



AGENDA

Jefferson County Planning Commission
Tuesday, May 11, 2021 at 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 make a 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/join/register/tZYsdu2sqT4iHdV7JzRKNVMZ49kLIAAsUC3Z>

Meeting ID: 831 4124 1772

Dial by your location

+1 301 715 8592 US (Washington DC)

Find your local number: <https://us02web.zoom.us/j/kfJMdU3z5>

1. Approval of Meeting Minutes: April 13, 2021
2. Request for postponement.
3. **Public Workshop:** Concept Plan for the Road Runner Wrecker Service, Inc. Site Plan. The proposal for the Road Runner Wrecker Service (salvage yard) consists of the following: Sidewalks, curbs, scale house, car crusher, decommissioning rack, 2 AST's, 54 (9' x 40') storage containers, 181 proposed parking spaces with 12.5 acres of gravel (includes existing gravel/paved area to be renovated) and 2.6 acres of proposed paving. Owner/Applicant: DLGA, LLC; David & Lisa Butcher. Property Location: 2282 Summit Point Road, Summit Point. Tax District: Kabletown (06); Map: 16; Parcel 10. Total Project Size: 25 acres. Zoning District: Rural. File: 21-1-SP.
4. **Plan Public Workshop:** A Concept Plan for the King's Crossing Subdivision. The Proposal consists of a Major Residential Subdivision with 404 lots (175 SFD and 229 SSD) and associated infrastructure. Owner/Applicant: DR Acquisitions LLC. Property Location: West of Charles Town Rd, next to St. James Catholic Church Charles Town WV 25414. Tax District Charles Town (02); Map 17; Parcel 22. Total Project Size: 86 acres. Zoning District: Residential Growth. File: 21-8-SD.
5. **Public Hearing:** Waiver of Section 20.201B.3 of the Subdivision Regulations which requires all lots in Minor Family Transfer Subdivisions to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 30' access easement known as Round Rock Lane instead of the required 50' access easement for the creation of a family transfer parcel. Owner/Applicant: Margaret Hoffman /David Costello, Jr. (Alpha Associates, Inc.). Property Location: across from 309 Round Rock Lane, Charles Town, WV. Tax District: Kabletown (06); Map 22; Parcel 7. Total Project Size: 23.42 acres. Zoning District: Rural. File 21-9-PCW.

There is no public comment for the following items.

6. **Miller/ Jefferson Orchard Zoning Map Amendment:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject 238.9-acre (based on a survey) property from Rural to Light Industrial (43.7 acres) and Residential Growth (195.2 acres) is consistent with the *2035 Comprehensive Plan*. Owner/Applicant: Mark Ralston, Jefferson Orchards Inc. Property Location: two vacant parcels located east of Route 480 (Kearneysville Pike) and one mile north of the Route 9 interchange. Tax District: Middleway (07); Map: 3; Parcels: 29 and 35. Combined acreage: approximately 238.9 acres (based on survey). Zoning District: Rural. File: 21-2-Z.
7. Reports from Legal Counsel
 - a. Burke, et al. v. The Jefferson County Planning Commission, et al. (Jefferson County Circuit Court Civil Action #s 33-37)
 - b. Burke, et al. v. County Commission of Jefferson County, WV, et al. (Jefferson County Circuit Court Civil Action #s 46-50)
8. Planner's Memo
9. President's Report
10. Actionable Correspondence
11. Non-Actionable Correspondence

DRAFT MINUTES

Meeting Minutes

Jefferson County Planning Commission

April 13, 2021

The Jefferson County Planning Commission met on April 13, 2021 at 7:00 p.m. with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Jack Hefestay, Ron Thomas, Shane Roper, Steve Stolipher, and Matt Knott. Donnie Fisher and J Ware were absent without notification.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Jonathon Saunders, County Engineer; Nathan Cochran, County Attorney, Jennilee Hartman, Zoning Clerk and Alice Johns, Planning Clerk.

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.

The Planning Clerk conducted a roll call. Mr. Shepp verified that there was a quorum and called the meeting to order at 7:01 PM.

1. Approval of Meeting Minutes: March 9, 2021. The minutes were approved as submitted.
2. Request for postponement. Item # 3 was postponed until the May meeting and will not be re-advertised.
3. **POSTPONED: [Public Workshop:** Concept Plan for the Road Runner Wrecker Service Inc. The proposal for the Road Runner Wrecker Service (salvage yard) consists of the following: Sidewalks, curbs, scale house, car crusher, decommissioning rack, 2 AST's, 54 (9' x 40') storage containers, 181 proposed paving. Owner/Applicant: DLGA, LLC; David & Lisa Butcher. Property Location: 2282 Summit Point Road, Summit Point; Tax District: Kabletown (06); Map: 16; Parcel 10; Total Project Size: 25 acres; Zoning District: Rural. File: 21-1-SP.]
4. **Public Hearing:** Request for Waiver from Section 20.201A.2 which requires all lots in a Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing a waiver from the requirement to allow a 24- foot easement to the two 2-acre parcels on the property (Parcel A and Parcel B). Owner/Applicant: William N. Snyder and Mary S. Snyder. Property Location: 839 McCormack Lane, Charles Town; Tax District: Kabletown (06); Tax Map 15; Parcel 05; Total Project Size: 306.67 acres (based on survey); Zoning District: Rural. File: 21-4-PCW.

Jennifer Brockman presented an overview of her staff report to the Commission. The Snyders are working with the County Farmland Preservation Board and intend to place 304.67 acres under Farmland Conservation Easement, while reserving the right to convey one 2-acre parcel (Parcel A), and noting that the 2 acres designated as Parcel B will be included in the easement. The applicant is proposing a 24 ft. access easement that will serve Parcel A and Parcel B, as well the balance of the farm. There will be no further division of this property per the Farmland Conservation Easement.

The applicant was not present for this hearing.

Mr. Shepp opened the item for public comment. Mr. Daniel Ernest, a citizen owner of an adjoining property, spoke that he had no comment or objection.

Mr. Shepp closed the item for public comment.

Mr. Ron Thomas made a motion to approve the request, which was seconded by Jack Hefestay, and carried unanimously.

5. **Public Hearing:** Request for a Waiver from Section 20.201A.2, which requires all lots in a Minor Subdivision to have motor vehicle access via a 50' easement. The applicant is proposing a waiver from the requirement for a 50-foot easement and is requesting permission to have a direct access to

Sandpiper Lane in the Catrow Subdivision. Owner/Applicant: Ashley Morgan Smith. Property Location: 207 Sandpiper Lane; Shepherdstown; Tax District: Shepherdstown (09); Tax Map: 7; Parcel 32.12; Total Project Size: .940 Acres; Zoning District: Residential Growth. File: 21-5-PCW.

Ms. Brockman provided an overview of her staff report to the Commission. The applicant is proposing a waiver from the requirement for a 50-foot easement and is requesting permission to have direct access to Sandpiper Lane. In 2018, a neighbor requested the same waiver which was approved. The Mecklenburg Maintenance Association, Inc. provided a letter of support for direct access for both 205 and 207 sandpiper Lane to have direct access in 2018.

The applicant was not present for this hearing.

Mr. Shepp opened the item for public comment. There was no public comment.

Mr. Shepp closed the item for public comment.

Matt Knott asked the reason as to why the waiver was requested. Ms. Brockman read from the application which stated “to create more peaceful environment without needing to rely on neighbors for paving and maintenance.”

Matt Knott made a motion to approve the request, which was seconded by Wade Louthan, and the motion passed unanimously.

6. **Public Hearing:** Request #1: (21-6-PCW) Request a waiver from Section 21.101.A of the Subdivision Regulations, which requires blocks to not exceed 6 lots in length on one side of the street, to allow block lengths to contain up to 12 lots on one side of the street.

Request #2: (21-7-PCW) Waiver of Section 21.104A of the Subdivision Regulations, which requires that the minimum lot frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less, to allow a 60-foot minimum lot frontage/width. Owner/Applicant: DR Acquisitions LLC/Gordon. Property Location: West of Charles Town Road next to St. James Catholic Church Charles Town; Tax District (02) Charles Town; Tax Map: 17; Parcel 22; Size: 86 acres; Zoning District: Residential Growth. Files: 21-6-PCW & 21-7-PCW.

Ms. Brockman summarized the two requests, noting that the Planning Commission can hold one public hearing and receive comments on both of the two separate requests, but that they that will require separate action by the Planning Commission. She also noted that the Public Workshop on the King’s Crossing Concept Plan is on the May 11, 2021 Planning Commission agenda. This hearing is only related to the waivers that may impact the subdivision design.

Mr. Jason Gerhart with Gordon and Matt Powell and Matt Stare with Dan Ryan were also on the ZOOM call to answer questions. Mr. Jason Gerhart summarized the requests by explaining that when the Subdivision Regulations were amended in 2008, it limited the designers because they can’t adjust to market demands of today’s homebuyer. The applicants would like to design a narrower lot which is deeper in order to match the house shape. With a larger lot width, the amount of impervious and storm water management requirements increase as well.

Mr. Shepp opened the hearing on both waivers for public comment. Ms. Roxanne Ashbaugh had written comments that were emailed to the commissioners prior to the meeting. Ms. Roxanne Ashbaugh asked questions about traffic and water runoff. Jason Gerhart explained that these two waiver requests will not impact density or traffic volumes. Jason Gerhart’s firm (Gordon) is processing a traffic impact study, which will be reviewed and approved by the WV DOH, and there will likely be some improvements that will occur based on these studies. Gordon will ensure that

stormwater management items are addressed and noted that Jefferson County stormwater requirements are stricter than the adjacent jurisdictions. Mr. Gerhart also stated that there will be less water leaving the site than what is happening today.

Ms. Ashley Haugh asked a question about the Crosswinds Subdivision common area that abuts the King's Crossing property. Mr. Gerhart, explained that there is no shared property between Crosswinds and King's Crossing, but King's Crossing will have community open space as part of their development.

Ms. Roxanne Ashbaugh questioned the quantity of homes. Ms. Brockman answered that there is expected to be a mix of townhomes and single family homes with a total of 404 homes expected. Mr. Jason Gerhart explained that there would be a 50/50 mix. There would be 2 entrances off of WV115, one entrance connected to Norborne Glebe, and stub streets to the undeveloped property to the south.

Mr. Ron Kelly President of HOA for Crosswinds Subdivision asked how stormwater management would be handled because the Crosswinds stormwater flows to this property. Mr. Jason Gerhart explained that the stormwater management design will be part of the Site Plan and that the stormwater will flow to their stormwater management system with multiple levels of treatment and will contain a higher level of treatment than what was required in the past.

Ms. Brockman reiterated that this hearing today is for the waivers related to lot width and the number of lots in a block. Mr. Shepp suggested that the detailed questions and comments about the Concept Plan from the public should occur at the Public Workshop scheduled for the May 11, 2021 Planning Commission meeting.

Mr. Shepp moved to close the public hearing.

Mr. Steve Stolipher made a motion to approve 21-6-PCW as presented; Shane Roper seconded the motion, which passed unanimously.

Mr. Steve Stolipher made a motion to approve 21-7-PCW as presented; Shane Roper seconded the motion, which passed unanimously.

- 7. Public Hearing:** Request for a waiver from Section 20.203B.1 of the Subdivision Regulations which require a Minor Site Development to process a Site Plan unless it meets the requirements for a "No Site Plan or Stormwater Management Plan". Because the proposed building renovations/addition to an existing building which will be used as a restaurant/pub for the existing farm brewery located on this property, exceed 1,200 sq. ft., the applicant is requesting this waiver to be allowed to process under the "No Site Plan" provisions. Owner/Applicant: Wheatlands Property Management/Jesse Morgan. Property Location: 2153 Berryville Pike, Rippon; Tax District: Kabletown (06) Tax Map: 10A Corrected Total Project Size: 1.64 Acres; Corrected Zoning District: ½ Village and ½ Rural. File: 21-8-PCW.

Ms. Brockman provided an overview of the request. The proposal is to build a slightly over 1500 sq. ft. addition and the request is to waive the requirement for a site plan. Ms. Brockman stated that the planning staff doesn't have any objection to this proposal. If the planning commission is inclined to approve, Ms. Brockman suggests establishing a "not to exceed" number such as 1600 sq. ft. which would allow for flexibility if the plans changed slightly in the future.

Mr. Morgan (the applicant) summarized his request and explained that this project has been on-going for 10 years. He has performed many renovations on this property and has removed over 6,000 sq. ft. of roof space. Mr. Morgan further explained that this project will not affect the storm water runoff.

Mr. Morgan owns a storm water consulting company and is familiar with the guidelines for storm water.

Mr. Shepp opened the hearing for public comment. There was no public comment. Mr. Shepp closed the hearing for public comment.

Mr. Steve Stolipher made the motion to approve the request with a not to exceed 1,750 sq. ft. for the addition. This was seconded by Jack Hefestay, and passed unanimously.

8. Discussion and possible action related to the policies related to the second (4th Tuesday) Planning Commission meetings (Shepp). Ms. Brockman provided an overview of the history of the 4th Tuesday meeting and cited the policy memo from October 11, 2016. Mr. Stolipher made a motion that the policy memorandum be updated to include option #5 at the discretion of the Chairman, which would allow for growth. This was seconded by Ron Thomas, and passed unanimously.

9. **Review and approval:** Planning and Zoning FY 2020-2021 3rd Quarterly Report

Ms. Brockman provided an overview of this report.

Jack Hefestay made a motion to approve the report and forward the report to the County Commission. This motion was seconded by Shane Roper and passed unanimously.

10. **Reports from Legal Counsel:** Jefferson County Circuit Court Case #CC-19-2021-C-33 Discussion/Public Action.

Jack Hefestay moved to go into Executive Session, which was seconded by Shane Roper at 7:44 pm.

Jack Hefestay moved to come out of Executive Session at 8:05 pm, which was seconded by Wade Louthan. Nathan Cochran noted that the Zoning Administrator did not participate in the Executive Session.

11. **Planners Memo:** Ms. Brockman explained that the Department of Planning, Zoning & Engineering offices are open to the public. At a minimum, we have three agenda items for May meeting.
12. **Presidents Report:** Mr. Shepp explained that next fall, he will appoint a committee of two or three committee to work with Roger on the budget.

Mr. Mike Shepp opened discussion on the options for opening the Planning Commission meetings to the public (in person). Mr. Steve Stolipher explained that the County Commissioners attend their meetings in person but that the meetings are not open to the public (in person) at the present time. At the present time, the public attends and makes comments virtually. Mr. Hefestay suggested the Planning Commission reflect what the County Commission does to create unity. A decision was made that for the purpose of the May meeting, Planning Commissioners can choose to attend in person or virtual, Applicants can choose to attend in person or virtual, but the public will attend virtually.

13. **Actionable Correspondence**

14. **Non-Actionable Correspondence**

Mr. Jack Hefestay made a motion to adjourn the meeting at 8:19 pm. Mr. Ron Thomas seconded the motion, and the motion carried unanimously.

