at 4:00 P.M., the foregoing

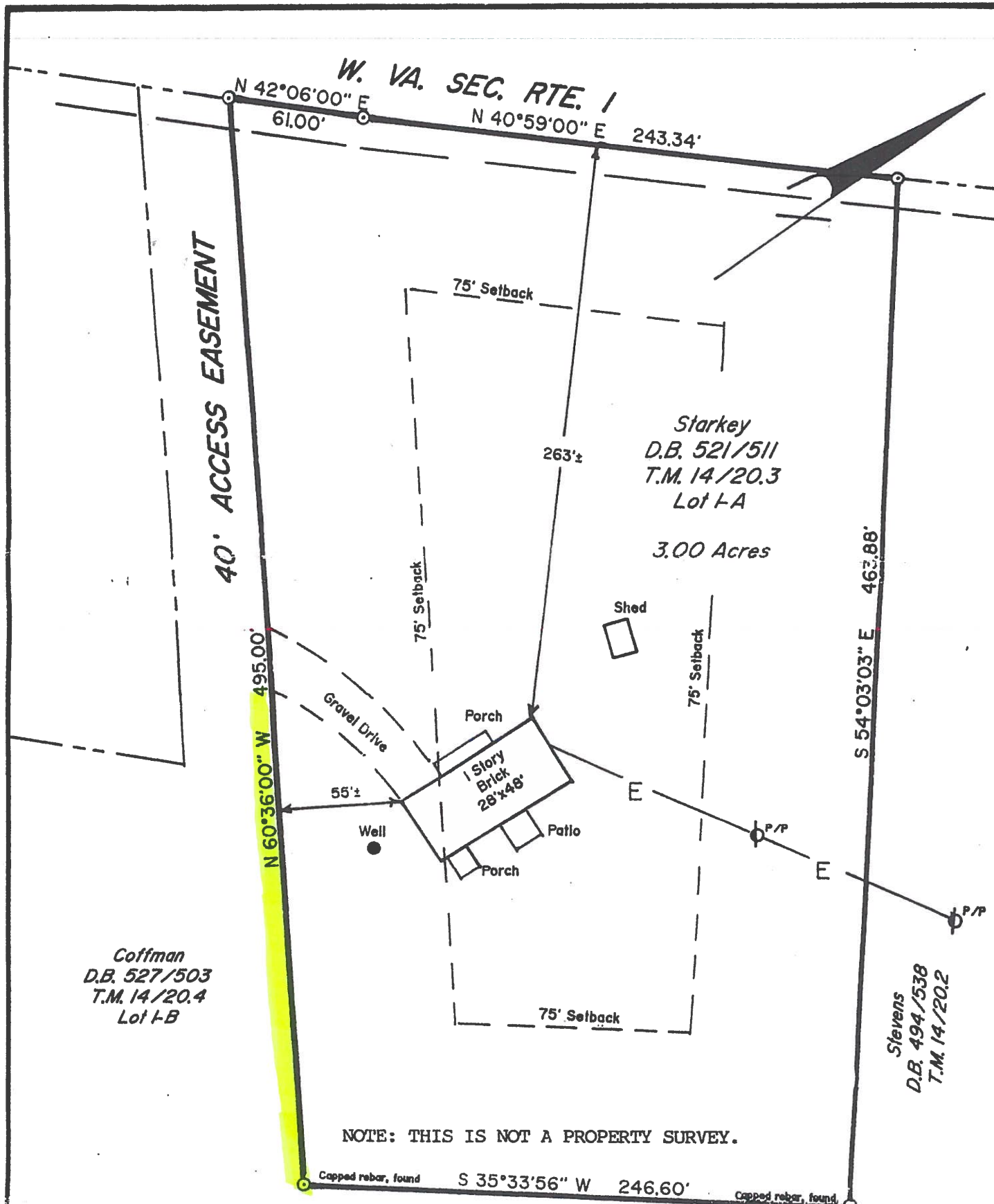
Document was received in my said office and duly admitted to record.

Test,

John E. Ott
 Clerk of County Commission

No. 84-183

5201628



NOTE: THIS PROPERTY IS MAPPED ON FEMA PANEL #540065 0042 B, ZONE C.
IT IS NOT MAPPED IN A FLOOD ZONE.

PLAT OF HOUSE LOCATION SURVEY
for DAVID G. & JAY RENEE CROSBY

Showing improvements to Lot 1-A parcel on plat by Charles K. Sager dated November 1983 in Deed Book 520 page 628 standing in the name of Joseph W. Starkey as recorded in the Office of the County Clerk of Jefferson County in

WRITTEN COMMENTS REGARDING PUBLIC HEARING ON NOVEMBER 10, 2020

SUBJECT: BRICKSTREET HOMES, LLC (20-9-PCW)

APPLICANT NAME: SHAUN ALEXANDER

PROPERTY OWNER: DAVID LEONARD, BRICKSTREET HOMES, LLC

PROPERTY LOCATION: SITES FARM, LOT 1B, 10668 LEETOWN RD, KEARNEYSVILLE, WV 25430

PARCEL ID: 07001400200004; SIZE: 4.85 AC; ZONING DISTRICT: RURAL

NATURE OF REQUEST: WAIVER FROM SECTION 20.201A2 TO REDUCE THE REQUIRED 50' WIDE ACCESS EASEMENT TO 40' FOR A PROPOSED TWO (2) LOT MINOR SUBDIVISION

NOTICE OF PUBLIC HEARING STATES:

“The site will be posted with a green and white placard. Additionally all adjoining property owners have been notified of this meeting by mail.”

Stephen E. and Amy M. Chrisman residing at 124 Stevens Landing, Kearneysville, WV 25430 (an adjoining property to the above location) **have not been notified of this meeting by mail (as of Sunday, November 1, 2020), as required by the Notice of Public Hearing.**

Exemption from increasing Easement from the existing 40-foot easement to the now-required 50-foot easement is requested. This Easement is requested to enable **two additional 1-acre lots to be subdivided from the original 4.85 acre lot** noted above as “SITES FARM, LOT 1B”.

PURCHASER stated that the covenants for this property are over 80 years old and, therefore, can be ignored. Restrictive covenants in the deed pertaining to the sale of 25 acres to Phillip O. Stevens and Pamela W. Stevens were recorded January 4, 1982 in Deed Book 494; Page 538. This is considerably less than 80 years old.

Further, as adjacent property owners in a rural area with no public water or sewer creates significant concerns regarding three residential homes sharing 4.85 acres with three separate wells and three separate septic systems. It does not seem feasible or advisable for this type of development to be permitted on this 25-acre tract of land, currently with 5 homes, with the smallest parcel containing approximately 3 acres. It is also a concern of this property owner that the driveway and residence will be closer than the 75-foot from the property line requirement that is established by the covenants and listed in the deed to the property. This property owner's septic is located close to the adjacent area for the requested subdivision and driveway.

While property owners involved realize that this may not be the only forum to be informed of this objection, it should be part of the consideration for permitting this requested easement exemption. **Being fully informed of the potential health risks implied by this intention to build**

additional homes on this insufficient parcel should be considered by a court of law or planning and zoning commissions and would have a significant negative impact on property values for homes that have existed on the adjacent parcels since 1981. It is the intention of Stephen and Eric Chrisman to strongly object to this request and the Office of Planning and Zoning are hereby notified of this objection.

Sincerely,

Stephen E. and Amy M. Chrisman
Property Owners
124 Stevens Landing
Kearneysville, WV 25430

WRITTEN COMMENTS REGARDING PUBLIC HEARING ON NOVEMBER 10, 2020

SUBJECT: BRICKSTREET HOMES, LLC (20-9-PCW)

APPLICANT NAME: SHAUN ALEXANDER

PROPERTY OWNER: DAVID LEONARD, BRICKSTREET HOMES, LLC

PROPERTY LOCATION: SITES FARM, LOT 1B, 10668 LEETOWN RD, KEARNEYSVILLE, WV 25430

PARCEL ID: 07001400200004; SIZE: 4.85 AC; ZONING DISTRICT: RURAL

NATURE OF REQUEST: WAIVER FROM SECTION 20.201A2 TO REDUCE THE REQUIRED 50' WIDE ACCESS EASEMENT TO 40' FOR A PROPOSED TWO (2) LOT MINOR SUBDIVISION

NOTICE OF PUBLIC HEARING STATES:

"The site will be posted with a green and white placard. Additionally all adjoining property owners have been notified of this meeting by mail."

Phillip O. Stevens and Pamela W. Stevens residing at 274 Stevens Landing, Kearneysville, WV 25430 (an adjoining property to the above location) **has not been notified of this meeting by mail (as of Thursday, October 29, 2020), as required by the Notice of Public Hearing.**

Exemption from increasing Easement from the existing 40 foot easement to the now-required 50 foot easement is requested. This Easement is requested to enable **two additional 1-acre lots to be subdivided from the original 4.85 acre lot** noted above as "SITES FARM, LOT 1B".

PURCHASER stated that the covenants for this property are over 80 years old and, therefore, can be ignored. Restrictive covenants in the deed pertaining to the sale of 25 acres to Phillip O. Stevens and Pamela W. Stevens were recorded January 4, 1982 in Deed Book 494; Page 538. This is considerably less than 80 years old.

Further, as adjacent property owners in a rural area with no public water or sewer creates significant concerns regarding three residential homes sharing 4.85 acres with three separate wells and three separate septic systems. It does not seem feasible or advisable for this type of development to be permitted on this 25-acre tract of land, currently with 5 homes, with the smallest parcel containing approximately 3 acres.

While property owners involved realize that this may not be the only forum to be informed of this objection, it should be part of the consideration for permitting this requested easement exemption. **Being fully informed of the potential health risks implied by this intention to build additional homes on this insufficient parcel should be considered by a court of law or planning and zoning commissions and would have a significant negative impact on property values for homes that have existed on the adjacent parcels since 1981. It is the intention of Phillip O. and Pamela W. Stevens to strongly object to this request and the Office of Planning and Zoning are hereby notified of this objection.**

Planning Department

From: Planning Department
Sent: Wednesday, November 4, 2020 11:49 AM
To: 'Pamela Stevens'
Subject: RE: Public Hearing on November 10, 2020 at 7:00 p.m.

Good morning,

Thank you for your comments. They will be included in the 11/10/2020 Planning Commission packet.

Please be advised that the property located at 274 Stevens Landing does not meet the definition of an adjacent or confronting property owner; therefore, a letter was not mailed to this address.

Thank you and have a nice day.

Sincerely,

Jennilee Hartman
Zoning Clerk
304-728-3228

From: Pamela Stevens <pamelawstevens@gmail.com>
Sent: Monday, November 2, 2020 9:45 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Public Hearing on November 10, 2020 at 7:00 p.m.

Regarding the Applicant SB, 10668 Leetown Road, Kearneysville WV 25430, please see the attached letter of objection to this request.

Please confirm receipt of this email and the attached letter requesting this request be denied.

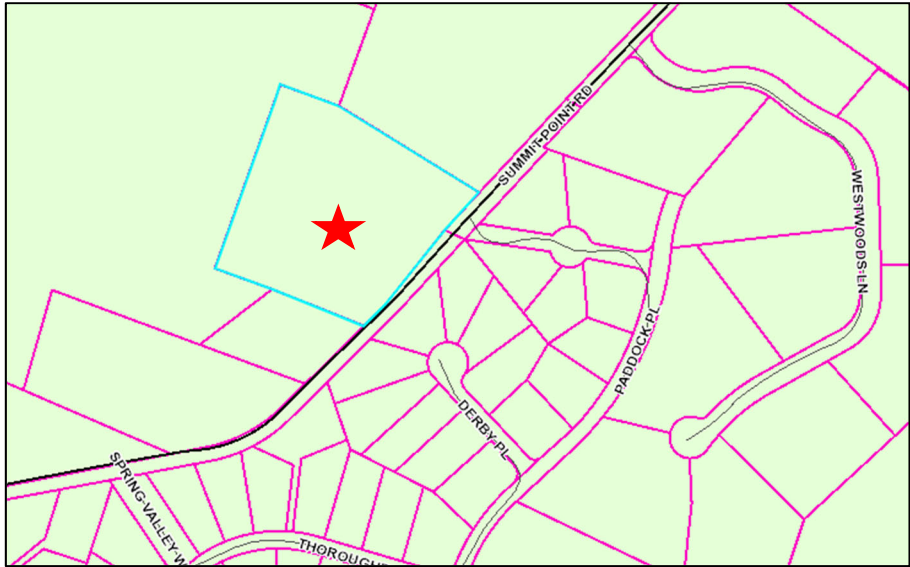
Phillip O. Stevens and Pamela W. Stevens
Property Owners of adjacent Sites Farm acreage
274 Stevens Landing, Kearneysville, WV 25430

pamelawstevens@gmail.com

Staff Report
 Jefferson County Planning Commission Meeting
 November 10, 2020

Espinosa Variance Request (20-4-PCV)

Item #8: Public Hearing: Variance request from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for an Accessory Dwelling Unit (In-Law Suite).

| | |
|---|---|
| Applicant: | Kristen Espinosa |
| Owner/Developer: | Same as above |
| Surveyor/Engineer: | None |
| Property Location: | 6485 Summit Point Road, Charles Town, WV |
| Parcel Information and Zoning District: | <p style="text-align: center;">Tax District: Kabletown (06); Tax Map: 3; Parcel: 1.7 (Parcel ID: 06000300010007); Size: 5.25 acres; Zoning District: Rural</p>  |
| Surrounding Zoning: | <i>North, South, East and West: Rural</i> |
| Proposed Activity: | An accessory dwelling unit for a family member (In-Law Suite) on a lot created through the Parent to Child Exemption |
| History: | Boundary Line Adjustment (recorded 06/10/09); DB1065/PG418; +0.244 acres Boundary Line Adjustment (recorded 05/16/00); DB937/PG359; + 1.67 acres Boundary Line Adjustment (recorded 03/30/98); DB895/PG95; + 0.37 acres Parent to Child Exemption (recorded 01/24/89); DB622/PG279; 2.96 acres |

Summary of Request:

The applicant is requesting to lift the single-family restriction for the purpose of constructing a detached accessory dwelling unit for a family member, in accordance with Section 8.15 of the Zoning Ordinance. The subject parcel was created on January 24, 1989 through the parent to child exemption process outlined in Section 2.1B of the 1979 Subdivision Ordinance (see section below), which required a deed only. At the time that the lot was created, a note was required in the deed that restricted the exempt lot to a single-family residence.

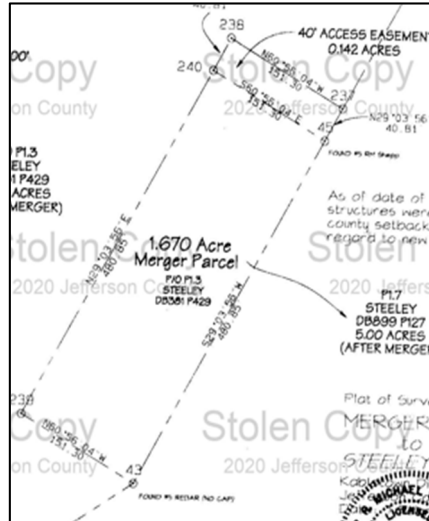
| | |
|--|--------------------------------|
| <p>The lot transferred is to be used for a single family residence only as long as the lot is not further subdivided. Any further subdivision of the lot shall dissolve the single family restriction and will place development of the lot under the County land development laws in effect at that time.</p> | <p>Deed Book 622; Page 279</p> |
|--|--------------------------------|

Staff Report
Jefferson County Planning Commission Meeting
November 10, 2020
Espinosa Variance Request (20-4-PCV)

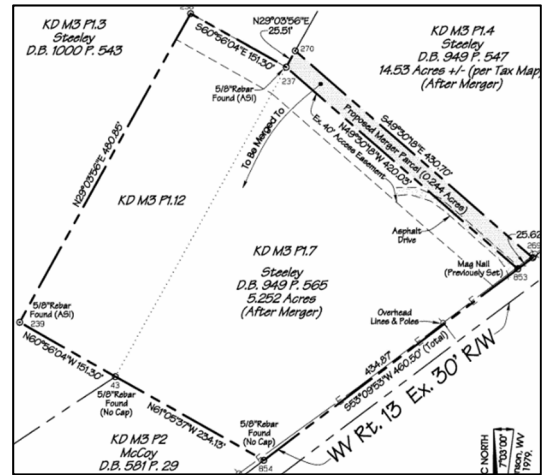
Three subsequent boundary line adjustments were approved, increasing the size of the subject parcel from the original acreage of 2.96 to 5.25 acres.



Deed Book 895; Page 95



Deed Book 937; Page 359



Deed Book 1065; Page 418

Zoning Ordinance Requirements

If the Planning Commission approves lifting the single-family restriction, which was required by the Subdivision Regulations, then the applicant can process under Section 8.15A of the Zoning Ordinance for In-Law Suites/Accessory Dwelling Units in the Rural Zoning District. This section has various provisions that must be complied with, including, but not limited to, the requirement that the accessory unit must be secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area; and, that the parcel be a minimum of 2 acres.

Relevant Section(s) of Ordinance/Regulations:

2008 Subdivision Regulations (as amended):

Section 24.202 Amendment, Modification, and the Vacating of Subdivision Plats

A. Amendment. The Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

1. All of the property that is affected by the amendment is under the ownership of the applicant;
2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Under the 1979 Subdivision Ordinance this type of a request was typically heard through the Planning Commission Variance process.

Staff Report
Jefferson County Planning Commission Meeting
November 10, 2020
Espinosa Variance Request (20-4-PCV)

1979 Subdivision Ordinance:
Section 17.1 Variance

Any request for a variance from the provisions of this Ordinance shall be made in written form and shall be submitted to the Planning Commission by the Subdivider. A variance request shall clearly specify the nature of the variance being requested and the reasons for the request.

A variance request may be granted by the Planning Commission only when it is determined that:

- a) The request is not contrary to the public interest.
- b) A literal enforcement of this Ordinance will result in an unnecessary hardship.
- c) The request is not the result of a self-imposed hardship.
- d) The spirit of this Ordinance will be observed and substantial justice done.

Note: The Variance Policy in effect requires that the property be posted with a placard and that letters are sent to adjacent and confronting property owners one week prior to the meeting.

Section 2.1 Subdivision Exemptions

This Ordinance shall apply to all land subdivision projects within the unincorporated areas of Jefferson County, West Virginia, with the exception of the following:

- b. The formation of one lot provided such lot is transferred by deed to a parent or a child of the land owner of record and does not create more than one residue. The deed shall:
 1. Identify the relationship between the grantor and the grantee, and;
 2. Shall state that “the lot transferred is to be used for a single family residence only as long as the lot is not further subdivided. Any further subdivision of the lot shall dissolve the single family restriction and will place development of the lot under the County land development laws in effect at that time. This lot cannot be transferred again for at least five (5) years; except as another parent to child or child to parent transfer of land. Any transfer of this lot within the five year period shall place this lot in violation of the Jefferson County Subdivision Ordinance”. [AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE SEPTEMBER 14, 1989]

Recommendation

Staff recommends approving the Variance request from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for an Accessory Dwelling Unit (In-Law Suite) which is permitted by the current Zoning Ordinance. Approval of this variance would allow the applicant to process an attached or detached In-law Suite contrary to the language found in the original deed. If approved, the applicant will need to apply for a Zoning Certificate for the Accessory Dwelling Unit prior to applying for a Building Permit.



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 20-4-PCV
 Mtg Date: 11-10-20
 Date Rec'd: 10-9-20
 Fees Paid: 100
 Staff Int: 981
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Subdivision Ordinance Variance Request

Variances must comply with Article 17 of the 1979 Subdivision Ordinance, as amended.

Property Owner Information

Owner Name: KRISTEN ESPINOSA
 Business Name: _____
 Mailing Address: 6485 SUMMIT POINT Rd, Charles Town, WV 25414
 Phone Number: 303-634-0176 Email: cespinkr1@yahoo.com

Applicant Contact Information

Applicant Name: Same Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 6485 SUMMIT POINT Rd Charles Town, WV Vacant Lot:
 Tax District: Kabletown Dist. Map No: 3 Parcel No: 1.7
 Parcel Size: 5.25 acres Deed Book: 1237 Page No: 132
 Zoning District: Rural

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

Which Section of the Subdivision Ordinance are you requesting to vary?

2.1b

Briefly Describe the Nature of Your Variance Request:

Request to lift single family restriction to add a "Mother-in-law" home,

Explain why this request is NOT contrary to the public interest:

Lot size of 5.25 acres meets the minimum requirement of 2 acres. Access to main road through existing driveway.

Explain how enforcement of this Ordinance will result in an unnecessary hardship:

Age necessitates my being close to family members living in the primary house.

Explain how this request is NOT the result of a self-imposed hardship:

I did not create the restriction, but purchased the property with the restriction in place.

Explain how the spirit of this Ordinance will be observed and substantial justice will be done:

No other restrictions will be circumvented. Neighbors will not be impacted. There will not be an increase to the number of people living on the property as a result of adding the residence. I will merely move out of the primary residence.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

[Signature] 10/10/20
Property Owner/Applicant Signature Date

Property Owner/Applicant Signature Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 7 days prior to the public hearing. The placard(s) will be prepared and posted by the Staff. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 7 days prior to the public hearing.

11-10-20
Public Hearing Date

10-27-20
Date Placard Posted

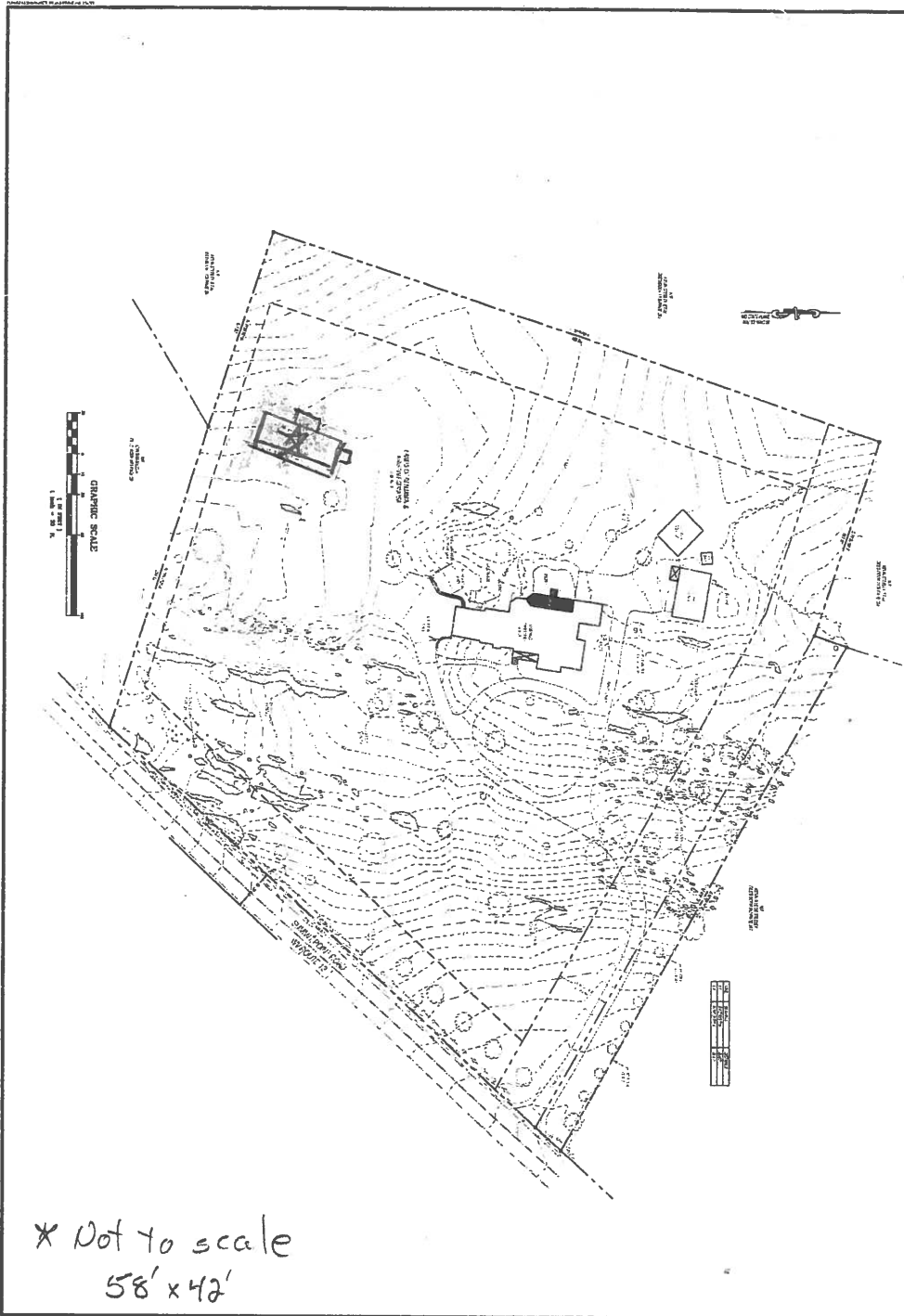
10-27-20
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___

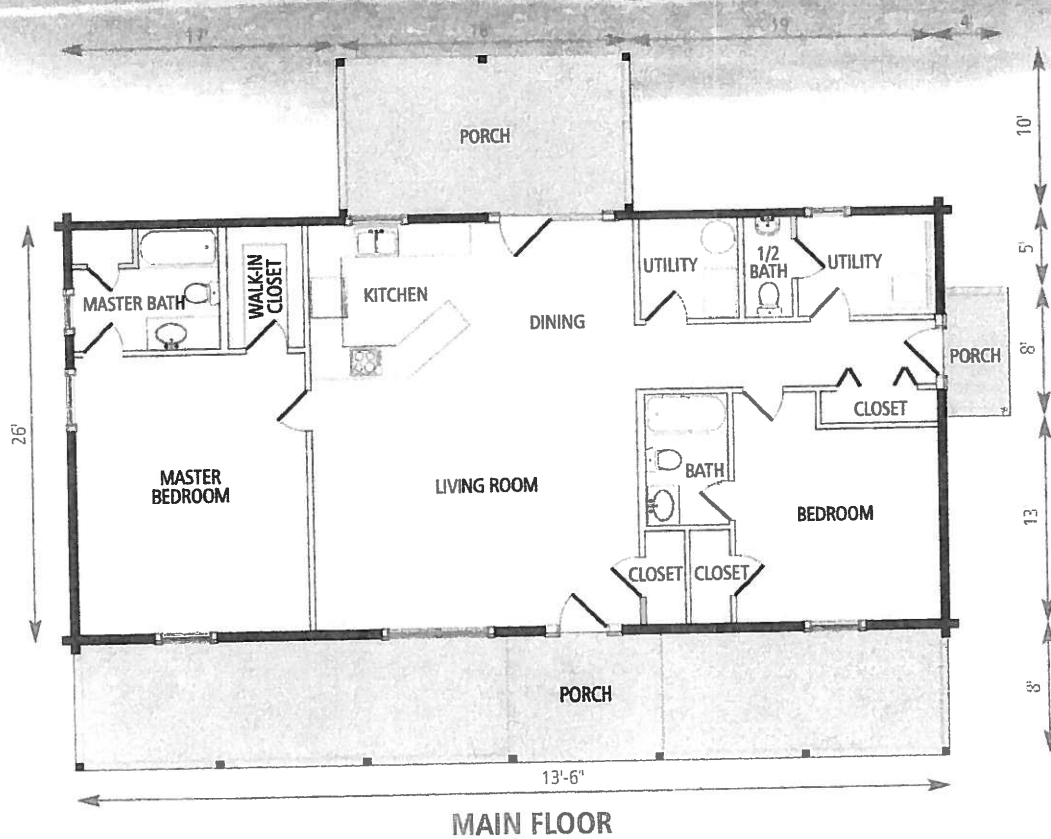


* Not to scale
58' x 42'

| | | | |
|--|----------------------|--|--------------------|
| BENJAMIN & KRISTIN ESPINOSA ARCHITECTS 1000 S. 10TH AVENUE, SUITE 100 DENVER, CO 80202 | | FSAQ FURNISH, SET, AND ARCHITECT 1000 S. 10TH AVENUE, SUITE 100 DENVER, CO 80202 | |
| DATE MAP SHEET 1 OF 1 | PROJECT NO. C-101 | DRAWN BY DATE | CHECKED BY DATE |
| NOT APPROVED FOR CONSTRUCTION | | | |

WYOMING 1404 SQ. FT.

MAIN FLOOR: 1404 SQ. FT.



| | |
|-------------------|-----------|
| MAIN FLOOR | |
| LIVING ROOM | 16' X 20' |
| KITCHEN | 10' X 10' |
| DINING | 10' X 10' |
| MASTER BEDROOM | 15' X 18' |
| MASTER BATH | 8' X 10' |
| BEDROOM | 12' X 13' |
| BATH | 5' X 8' |
| UTILITY | 6' X 7' |
| UTILITY | 6' X 9' |
| 1/2 BATH | 3' X 6' |
| | |
| PORCH | 10' X 18' |
| PORCH | 8' X 54' |
| PORCH/DECK | 4' X 8' |



PROPERTIES ADJOINING 6485 SUMMIT POINT RD CHARLES TOWN, WV:

Kevin L and Leslie C Steeley

43 Locust Hill Dr. Charles Town, WV 25414

Parcel ID: 06 3000 1000 30000 and 06 3000 1000 40000

Cynthia D McCoy

PO Box 1138 Charles Town, WV 25414

Parcel ID: 06 3000 2000 00000

Arthur R Kennedy and Lisa D Shanahan

67 Derby Pl. Charles Town, WV 25414

Parcel ID: 06 3B00 4100 00000

Brett J Brenneke

64 Derby Pl. Charles Town, WV 25414

Parcel ID: 06 3B00 4200 00000

William S and Jo K McGinnis

29 Paddock Pl. Charles Town, WV 25414

Parcel ID: 06 3B00 4600 00000

Ryan W and Betty J Speck

18 Paddock Pl. Charles Town, WV 25414

Parcel ID: 06 3B00 5900 00000

Staff Report
Jefferson County Planning Commission Meeting
November 10, 2020
Fiddlers 1 LLC Waiver Request (20-11-PCW)

Summary of the Request:

The applicant is requesting a waiver from Section 20.201A(2) of the Subdivision Regulations, which requires all lots in Minor Residential Subdivisions to have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots. The request is to permit Parcel 8.16 (Lot 3 of the Sunset View Subdivision) to be subdivided under the Minor Subdivision process to create one additional lot with access to Fiddlers Way. While the parcel has access to an existing 50' wide access easement, the additional lot would exceed the number of lots permitted to use it.