These minutes were prepared by Alice Johns, Planning Clerk.

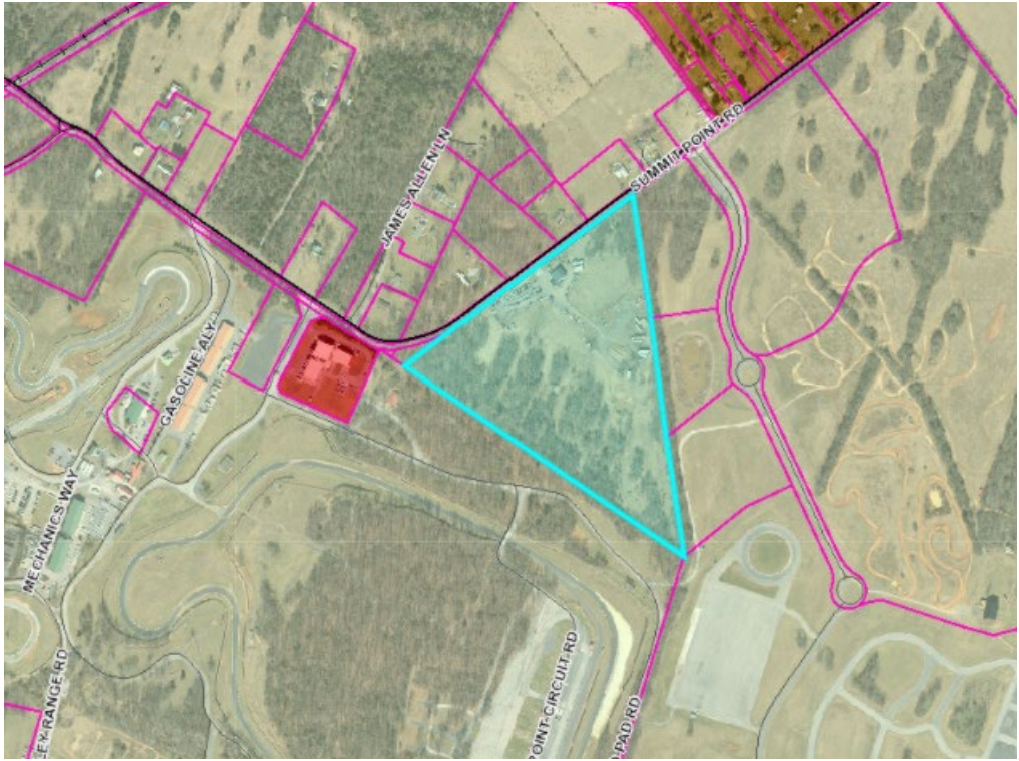
Staff Report

Jefferson County Planning Commission

May 11, 2021

Road Runner Wrecker Services (Salvage Yard) **(21-1-SP)**

Item #3: Public Workshop: A Concept Plan for the Road Runner Wrecker Service (salvage yard).

Applicant:	Road Runner Wrecker Service, Inc.
Owner/Developer:	DLGA, LLC; David and Lisa Butcher
Surveyor/Engineer:	Greenway Engineering
Property Location:	2282 Summit Point Road, Summit Point, WV
Parcel Information and Zoning District:	<p>Tax District: Kabletown (06); Map: 16; Parcel 10; Size: 25 acres Zoning District: Rural</p> 
Surrounding Zoning:	<p><i>North:</i> Rural <i>South:</i> Rural (SPARC Training Campus) <i>East:</i> Rural and Village (Summit Point) <i>West:</i> Rural/General Commercial (Summit Point Raceway)</p>
Proposed Activity:	The proposal for the Road Runner Wrecker Service (salvage yard) consists of the following: Sidewalks, curbs, scale house, car crusher, decommissioning rack, 2 AST's, 54 (9' x 40') storage containers, 181 proposed parking spaces with 12.5 acres of gravel (includes existing gravel/paved area to be renovated) and 2.6 acres of proposed paving.
Concept Plan Status:	<p>Submitted: 02/11/2021 Sufficiency Letter, with conditions: 02/22/2021 Resubmitted for Completeness: 03/26/2021 Deemed Complete: 03/30/2021</p>

Staff Report

Jefferson County Planning Commission

May 11, 2021

Road Runner Wrecker Services (Salvage Yard) (21-1-SP)

Previous Approvals:	<p>20-22-ZC: Zoning Certificate #20-22-ZC: Road Runner Wrecker Service, Inc. Nonconforming Use/Change in Owner: Salvage & Recycling Yard Approved 9/14/20</p> <p>21-12-SV: Variance request from Appendix B of Zoning Ordinance to reduce the side setback from 50’ to 25’ for 54 storage units/sea containers (accessory use); total length of the proposed encroachment area is approximately 544’ Approved 4/22/21</p>
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Introduction and Summary of Request

The applicant is proposing the re-establishment and expansion of a non-conforming use under new ownership known as Road Runner Wrecker Service. This salvage yard will consist of the following: Sidewalks, curbs, scale house, car crusher, decommissioning rack, 2 AST's, 54 (9' x 40') storage containers, 181 proposed parking spaces with 12.5 acres of gravel (includes existing gravel/paved area to be renovated), 2.6 acres of proposed paving, and accessory uses. A setback variance was approved to address the proposed location of the 54 storage containers at the April Board of Zoning Appeals meeting.

Note that in accordance with Section 4.3G of the Zoning Ordinance, the regulations related to the limited expansion of non-conforming uses does not apply to industrial uses that existed at the adoption of the ordinance. Such industries may expand provided that they meet the site plan standards of this Ordinance, in addition to those of the Jefferson County Subdivision and Land Development Regulations. As this use is considered an industrial use, this proposed expansion is processing under this provision.

A setback variance is required to address the proposed location of the 54 storage containers and will be heard at the April Board of Zoning Appeals meeting.

The property is located south of Summit Point Road near a sharp curve southwest of the Village of Summit Point. It is located between the Summit Point Raceway and the SPARC Training Campus properties.

Site Plan Category

The site development associated with this Concept Plan is governed by the Subdivision Regulations. Minor Site Developments are those proposals that do not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure. Section 20.203A.2 states that site development that include “Building(s), both new and additions to existing, where all new structures or new additions to structures located on the parcel total more than 5,000 and less than 250,000 square feet gross floor area (GFA) on any site shall” shall process as a Minor Site Development including a Public Workshop for a Concept Plan. In this case, the Concept Plan states that the project includes 4,161 sq. ft. of structures; however, it also includes 54 storage containers (40’x9’) that total 19,440 sq. ft. Therefore, this Concept Plan Workshop is required. This Concept Plan will be the only public process. The site will proceed as a Minor Site Development upon approval of the Concept Plan.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Minor Site Plan 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 application, are provided below:

Staff Report
Jefferson County Planning Commission
May 11, 2021
Road Runner Wrecker Services (Salvage Yard) (21-1-SP)

	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
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 on Concept Plan
5. Traffic Impact Data	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: <u>ADT</u> Summit Point Rd.: 1,953; <u>Trip Generation:</u> Weekday: 22.75 VPD
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.	Staff defers to WV DOH re: whether a TIS is required.
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	The Department review shall include the following: 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in 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 Minor Site Plan with a Concept Plan.

Staff Report

Jefferson County Planning Commission

May 11, 2021

Road Runner Wrecker Services (Salvage Yard) (21-1-SP)

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.	Staff defers to WV DOH re: whether a TIS 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.	The property is served by on-site well and septic systems and will require WV Health Department approval.
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):

- WV DOH comments regarding entrance improvements that may be required.
- WV DEP letter regarding Plan of Corrective Action.
- The Jefferson County Historic Landmarks Commission (JCHLC) noted that there are no County Historic Resources of significance on the development parcel and the JCHLC has no objections to the Concept Plan

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 Road Runner Wrecker Service (salvage yard), located at 2282 Summit Point Road, Summit Point, WV, 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. WV DOH approval will be required in conjunction with the Site Plan.
- b. Health Dept. approval will be required in conjunction with the Site Plan.

Staff Report

Jefferson County Planning Commission

May 11, 2021

Road Runner Wrecker Services (Salvage Yard) (21-1-SP)

3. Planning Commission Direction

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

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

Following the applicant's presentation, staff's explanation, and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public 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 24.108 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Minor 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 Minor 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.

ATTACHMENTS:

- WV DOH comments
- WV DEP letter
- Jefferson County Historic Landmarks Commission (JCHLC) letter

FW: [External] FW: [External] 7025-Roadrunner Wrecker Entrance Permit Recommendations

James Leatherman <jleatherman@greenwayeng.com>

Wed 1/6/2021 9:11 AM

To: Alexis Walburn <awalburn@greenwayeng.com>

Cc: Jamie MacLean <JMacLean@greenwayeng.com>; Cyrus Kump <ckump@greenwayeng.com>

 2 attachments (708 KB)

Permit Checklist.xlsx; Permit application.pdf;

FYI. These are the improvements the DOH is requesting for Roadrunner Wrecker. (She was the secretary of my department when I worked at DOH, so that's why she's calling me Jamie btw lol).

Thanks,

James

From: Willis, Trixie A <Trixie.A.Willis@wv.gov>

Sent: Wednesday, January 6, 2021 9:07 AM

To: James Leatherman <jleatherman@greenwayeng.com>

Subject: RE: [External] FW: [External] 7025-Roadrunner Wrecker Entrance Permit Recommendations

Jamie:

I haven't visited the site yet but I have the following comments based on a "virtual" review on Google earth.

1. Entrance will need striped
2. Entrance needs wider radius. If you notice on Google street view, it looks like large trucks are swinging wide and destroying the shoulder of our roadway in order to make turn.
3. Fence may need to be set back to get sight distance.

I am attaching our entrance permit application and a checklist of the items to be included with any plans submitted. When you submit, please provide 3 copies of plans for our review.

Thanks,

Trixie Willis

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

From: James Leatherman <jleatherman@greenwayeng.com>
Sent: Wednesday, December 16, 2020 3:35 PM
To: Willis, Trixie A <Trixie.A.Willis@wv.gov>
Subject: [External] FW: [External] 7025-Roadrunner Wrecker Entrance Permit Recommendations

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Trixie,

How did you wind up doing permits? LOL.

We had some questions about a project in Jefferson county. See my email to Larry below. We're basically just looking to see if any improvements are needed to the existing entrance (see attached photos).

Let me know if you have any questions.

Thanks,

James

From: Alt, Larry A <Larry.A.Alt@wv.gov>
Sent: Wednesday, December 16, 2020 3:24 PM
To: James Leatherman <jleatherman@greenwayeng.com>
Cc: Jamie MacLean <JMacLean@greenwayeng.com>; Cyrus Kump <ckump@greenwayeng.com>; Alexis Walburn <awalburn@greenwayeng.com>
Subject: RE: [External] 7025-Roadrunner Wrecker Entrance Permit Recommendations

James, Trixie Willis handles Jefferson County permits. [Trixie.A.Willis@wv.gov]Trixie.A.Willis@wv.gov Larry

From: James Leatherman <jleatherman@greenwayeng.com>
Sent: Wednesday, December 16, 2020 11:22 AM
To: Alt, Larry A <Larry.A.Alt@wv.gov>
Cc: Jamie MacLean <JMacLean@greenwayeng.com>; Cyrus Kump <ckump@greenwayeng.com>; Alexis Walburn <awalburn@greenwayeng.com>
Subject: [External] 7025-Roadrunner Wrecker Entrance Permit Recommendations

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Larry,

I spoke with Rodney Busey last week and he said you were in quarantine. I hope you are doing okay and staying safe.

I wanted to contact you about another site we will be doing and get your recommendations. The job is located at 2282 Summit Point Road in Jefferson County (along CR 13). I looked up the ADT and according the WV ADT website, the road has an ADT of 1953.

I've attached pictures of the existing entrance (from Google Earth) and the layout for our current concept/sketch plan (we are in the early stages of this). It's an existing junk/salvage yard that is looking to expand (see attached PDF). The current entrance is 30' wide and is basically a concrete slab.

Our client would like to use the existing entrance, but we wanted to check with you to see if there are any improvements that need made. If you could take a look and give us your recommendations, we would greatly appreciate it.

You can reach me at this email or if you need to call my cell is (240) 920-4991.

Thanks,

James N. Leatherman, EIT | Project Engineer
Martinsburg, WV | Winchester, VA | Ashburn, VA

704 Foxcroft Ave
Martinsburg, WV 25401

Office: 304.620.5111

Web: www.GreenwayEng.com

Email: jleatherman@greenwayeng.com





west virginia department of environmental protection

Environmental Enforcement
601 57th Street SE
Charleston, WV 25304
Telephone: (304) 926-0470 Fax: (304) 926-0488

Harold D. Ward, Cabinet Secretary
dep.wv.gov

February 18, 2021

DLGA, LLC
David Butcher
PO Box 1038
Sterling, VA 20167

CERTIFIED RETURN RECEIPT REQUESTED
9489 0090 0027 6201 4373 82

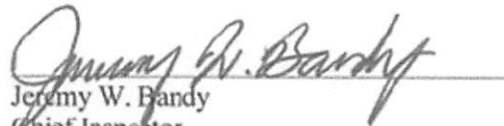
Re: Plan of Corrective Action

Dear Mr. Butcher:

West Virginia Department of Environmental Protection (WVDEP) has received your Plan of Corrective Action, dated October 1, 2020, as required by Item No. Two (2) under the Order for Compliance section of Order No. 7758.

WVDEP has determined that the enclosed Plan of Corrective Action is acceptable, is hereby approved, and has been incorporated as a term and condition of the Order. Failure to adhere to the approved plan and schedule is a violation of the Order.

Should you have any questions regarding this matter, please contact me at (304) 926-0470.


Jeremy W. Bandy
Chief Inspector

Enclosure

cc: Brad Wright, Assistant Chief Inspector, EE/WW (via e-mail)
David C. Simmons, Assistant Chief Inspector, EE (via e-mail)
Laura McGee, Environmental Resources Program Manager, EE (via e-mail)
Tammy Potter, Environmental Resources Specialist, EE (via e-mail)
Robin C. Dolly, Environmental Inspector Supervisor, EE/WW (via e-mail)
Michael Kanehl, Environmental Inspector, EE/WW (via e-mail)
Shyrel Moellendick, MSSS, EE (via e-mail)
Alexis B. Walburn, Greenway Engineering (via e-mail)



April 29, 2021

Mr. Alexis Walburn
Greenway Engineering
704 Foxcroft Ave.
Martinsburg, West Virginia 25401

Re: Road Runner Wrecker Service Concept Plan

Dear Mr. Walburn,

I have reviewed the Road Runner Wrecker Service Inc. Concept Plan, dated April 9, 2021, and submitted to the JCHLC April 13, 2021 by Greenway Engineering of Martinsburg, West Virginia. The submittal documents outline the proposed redevelopment and expansion of the Summit Point Salvage Yard, Kabletown District of Jefferson County, WV and includes a proposed site plan and copious notes

There is one inventoried Category IV Historic Resource from the 2007 survey located on the West corner of development parcel. A Category IV resource is at least 50 years old and has little to no significance but is listed on the Landmarks Commission's inventory. There are three Category III County Historic Resources are in proximity of the project site, directly northeast of the parcel along Summit Point Rd. The site is also near a possible future Summit Point Historic District.