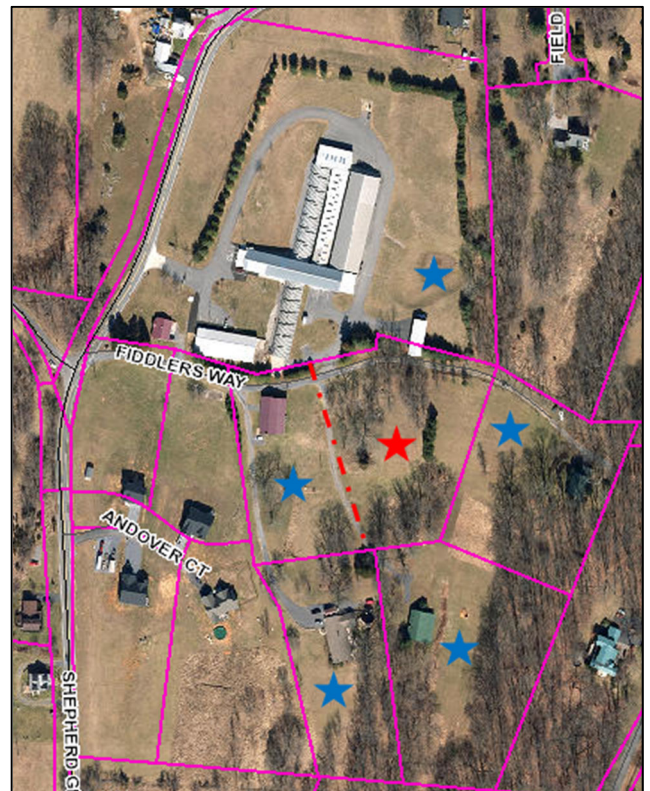
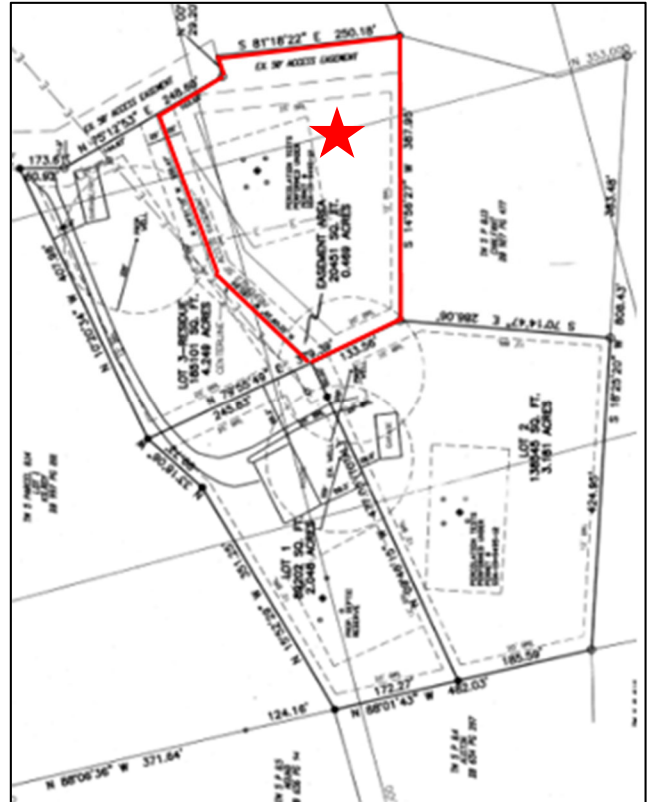
Site Background:

The parcel is located in the Residential Growth zoning district and has the right to further subdivide, provided it meets the criteria in Section 20.201 of the Subdivision Regulations. The subject parcel is Lot 3 of the Sunset View Subdivision, which was recorded on April 11, 2012 on [PB25/PG336](#). This subdivision created two lots and a residue parcel (which is the subject of this request). The 50' access easement (Fiddler's Way) which serves Sunset View was created in 1985 when the parent parcel for this subdivision was created. As part of the 2012 subdivision, a 50' access easement off Fiddler's Way was created, which serves the Sunset View lots. The proposed lot would be on the eastern side of that easement.

Discussion of Subdivision Regulations:

Roads which serve more than five (5) lots are required to be a part of Major Subdivision and are required to be built in accordance with Table 2.2-1 "Roadway Design Standards" of the Subdivision Regulations. The applicant can divide one additional lot by processing a Major Subdivision, designing and constructing Fiddlers Way in accordance with the County road standards.

The request is to be able to create one (1) additional lot via the Minor Subdivision process (as opposed to the Major Subdivision process), which does not necessitate upgrading Fiddlers Way.



Staff Report
Jefferson County Planning Commission Meeting
November 10, 2020
Fiddlers 1 LLC Waiver Request (20-11-PCW)

Waiver Requirements:

The applicant provides a response to the requirements found in “Division 24.300 Waivers” of the Subdivision Regulations and a detailed “Statement in Support of Waiver Request” which is attached to the application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

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

Staff Recommendation:

Planning and Engineering staff generally believe that the intent of the Subdivision Regulations is to ensure that lots created in Jefferson County are served by adequate infrastructure meeting certain standards, which do not apply to minor subdivision access easements. In this particular case, due to the fact that one of the lots accessing it was a Family Transfer, it may be reasonable to allow one additional lot to be created provided that it is required to contribute to the maintenance and upkeep of the road. If the Planning Commission is inclined to approve this waiver request, the motion for approval should clearly state that such approval is limited to one additional lot for a maximum of 6 lots accessing Fiddler’s Way.



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

File Number: 20-11-PCW
 Staff Initials: SH
 Sketch Received:
 List of Adjoiners:
 Fees Paid: 100.00

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Waiver Request

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

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

Property Owner Information

Name: Fiddlers 1, LLC
 Mailing Address: 1018 Jefferson Avenue, Charles Town, WV 25414
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Name: John Kilroy and Paul J Raco, P.J. Raco Consulting LLC
 Mailing Address: Above and Below
 Phone Number: _____ Email: _____

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

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

Physical Property Details

Physical Address 50 Fiddlers Lane
 Tax District: Shepherdstown Map No: 5 Parcel No: 8.16
 Parcel Size: 4.25 Acre +- Deed Book: 1119 Page No: 514

Zoning District (please check one)

| | | | | | | | |
|---|----------------------------|--------------------------|--|--------------------------|------------------------------|--|----------------------------------|
| Residential Growth (RG) | Industrial Commercial (IC) | Rural (R) | Residential-Light Industrial-Commercial (R-LI-C) | Village (V) | Neighborhood Commercial (NC) | General Commercial (GC) | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| RECEIVED | | | Highway Commercial (HC) | Light Industrial (LI) | Major Industrial (MI) | Planned Neighborhood Development (PND) | Office/Commercial Mixed-Use (OC) |
| OCT 20 2020 | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| JEFFERSON COUNTY PLANNING ZONING & ENGINEERING | | | | | | | |

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

Section 20.201A.2.

Briefly Describe the Nature of Your Waiver Request:

See Attached

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

See Attached

See Attached

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

See Attached

See Attached

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

See Attached

See Attached

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

See Attached

See Attached

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

X John H. Kilroy
Signature of Property Owner Date

Signature of Property Owner Date

To Be Completed By Office

11/10/20 Date of Public Meeting/Public Hearing

Official/Administrative Body

10/27/20 Date Property to be Posted By
10/27/20 Date Adjoiner Letters to be Mailed

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

Approved **Denied**

Fiddlers 1, LLC
Request for Waiver
Jefferson County Subdivision Ordinance
Section 20.201A.2.
October 19, 2020

Brief Description:

The Applicant is the owner of the parcel and lives on the existing property that is being subdivided into two lots. As the PPC Memo (attached) from Staff describes, the creation of this lot qualifies as a Minor Subdivision from the standpoint of number of lots that are permitted from this parcel since 1988. However, because it will create the 6th lot on Fiddlers Way, it requires the processing of a Major Subdivision for the one additional lot. The Applicant could attempt to find another access easement to Shepherd Grade Road to conform with the Minor Subdivision standards, but that would create an additional access point to the State Road. It is preferred to utilize the existing 50' ROW/Easement so that the additional access point would not be needed.

The existing gravel driveway is in particularly good shape and it exists in a 50' wide ROW/Easement. As such, the additional lot will not be a major impact on the road. As seen in the aerial photo, Fiddlers Way is an improved road that can be utilized for this one lot. Additionally, there are no drainage issues associated with this access point. A major designation would require more disturbance in the area by widening the road to serve 6 lots instead of the existing 5 lots. The ordinance allows up to 12 lots to be served by an existing gravel road instead of paved, so the only issue is that Fiddlers Way was not designed and constructed as a County Grade Road.

Accordingly, the Applicant is asking that the creation of the one additional lot be considered a Minor by granting a waiver to allow the 6th lot on Fiddlers Way. The Applicant is requesting this waiver since the additional one lot would not be a major burden to the existing gravel road and because it otherwise qualifies as a Minor Subdivision.

Fiddlers 1 LLC
Request for Waiver
Jefferson County Subdivision Ordinance
Section 20.201A.2.
October 19, 2020

Four Criteria:

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

There will be no additional cost in the public maintenance as it is a private road and right of way. The two parcels should be more than 2 acres each, as such, there is no parkland requirement for the parcels.

Fiddlers Way serves 5 lots and the addition of one lot will not cause a burden on the existing gravel road that is in good shape and is wide enough to provide for proper access.

The additional lot will allow for only one additional dwelling, but it will also allow for the collection of Impact Fees and taxes on that dwelling and lot.

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

If the waiver is granted, it will have no adverse effect on public health, safety, or welfare since nothing will change. The only issue that requires the waiver is extra lot on the existing road. The parcel qualifies as a Minor in all other ways. The additional lot and the 7 additional vehicle trips per day is minimal for the standard of road that exists. Fiddlers Way is a low volume road and the additional 7 trips per day anticipated with the additional dwelling is not a major impact.

If the waiver were denied, the road would have to be widened and would impact the area more than the actual impact of one additional dwelling.

The additional dwelling will contribute to any existing maintenance agreement for the upkeep of the road.

All other requirements for a Minor Subdivision will be met if the waiver is granted.

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

The creation of one additional lot on this property qualifies as a Minor Subdivision for all purposes, other than it creates the 6th lot on an existing road that leads to a public road (Shepherd Grade). In this case, a good gravel road of acceptable width exists to where this lot will be created. While the road is not certified as County Grade, it is a wide, well compacted gravel road that can easily accommodate the one extra dwelling unit being requested as a Minor Subdivision. If the waiver were denied, the process would take at months and much design costs to go through the Major process. In this case, that would seem to be overkill for the additional 7 vehicle trips per day projected by the ordinance to utilize Fiddlers Way.

The purpose of the requirement is to make sure that each new lot is served by professionally designed roads and utilities. In this case, Fiddlers Way is already existing maintained gravel road. As reported in the PPC Memo that is included with this request, Staff seems supportive of this request for the additional lot as a Minor.

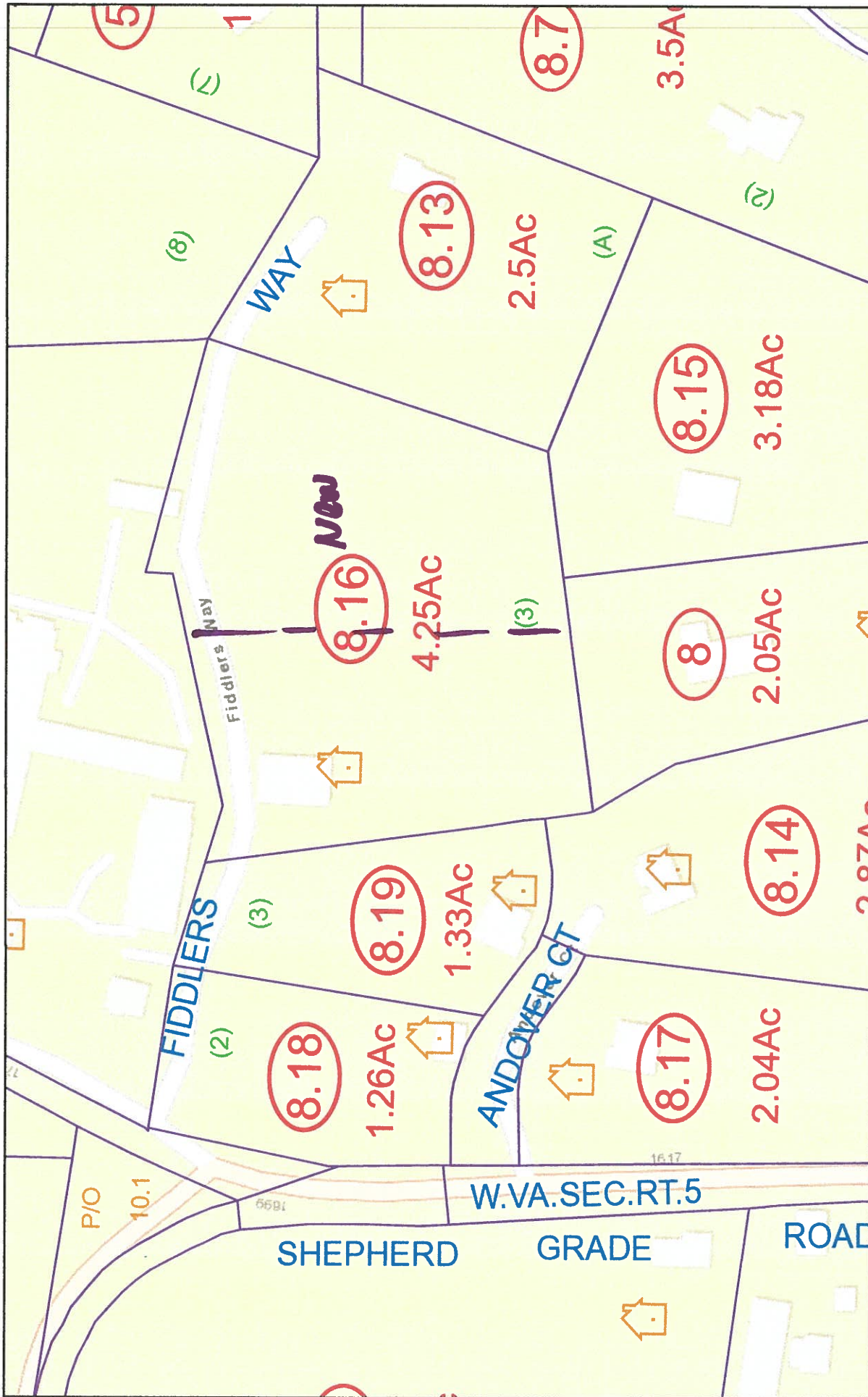
Furthermore, the property is in the Residential Growth District and the Shepherdstown Growth Area. This area is projected to be high density residential since it is zoned as Residential Growth. Instead, the Applicant is choosing to only create one additional 2+- acre parcel with little impact in the area.

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

There is nothing to gain to process anything more than a Minor subdivision since the waiver is for only one additional lot on 2+- acres. Additionally, a gravel road in a 50' ROW already exists. A Major process would only add time and money for the limited impact that one lot will create. As mentioned, the one additional lot will contribute an Impact Fee when a building permit is issued and additional taxes when the house and lot are added to the tax rolls. The one additional lot will be consistent in size with the existing lots in the neighborhood. Furthermore, the new lot and dwelling will actually be accessed from the existing private driveway that comes off Fiddlers Way, so there will be no additional direct access added for this lot onto Fiddlers Way.

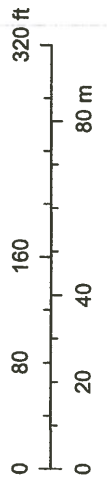
Based on the above, the Applicant respectfully requests that the Planning Commission grant the waiver to allow the extra lot on the 50' Private Access Easement known as Fiddlers Way to be processed as a Minor Subdivision since the road and ROW are existing. Finally, as discussed in the PPC Memo, the new lot otherwise qualifies as a Minor Subdivision. Thank you.

Viewer Map



October 14, 2020

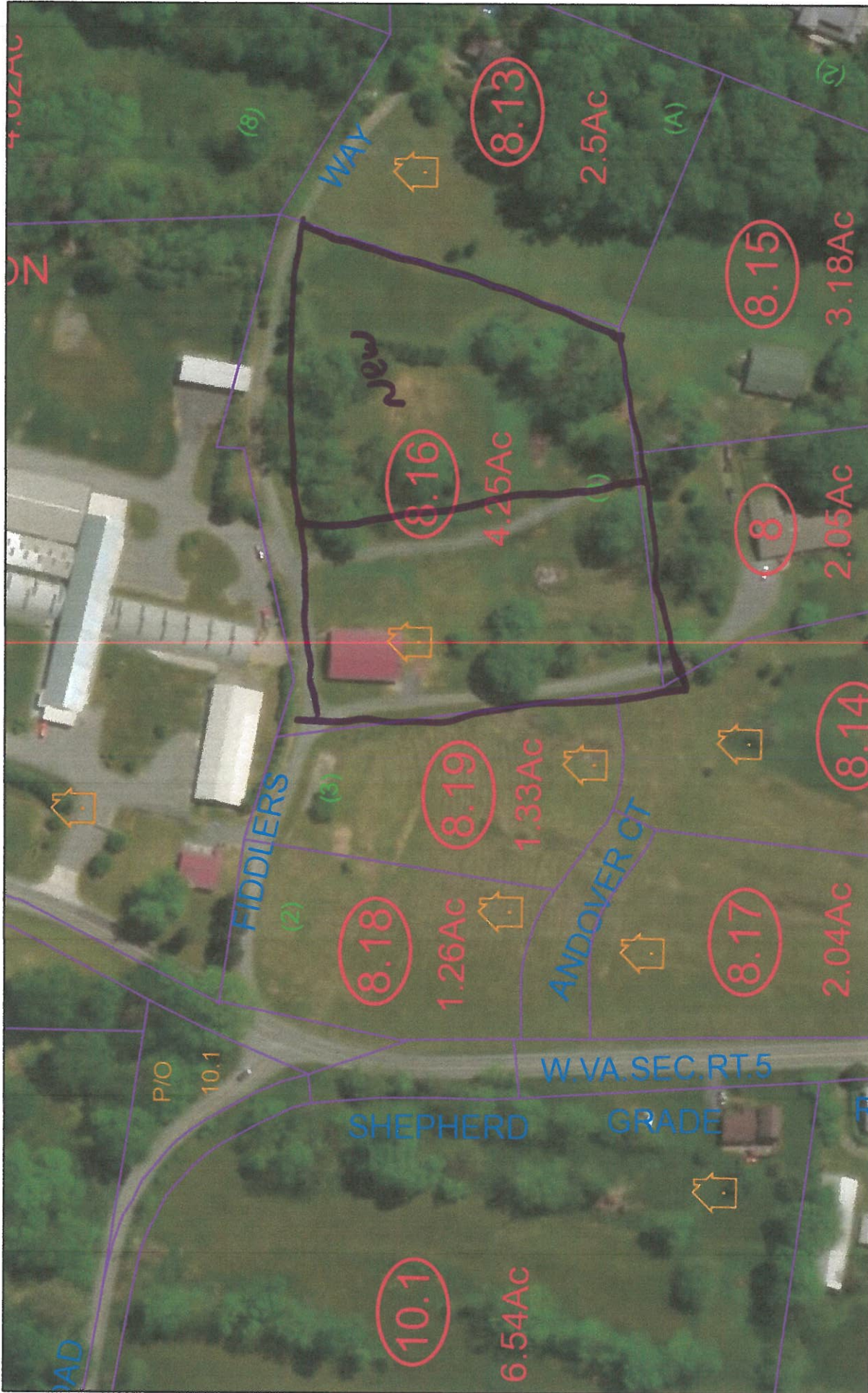
1:2,257



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

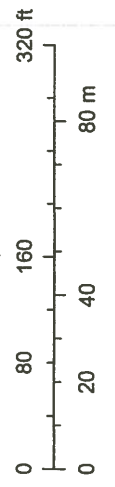
Me
Copyright 2014

Viewer Map



October 20, 2020

1:2,257



THIS IS A RESUBDIVISION OF LOT 2-RESIDUE
RECORDED IN PLAT BOOK 21 PAGE 31.

TH 5 P 8.5
MOUND
DB 656 PG 24

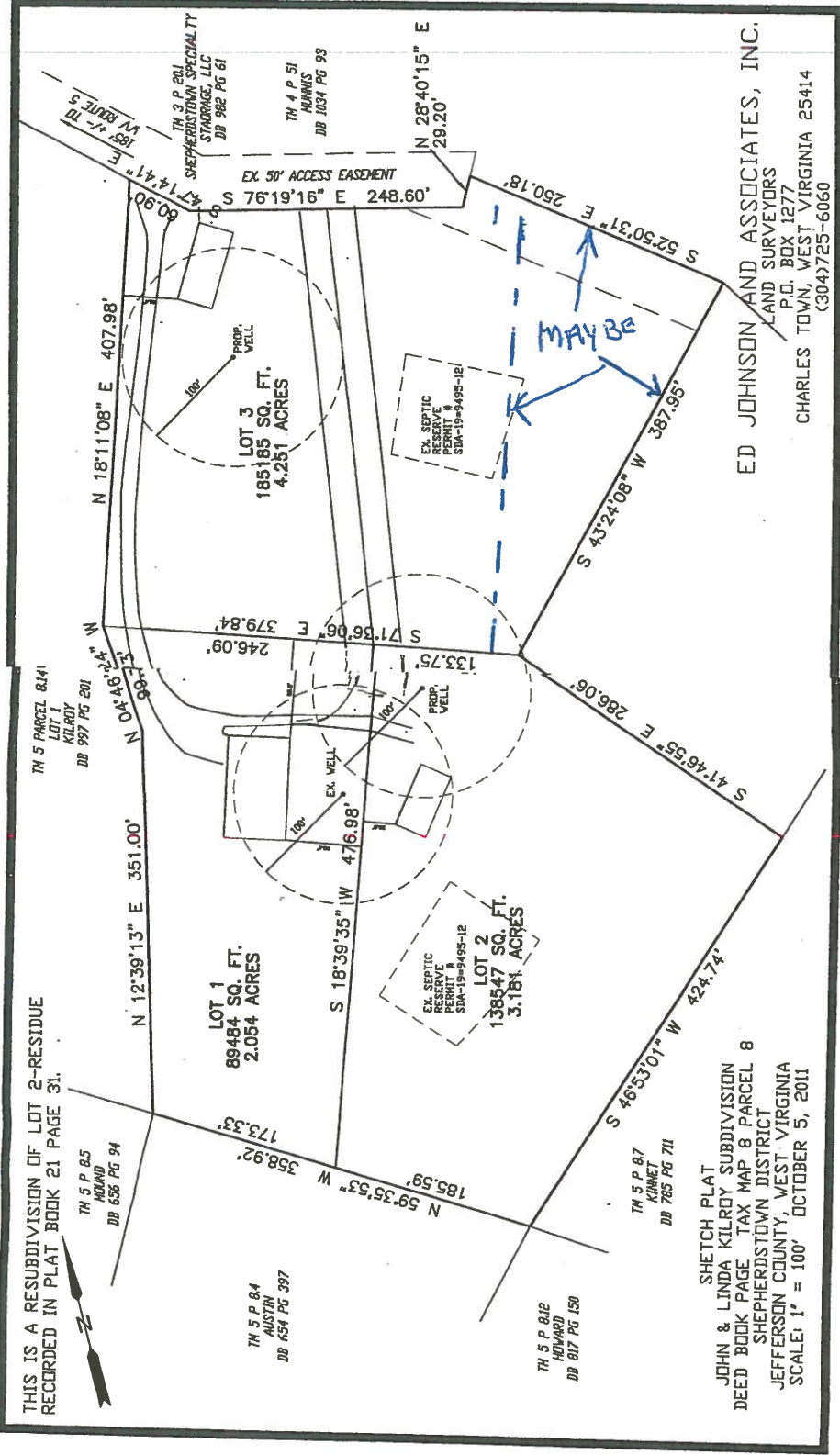
TH 5 P 8.4
AUSTIN
DB 654 PG 397

TH 5 P 8.12
HOWARD
DB 817 PG 150

TH 5 P 8.7
KINNET
DB 765 PG 711

SKETCH PLAT
JOHN & LINDA KILROY SUBDIVISION
DEED BOOK PAGE TAX MAP 8 PARCEL 8
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1" = 100' OCTOBER 5, 2011

ED JOHNSON AND ASSOCIATES, INC.
LAND SURVEYORS
P.O. BOX 1277
CHARLES TOWN, WEST VIRGINIA 25414
(304)725-6060









Jefferson County, West Virginia
Department of Engineering, Planning, and Zoning
Office of Planning & Zoning

116 East Washington Street; Suite 200, P.O. Box 716
Charles Town, West Virginia 25414

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

Email: planningdepartment@jeffersoncountywv.org

October 15, 2020

PRE-PROPOSAL CONFERENCE MEMORANDUM

PPC Meeting Date: Wednesday, October 7, 2020 3:00 pm
Owner/Applicant: Fiddlers 1, LLC
Mailing Address: 1018 Jefferson Avenue, Charles Town WV 25414
Telephone Number: c/o Paul Raco 304-676-8256
Physical Address/Location: Fiddlers Way Shepherdstown, WV 25443
Proposed Project: Subdivide 1 Lot
Parcel Information: Tax District: 09/ Map: 5/ Parcel: 8.16
Deed Book 1119/Page 513; Plat Book 25/Page 336 Lots 1 – 3 Residue
Sunset View LLC Minor Subdivision
Zoning District: Residential Growth
Total Parcel Size: 4.25 acres
Meeting Attendees: Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning
Administrator; Jonathan Saunders, County Engineer; Paul Raco,
Consultant

Meeting Overview/Discussion:

Overview: Request to divide Lot 3- Residue into one lot (1.5 acre) and a residue (2.75 acres).

Research/Additional Relevant Information:

- 4/11/12: Sunset View, LLC Minor Subdivision, Lots 1-3-Residue (PB25/PG336)
- 6/17/99: DB927/PG477 (Child to Parent Exemption), 2.5 acres (Parcel 8.13)
- 11/21/1995: DB819/PG365, 20 acres less and excepting 0.491 acres to WV DOH (7/26/94)
- 1/25/85: DB535/PG541, 20 acres

Tentative Site Capacity Calculations:

Under Section 20.201A of the Subdivision Regulations a property (parent parcel) may create a maximum of five (5) lots since October 5, 1988, as a Minor Subdivision. The original parcel was approximately 20 acres in size.

- Parcel 8.13 was created as a parent to child lot and is therefore exempt from this provision.
- The remaining three parcels subdivided from the parent parcel were created as part of the Sunset View, LLC Minor Subdivision, Lots 1-3-Residue (Plat Book 25, Page 336).
- As only three lots have been subdivided from the parent parcel via the minor subdivision process, the Residue has the right to create an additional two lots using the minor subdivision process.

Relevant Information:

- A registered West Virginia Surveyor is required to stamp the Final Plat.
- Permits are required from the following state agencies. Contact information for those agencies:
 - West Virginia Division of Highways (entrance permit): 304-289-3521 (Burlington Office)

- Jefferson County Health Department (well & septic): 304-728-8416 or appropriate public/private utility provider
- Office of Building Permits & Inspections: 304-725-2998
- Office of Impact Fees, Contact Michelle Mason: 304-728-3331

Comments:

Subdivision Regulations:

- All lots created through the Minor Subdivision process shall have motor vehicle access via a 50' access easement, servicing no more than 5 lots to either a WV DOH road right-of-way or easement; or a road in a major subdivision that meets county roadway design standards.
 - The existing 50' access easement appears to serve the Sunset View Minor Subdivision, Parcel 8.13, and the Shepherdstown Specialty Storage; for a total of 5 lots. Adding any more lots to the 50' access easement would require processing as a major subdivision. The applicant may seek a waiver from this provision from the Planning Commission to allow additional lots on a 50' access easement or process as a Major Subdivision.
- If the proposed lot is a Family Transfer, the language for Family Transfers found in Section 20.201.B.2 shall be included as a note on the Final Plat and in the deed. The deed shall also identify the relationship between the grantor and grantee and document that the recipient has not yet received a previous family transfer.

Zoning Ordinance:

- Setbacks in the Rural Zoning District are as follows: 40' Front; 50' Rear; and 15' Side.
- Barns and feeding pens must be set back a minimum of 50' from a lot line.

Conclusion:

The applicant may proceed with a Minor Subdivision, provided a waiver to allow additional lots on the 50' access easement is approved, or may process a Major Subdivision.

Be advised that the purpose of this memo is informational and is only intended to provide general guidance. Please be advised that the County Commission has approved funding to work on a set of amendments to the Zoning Ordinance and Subdivision Regulations which may impact some of the regulations reflected in this memo. The amendments include general reorganization and cleanup of existing text in an effort to clarify conflicting regulations.