The JCHLC to has no objections to the proposed Road Runner Wrecker Service Inc. Concept Plan since there are no County Historic Resources of significance on the development parcel and the proposed development does not extend beyond the current parcel boundaries.

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

Martin Burke

Martin Burke
Chair, JCHLC

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



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

File Number: _____

Staff Initials: _____

Total Fee(s): _____

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

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Concept Plan Review Checklist

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

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

Property Owner Information

Name: DLGA, LLC; Attn: David and Lisa Butcher
Mailing Address: 40280 Spectacular Bid Place, Leesburg, VA 20176
Phone Number: (757)-818-3004 ; (703)-930-2329 Email: lmbutcher@outlook.com

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

Name: Greenway Engineering, Inc.
Mailing Address: 704 Foxcroft Avenue, Martinsburg, WV 25401
Phone Number: (304)-620-5111 Email: martinsburg@greenwayeng.com

Physical Property Details

Physical Address: 2282 Summit Point Road
City: Summit Point State: WV Zip Code: 25446
Tax District: Kabletown (06) Map No: 16 Parcel No: 0010
Parcel Size: 25 Acres Deed Book: 1210 Page No: 599

Zoning District (please check one)

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

Place Received Date Stamp Here

Handwritten signature and date 1/20/21

Signature of Property Owner

Date

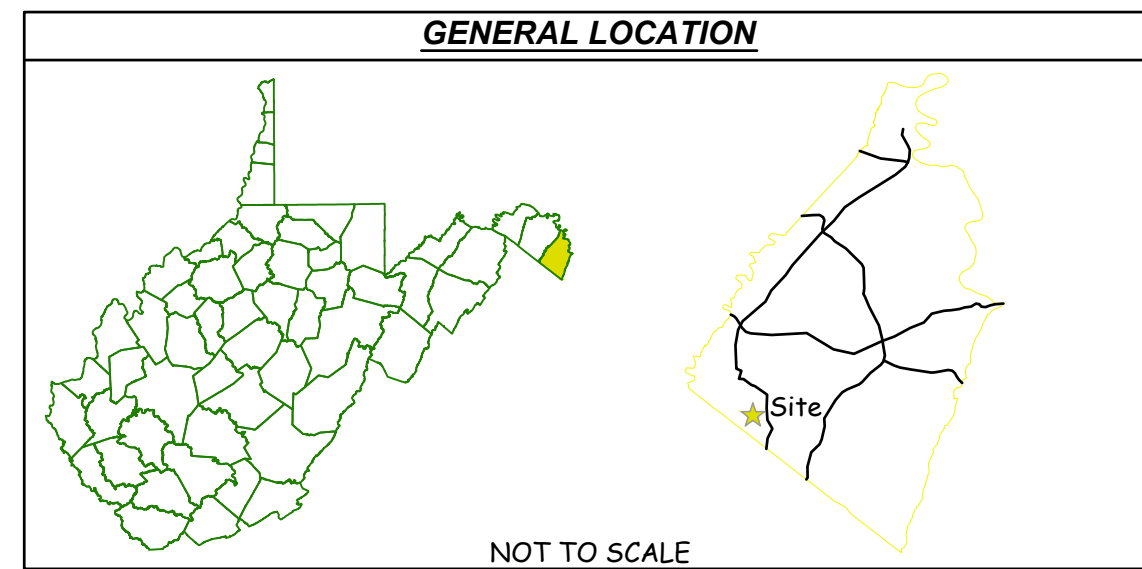
Signature of Property Owner

Date

ROAD RUNNER WRECKER SERVICE, INC

CONCEPT PLAN

KABLETOWN DISTRICT (06)
JEFFERSON COUNTY, WV



Plan Revisions

Date	Comment
3/26/2021	Planning
3/26/2021	Engineering
3/26/2021	Zoning

Jefferson County CONSTRUCTION NOTES
(Table 1.2-1)

- Erosion & Sediment Control Measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading.
- Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO T99C, as shown below:
 - a. Roadways.....98%
 - b. Parking Lots for heavy trucks.....98%
 - c. Parking Lots for passenger vehicles.....95%
 - d. Utility line trenches.....98%
 - e. Building Pads.....100%

The above compaction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer.
- Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.
- Work zone temporary traffic control along a public road shall be in accordance with West Virginia Division of Highway requirements and approval.
- Seventy-two (72) hours prior to excavation in public right-of-ways or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848.

Jefferson County SITE WORK MILESTONE INSPECTIONS

The developer shall request County Engineer inspections minimum of 48 hours in advance (Call 304-728-3228). Inspections shall be requested according to the Table of Milestones shown below:

- Installation of Sediment & Erosion Control Devices prior to beginning site grading.
- Roadway and/or parking lot subgrade proof roll prior to placing stone base.
- Roadway and/or parking lot stone base depth check prior to placing asphalt or concrete pavement.
- Water system and Sanitary sewer system inspection and approval by the public service district prior to backfilling of trenches.
- Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and stormwater management systems, traffic control signs & pavement markings, landscaping, etc.

Note: The County Engineer may accept "third-party" inspection and certification reports in place of inspections performed by the Office of Engineering, upon prior approval. Third-party inspection reports shall be submitted in the format specified by the County Engineer.

CALL "MISS UTILITY"

West Virginia Utility Protection Service at 811 or 1-800-245-4848, 48 hours prior to the start of work. excavators must notify all public utility operators who maintain underground utility lines in the area of proposed excavating or blasting and have those facilities located by the utility companies prior to commencing excavation. the excavator is responsible for compliance with all county requirements, West Virginia code and regulations.

UTILITY NOTICE REQUIRED

Contractors shall notify all public utility operators who maintain underground utility lines in the area of proposed excavating or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition. Names and telephone numbers of the operators of underground utility lines appear below. These numbers shall also be used to serve in an emergency condition

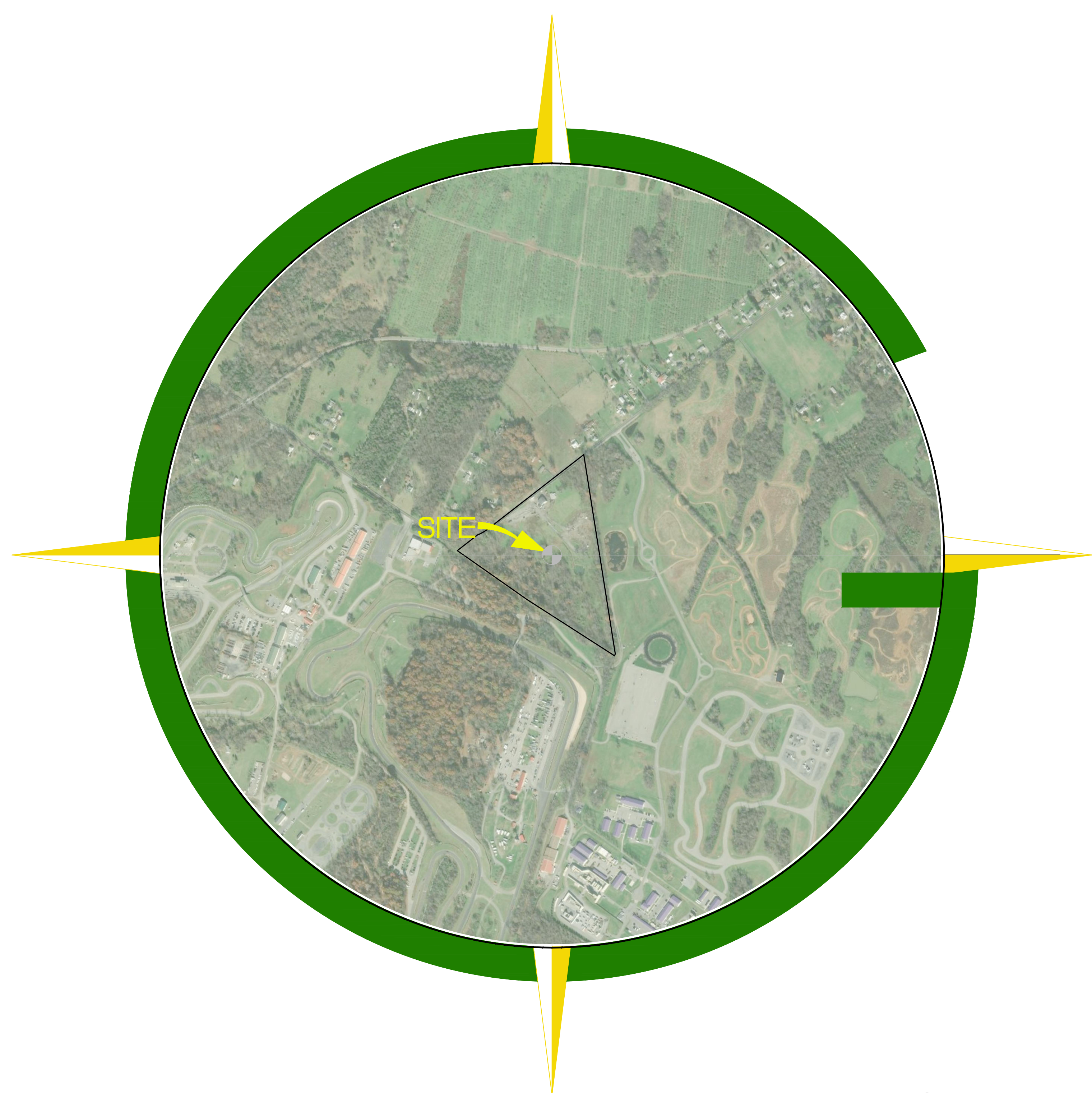
Water: Charles Town Utility Board
661 S. George Street
Charles Town, WV 25414
(304) 724-3281

Sewer: Charles Town Utility Board
661 S. George Street
Charles Town, WV 25414
(304) 724-3281

Power: Potomac Edison
P.O. Box 3615
Akron, OH 44309
(800) 686-0011

Phone: Frontier Communications
1108 N. Mildred Street
Ranson, WV 25438
(304) 728-8500

Soil Conservation: Eastern Panhandle Conservation District
151 Aikens Center, Suite 2
Martinsburg, WV 25404
(304) 263-4376



OWNER
DLGA, LLC
40280 SPECTACULAR BID PLACE
LEESBURG, VIRGINIA 20176
(757) 818-3004

DEVELOPER
DLGA, LLC
40280 SPECTACULAR BID PLACE
LEESBURG, VIRGINIA 20176
(757) 818-3004

Sheet List Table

Sheet Number	Sheet Title	Revision No	Revision Date
1	Cover Sheet	1	03 / 26 / 21
2	General Notes	1	03 / 26 / 21
3	Boundary and Existing Conditions	XX	XX / XX / XX
4	Overall Site Plan	1	03 / 26 / 21

Jefferson County - Waivers and Variances

Ordinance	Section	Description	Date Granted
Zoning	Appendix B - Non-residential Site Development Standards Table	A variance to the 50' setback is requested to allow the sea containers to be placed 25' off the property line, a reduction of 25'.	

Jefferson County, West Virginia

PRELIMINARY PLAT APPROVAL

SITE PLAN APPROVAL

BY: _____ Date: _____
County Engineer

BY: _____ Date: _____
County Planner

"The developer, in signing this plat/plan, agrees to abide by all conditions, terms and specifications provided heron; and to complete all the improvements required by the Preliminary Plat and Plan or Site Plan."

DLGA, LLC
40280 SPECTACULAR BID PLACE
LEESBURG, VA 20176
(757) 818-3004

Date: _____

SURVEYOR'S CERTIFICATE

I CHRISTOPHER G. BLAIR, A PROFESSIONAL SURVEYOR IN THE STATE OF WEST VIRGINIA, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE INFORMATION SHOWN HEREON IS CORRECT AND ACCURATE. THE PROPERTY BOUNDARY AND AS-BUILT INFORMATION SHOWN HEREON ARE BASED ON A CURRENT FIELD SURVEY CONDUCTED UNDER MY SUPERVISION. THE LAND SHOWN HEREON CURRENTLY STANDS IN THE NAME OF EAST MOUNTAIN HEALTH ADVANTAGE, INC. BY DEED DATE MARCH 22, 2018 OF RECORD IN THE BERKELEY COUNTY CIRCUIT COURT CLERK'S OFFICE AS DEED BOOK 1204, PAGE 11. THIS SURVEY HAS BEEN CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

SIGNATURE: _____ DATE: _____

SEAL:

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 620-5111
Fax: (540) 722-9528
www.greenwayeng.com

GREENWAY
ENGINEERING

PROUDLY SERVING WEST VIRGINIA & VIRGINIA
OFFICES IN: MARTINSBURG, WV WINCHESTER, VA & ASHBURN, VA

COVER SHEET

Road Runner Wrecker Service, Inc.
Sketch Plan

Kabletown (06) District - Map 16 - Parcel 10 - Deed Book 1231 - Deed Page 378
Jefferson County, West Virginia

Date: 2 / 05 / 2021

Scale:

Designed By: ABW

File No. 7025

Sheet 1 Of 4

GENERAL NOTES

- Methods and materials used in the construction of the improvements herein shall conform to current Jefferson County Construction Standards and Specifications and/or current WVDOT Standards and Specifications.
- The Engineer shall not have control over or charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures nor for safety precautions and programs in connection with work shown on these plans. The Engineer is not responsible for the contractor's schedules or failure to carry out the work. The Engineer is not responsible for acts or omissions of the contractor, subcontractor, or their agents or employees, or any other person performing portions of the work.
- The Contractor, Owner or Developer shall be responsible for securing any third party inspection/testing service to insure construction compliance with these plans and specifications. It is Greenway Engineering's recommendation that a third party inspection/testing service be employed to ensure that project is completed and materials installed meet the details and specifications in these plans.
- The location of existing utilities shown in these plans are taken from existing records and available as-built data. It shall be the contractor's responsibility to verify the exact horizontal and vertical location of all existing utilities as needed prior to construction. The contractor shall be responsible for the digging of all test holes that may be required, whether recommended or not by these plans, to determine the exact location and elevation of existing utilities. If any conflicts arising from this existing utility verification or if during the course of construction, any object of an unusual nature is encountered, the contractor shall cease work in that area and immediately notify Greenway Engineering at (540) 662-4185 and/or the proper authority, Greenway Engineering or any engineer associated with these plans shall not be responsible or liable for any construction cost that may be associated with the installation or reinstallation any utility or other improvements if not notified of any discrepancies between actual field conditions and the approved plan.
- The approval of these plans in no way relieve the developer, the contractor, or their agents of any legal responsibility which may be required by the code of West Virginia or any other ordinance enacted by the County nor does it guarantee the issuance of any required permit by the County, WVDOT or any other Agency.
- An approved set of plans and all applicable permits must be available at the construction site at all times during construction. A representative of the developer must be available at all times.
- The contractor shall provide adequate means of cleaning mud from trucks and/or other equipment prior to entering public streets, and it is the contractor's responsibility to clean streets, alley dust, and to take whatever measures are necessary to insure that public streets are maintained in a clean, mud and dust free condition at all times.
- The developer will be responsible for any damage to the existing streets and utilities which occurs as a result of his construction project within or contiguous to the existing right-of-way.
- Warning signs, markers, barricades or flagmen should be in accordance with the State and Federal Manual on Uniform Traffic Control Devices (MUTCD).
- All unsuitable material shall be removed from the construction limits of the site plan before placing embankment.
- All pavement sections shown on these approved plans are based on a minimum CBR value of 6 and are for preliminary design only. Final pavement design shall be based upon actual field tested CBR values. The Contractor or Developer shall be responsible for field tests per WVDOT standards to obtain actual CBR values for final design. Final pavement designs will be approved by WVDOT and/or the Owner/Developer, which ever applicable, prior to installation.
- All springs shall be capped and piped to the nearest storm sewer manholes or curb inlet. The pipe shall be minimum 6" diameter.
- When grading is proposed within easements of utilities, letters of permission from all involved companies must be provided to the City prior to issuance of grading and/or site development permits.
- a. Notification shall be given to the Jefferson County Public Sewer District two weeks prior to construction so they can arrange to have a project representative during construction. The District would like to be in the pre-construction project meetings with the contractor.
b. Notification shall be given to the City of Charles Town Utility Board prior to construction of water lines. Information should also be obtained from the appropriate authority concerning permits, cut sheets, and connections to existing lines.
- The Developer and/or Contractor shall be responsible to supply all utility companies with copies of the approved plans and advise them that all grading shall conform to the approved plans, and further that the utility companies shall be responsible for honoring these plans and the finished grades in the installation of their utility lines.
- All utilities to be located underground.
- Contractors shall notify operators who maintain underground utility lines in the area of proposed excavating or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition.
- The developer will be responsible for the relocation of any utilities which is required as a result of his project. The relocation should be done prior to construction.
- All parking lot/street light and dry utility design shall be performed and provided separately by others. All dry utility and or lighting information shown hereon is as specified by others and is included for informational purposes only, as directed by the Owner, Developer and/or public agency requirements. Greenway Engineering has not performed the lighting and/or dry utility design and does not warrant and is not responsible for the degree and/or adequacy of illumination on this project or the adequacy of the dry utility to service the site.
- All sanitary sewers, water mains and appurtenances shall be constructed in accordance with the current standards and specifications of Jefferson County.
- All stormwater piping and structures shown on these plans are only accurate to the inlet or manhole locations as shown hereon. Detail design of stormwater structures were not provided to Greenway Engineering. Actual pipe alignments will be based upon developed structural shop drawings as provided by the manufacturer. Contractor shall make adjustments to pipe alignments base on provided shop drawings. Greenway Engineering will not be held responsible or liable for any discrepancies or changes caused by the structural design. Contractor may submit shop drawings to Greenway Engineering for review and approval at contractor's expense. Shop drawings will be reviewed for compliance with design plans. The Owner or Developer will be responsible for any redesign as a result of structural shop drawing design.
- Controlled fills shall be compacted to 95% of maximum density as determined by method "A" per standard proctor AASHTO-T99, ASTM-D698, or VTM-1 as applicable. Density shall be certified by a registered professional engineer and results submitted to Jefferson County, prior to pavement construction. If a geotechnical report has been prepared, it should supersede the requirements in this note.
- Refer to Geotechnical Engineer for methods, materials and details for construction of all earthwork activities.
- Any retaining wall 2 ft. or greater in height shall require the issuance of a separate building permit.
- Construction debris shall be containerized. No less than one litter receptacle shall be provided at the construction site.
- Greenway Engineering, Inc. (GE) issued this plan set based on project criteria dictated by the client and municipal codes. This plan set is not considered complete or appropriate for construction until ALL necessary agencies have given approval AND this plan set is signed and sealed by a licensed professional. Any work, planning, scheduling, material purchases and/or construction prior to approvals and licensed/professional sealing will be performed at the risk of the personnel authorizing work. GE shall be held harmless from any costs, time delay and/or material changes incurred on work started before this plan set receives approvals and seals.

WVDOH NOTES

- WV1.** All work, construction methods and materials shall conform with the West Virginia Division of Highways "STANDARD SPECIFICATIONS ROADS AND BRIDGES Adopted January 1, 2017" and Supplemental Specifications dated January 1, 2018. All work on this project shall also conform with The Soil Conservation Service Erosion and Sediment Control Regulations and any other state, federal, or local regulations applicable. In the event of conflict between any of these standards, specifications, or plans, the most stringent shall govern.
- WV2.** All construction shall comply with the latest U.S. Department of Labor Occupational Safety & Health Administration.
- WV3.** When working on WVDOH right-of-way, all traffic control, whether permanent or temporary, shall be in accordance with "Manual on Temporary Traffic Control for Streets and Highways" 2006 Edition as published by WVDOH.
- WV4.** Design features relating to construction or to regulation, control and safety of traffic may be subject to change as deemed necessary by WVDOH.
- WV5.** Prior to initiation of work, Contractor shall be responsible for acquiring all necessary WVDOH land use permits for any work on WVDOH right-of-way.
- WV6.** If required by the local WVDOH Residency Office, a preconstruction conference must be arranged and held by the engineer and/or developer with the attendance of the contractor, various County agencies, utility companies and WVDOH prior to initiation of work.
- WV7.** Contractor shall notify the local WVDOH Residency Office when work is to begin or cease for any undetermined length of time. WVDOH will also require 48 hours notice for any inspection. Please contact the Burlington, WV field office at 304-289-3521.
- WV8.** The Contractor will be responsible for maintaining adequate access to the project from the adjacent public roadway through construction and maintenance of a construction entrance in accordance with the Soil Conservation Service Erosion & Sediment Control Handbook. Furthermore, access to other properties affected by this project shall be maintained through construction.
- WV9.** Contractor shall ensure adequate drainage is achieved and maintained on the site during and at the end of construction.
- WV10.** All water and sewer lines within existing or proposed WVDOH right-of-way are to have minimum 36" cover and, when possible, to be installed under roadway drainage facilities.
- WV11.** Any unusual subsurface conditions encountered during the course of construction shall be immediately brought to the attention of the engineer and WVDOH. Work shall cease in that vicinity until an adequate design can be determined by the engineer and approved by WVDOH.
- WV12.** All undercut areas and borrow material shall be inspected and approved by WVDOH Inspector prior to placement of fill.
- WV13.** All roadway fill, base, subsurface material and backfill of utility/storm sewer trenches shall be compacted in 6" lifts to 98% of theoretical maximum density as determined by AASHTO T-99 Method A, within plus or minus 2% of optimum moisture for the full width of any dedicated street right-of-way. At the direction of WVDOH Inspector density tests performed by a qualified independent agency shall be conducted as required in the WVDOH Road and Bridge Specifications. A copy of all tests shall be submitted to WVDOH prior to final WVDOH approval.
- WV14.** WVDOH Standard CD and UD underdrains shall be installed where indicated on these plans and further where determined necessary by WVDOH Inspector.
- WV15.** The installation of any entrances and mailboxes within any dedicated street right-of-way shall meet WVDOH minimum design standards and is the developer's responsibility.
- WV16.** If required by the local WVDOH Residency Office, copies of all invoices for materials within any dedicated street right-of-way must be provided to the WVDOH Inspector prior to acceptance of work. Unit and total prices may be obscured.
- WV17.** Prior to acceptance by WVDOH of any streets, any required street signage and/or pavement markings must be installed by the developer.

PROJECT NARRATIVE

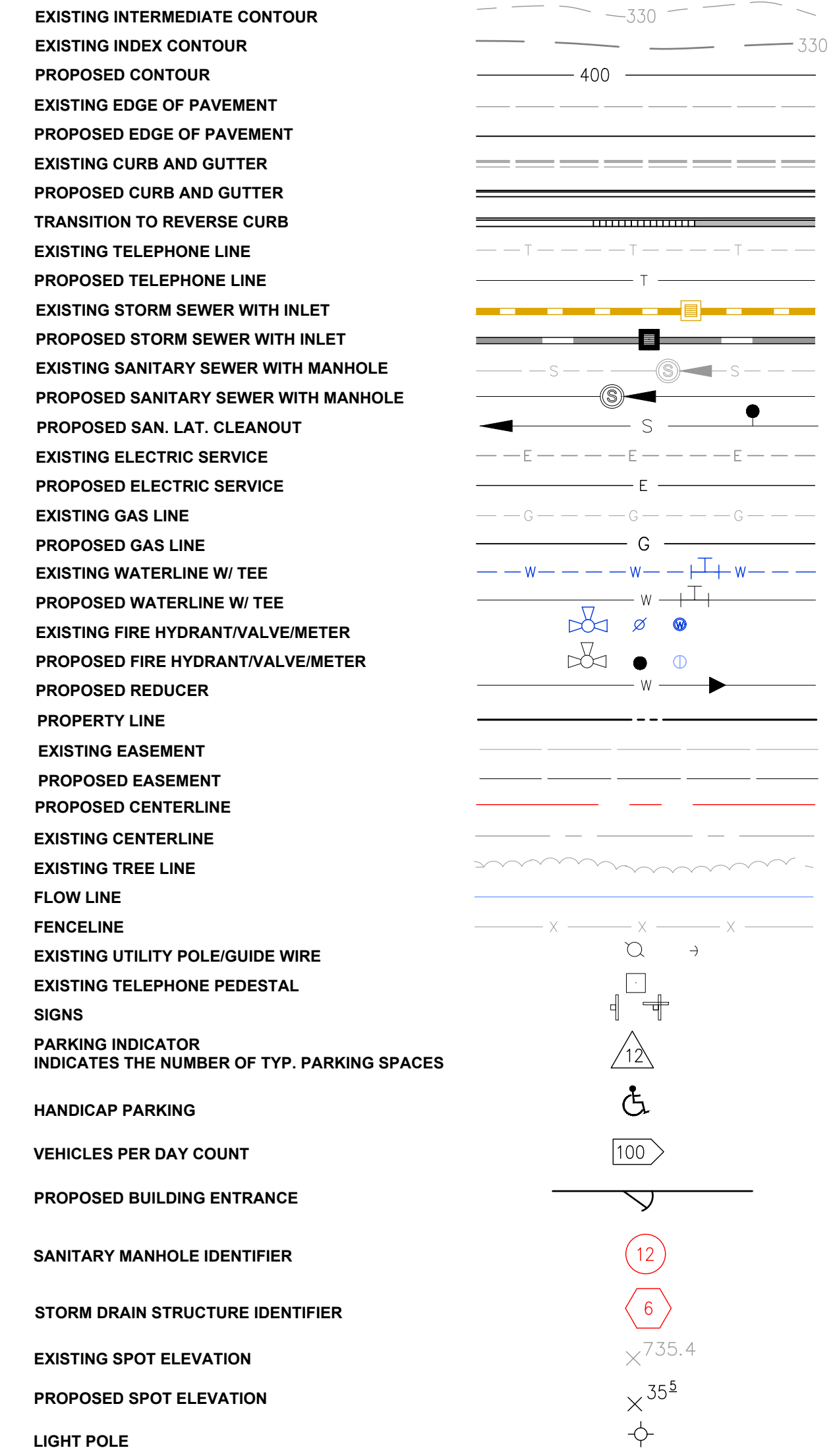
This project proposes the expansion of Summit Point Salvage Yard, which is an existing non-conforming use located in the Kabletown District (06) of Jefferson County, WV. The site is owned and operated by DLGA, LLC. The total acreage of the property is approximately 25 acres. The total proposed limits of disturbance is 17.7 acres. The impervious coverage for this project will total approximately 15.1 acres. The owners propose general clean-up and reorganization of the site, updating of methods and machinery, the addition of a 12' x 40' drive-up scale house, as well as the expansion and improvement of gravel and paved areas.

TRAFFIC IMPACT DATA

Key Intersection - Summit Point Road and Leetown Road, located approximately 0.8 miles East of the project site.
ADT - 1953 (Summit Point Road)
Highway Problem Area 33 (Summit Point Road)

TRIP GENERATION DATA			
USE	FLOOR AREA	* TRIP RATE	VPD
Light Industrial	4,135 S.F.	5.5 per 1000 S.F.	22.75
* Taken from Jefferson County Subdivision regulations Section 24.106(B)(5)(b.)			

LEGEND



PROJECT NOTES

Parcel Identification No. 06001600100000
Street Address: 2282 Summit Point Road
Project Site Area: 25 acres
Disturbed Area: 17.7 acres
Current Zoning: R - (Rural)
Current Use: Salvage Yard (Non-Conforming Use, predates Ordinance)
Proposed Use: Salvage Yard (Non-Conforming Use, predates Ordinance)

Required Setbacks:
Front: 50'
Side: 50'
Rear: 50'
Parking: 25'
Above-Ground Storage Tanks: 25' ; 3' BETWEEN AST'S

Provided Setbacks:
Front: 50'
Side: 50'
Rear: 50'
Parking: 25'
Above-Ground Storage Tanks: 25' ; 3' BETWEEN AST'S

Maximum Building Height: 75'
Proposed Building Height: 15'

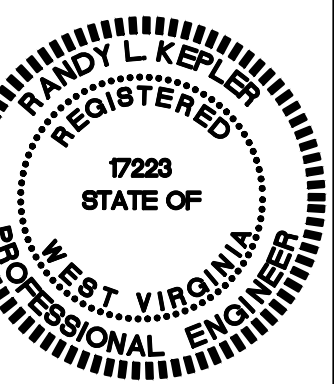
Parking Required: 1 per 300 s.f. Gross Floor Area
4,161 s.f. / 300 = 14 Spaces
Parking Provided: 181 Parking Spaces Total
86 Customer and Employee Spaces; 95 Impound Lot Spaces
ADA Parking Provided: 1 Van Accessible Space

Overall Site Area: 25 acres 1,089,051 s.f.
Maximum Impervious Area: 22.5 acres 980,146 s.f. (90%)
Existing Impervious Area: 4.1 acres 176,583 s.f. (16%)
Proposed Impervious Area: 15.1 acres 658,759 s.f. (60%)

Existing Limits of Disturbance: 13.5 acres 588,064 s.f.
Proposed Limits of Disturbance: 17.7 acres 770,912 s.f.