Sincerely,

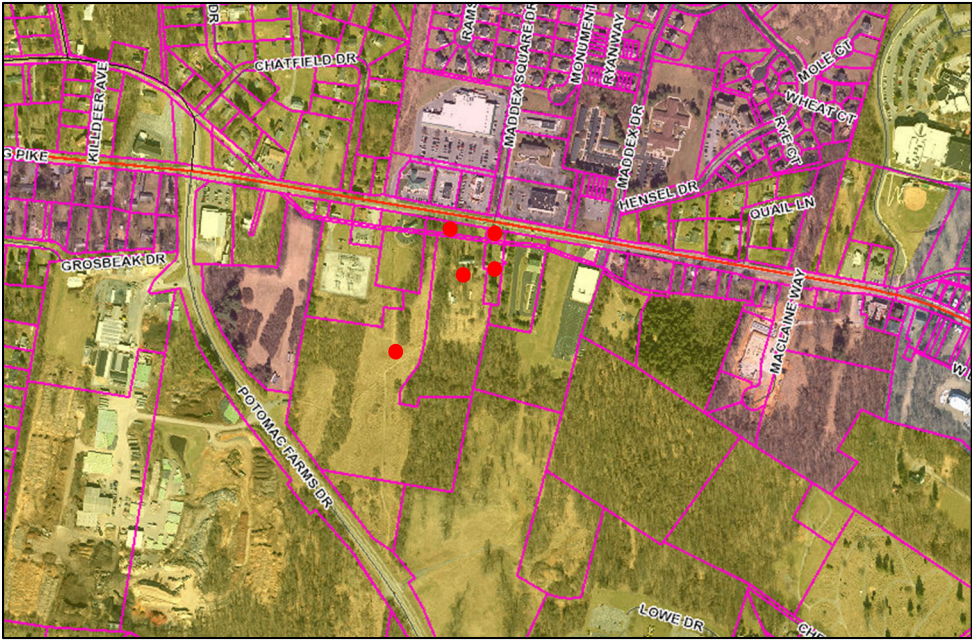


Jennifer M. Brockman, AICP
County Planner

Staff Report
 Jefferson County Planning Commission Meeting
 November 10, 2020

Van Evera Rezoning Request (20-1-Z)

Item # 10 Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment by property owner James W Van Evera III (et al) to rezone the subject parcel from Residential Growth to Residential-Light Industrial-Commercial is consistent with the 2035 Comprehensive Plan.

| | |
|-------------------------------------|--|
| Owner: | James W Van Evera III Et Al |
| Developer: | Bob Franks, Sheetz Inc. |
| Consultant: | Gordon |
| Property Location: | 7948 Middle way Pike, Shepherdstown, WV Properties on south side at the intersection of Martinsburg Pike (Route 45) and Maddex Farm Dr. |
| Legal Description: | <p>District: Shepherdstown (09), Map: 8, Parcels: 10.2, 13, 14, 15.2; Total: 22.17 ac; Proposed Area to rezone: 5.4 ac; Zoned: Residential Growth</p>  |
| Surrounding Properties: | <p><i>North:</i> Residential-Light Industrial-Commercial <i>South, East, West:</i> Residential Growth</p> |
| Current Use: | Residential and Vacant |
| Proposed Request | To rezone from Residential Growth (RG) to Residential-Light Industrial-Commercial (RLIC) |
| Planning Commission Responsibility: | To advise the County Commission whether the requested Zoning Map Amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan. |
| Staff Finding: | Staff finds that the request is reasonably consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> . |

Applicant's Request

The applicant's request is to rezone a 5.4-acre portion of the total 22.17 acres of the Van Evera properties from Residential Growth (RG) to Residential-Light Industrial-Commercial (RLIC). The proposed area to be rezoned is located south of the Martinsburg Pike (Route 45) and Maddex Farm Dr. intersection.

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Neighboring Uses

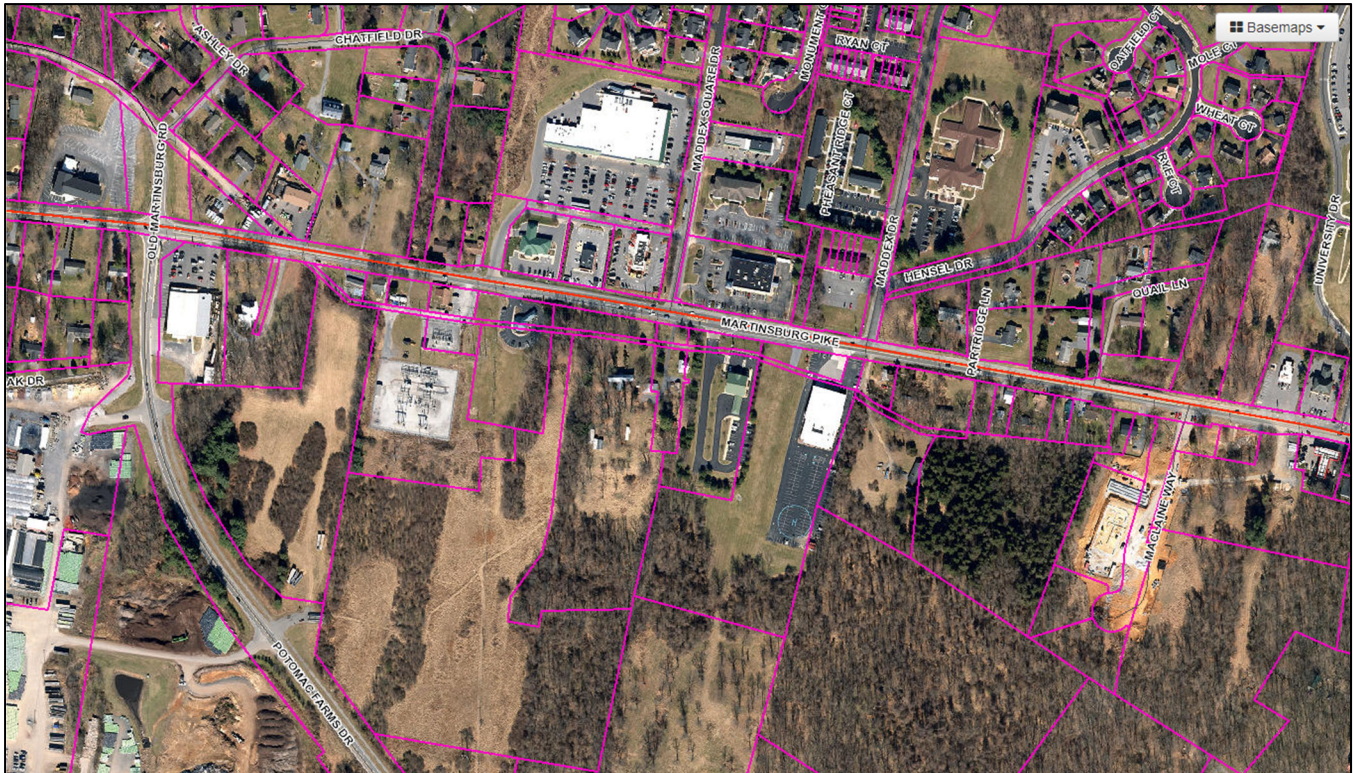
The subject parcel is adjacent to or in close proximity to the following nonresidential land uses:

North of Martinsburg Pike

- Maddex Square Shopping Center
Includes the Food Lion and various tenants.
- McDonald's
- Dairy Queen
- Branch Bank
- Walgreens
- Hotel/Motel
- Car wash/laundromat

South of Martinsburg Pike

- Potomac Edison Substation
- J&D's Club (bar)
- Insurance Agency
- Branch Bank
- Shepherdstown Fire Department



Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that the request is reasonably **consistent** with the *2035 Plan* because of its location within the County-designated Shepherdstown Preferred Growth Area (PGA) and its designation on the Future Land Use Guide as Future Mixed Use Residential/ Commercial.

It should be noted that Staff have no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

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Zoning Map Amendment Public Hearing Process

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

Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

A. Land Use and Growth Management Element: Shepherdstown Preferred Growth Area (PGA)

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17).

The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of the *2035 Plan*; and Rural/Agricultural Areas and Villages, where limited development is possible but is not intended for urban-scale development. (p. 17)

In 2014, Shepherdstown adopted a Growth Management Boundary (GMB) as a part of the Corporation’s Comprehensive Plan, which meets the WV code definition of a UGB and which is planned to have growth around the existing core of Shepherdstown and less intense development at the edges of the GMB. While this larger growth and annexation area is recommended in the Shepherdstown 2014 Comprehensive Plan, the *Envision Jefferson 2035 Comprehensive Plan* recognizes a smaller PGA to the southwest of the Shepherdstown core and the existing County zoning if it remains in the unincorporated area. (p.19)

The *Envision Jefferson 2035 Comprehensive Plan* states that the Shepherdstown PGA is “defined predominately by existing residential and commercial development, existing zoning, and access to water and sewer services. It encompasses an area broadly described as properties on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480 including land on either side of Potomac Farms Road. This area is included within Shepherdstown’s Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area.” (pp. 20-21)

The property included in this petition is inside the boundaries of the *2035 Plan*’s Shepherdstown PGA and therefore intended for eventual urban-level development intensity. If this rezoning is approved, the applicant is encouraged to coordinate and collaborate with the Corporation of Shepherdstown to determine when public water and wastewater treatment may be available so this property can develop to the anticipated urban-level intensity.

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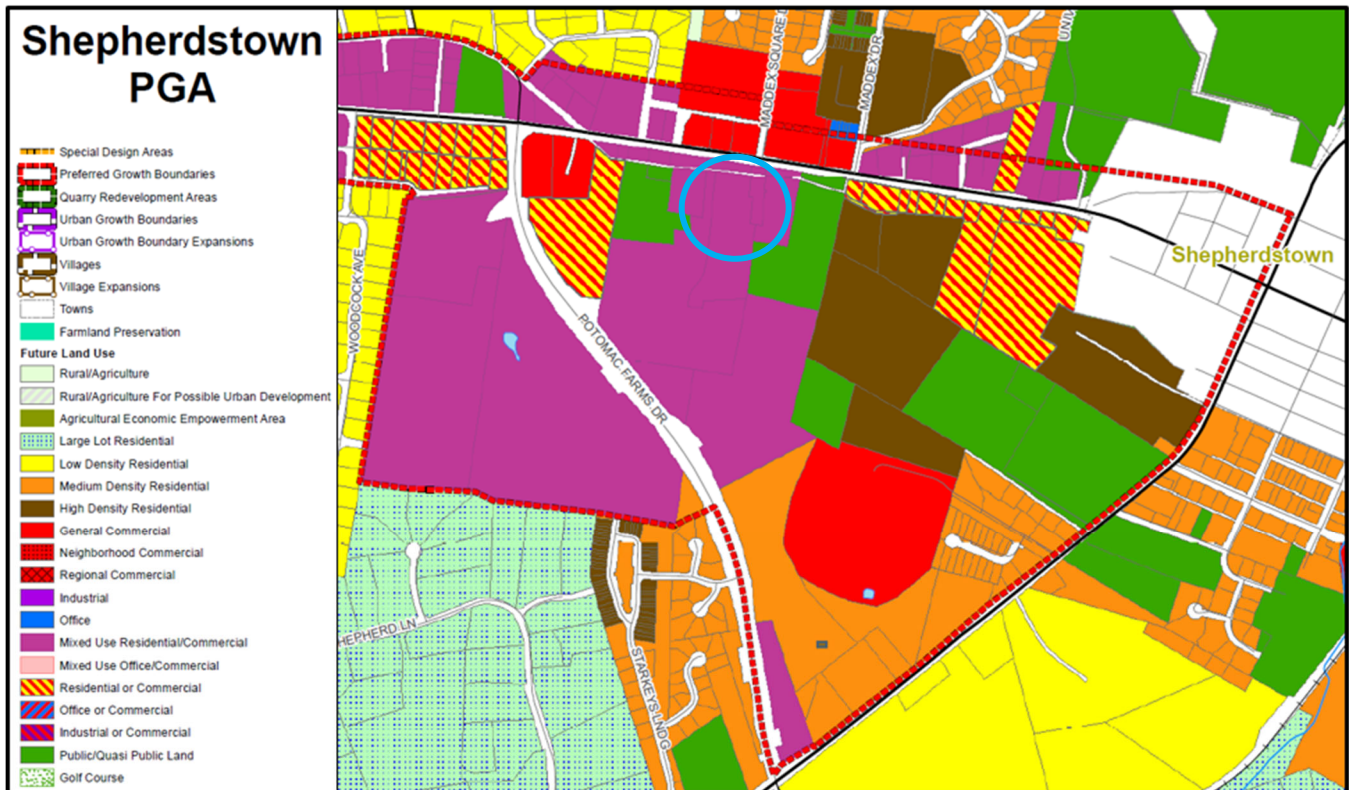
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B. Future Land Use Guide/Shepherdstown PGA Map

The property which is a part of this Zoning Map Amendment request is shown on the Future Land Use Guide and the Shepherdstown Preferred Growth Area Map (shown below; p. 220) as Future Mixed Use Residential/Commercial.

Appendix G of the Envision Jefferson 2035 Comprehensive Plan provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts. (p. 235)

Appendix G states that the intent of the Mixed Use Residential/ Commercial land use category (pp. 237) is to reflect areas which are intended to support the mixing of residential and commercial uses. The Plan states that this land use classification should result in the creation of a new zoning district that would permit this activity, with a mandatory mix of uses to be determined through the zoning text amendment process. It also states that as shown on the Future Land Use Guide, any rezoning to the Residential-Light Industrial-Commercial (RLIC) or a new zone that permits these uses shall have a mandatory mix of these uses. (emphasis added) No new zoning category has been created that contains a mandatory mix of these uses since the Plan was adopted in 2015. The only zoning category that has a mandatory mix is the Planned Neighborhood Development District.



It should be noted that under the Urban Level Development Recommendations, Recommendation #14 states that the County should “require all commercial/industrial zoning map amendment requests to utilize new zoning categories adopted on June 1, 2014 (or later) and discourage the use of the

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existing Residential-Light Industrial-Commercial (RL-C) District as a zoning category for zoning map amendment requests”. It further states that the County should “encourage any development in a zone that permits mixed use to be developed according to the Mixed Residential/Commercial or Mixed Office/Commercial ratios found in the land use category recommended by this Plan, unless otherwise provided in the Zoning Ordinance”. (p.33, emphasis added)

The property impacted by this rezoning request was incorporated into the Shepherdstown Preferred Growth Area based on the relationship to the road network and potential public water and wastewater service areas. The recommended Mixed Use Residential/ Commercial land use category reflects the location along a major state road and the potential to provide water and sewer utility services to the area and the surrounding mix of retail commercial, office and residential neighborhoods.

C. Urban Level Development Recommendations specific to the Shepherdstown PGA

Based on public input during the Comprehensive Plan process, Urban Level Development Recommendation #13 of the *2035 Plan* was developed which focused on a recommendation to “develop design criteria and access management standards for the WV 45 corridor west of the Shepherdstown Preferred Growth Area and within the Shepherdstown Growth Management Boundary to the Jefferson/Berkeley County line.” While these design standard recommendations were proposed for the rural lands west of the Shepherdstown PGA, some of the recommendations in this section may provide some guidance for development within the PGA as well. The three recommendations are as follows:

- a. Ensure that any new development or redevelopment along this corridor occur in a manner that recognizes and enhances the gateway aspect of this corridor.
- b. Require that an additional setback from the road right-of-way be set aside to allow for a roadway widening improvement easement, a pedestrian easement to include a hard surface trail, a landscaping strip wide enough to support large canopy trees, and the subsequent start of the development. This commitment of land shall not affect the overall permitted density and may require adjustments elsewhere in the development plan. This easement area shall be required whether or not the land is conveyed to a public agency.
- c. Require that developments be configured to eliminate lots having individual access onto WV 45. Lots shall use common access easements or rights-of-way to gain access to the state right-of-way.”