GENERAL NOTES

Road Runner Wrecker Service, Inc.
Sketch Plan
Kabletown (06) District - Map 16 - Parcel 10 - Deed Book 1231 - Deed Page 378
Jefferson County, West Virginia

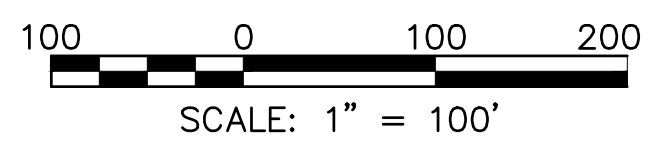
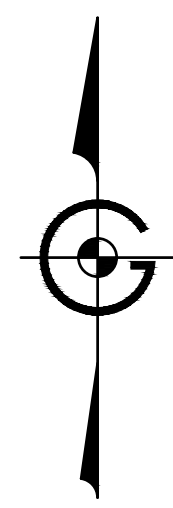
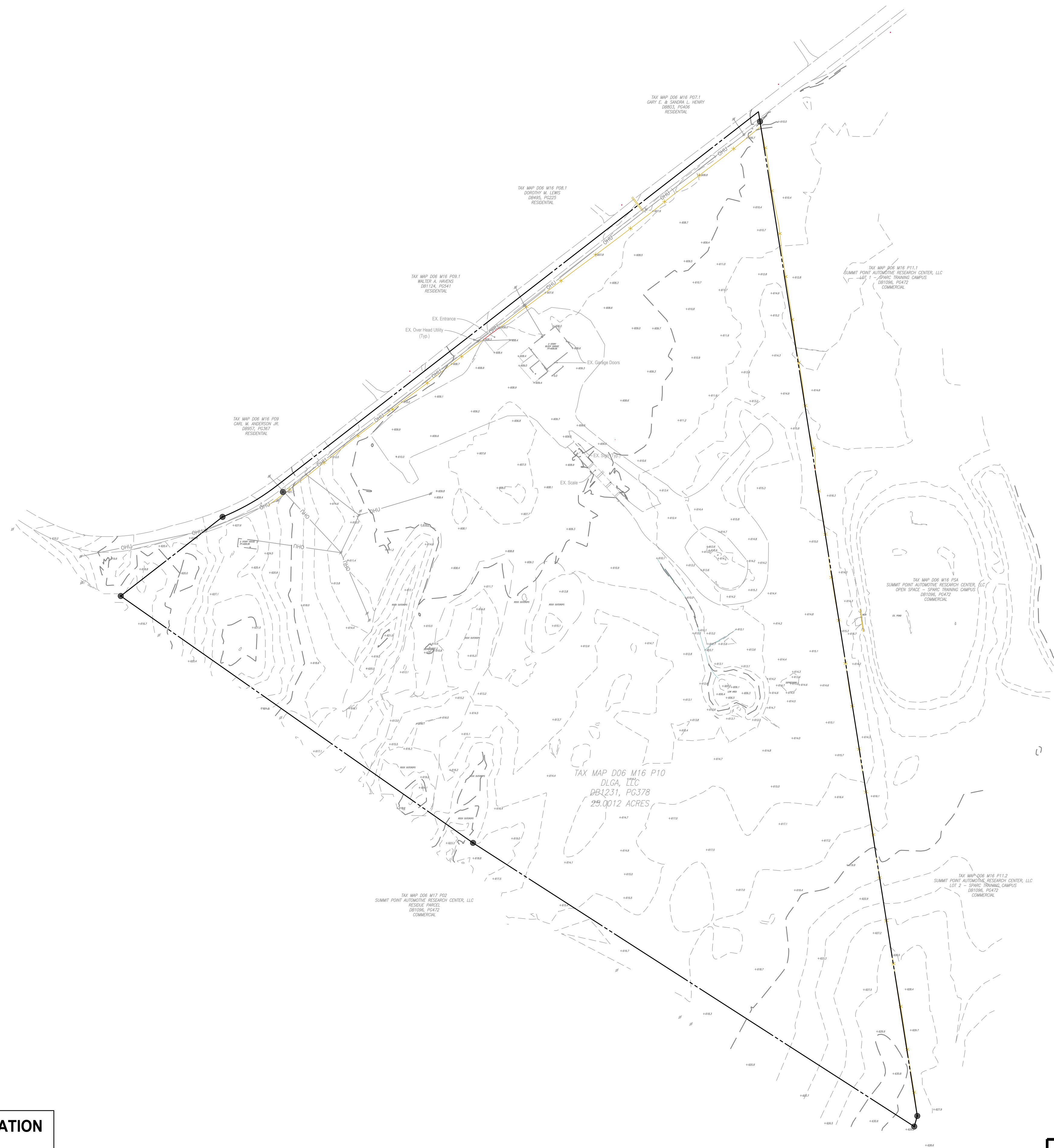


Date: 2 / 05 / 2021
Scale: N/A
Designed By: ABW
File No. 7025
Sheet 2 Of 4

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 620-5111
Fax: (540) 722-9528
www.greenwayeng.com

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OFFICES IN: MARTINSBURG, WV WINCHESTER, VA & ASHBURN, VA



SURVEY AND TOPOGRAPHIC INFORMATION

1. Boundary survey was performed by: Greenway Engineering Dated: 2/10/2020

2. Aerial, horizontal and vertical control surveys were performed by: Greenway Engineering 2/10/2020
Date

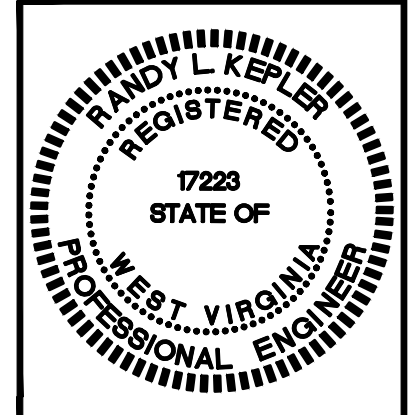
3. Aerial topographic mapping performed by: Greenway Engineering Dated: 2/10/2020

Flood Plain Reference

The subject property is shown on FIRM Map Number 54037C0225E (Effective Date December 18, 2009) as NOT WITHIN any identified Flood Hazard Area. The developer will comply with Jefferson County Floodplain Ordinance and the guidance of the Jefferson County Floodplain Administrator.

Soil Type Reference

VtB - Vertrees-Rock Outcrop Complex, 3 to 8 % slopes
Drainage Class: Well Drained
Depth to Water Table: > 80 inches
Depth to Restrictive Feature: > 80 inches; 0 inches
Hydrologic Soil Group: C



Date: 2 / 05 / 2021
Scale: 1" = 100'
Designed By: ABW
File No. 7025
Sheet 3 Of 4

BOUNDARY AND EXISTING CONDITIONS

Road Runner Wrecker Service, Inc.
Sketch Plan

Kabletown (06) District - Map 16 - Parcel 10 - Deed Book 1231 - Deed Page 378
Jefferson County, West Virginia

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 620-5111
Fax: (540) 722-9528
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Staff Report

Jefferson County Planning Commission

May 11, 2021

King’s Crossing Major Subdivision (21-8-SD)

Item #4: Public Workshop: A Concept Plan for the King’s Crossing Major Subdivision consisting of 175 single-family detached and 229 attached (townhome) lots (404 residential lots proposed).

Applicant/Owner	DR Acquisitions LLC	
Consultant	Gordon: Tom Evans	
Property Location & Information	<p>West of Charles Town Road, next to St. James Catholic Church Tax District: Charles Town (02); Map: 17; Parcel: 22 (Parcel ID: 0200170022) Size: 86+ acres ; Zoning District: Residential Growth</p> 	
Adjacent Zoning Districts	<p><i>North:</i> Residential Growth (Crosswinds)/Neighborhood Comm. (CT) (Church) <i>East:</i> Rural/Neighborhood Residential (CT) <i>South:</i> Residential Growth (undeveloped) <i>West:</i> Neighborhood Residential (CT) (Norborne Glebe)</p>	
Proposed Activity	Major Residential Subdivision (21-8-SD) with 175 single-family detached and 229 attached (townhome) lots (anticipated 404 residential lots); Concept Plan Public Workshop scheduled for 5/11/21.	
Concept Plan Status:	<p>Submitted: 3/5/21 Sufficiency Letter, with conditions: 3/16/21 Resubmitted for Completeness: 3/19/21 Deemed Complete: 3/26/21</p>	
Previous Approvals:	<p>21-6-PCW: Waiver from Section 21.101.A of the Subdivision Regulations, regarding block length. 21-7-PCW: Waiver of Section 21.104A of the Subdivision Regulations regarding minimum lot frontage. 21-13-ZV: Variance from Appendix A of the Zoning Ordinance to reduce the side setbacks for the single family detached lots.</p>	<p>PC Approved 4/13/21 PC Approved 4/13/21 BZA Disapproved 4/20/21</p>

Staff Report
Jefferson County Planning Commission
May 11, 2021
King’s Crossing Major Subdivision (21-8-SD)

Introduction and Summary of Request

The applicant is proposing the development of a Major Subdivision consisting a mixture of 175 single family detached and 229 single family attached residential lots totaling 404 lots. The property is located south of St James Church and Crosswinds Subdivision, south of Charles Town on the west side of WV 115, east of Norborne-Glebe Subdivision.

The overall density for this development is 4.7 dwelling units per gross acre for the entire 86.0-acre property and 7.67 net dwelling units per acre for the 52.7-acre portion of the property which will be occupied by homes. This meets the “medium density” category, which is defined by the *2035 Envision Jefferson Comprehensive Plan* as “3 to 6.99 units per acre”. The townhouse lots will require separate site plans as well as a Preliminary and Final Plats; the single family will only require the platting process.

Access

The development proposes two access points to WV 115 (Charles Town Rd) which will require WV DOH approval based on the required Traffic Impact Study (TIS). Additional access points to serve the development are proposed to connect to Courier Drive in Norborne Glebe Subdivision and to provide potential future access to the 200+ acre farm to the south. These proposals are in conformance with the following requirements of the Subdivision Regulations:

Sec. 21.102B. “Connections to Stub Streets: Where a stub street has been provided or the right-of-way is provided on an adjoining parcel or subdivision, the developer shall connect. . . .”

Sec. 21.102C. “Access: All subdivision plats that contain more than 30 lots shall have a minimum of two access points from existing roads. Where possible, spacing between points of access shall be a minimum of 300 feet. . . .”

Sec. 21.102D. “Future Connections”: Where the adjoining land is vacant, the subdivision shall provide stub streets to the property line. Connections shall be made to all properties that are not vacant or have stub streets in place. The access shall be to properties on all sides. . . .”

Open Space

Section 21.105 of the Subdivision Regulations requires a subdivision of this density to provide 7% of the land to be dedicated to open space/parkland in the Residential Growth (RG) Zoning District. For this development, the 7% open space/parkland requirement equals approximately 6 acres. The Regulations also state that no more than 60% of this acreage may be passive open space/recreation. The applicant has indicated that they will be providing approximately 8.9 acres of open space/parkland with 7.2 acres dedicated to active recreation and 1.7 acres of passive recreation/open space. Additionally, nearly 5 acres are dedicated to stormwater management areas. The open space areas are shown on of the Concept Plan.

Waivers/Variances

The applicants received Planning Commission approval to reduce the lot frontage for the single family detached lots from 80’ to 60’ and to extend the maximum block length from six (6) lots in length on one side of the street, to allow block lengths to contain up to 12 lots on one side of the street. Their request for a Zoning Variance to reduce the side yard setbacks to allow larger houses on the narrower lots was denied by the Board of Zoning Appeals “without prejudice”. The Board of Zoning Appeals indicated that the applicant could make the same request after the Planning Commission approves the Concept Plan. These waivers and variance relate to the design of the subdivision that the developer is interested in creating.

Staff Report
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 King’s Crossing Major Subdivision (21-8-SD)

Subdivision Category

The subdivision associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.202 of the Subdivision Regulations states that any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure is classified as a Major Subdivision. King’s Crossing Subdivision is processing as a Major Subdivision.

Major Subdivisions require the processing of a Concept Plan (Sections 24.110 - 24.112), which requires a Public Workshop; a Preliminary Plat (Sections 24.113 – 24.115), which requires a Public Hearing; posting of a surety/bond for all improvements (Division 24.500); and a Final Plat (Section 24.116 – 24.188), which is administratively reviewed and approved.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Major Subdivision 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 “complete” (i.e. meeting all submission requirements of Section 24.110 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed 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 subdivision is situated. b) Density calculations. c) Site resource map	Provided
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 on Concept Plan
5. Traffic Impact Data	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.	On Concept Plan: <u>WV DOT ADT Counts</u> Charles Town Rd.: 4,542; US340/ 9 Southbound: 21,213; <u>Trip Generation:</u> Average Daily Trips: 2,653 VPD

Staff Report
 Jefferson County Planning Commission
 May 11, 2021
 King's Crossing Major Subdivision (21-8-SD)

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.	WV DOH has stated that a Traffic Impact Study is required for their approval.
6. 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	The Department review shall include the following: 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in 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 Subdivision.
E./F. WVDOH	The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval. The WVDOH shall determine whether a traffic impact study will be required during the preliminary plat stage.	A Traffic Impact Study has been required by the WV DOH and will require their approval.
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.	The Charles Town Utility Board (CTUB) will serve the property with both water and sanitary sewer services (see comment summary below).
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
I. Approval	Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete.
J. Effect	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop in a local newspaper and the applicant shall post notice on the property in accordance with the Subdivision Regulations.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

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Jefferson County Planning Commission
May 11, 2021
King's Crossing Major Subdivision (21-8-SD)

Concept Plan Review

1. External Agency Reviews (attached)

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

- The property can be served by the Charles Town Utility Board (CTUB) for both water (through a mainline extension) and sanitary sewer services (through either a connection with Norborne Glebe or installation of a pump station).
- WV DOH/HEPMPO stated that a Traffic Impact Study (TIS) is required for WV DOH review and approval. The developer will be required to implement any recommended highway improvements or modifications prior to the issuance of the WV DOH permit.
- The Jefferson County Historic Landmarks Commission (JCHLC) noted that there are no catalogued County Historic Resources on the property or within ¼ mile. The JCHLC has no objections to the Concept Plan.

As of this date, no other agency review comments have been received. If additional comments are received, they will be provided to the Planning Commission for their consideration.

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.

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Major Subdivision, located on WV 115, south of Charles Town, 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 Subdivision:

- a. WV DOH review and approval of the required TIS will be required in conjunction with the Subdivision’s Preliminary Plat.
- b. Charles Town Utility Board approval of both water and sanitary sewer connections will be required in conjunction with the Preliminary Plat.

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

3. Planning Commission Direction

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

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

Staff Report

Jefferson County Planning Commission

May 11, 2021

King's Crossing Major Subdivision (21-8-SD)

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.

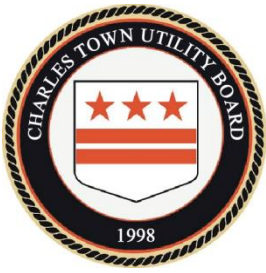
Section 24.112 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Major Subdivision review:

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

ATTACHMENTS:

- Charles Town Utility Board letter
- WV DOH letter requiring a TIS
- Jefferson County Historic Landmarks Commission (JCHLC) letter



Charles Town Utility Board

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

March 15, 2021

Chad Wallen
Gordon
148 S. Queen Street, Suite 201
Martinsburg, WV 25401

**UTILITY
BOARD**

CHAIRMAN
*Daryl
Hennessy*

Re: King's Crossing Concept Plan Review

Dear Mr. Wallen:

VICE
CHAIRMAN
*Pete
Kubic*

The Charles Town Utility Board has reviewed the Concept Plan for the proposed King's Crossing subdivision. We offer the following comments in regards to water and sewer service:

TREASURER
*Thomas
Stocks*

King's Crossing subdivision:

The Charles Town Utility Board (CTUB) has existing water service adjacent to the proposed subdivision and therefore can provide water service for the proposed 404 dwellings in the King's Crossing subdivision. Through a Mainline Extension Agreement between CTUB and the owner, CTUB can extend the existing water main to service this location.

INTERIM
SECRETARY
*Ashley
Stottlemeyer*

CTUB has existing sewer service adjacent to the proposed subdivision. Public sewer service is feasible and there are two options available to provide service.

*City of Ranson
Mayor
Duke
Pierson*

1. Connect sewer service to the existing system of the Norborne Glebe subdivision. Coordination with the owner/developer of Norborne Glebe will be required as not all portions of the system have been transferred to CTUB. The owner will need to perform the engineering design to determine if gravity can be achieved.
2. Install on-site pumpstation and route forcemain along the south side of Charles Town Rd to existing gravity manhole.

*Jacquelyn
Milliron*

UTILITY
MANAGER
*Kristen
Stolpher*

The above options will need to be evaluated by the developer and will require an Alternate Mainline Extension Agreement between the developer and CTUB. Please contact our office to discuss further information as necessary. If you have any questions, I can be reached at (304) 725-2316.

Sincerely,

Travis Markley
Engineering Technician

21-8-SD



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Byrd E. White, III
Secretary of Transportation/
Commissioner of Highways

Jimmy Wriston, P. E.
Deputy Secretary/
Deputy Commissioner

March 26, 2021

Jennifer M. Brockman, AICP, County Planner
Jefferson County Office of Planning and Zoning
Post Office Box 716
Charles Town, West Virginia 25414

Dear Ms. Brockman:

The Division of Highways (DOH) received from Gordon correspondence dated March 19, 2021, that requested comments concerning the “King’s Crossing” Concept Plan that is proposed to be located adjacent to WV 115 in Jefferson County.

The information presented by Gordon indicates that the proposed development is to include 175 single-family detached lots and 229 townhomes. This residential development evidently is to be served by a new access at WV 115, as well as a new connection to Courier Drive within an adjacent development. The scope of this development is such that the DOH would expect the Developer to submit a Traffic Impact Study (TIS) to analyze the proposal, as it pertains to the State Highway System, and then implement any recommended highway modifications of the TIS. The approval by the DOH of a TIS and of the Plans that concern all work pertaining to WV 115, and possibly other DOH roadways, would be necessary before the issuance by the DOH of a permit concerning the highway work. The developer can initiate discussion and coordination with the DOH regarding this proposal when desired.

If additional information is needed, please feel free to contact Mr. David E. Cramer, PE, of our Commissioner’s Office of Economic Development at David.E.Cramer@wv.gov, or 304-414-6697.

Sincerely,

Jimmy Wriston, P.E.
Deputy Secretary of Transportation
Deputy Commissioner of Highways

JW:Cs

RECEIVED

APR 02 2021

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING



April 10, 2021

Ms. Jennifer Brockman
Jefferson County Planning and Zoning Department
Charles Town, WV 25414

Re: Jefferson County Concept Plan Submittal – King’s Crossing Concept Plan

Dear Ms. Brockman,

I reviewed the Concept Plan for the King’s Crossing, submitted to JCHLC by Gordon Associates Inc., Martinsburg, West Virginia dated February 25, 2021. The King’s Crossing subdivision is located along Charles Town Road, Charles Town, WV. The Concept Plan includes 175 residential single family detached lots and 229 townhomes.

There are no cataloged County Historic Resources from the 2007 JCHLC survey located on the development parcel or within one quarter mile of the proposed development.

The Jefferson County Historic Landmarks Commission has no objections or comments on the proposed King’s Crossing Concept Plan since there are no listed County Historic Resources on the development parcel or in the immediate area.

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

Martin Burke

Martin Burke
Chair, JCHLC

CONCEPT PLAN FOR KING'S CROSSING

JEFFERSON COUNTY, WEST VIRGINIA CHARLES TOWN DISTRICT TAX MAP 17, PARCEL 22 DEED BOOK 994, PAGE 667

OWNER/APPLICANT/DEVELOPER
DR ACQUISITIONS, LLC
501 BUCKEYSTOWN PIKE
SUITE 250, OFFICE 240
FREDERICK, MD 21704

CONCEPT PLAN REVIEW CHECKLIST NOTES:

- B.1. SEE GENERAL LOCATION MAP THIS SHEET FOR ZONING DISTRICTS WITHIN 500' OF THE SUBJECT PROPERTY.
 B.2. - A CONCEPT PLAN ON 24x36 WHITE PAPER CAN BE FOUND ON SHEET 2.
 - SEE SHEET 2 FOR THE LAYOUT OF LOTS, RECREATION AREAS AND ROADS.
 - BUILDING AREAS WILL BE CONFINED TO EACH SINGLE FAMILY DETACHED LOT WITHIN BUILDING SETBACK LINES.
 - ACTUAL BUILDING FOOTPRINTS WILL VARY WITH INDIVIDUAL HOME DESIGN.
 B.3. ZONING INFORMATION:
 a. THE SUBJECT PROPERTY IS LOCATED IN THE RESIDENTIAL GROWTH ZONING DISTRICT.
 b. DENSITY CALCULATIONS: 7.67 NET DWELLING UNITS PER ACRE (404 UNITS / 52.7 ACRES = 7.67 DUA).
 b.1. PARKING CALCULATION: 299 PARKING SPACES PER 229 TOWNHOMES. THE CURRENT PLAN IS FOR EACH LOT TO PROVIDE 1.5 UNITS (1 DRIVEWAY AND 0.5 IN THE GARAGE), AND 1 SPACE OFF-LOT TO MEET THE 2.5 SPACES PER UNIT FOR A 2 BEDROOM TOWNHOUSE. IF ADDITIONAL BEDROOM UNITS ARE INCLUDED WITH THE FINAL DESIGN ADDITIONAL PARKING MEETING REQUIREMENTS WILL BE ADDED.
 c. THE PROPERTY'S "SITE RESOURCES".
 c.1. TOPOGRAPHIC INFORMATION PROVIDED PURSUANT TO USGS TOPOGRAPHICAL QUADRANGLE MAP INFORMATION, CONTOURS SHOWN AT 2' INTERVALS.
 c.2. THERE ARE WOODED AREAS, WATER COURSES, AND LIMITED AREAS OF ROCK OUTCROPPINGS ARE LOCATED SPORADICALLY THROUGHOUT THE PROPERTY. THERE ARE NO KNOWN HILLSIDES, SINK HOLES OR QUARRIES LOCATED IN THE AREA OF DEVELOPMENT. IT IS POSSIBLE THAT SOME OF THESE FEATURES MAY EXIST AND ARE CONCEALED BY EXISTING VEGETATION OR ARE OUTSIDE THE AREA PROPOSED FOR DEVELOPMENT. ALL STATE, FEDERAL AND LOCAL REGULATIONS WILL BE OBSERVED IF ANY UNKNOWN SITE RESOURCES ARE DISCOVERED DURING CONSTRUCTION.
 c.3. NO DEVELOPMENT WILL OCCUR WITHIN 1,000' OF THE SHENANDOAH OR POTOMAC RIVERS AND THEREFORE IS NOT SUBJECT TO THE HILLSIDE REGULATIONS FOUND UNDER SECTION 22.504.A. OF THE JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.
 c.4. FEMA MAPS 5403700138E, & 5403700139E DO NOT IDENTIFY ANY FLOODPLAIN ON THE SUBJECT PROPERTY.
 d. SEE SHEET 2 FOR ADJACENT PROPERTY INFORMATION.
 B.4. PROPOSAL DESCRIPTION: THE SUBJECT PROPERTY IS ZONED RESIDENTIAL GROWTH. THE REQUESTED CONCEPT PLAN INCLUDES 175 SINGLE FAMILY DETACHED UNITS, 229 TOWNHOMES, OPEN SPACE, STORMWATER MANAGEMENT AREAS AND THE CONSTRUCTION OF ASSOCIATED UTILITIES. SIDEWALKS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF ALL STREETS. NO RESTRICTIVE COVENANTS/CONDITIONS/RESTRICTIONS ARE PROPOSED AT THIS TIME BUT MAY BE PROVIDED AT TIME OF FINAL PLAT.
 B.5. TRAFFIC IMPACT DATA
 a. THE WV DOT ONLINE TRAFFIC COUNTS PROVIDE AVERAGE DAILY TRAFFIC COUNTS FOR THE FOLLOWING LOCATIONS: CHARLES TOWN ROAD = 4,542 AND ROUTE 340 / 9 SOUTHBOUND ADJACENT TO THE SUBJECT PROPERTY = 21,213.
 b. TRIP GENERATION FOR DETACHED SINGLE FAMILY UNITS BASED ON SECTION 24.110(B)5.b. OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS ARE AS FOLLOWS:
 PEAK HOUR TRIPS: 175 (DETACHED UNITS) x 0.70 = 122.5
 PEAK HOUR TRIPS: 229 (ATTACHED UNITS) x 0.60 = 137.4
 AVERAGE DAILY TRIPS: 175 (DETACHED UNITS) x 6 = 1,050
 AVERAGE DAILY TRIPS: 229 (ATTACHED UNITS) x 7 = 1,603
 c. THE NEAREST KEY INTERSECTION AS DEFINED IN THE CONCEPT PLAN CHECKLIST IS THE ROUTE 115/ ROUTE 340 INTERCHANGE.
 d. THERE IS ONE #17 "HIGHWAY PROBLEM AREAS", AS DEFINED BY THE ENVISION JEFFERSON 2035 COMPREHENSIVE PLAN, WITHIN ONE (1) MILE RADIUS OF THE PROPERTY.
 B.7. AGENCY REVIEWS: LETTERS WERE SENT TO THE REQUIRED REVIEW AGENCIES AS REQUIRED BY THE CONCEPT PLAN REVIEW CHECKLIST. A COPY OF THE LETTERS ARE INCLUDED AS PART OF THIS SUBMISSION.
 B.10. A LIST OF ALL ADJOINING PROPERTIES AND OWNERS ADDRESS'S ARE INCLUDED AS PART OF THIS SUBMISSION. PROPERTY OWNERS INFORMATION IS PROVIDED PURSUANT TO JEFFERSON COUNTY ASSESSOR'S RECORDS.
 E. A LETTER TO WVDH HAS BEEN SENT REQUESTING THE IDENTIFICATION OF ANY ISSUES, DATA REQUIREMENTS OR NOTICE THAT THERE ARE NONE.
 F. PURSUANT TO SECTION 24.19.B.6. OF THE SUBDIVISION REGULATIONS, THE PROPOSED DEVELOPER WILL PROVIDE A TRAFFIC IMPACT STUDY IN ACCORDANCE WITH WVDH CRITERIA.
 G. WATER AND SANITARY SEWER SERVICE WILL BE PROVIDED BY THE CITY OF CHARLES TOWN. PRELIMINARY DISCUSSION WITH THE CITY OF CHARLES TOWN INDICATES THERE IS CAPACITY TO SERVE THE PROPOSED DEVELOPMENT. EXACT CONNECTIONS WILL BE DETERMINED THROUGH COORDINATION WITH THE CITY OF CHARLES TOWN DURING PRELIMINARY PLAT DEVELOPMENT.

Setbacks - Single Family Detached Dwelling			
Front	Side	Street Side	Rear
25'	12'	15'	20'

Setbacks - Townhouse Dwelling			
Front	Side	Street Side	Rear
25'	12' (EXT.)	15'	20'

***WAVERS WILL BE REQUESTED AND PROCESSED CONCURRENTLY WITH THIS APPLICATION. THESE WAVERS MAY INCLUDE BUT ARE NOT LIMITED TO OPEN DITCH SECTION STREETS/MINIMUM LOT WIDTH AND BLOCK LENGTHS IN EXCESS OF 6 LOTS. THE PROPOSED CONCEPT WILL BE ADJUSTED TO ACCOUNT FOR WAVERS NOT APPROVED BY JEFFERSON COUNTY.**

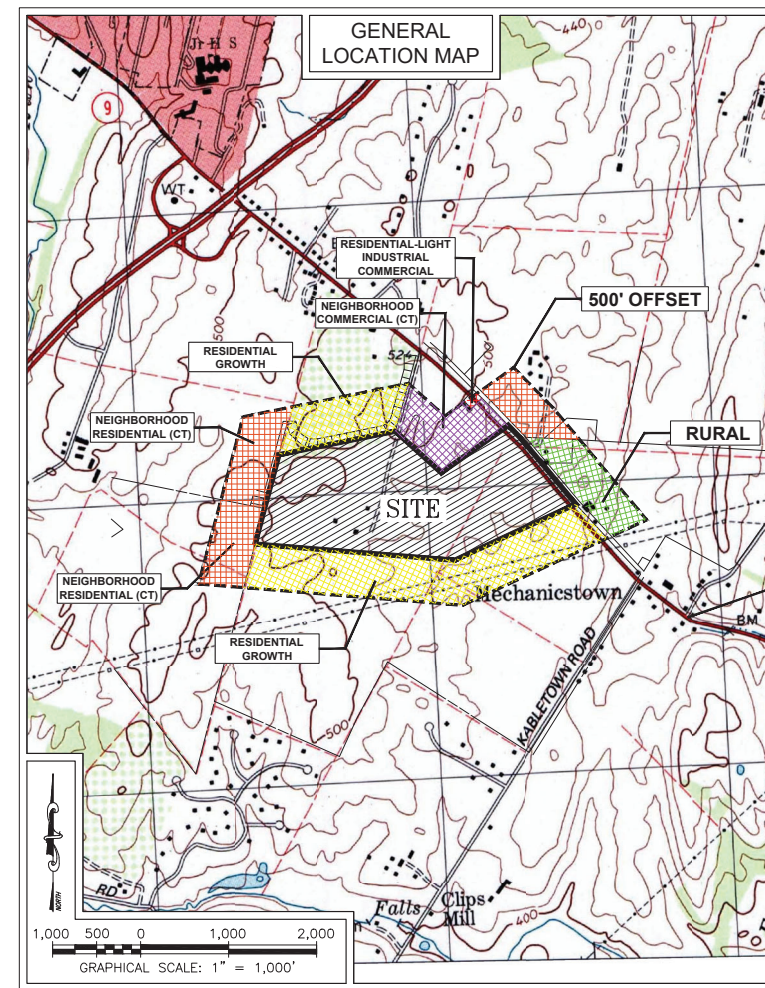
PARKLAND		
Density - DUA		
Dwellings	Residential Lot Area	Dwelling Units Per Acre
404	52.70	404 / 52.7 = 7.67

Parkland Requirements*		
	% of Site	Land Area (AC)
Required	7	(86 x 0.07 = 6.02) 6.02
Provided (Active)	8.3% (7.2 / 86 = .083)	7.2 +/-

ACTIVE OPEN SPACE AREAS	AREA (AC)
A	1.40
B	1.00
C	0.60
D	2.50
E	1.70
TOTAL	7.20

LAND AREAS	AREA (AC)
RESIDENTIAL LOT AREA	52.47
INTERNAL ROAD RIGHT-OF-WAY	19.45
STORMWATER MANAGEMENT	4.96
ACTIVE OPEN SPACE	7.43
PASSIVE OPEN SPAVE	1.69
TOTAL	86.00

PASSIVE OPEN SPACE AREAS	AREA (AC)
MISCELLANEOUS	1.69
TOTAL	1.69



*(CT) = CHARLES TOWN ZONING DISTRICT.