The commercial development proposed which requires this Zoning Map Amendment is located specifically where a signalized intersection already exists and proposes to use this as the access to this commercial property and to a road that would eventually connect through to Potomac Farms Drive, improving traffic circulation opportunities in this area.

It should also be noted that the Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) has recently undertaken a “Martinsburg Pike Corridor Vision Plan” focused on developing a corridor study for WV 45 between University Drive and Alternate 45 (Potomac Farms Drive) west of Shepherdstown. Of particular concern is the impact of new development on operational concerns for traffic and pedestrians and interconnectivity between Shepherd University and this part of the corridor. While this level of detail is not generally addressed during the rezoning process, it would be expected that during the Concept Plan or Site Plan review process, discussion of adequate pedestrian/bike connectivity would be discussed.

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3. Proposed Zoning District – Residential-Light Industrial-Commercial (RLIC)

The purpose of the Residential-Light Industrial-Commercial (RLIC) District (Section 5.8) is to “to guide high intensity growth into the designated growth area” (complete description attached). While this is a wide variety of residential and commercial use permitted in the RLIC zoning district, there is not a mandatory mix of uses that was recommended in the *Envision Jefferson 2035 Plan*.

4. Staff Discussion and Recommendation

While the *Envision Jefferson 2035 Plan* anticipates the development of a new zoning category or revisions to the RLIC rezoning to require a mandatory mix of the residential and commercial uses, this text amendment has not occurred. The applicants are requesting that approximately one-quarter (¼) of the properties owned by the Van Evera’s along WV 45 be rezoned to RLIC for commercial development, while the remaining portion of the property retain its Residential Growth zoning category for future residential development.

The area that is proposed for the rezoning is along WV 45 directly across from the Maddex Shopping Center and other retail and fast food businesses. The point of access is proposed to be from the signalized intersection with WV45 and Maddex Square Drive. The WV DOH has required a Traffic Impact Study, which is underway. The applicant is in communication with the Shepherdstown Water and Sewer Board regarding the provision of public water and sewer to the proposed 5.4-acre commercial site.

The Zoning Map Amendment Application Exhibit indicates the intention to provide a proposed road right of way from the intersection with WV45 and Maddex Square Drive to the balance of the Residential Growth zoned property behind the proposed commercial development. By requesting the partial rezoning to allow 5.4 acres of commercial development along WV 45 and retaining approximately 16 acres of the residential zoning behind the commercial property to Potomac Farms Drive, the applicant appears to be reflecting the goal of the Mixed Use Residential/Commercial Future Land Use Category.

Therefore, staff finds the proposed RLIC rezoning for a portion of this property to reasonably **consistent** with the *Envision Jefferson 2035 Comprehensive Plan* and the identified Shepherdstown Preferred Growth Area. It should be noted that the various lots involved in this rezoning request will be required to be merged before a Site Plan can be processed for this project.

5. Planning Commission Action

Article 12 of the Zoning Ordinance, in accordance with State Code, requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation will be required to be sent to the County Commission prior to the County Commission’s public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on October 29, 2020 and the required Public Hearing has been scheduled on December 3, 2020. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

Attachments:

- Section 5.8 Residential-Light Industrial-Commercial (RLIC) District
- Appendix C: Principal Permitted and Conditional Uses with RLIC highlighted

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ATTACHMENTS:

Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.

A. Principal Permitted and Conditional Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.

B. Standards

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area

C. Site Development Standards

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.
3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.

[Note: text amendment is currently in process to make a drive in window a permitted use]

4. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37, 39}

| Land Use | NC | GC | HC | LI | MI | PND ¹ | OC | R | RG | RLIC | IC | V | Additional Standards |
|---|----|----|----|----|----|------------------|----|----|----|------|----|----|----------------------|
| Residential Uses | | | | | | | | | | | | | |
| Accessory Agricultural Dwelling Unit | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 8.15 |
| Dwelling, Single Family | CU | NP | NP | NP | NP | P | NP | P | P | P | NP | P | |
| Dwelling, Single Family, Small Lot | CU | NP | NP | NP | NP | P | NP | NP | P | P | NP | P | |
| Dwelling, Two Family | CU | NP | NP | NP | NP | P | NP | P | P | P | NP | P | |
| Dwelling, Duplex | CU | NP | NP | NP | NP | P | NP | NP | P | P | NP | P | |
| Dwelling, Townhouse | CU | NP | NP | NP | NP | P | P | NP | P | P | NP | CU | |
| Dwelling, Multi-Family | CU | NP | NP | NP | NP | P | P | NP | P | P | NP | CU | |
| Day Care Center, Small | P | NP | NP | NP | NP | P | NP | P | P | P | P | P | |
| In-Law Suite | NP | NP | NP | NP | NP | P | NP | P | P | P | NP | P | Sec. 8.15 |
| Mixed Use Building | P | NP | NP | NP | NP | P | P | NP | CU | P | NP | P | |
| Mobile Home Park | NP | NP | NP | NP | NP | NP | NP | NP | P | P | NP | NP | |
| Model Homes/Sales Office | P | CU | NP | NP | NP | P | NP | P | P | P | NP | NP | Sec. 8.10 |
| Home Uses | | | | | | | | | | | | | |
| Home Occupation, Level 1 | P | NP | NP | NP | NP | P | P | P | P | P | P | P | Art. 4A |
| Home Occupation, Level 2 | P | NP | NP | NP | NP | P | P | P | P | P | P | P | Art. 4A |
| Cottage Industry | P | NP | NP | NP | NP | P | NP | P | P | P | P | P | Art. 4A |
| Institutional Uses | | | | | | | | | | | | | |
| Airport | NP | NP | NP | P | P | NP | NP | CU | NP | CU | CU | NP | |
| Airfield, Private/Helipad | NP | NP | NP | NP | NP | NP | NP | CU | NP | CU | CU | NP | |
| Church ³⁸ | P | P | P | P | CU | P | P | P | P | P | CU | P | |
| Convention Center | NP | P | P | P | CU | P | P | CU | CU | P | CU | NP | |
| Cultural Facility | P | P | P | P | CU | P | P | P | P | P | P | P | |
| Day Care Center, Large | P | P | P | P | CU | P | P | CU | P | P | P | CU | |
| Electric Vehicle Charging Station | P | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Elementary or Secondary School | P | P | CU | CU | NP | P | P | P | P | P | NP | CU | |
| Essential Utility Equipment | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4.7 |
| Group Residential Facility | P | P | P | NP | NP | P | CU | P | P | P | NP | P | |
| Group Residential Home | P | P | P | NP | NP | P | CU | P | P | P | NP | P | |
| Heliport | NP | CU | CU | P | P | CU | CU | NP | NP | CU | CU | NP | |
| Hospital | NP | P | P | P | CU | P | P | P | P | P | NP | NP | |
| Nature Center and Preserve | NP | NP | NP | NP | NP | P | NP | P | CU | P | NP | P | |
| Nursing or Retirement Home | CU | P | P | P | NP | P | P | CU | P | P | NP | CU | |
| Park | P | P | P | P | NP | P | P | P | P | P | NP | P | |
| Performing Arts Theater | P | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Preschool | P | P | CU | CU | CU | P | P | P | P | P | NP | CU | |
| Public Safety Facility | P | P | P | P | P | P | P | P | P | P | P | P | |
| Publicly Owned Facility | P | P | P | P | P | P | P | P | P | P | P | CU | |
| Recycling Drop-Off Center | CU | P | P | P | P | P | P | NP | NP | P | P | NP | |
| Residential Care Home | P | P | P | NP | NP | P | CU | P | P | P | NP | P | |
| School, College or University | NP | P | P | P | NP | P | P | CU | CU | P | NP | NP | |
| School, Vocational or Professional | NP | P | P | P | NP | P | P | CU | CU | P | P | NP | |
| Vocational and Training Facility for Adults | P | P | P | P | P | P | P | P | P | P | NP | NP | |

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

| Land Use | NC | GC | HC | LI | MI | PND ¹ | OC | R | RG | RLIC | IC | V | Additional Standards |
|---------------------------------------|----|----|----|----|----|------------------|----|----|----|------|----|----|--------------------------|
| Commercial Uses continued | | | | | | | | | | | | | Sec. 8.9 |
| Bar | P | P | P | P | NP | P | P | NP | NP | P | P | CU | |
| Barber/Beauty Shop, Limited | P | P | P | P | NP | P | P | CU | CU | P | P | P | |
| Bed and Breakfast | P | NP | NP | NP | NP | NP | NP | P | CU | NP | NP | P | Sec. 8.3 |
| Brewpub | P | P | P | P | NP | P | P | CU | CU | P | P | CU | Sec. 8.5 |
| Business Equipment Sales and Service | CU | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Building Maintenance Services | CU | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Building Materials and Supplies | NP | P | P | P | P | P | NP | CU | CU | P | P | CU | |
| Campground ³¹ | CU | P | NP | NP | NP | P | NP | P | CU | P | P | CU | Sec. 8.17 |
| Car Wash | NP | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Commercial Blood Plasma Center | NP | P | P | P | NP | CU | CU | CU | CU | CU | P | CU | |
| Commercial Uses | NP | NP | NP | NP | NP | NP | NP | NP | ** | P | P | CU | Sec. 8.9 |
| Contractor with No Outdoor Storage | P | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Contractor with Outdoor Storage | NP | P | P | P | P | P | NP | CU | CU | P | P | CU | |
| Convenience Store, Limited | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Convenience Store | CU | P | P | P | CU | P | NP | CU | CU | CU | P | CU | Sec. 5.8C (RLIC only) |
| Country Inn | P | P | P | P | NP | P | P | CU | CU | P | P | P | |
| Crematorium, Pet ³⁷ | NP | P | NP | P | NP | NP | NP | P | NP | P | P | CU | Sec. 8.19 |
| Custom Manufacturing | P | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Dry cleaning and Laundry Services | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Dry cleaning and Laundry Facility | NP | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Equipment Rental, Sales, or Service | NP | P | P | P | P | P | NP | CU | CU | P | P | CU | |
| Exterminating Services | NP | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Florist | P | P | P | P | CU | P | P | CU | CU | P | P | P | |
| Food Preparation | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Hotel/Motel | NP | P | P | P | NP | P | P | CU | CU | P | P | CU | |
| Gambling Facilities | NP | NP | NP | NP | CU | NP | NP | NP | NP | NP | CU | CU | Sec. 4.4G |
| Gas Station, Limited | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Gas Station | NP | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Gas Station, Large | NP | CU | P | P | CU | CU | CU | CU | CU | P | P | CU | |
| Golf Course | NP | P | P | P | NP | P | P | CU | CU | P | P | CU | |
| Grocery Store | P | P | P | P | CU | P | NP | CU | CU | P | P | CU | |
| Horse Racing Facility | NP | NP | NP | P | NP | NP | NP | CU | CU | P | P | CU | |
| Kennel | NP | P | P | P | CU | P | P | P | CU | P | P | CU | Sec. 8.4 |
| Medical/Dental/Optical Office, Small | P | P | P | P | CU | P | P | CU | CU | P | P | P | |
| Medical/Dental/Optical Office | NP | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Mobile Home, Boat and Trailer Sales | NP | P | P | P | CU | P | NP | CU | CU | CU | P | CU | |
| Movie Theater | NP | P | P | P | NP | P | NP | CU | CU | P | P | CU | |
| Nightclub | NP | P | P | P | NP | P | NP | CU | CU | P | P | CU | |
| Non Profit Commercial Uses | P | P | P | P | NP | P | P | CU | CU | P | P | CU | |
| Non-Profit Community Centers | P | P | P | P | CU | P | CU | P | CU | P | P | CU | |
| Parking, Commercial Offsite Accessory | NP | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Pawn Shop Services | NP | P | P | P | NP | P | NP | CU | CU | P | P | CU | |
| Personal Services | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Professional Office, Small | P | P | P | P | CU | P | P | CU | CU | P | P | P | |
| Professional Office | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Restaurant, Fast Food, Limited | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Restaurant, Fast Food | CU | P | P | P | CU | P | P | CU | CU | CU | P | CU | |
| Restaurant, Fast Food, Drive-Through | NP | P | P | P | CU | CU | P | CU | CU | CU | P | CU | |

| Land Use | NC | GC | HC | LI | MI | PND ¹ | OC | R | RG | RLIC | IC | V | Additional Standards |
|---|----|----|----|----|----|------------------|----|----|----|------|----|----|----------------------|
| Commercial Uses continued | | | | | | | | | | | | | Sec. 8.9 |
| 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 | |
| Special Event Facility | P | P | P | P | NP | P | P | CU | CU | P | P | CU | Sec. 8.14 |
| 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 |
| Agricultural Uses* | | | | | | | | | | | | | |
| 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 ³⁷ | 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 | NP | P | P | P | P | P | P | P | CU | P | P | NP | |
| Structure must have existed for 5 years | | | | | | | | | | | | | |
| Special Event Facility, Agricultural | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 8.14 |
| Accessory Uses | | | | | | | | | | | | | |
| Accessory Uses | P | P | P | P | P | P | P | P | P | P | P | P | |

- | | | | |
|-----|----------------------------------|------|--|
| NC | Neighborhood Commercial | OC | Office / Commercial Mixed-Use |
| GC | General Commercial | R | Rural |
| HC | Highway Commercial | RG | Residential Growth District |
| LI | Light Industrial | RLIC | Residential-Light Industrial-Commercial District |
| MI | Major Industrial | IC | Industrial-Commercial District |
| PND | Planned Neighborhood Development | 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

¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

² Approval process is per the Salvage Yard Ordinance.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

File Number: 20-01-7
Staff Initials: AB
Application Fee: \$ 1300-

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

Zoning Map Amendment (Rezoning)

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

Property owner information

Name: Van Evera James W III Et Al
Mailing Address: 7948 Martinsburg Pike; Shepherdstown, WV 25443
Phone Number: _____ Email: _____

Applicant contact information

Name: Sheetz Inc; Bob Franks
Mailing Address: 5700 Sixth Avenue; Altoona, PA 16602
Phone Number: 814-935-4798 Email: bfranks@sheetz.com

Applicant representative

Name: GORDON; Chad Wallen
Mailing Address: 148 S. Queen St, Suite 201; Martinsburg, WV 25401
Phone Number: 304-725-8456 Email: cwallen@gordon.us.com

Physical property details

Physical Address: 7948 Martinsburg Pike;
City: Shepherdstown State: WV Zip Code: 25443
Tax District: 9 - Shepherdstown District Map No: 8 Parcel No: 10.2, 13, 14, 15.2
Parcel Size: 5.4+/- Acres Deed Book: 1074 Page No: 306

Current Zoning District (please check one)

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

RECEIVED

OCT 21 2020

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING
Place Received Date Stamp Here

Proposed Zoning District (please check one)

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

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.