"ENVISION JEFFERSON COUNTY 2035 COMPREHENSIVE PLAN", #17 "HIGHWAY PROBLEM AREAS" AT CATTAIL RUN ROAD AND WV 115. POOR SIGHT DIST. PULLING ONTO WV 115.

PROGRAMMING AND PLANNING
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
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 SECURITY CONSULTING

Gordon
 148 S. Queen Street, Suite 201
 Martinsburg, WV 25401
 Phone: 304-725-8456
 www.gordonus.com

SEAL:

REVISIONS

COVER SHEET & NOTES

**KING'S CROSSING
CONCEPT PLAN**

MAP 17, PARCEL 22, DB. 994, PG. 667
 CHARLES TOWN DIST., JEFFERSON COUNTY, WV

JCPC FILE 18-05

SHEET INDEX
 1. COVER SHEET & NOTES
 2. CONCEPTUAL PLAN

JEFFERSON COUNTY PC FILE: 21-8-SD


SCALE:	HORIZ: AS NOTED VERT: NA
DATE:	FEBRUARY 2021
JOB:	3035-0301
DRAWN:	CHECK:
CADD:	3035_CONCEPT1.DWG
NCS:	SHEET:
01 OF 02	

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Staff Report
 Jefferson County Planning Commission Meeting
 May 11, 2021

Margaret Hoffman (File #: 21-9 -PCW)

Item # 5: Public Hearing: Request by applicant, Margaret Hoffman, for a waiver from Section 20.201B.3, to utilize an existing 30’ access easement known as Round Rock Lane instead of the required 50’ access easement for the creation of a family transfer parcel.

Applicant/Owner	Margaret Hoffman
Consultant	David Costello, Jr. (Alpha Associates, Inc.)
Property Location & Information	<p style="text-align: center;">622 Ann Lewis Road, Kabletown (06) Tax Map: 22; Parcel: 7 Parcel ID: 0600220007; Size: 23.42 acres; Zoning District: Rural</p> 
Adjacent Zoning Districts	<i>North, South, East and West: Rural</i>
Proposed Activity	Creation of an additional family transfer parcel with access via an existing 30’ easement known as Round Rock Lane to Ann Lewis Rd (WV 25/7) instead of the required 50’ access easement.
Previous Approvals	Parent to Child Exemption (Lots A & B) DB957/ PG704 & 709 (1/18/2002) Boundary Line Adjustment (BLA) DB1026/ PG 514 (7/13/06)

Staff Report
 Jefferson County Planning Commission Meeting
 May 11, 2021

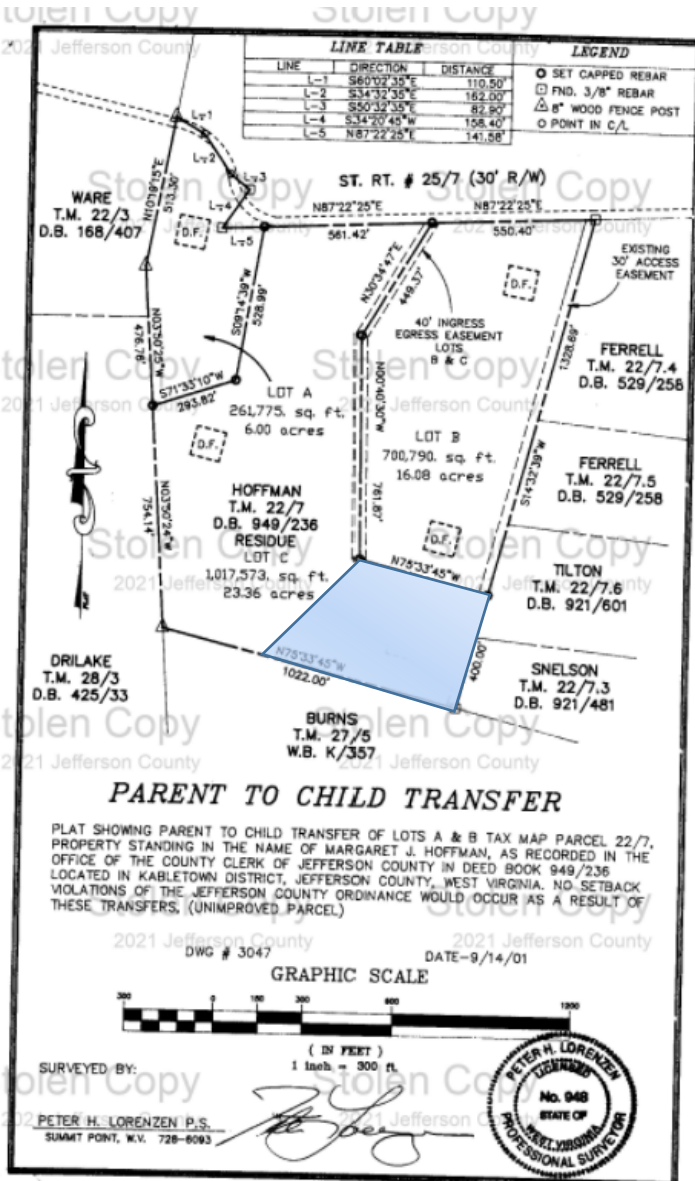
Margaret Hoffman (File #: 21-9 -PCW)

Summary of the Request:

The applicant, Margaret Hoffman, is requesting a waiver from Section 20.201B.3, to waive the required 50' access easement and to allow the use of an existing 30' access easement (Round Rock Lane) for one additional Family Transfer Lot. Section 20.201B.3 of the Subdivision Regulations requires all lots in Minor Family Transfer Subdivisions to have motor vehicle access via a 50' access easement to a WV DOH right-of way or easement. Ann Lewis Road is a state road (WV 25/7). The applicant notes that there are multiple parcels using the existing 30' access easement successfully, including a previous family transfer prior to regulations requiring 50' access easement.

Relevant Site Information:

DB957/PG704 (Lot B, 16.08 ac) and DB957/PG709 (Lot A, 6.0 ac) Parent to Child Exemptions:



The deed for Lot B grants it the right to use the existing 30' access easement (Round Rock Lane) leading from the southernmost corner of the residue parcel (where the new Family Transfer lot is proposed) to WV 25/7 (Ann Lewis Road) as well as access to a 40' access easement along the western boundary of Lot B, shared with Lot C. Lot C (the "parent parcel") also retained the rights to use these easements. Each of these lots is addressed on Ann Lewis Road.

When these Parent to Child lots were created, they were considered exemptions with no access standard; however, Minor Subdivision required a 40' access easement at that time.

The only property addressed on Round Rock Lane is the one identified as Snelson on this plat. The Tilton deed states that it does not have the right to use this easement and the Ferrell deeds appear to not allow use; however, it is not explicitly clear.

The blue box is the approximate shape of the proposed 5.22-acre Family Transfer lot. The Residue will be approximately 18.97 acres.

Staff Report
Jefferson County Planning Commission Meeting
May 11, 2021

Margaret Hoffman (File #: 21-9 -PCW)

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 Discussion/Recommendation:

It is unclear why it is not possible to provide a 50’ access easement to the proposed lot. Widening the easement would not require any improvements to the driveway/roads themselves at this time. There appear to be two alternatives that could be utilized to provide a 50’ access easement to the proposed additional Family transfer lot:

1. It would be possible to widen the existing 40’ access easement, which straddles the property line between Lot B and Lot C, by adding a 10’ parallel easement on Lot C to create a 50’ access easement in that area to serve the proposed new Family Transfer lot; or
2. It would be possible to widen the existing 30’ access easement with a 20’ parallel easement along the eastern edge of Lot B to create a 50’ access easement to the proposed new Family Transfer lot.

If the Planning Commission is inclined to approve this waiver request, staff recommends that the motion limit the applicant to the one proposed Family Transfer lot, with access to the existing 30-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

21-9-PCW
 File #: _____
 Mtg Date: *5-11-21*
 Date Rec'd: *4-20-21*
 Fees Paid: *CLD 274*
 Staff Int: *af*
 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: Margaret Hoffman
 Business Name: _____
 Mailing Address: 622 Ann Lewis Road, Charles Town, WV 25414
 Phone Number: _____ Email: _____

Applicant Contact Information

Applicant Name: Melanie Hoffman Same as owner:
 Business Name: _____
 Mailing Address: 122 Battlefield Dr. Winchester, VA 22602
 Phone Number: 571-274-1940 Email: Melanielupien@ymail.com

✓ ymail is an address

Consultant Information

Name: David Costello, Jr.
 Business Name: Alpha Associates, Inc.
 Mailing Address: 535 West King Street *Martinsburg WV 201-25401*
 Phone Number: 304-264-0051 Email: David.costello@thinkalphafirst.com

Physical Property Details

Physical Address: across from 309 Round Rock Lane, Charles Town, WV Vacant Lot:
 Tax District: Kabletown *06* Map No: 22 Parcel No: 7
 Parcel Size: 23.42 Deed Book: 1026 Page No: 514
 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)

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

Article 20, Section 20.201B Subsection 3

Briefly Describe the Nature of Your Waiver Request:

To allow a family transfer parcel to utilize an existing 30'R/W to WV Route 25/7 instead of needing to widen said R/W to 50'. There are multiple parcels using the existing 30' R/W successfully, including a previous family transfer prior to regulations requiring 50" access.

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.

This family transfer will keep a 5+ acre parcel of Land Residential, as either wooded or natural open area. rather than becoming a large development or substantial increase in imperious area.

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.

This waiver will make it so that property from 1 or more of the adjoining parcels will not be further encumbered by a larger R/W or easement. Furthermore, allowing continued use of the 30' R/W will not adversely affect public health or safety.

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


The waiver will permit access to a proposed parcel via an existing 30' easement that has very little vehicular traffic and will not substantially increase with this proposed residential property.

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

This waiver will prevent the client from having to purchase a 50' easement on top of an existing 30' R/W that successfully serves the few existing parcels currently in existence. Having a 50' easement on top of a 30' foot R/W will add confusion to title and further encumbrance the adjoining parcels from which the easement would be taken.

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.

 4/20/21
Property Owner/Applicant Signature Date

 4/20/21
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.