See Attached

Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

See Attached

Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.

See Attached

Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?

Yes, I request that the Planning and Zoning Staff present the petition

No, I prefer to present the petition

Plat or Sketch Plan (provide as an attachment to this application)

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

Is Plat or Sketch Plan attached?

Yes No

Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).

Suzanne MUE Heaney, Trustee for Linda Heaney Living Trust 10/9/20

Signature of Property Owner

Date

Signature of Property Owner

Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Recommended Not Recommended

The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Approved Disapproved

Final Determination/Other Comments

Plat or Sketch Plan (provide as an attachment to this application)

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

Is Plat or Sketch Plan attached?

Yes No

Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).

James E. Green III 10/9/2020

Signature of Property Owner

Date

Signature of Property Owner

Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Recommended *Not Recommended*

The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Approved *Disapproved*

Final Determination/Other Comments

Plat or Sketch Plan (provide as an attachment to this application)

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

Is Plat or Sketch Plan attached?

Yes No

Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).

Carol A. Van Evera - Co-trustee - Jesse R. Van Evera Trust - 10/10/20
Signature of Property Owner Date Signature of Property Owner Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Recommended Not Recommended

The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Approved Disapproved

Final Determination/Other Comments

Zoning Map Amendment Application Addendum

Sheetz Store 160 Rezoning

October 9, 2020

Owner:

Van Evera James W III Et Al
7948 Martinsburg Pike
Shepherdstown, WV 25443

Applicant:

Sheetz Inc; Bob Franks
5700 Sixth Avenue
Altoona, PA 16602

Property Tax Identification:

Shepherdstown District (9), Map Number 8, Parcel 13, 15.2 and portions of Parcels 10.2 & 14. A boundary line adjustment will be processed to consolidate the area of rezoning into a single parcel.

Deed Information:

Deed Book 1074, Page Number 306

Property Characteristics:

Location: South of the Martinsburg Pike (Rte. 45) & Maddex Square Dr. intersection.

Current Zoning: Residential Growth

Current / Historic Use: Residential

Tract Size: 23.48+/- Acres

Area of Rezoning: 5.4+/- Acres

Table of Exhibits

1. Vicinity Map
2. Aerial Overlay
3. Existing Conditions Map
4. Concept Plan

Substantiation for Request

- 1. Commercial use is the appropriate and best use of the property.** Surrounding properties are commercial uses and the property has frontage on Martinsburg Pike (Route 45), identified as a Minor Arterial in the Comprehensive Plan.
- 2. The current zoning designation as Residential Growth (RG) district provides limited options for by-right commercial development.** A zoning map amendment is required to allow commercial development. The property is located in an area dominated by commercial uses and residential development would not be in character with the immediate area.

- 3. The property's commercial use is consistent with surrounding commercial development.** Adjacent properties include an Erie Insurance offices, Jefferson Securities Bank, Rite Aid Pharmacy and Maddex Square commercial center (Food Lion, Dairy Queen, McDonalds and multiple in-line retail stores). There are no residential units adjacent to the area of rezoning.



- 4. The existing signalized intersection provides value to commercial development.** The property will be accessed through an existing signalized intersection on Martinsburg Pike (Rte. 45). Use of this existing asset will not result in an additional intersection, which typically occurs with development. The owner will work with WVDOH to provide any necessary upgrades to the intersection/signal.
- 5. No burden would be placed on existing public infrastructure with this rezoning.** The property is located near existing utilities and will not create additional needs on the school system or other County facilities.

Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.

The proposed use includes the development of a Sheetz store (Zoning Use: Gas Station, Large). The development will include a 6,000+/- sq. ft. building, car wash, five fueling islands (10 pumps), drive thru and associated infrastructure improvements.

A text amendment is currently under review to allow a drive-thru in the Residential-Light Industrial-Commercial (RLIC) zoning district. The drive thru will not be provided should the text amendment be denied.

The proposed commercial use of the property is not a permitted use in the current RG district. The preferred use as a commercial use is justified under the Substantiation for Request section of this document.



Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan (the Plan).

- **Urban Level Development Recommendations (Goal 1.2.a, Page 30): Economic Well Being of the County**
 - The proposed commercial development will expand the County’s commercial real estate tax base.

- **Urban Level Development Recommendations (Goal 1.2.b, Page 30): Error or Under Scrutinized Property on the Future Land Use Guide**
 - The Land Use Guide recognizes the property as an area of mixed-use, but the current Zoning designation of Residential Growth does not permit commercial uses by right. Allowing commercial development adjacent to Route 45 will recognize the Land Use Guides vision for the property.

- **Urban Level Development Recommendations (Goal 1.13.b, Page 33): Require that an additional setback from the road right-of-way (Rte. 45) be set aside to allow for a roadway widening improvement easement, a pedestrian easement to include a hard surface trail, a landscaping strip wide enough to support large canopy trees, and the subsequent start of the development.**
 - An additional 10’ setback / easement will be provided along Route 45.

- **Finance Recommendations (Goal 24.1, Page 141): Develop policies that result in a well-balanced tax base that is not overly reliant on residential taxes, but is diversified by the presence of a robust commercial and industrial tax base.**
 - The property will contribute to the commercial tax base of the County.

- **Future Land Use Guide**
 - Provides a land use classification of Mixed Use Residential/Commercial. The portion of the property subject to this rezoning will be commercial. The balance of the property will remain in the Residential Growth district and is anticipated that future development will include residential uses. The proposed zoning will provide a mix of uses that is consistent with the Comprehensive Plans vision. The Comprehensive Plan states on page 26 that “Land Use Classifications are

intended to provide guidance to the Planning Commissions when considering owner initiated zoning map amendments”

- The property is designated as a Preferred Growth Area by the Comprehensive Plans Future Land Use Guide. This demonstrates the Comprehensive Plans development expectations for the property.



Discuss any change(s) of transportation characteristics (i.e. type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.

- **Transportation Characteristics - The property is served by direct access from a Minor Arterial road (Martinsburg Pike / WV RTE. 45).** As with most corridors, traffic increases over time as more development occurs. The recognition of Martinsburg Pike as a Minor Arterial by the Plan recognizes this road as regional route.
- **Transportation Characteristics - As required with any property, an entrance permit from the West Virginia Department of Transportation (WVDOT) will be needed.** Obtaining an entrance permit requires the review by the WVDOT to ensure that safe and adequate access can be provided. It is anticipated that improvements to the traffic signal and intersection will be requested by WVDOT.
- **Changes Since the Original Adoption of the Zoning Ordinance (1988) – Substantial commercial development has occurred in the immediate area.** Maddex Square and Jefferson Securities Bank did not exist when the current Zoning Ordinance was adopted. The development of this area provided a traffic signal and turn lanes in front of the subject property. The improvements to this section of Martinsburg Pike were provided to accommodate commercial development and growing population.
- **Changes Since the Original Adoption of the Zoning Ordinance (1988) – Construction of Potomac Farms Drive.** The addition of this road provided additional connectivity in the area. It is anticipated that the proposed entrance road will extend from Martinsburg Pike to Potomac Farms Drive with future development, improving the existing road network.

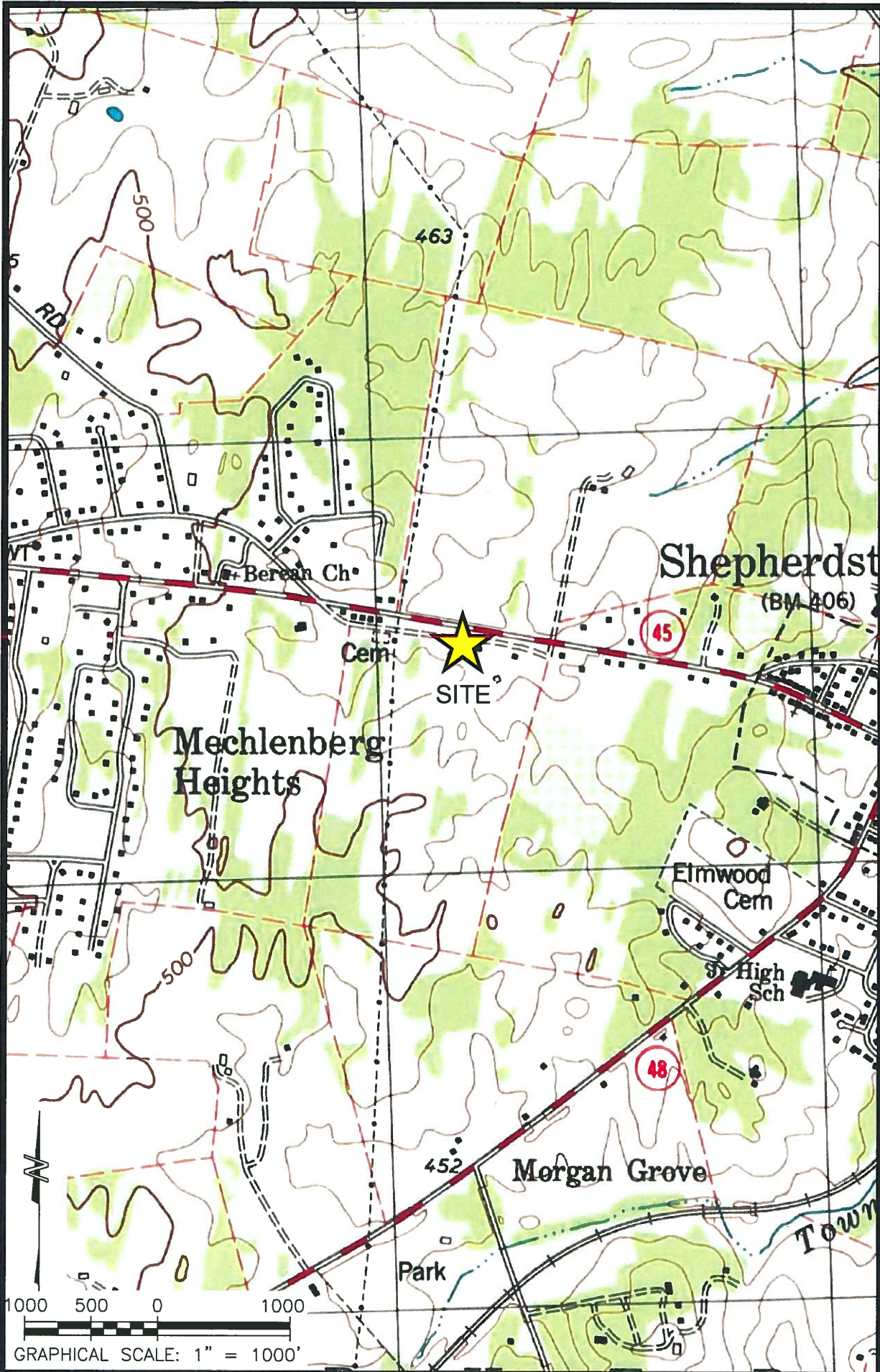


ZONING MAP AMENDMENT EXHIBIT 1 - VICINITY MAP

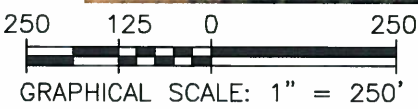
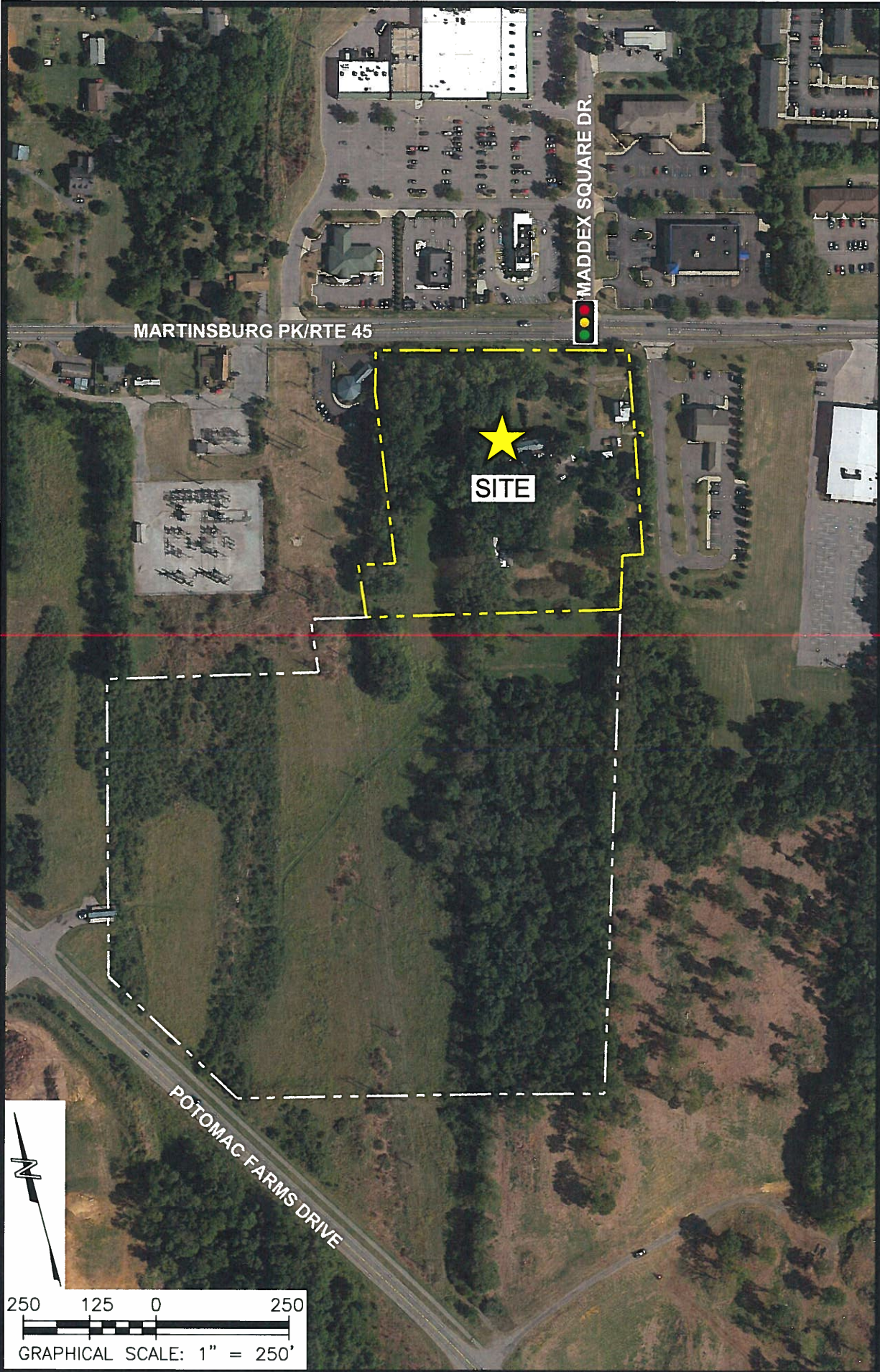
10-09-2020

SHEETZ STORE 160
JEFFERSON COUNTY, WV

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ZONING MAP AMENDMENT EXHIBIT 2 - AERIAL OVERLAY

10-09-2020

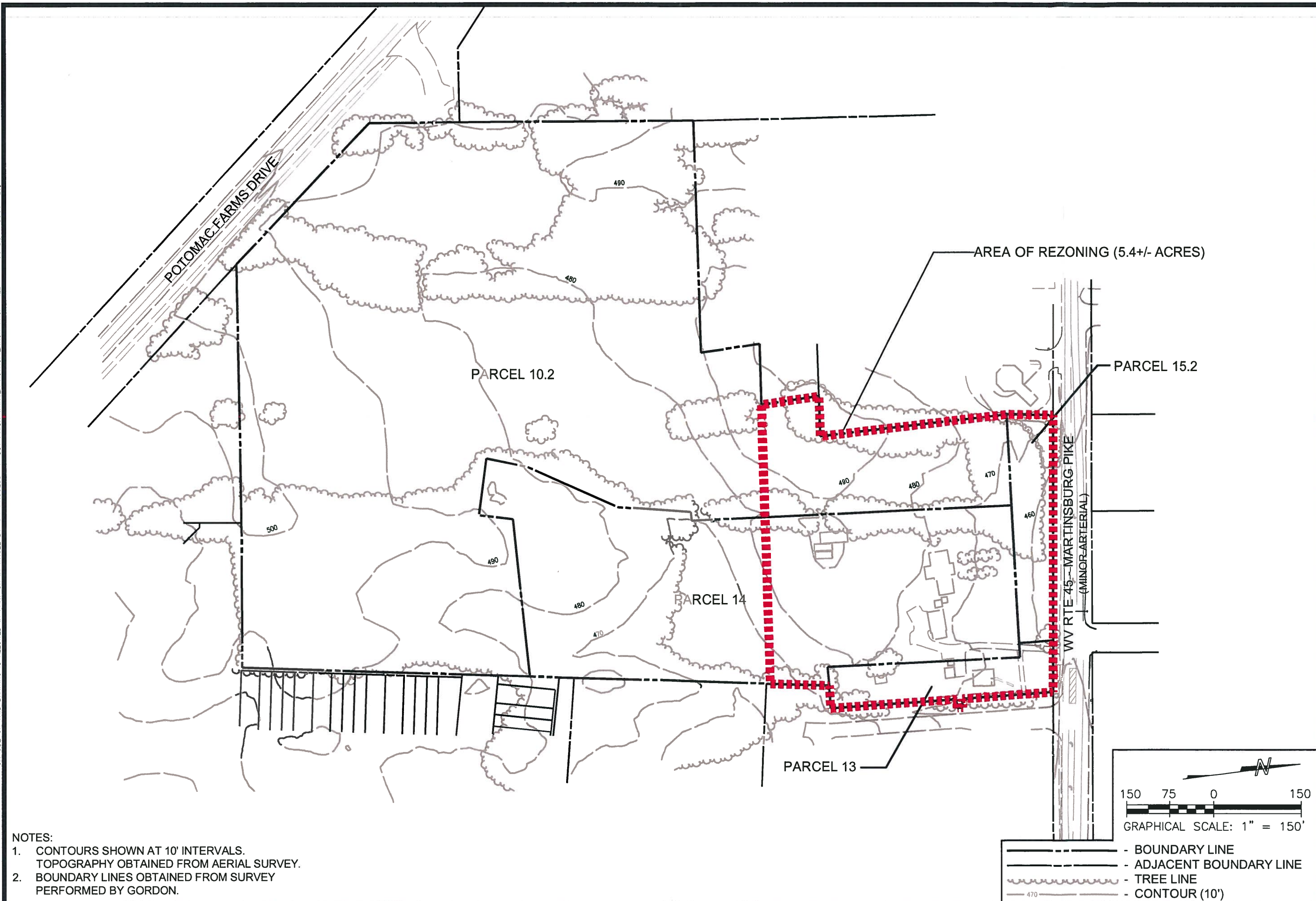
SHEETZ STORE 160
JEFFERSON COUNTY, WV

ZONING MAP AMENDMENT
EXHIBIT 3 - EXISTING CONDITIONS MAP

10-09-2020

SHEETZ STORE 160
JEFFERSON COUNTY, WV

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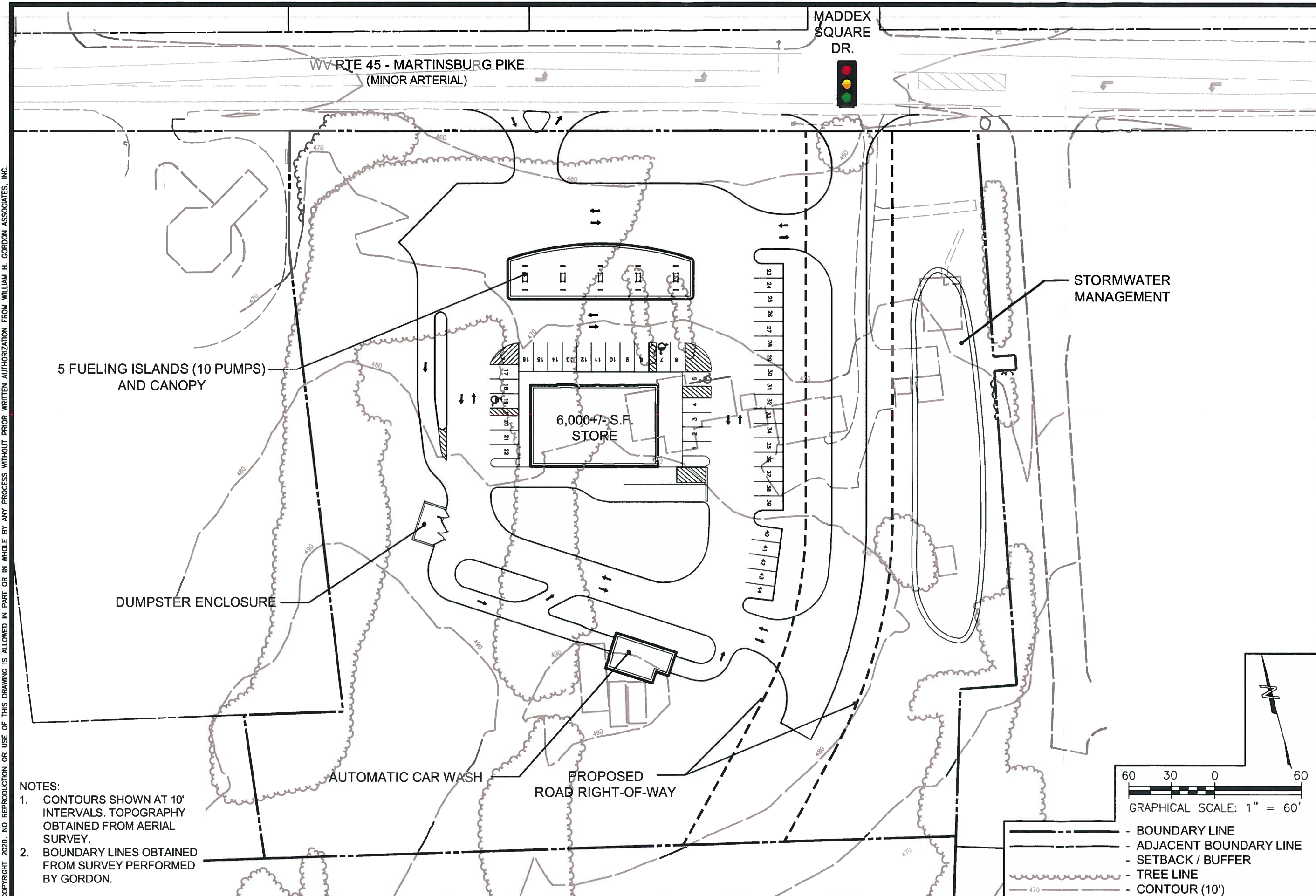
- NOTES:
1. CONTOURS SHOWN AT 10' INTERVALS.
TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.
 2. BOUNDARY LINES OBTAINED FROM SURVEY
PERFORMED BY GORDON.

- BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- TREE LINE
- CONTOUR (10')

ZONING MAP AMENDMENT
EXHIBIT 4 - CONCEPT PLAN

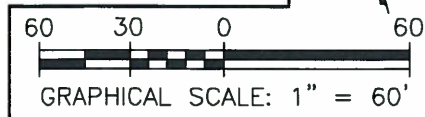
10-09-2020

SHEETZ STORE 160
JEFFERSON COUNTY, WV



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- NOTES:
1. CONTOURS SHOWN AT 10' INTERVALS. TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.
 2. BOUNDARY LINES OBTAINED FROM SURVEY PERFORMED BY GORDON.



- BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- SETBACK / BUFFER
- TREE LINE
- CONTOUR (10')

JEFFERSON COUNTY PLANNING COMMISSION
January 1, 2021

SUBDIVISION VARIANCE POLICY

In an effort to maintain a clear, uniform and streamlined process, the Jefferson County Planning Commission voted to revise the previously enacted 1979 Subdivision Variance Policy related to process.

The following requirements will now apply to all variance requests from the 1979 Subdivision Ordinance:

1. Two weeks prior to the Planning Commission meeting, a sign will be posted conspicuously along the road frontage of the subject property. The sign will be no less than twenty-eight (28) inches by twenty-two (22) inches in size. The sign will be prepared and posted by the Office of Planning and Zoning.
2. Two weeks prior to the Planning Commission meeting, notice of the variance request will be mailed to all adjoining and confronting property owners by regular U.S. Mail. The notice will be drafted and mailed by Office of Planning and Zoning.
3. The deadline for submitting a variance request shall be 21 days prior to the scheduled Planning Commission meeting. Submission deadlines shall be posted by the Office of Planning and Zoning.
4. A \$100.00 fee to process any variances heard by the Jefferson County Planning Commission is required at the time of submission of the variance application.

This policy goes into effect on January 1, 2021.

Questions about the policy may be addressed to the Office of Planning and Zoning at (304) 728-3228 or in person at 116 East Washington Street, Charles Town, West Virginia 25414.

By Order of the Jefferson County Planning Commission
Mike Shepp, President



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor, P.O. Box 716
Charles Town, West Virginia 25414

Item # 12

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

2021 MEETING SCHEDULE

JEFFERSON COUNTY PLANNING COMMISSION

Unless otherwise posted, 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 at 7:00 p.m.

Submission Deadlines

| <u>Waiver/Variance*</u> | <u>Concept Plan**</u> | <u>Scheduled Meeting</u> | <u>Tentative Meetings[^]</u> |
|-------------------------|-----------------------|--------------------------|---------------------------------------|
| December 22, 2020 | November 25, 2020 | January 12, 2021 | January 26, 2021 |
| January 19, 2021 | December 23, 2020 | February 9, 2021 | February 23, 2021 |
| February 16, 2021 | January 22, 2021 | March 9, 2021 | March 23, 2021 |
| March 23, 2021 | February 26, 2021 | April 13, 2021 | April 27, 2021 |
| April 20, 2021 | March 26, 2021 | May 11, 2021 | May 25, 2021 |
| May 18, 2021 | April 23, 2021 | June 8, 2021 | June 22, 2021 |
| June 22, 2021 | May 28, 2021 | July 13, 2021 | July 27, 2021 |
| July 20, 2021 | June 25, 2021 | August 10, 2021 | August 24, 2021 |
| August 24, 2021 | July 30, 2021 | September 14, 2021 | September 28, 2021 |
| September 21, 2021 | August 27, 2021 | October 12, 2021 | October 26, 2021 |
| October 19, 2021 | September 24, 2021 | November 9, 2021 | November 23, 2021 |
| November 23, 2021 | October 29, 2021 | December 14, 2021 | December 28, 2021 |

[^]Regularly scheduled Planning Commission Meetings are held on the second Tuesday of each month. Tentative Meetings are only held (as needed) to conduct Commission business or to meet required deadlines that are in accordance with the Planning Commission's 4th Tuesday Meeting policy (approved 11/14/17).

The required application, supporting documentation and applicable fees must be submitted to the office by close of business on the Submission Deadline date.

*The Waiver and Variance deadline is 21 calendar days prior to the meeting to allow for Staff review the applications, and to accommodate the 14-day notice requirements for the placard/sign and mailings to adjacent property owners.

**The Concept Plan (subdivision or site plan) deadline is 45 calendar days prior to the meeting to allow for Staff review of the Plan, and to accommodate the 21-day legal advertisement requirement, and the 14-day notice requirements for the placard/sign and mailings to adjacent property owners.

Changes in the time or location of the meeting shall be noticed on the County's website at www.jeffersoncountywv.org. Note: if the President of the County Commission or the Planning Commission determines that weather conditions make travel unsafe for the public, County offices may close and/or the meeting may be cancelled. Please check the County's website for possible meeting updates during inclement weather.

Agenda items that have been deferred due to a cancellation will be rescheduled. No additional public notice shall be given. All signs must remain posted on the respective properties until the rescheduled meeting date. Please call the office or check the County's website for the rescheduled meeting date.



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Planner's Memorandum
Planning Commission Meeting
November 10, 2020

1) Status of Engineering, Planning and Zoning County Offices during COVID-19 Virus Pandemic (from website)

YOU MUST WEAR A MASK TO ENTER THE BUILDING AND IT MUST BE KEPT ON WHILE YOU ARE IN THE BUILDING. PLEASE DO NOT ENTER THE BUILDING IF THERE ARE MORE THAN TWO (2) PEOPLE IN THE LOBBY. KEEP AT LEAST SIX (6) FEET APART. IF YOU NEED TO GO TO PLANNING & ZONING OR GIS/ADDRESSING PLEASE CHECK IN AT THE PERMIT DESK BEFORE GOING UPSTAIRS.

DO YOU CURRENTLY HAVE ANY OF THE FOLLOWING SYMPTOMS?

- FEVER (100.4 DEGREES F OR HIGHER) OR A SENSE OF A FEVER?
- NEW COUGH THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
- NEW SHORTNESS OF BREATH THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
- NEW SORE THROAT THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
- NEW MUSCLE ACHES THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION, OR THAT MAY HAVE BEEN CAUSED BY A SPECIFIC ACTIVITY
- NEW LOSS OF TASTE OR SMELL?
- OTHER FLU-LIKE SYMPTOMS THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?

THANK YOU FOR YOUR UNDERSTANDING AND PATIENCE.

2) Greenway Ordinance/Regulation Amendment Update

- a) Staff is trying to coordinate a response to Greenway regarding the status of the revised version of the Sub Regs.
- b) After PC review and input, a Public Hearing before the Planning Commission and County Commission will be required in order to result in the revised, reorganized Subdivision Regulations that meet the needs and expectations of the Planning Commission.

3) Status of Zoning Ordinance Text Amendments

- a) ZTA20-01: Text Amendment re: Commercial Cemeteries in the Rural Zone (CC Public Hearing scheduled for 12/3/20)
- b) ZTA20-02: Text Amendment re: Commercial Drive Through in RLIC district (CC Public Hearing scheduled for 12/3/20)

4) Upcoming PC meetings

- a) Next Regular meeting: **December 8, 2020**