Public Hearing Date

Date Placard Posted

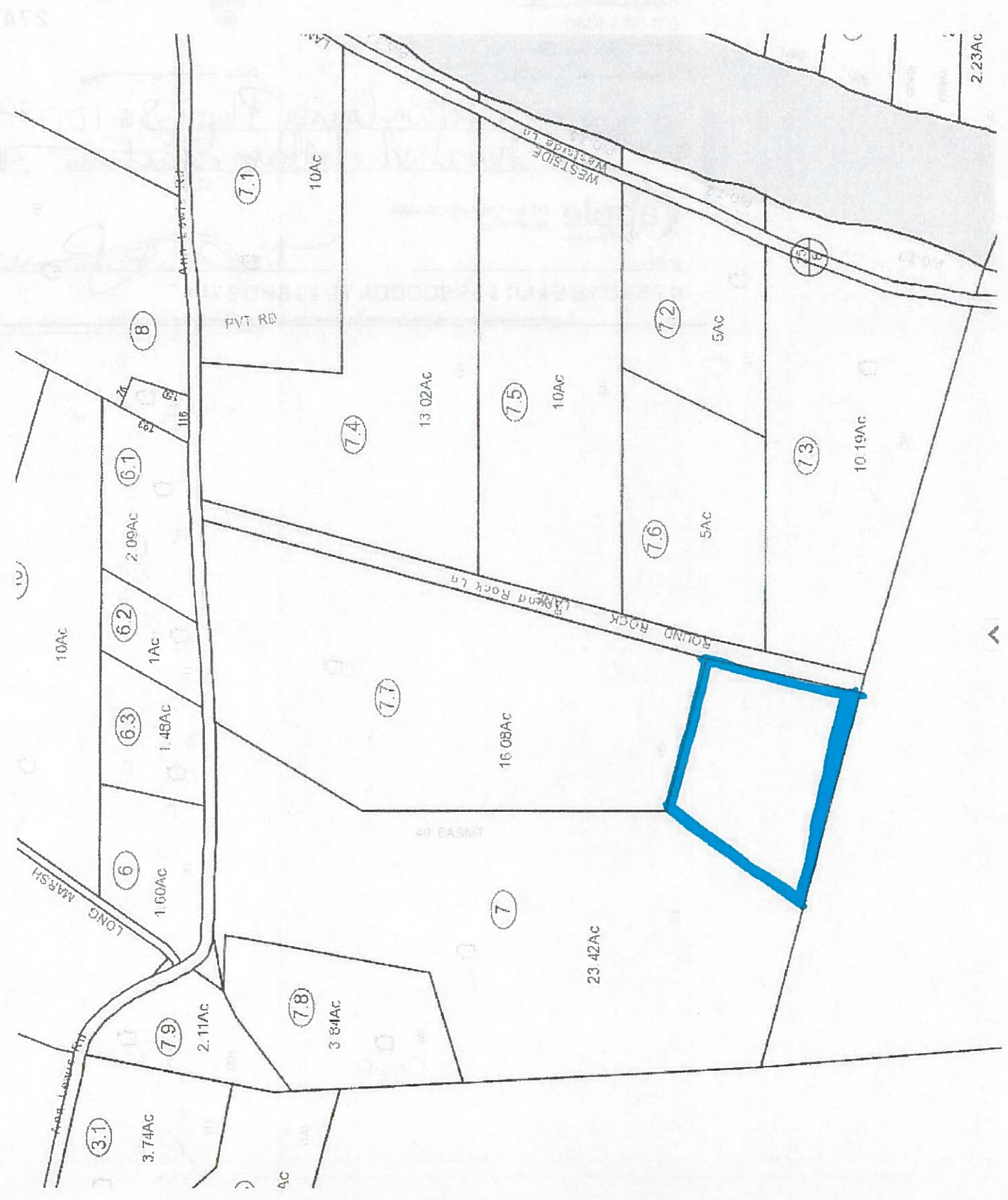
Date Adjoiners Mailed

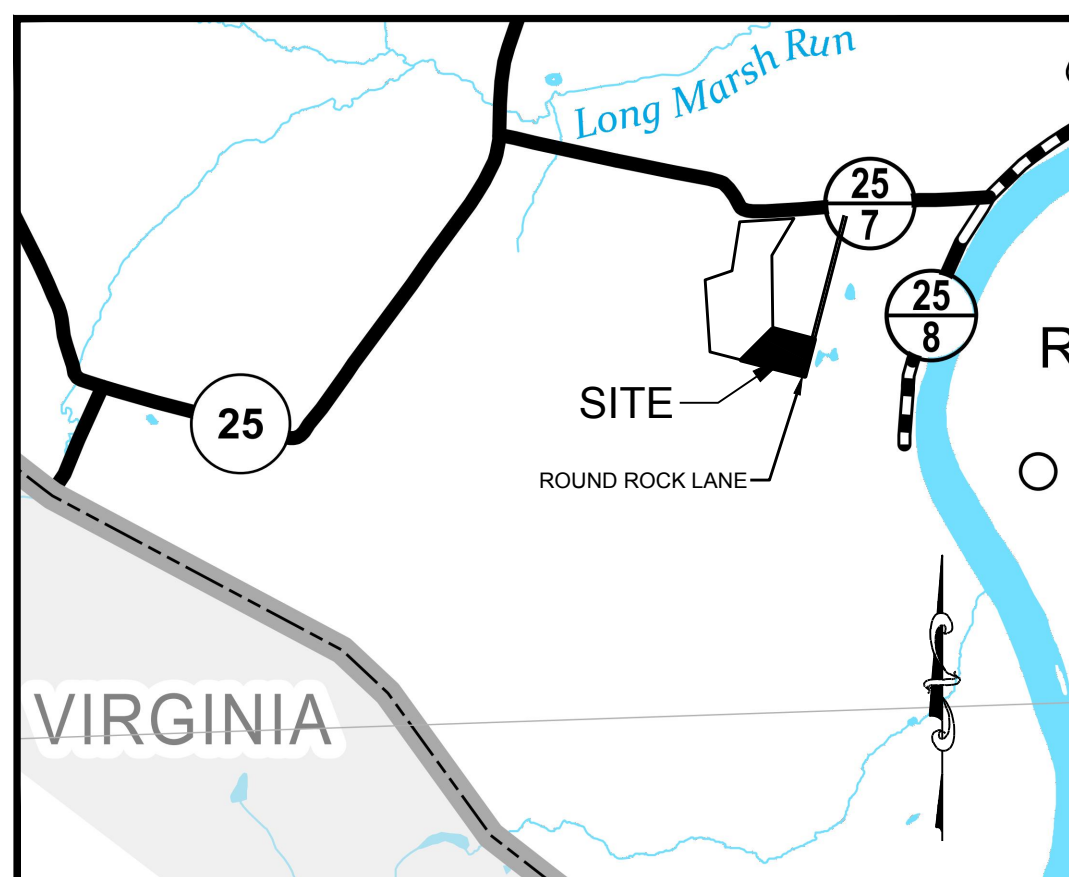
Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___

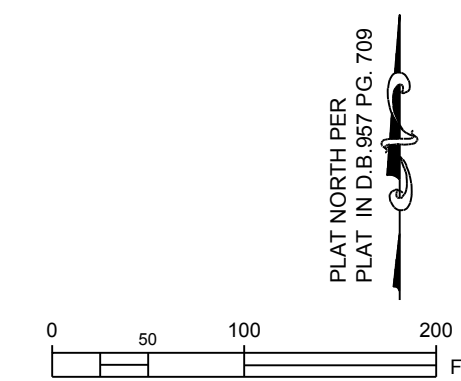
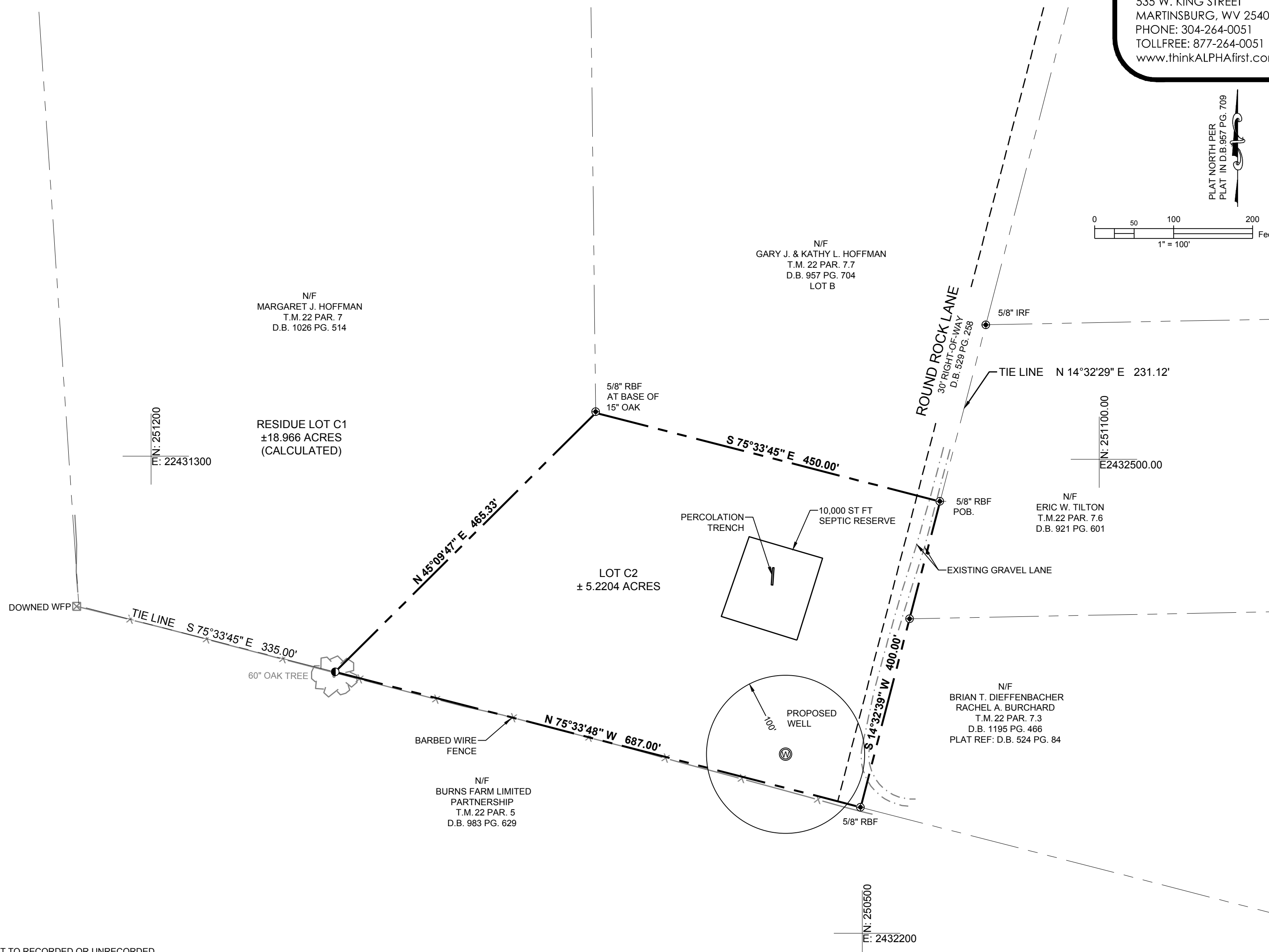




VICINITY MAP SCALE 1" = 2000'

LEGEND

- T.M. TAX MAP NUMBER
- PAR. PARCEL NUMBER
- D.B. DEED BOOK
- PG. PAGE NUMBER
- N/F NOW OR FORMERLY
- ⊕ REBAR FOUND
- 5/8"x30" IRON ROD WITH ORANGE CAP SET
- PROPERTY LINE
- - - ADJOINER LINE
- · - · - EDGE OF GRAVEL



NOTES:

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHT-OF-WAYS, EASEMENTS, RESTRICTIONS OR EXEMPTIONS NOT SHOWN HEREON.
2. THIS PARCEL IS DETERMINED TO BE IN ZONE "X", AN AREA OUTSIDE OF THE 0.2% CHANCE FLOODPLAIN, PER FEMA MAP PANEL54037C0240E, EFFECTIVE DATE 12/18/2009.
3. THE LOT TRANSFERRED IS TO BE USED FOR 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 FAMILY TRANSFER OF LAND. ANY TRANSFERAL OF THIS LOT WITHIN THE FIVE (5) YEAR PERIOD SHALL PLACE THIS LOT IN VIOLATION OF THE JEFFERSON COUNTY SUBDIVISION AND LAND ORDINANCE REGULATIONS.
4. THERE ARE NO PROPOSED OR FUTURE EASEMENTS FOR THIS PARCEL.
5. ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE STABILIZED CONSTRUCTION ENTRANCES INSTALLED PRIOR TO BEGINNING CONSTRUCTION ON THE LOT.
6. ANY AND ALL PROPOSED WELLS MUST BE PRESSURE GROUTED.
7. THE PUBLIC SERVICE DISTRICT MAY REQUIRE IN THE FUTURE EACH PROPERTY OWNER TO ABANDON EXISTING WELL AND SEPTIC SYSTEMS AND TO CONNECT TO A CENTRALIZED SYSTEM WHEN AND IF IT BECOMES AVAILABLE.
8. NO EXISTING DRAINAGE EASEMENTS WERE FOUND IN RESEARCH FOR THIS PARCEL.

I, RICHARD W. KLEIN, A WEST VIRGINIA LICENSED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS SEALED PLAT IS ACCURATE, COMPLETE AND REASONABLY MEETS OR EXCEEDS MINIMUM ACCEPTABLE SURVEYING STANDARDS AND THOSE STATE AND/OR COUNTY CODE PROVISIONS APPLICABLE ON THIS DATE. THE RELATIVE POSITIONAL ACCURACY OF THE SURVEY IS WITHIN ACCEPTED LIMITS. THIS SUBDIVISION COMPLIES WITH THE JEFFERSON COUNTY SUBDIVISION REGULATIONS, SECTION 8.1.B.6 FOR CLOSURE WITHIN 1:7500.

DRAFT
FOR WAIVER REQUEST REFERENCE ONLY

RICHARD W. KLEIN P.S. 1427 DATE:

SUBDIVISION AND LAND DEVELOPMENT REGULATIONS - ADOPTED OCTOBER 9, 2008, AMENDED FEBRUARY 1, 2018
ZONING AND LAND DEVELOPMENT ORDINANCE - ADOPTED JULY 7, 1988, AMENDED NOVEMBER 21, 2019.

PLAT OF FAMILY TRANSFER SURVEY
FOR
MELANIE HOFFMAN

KABLETOWN DISTRICT
T.M. 22 P/O PAR. 7 D.B. 1026 PG. 514
JEFFERSON COUNTY, WEST VIRGINIA

OWNER/DEVELOPER:
MELANIE HOFFMAN

ADDRESS:
122 BATTLEFIELD DR.
WINCHESTER, VA 22602

PHONE:
571-274-1940

ATTN:
MELANIE HOFFMAN

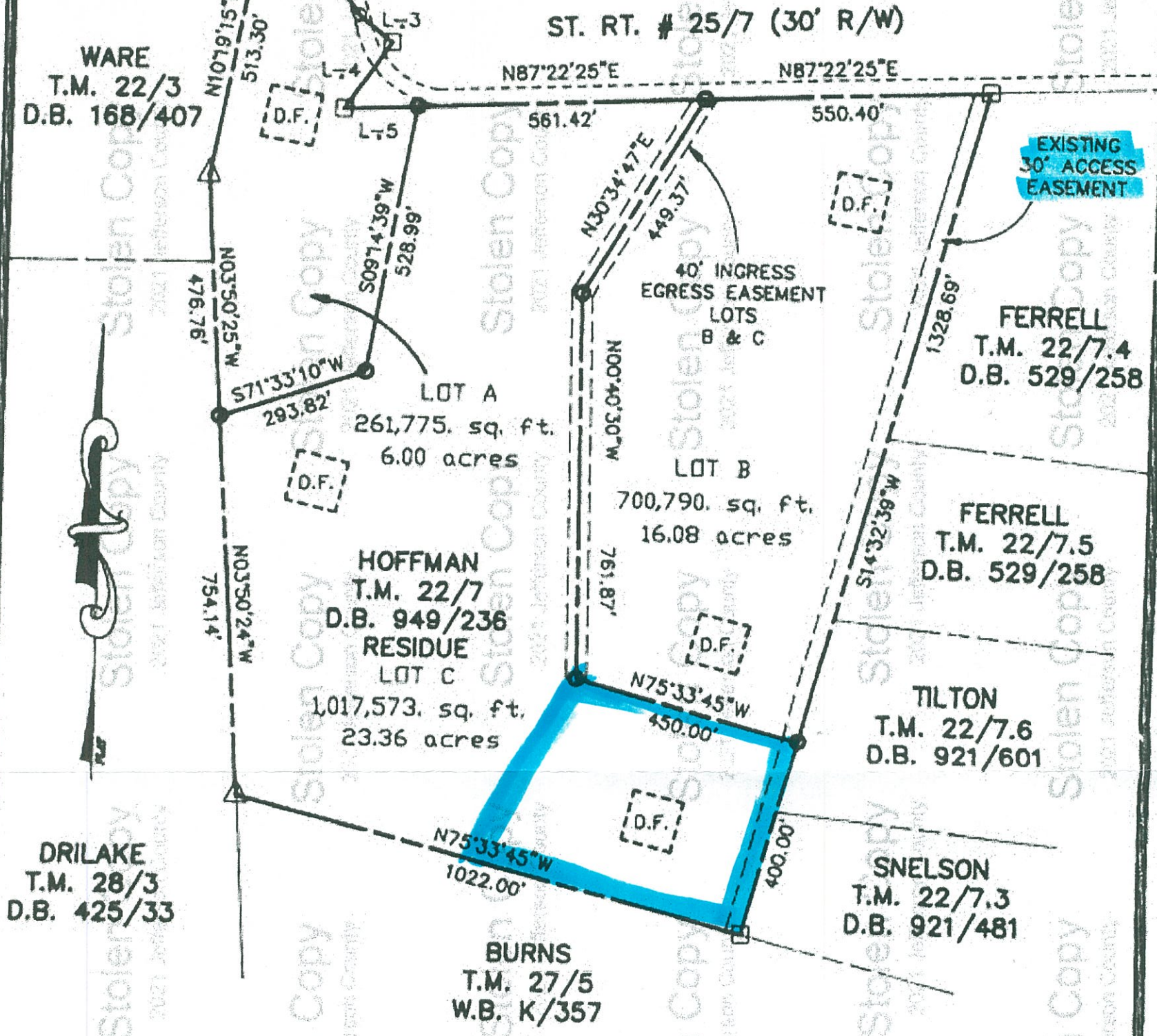
PROJ. NO.: 2103022.00
DATE: 4/20/2021

SHEET NO.:

1 OF 1

LINE TABLE		
LINE	DIRECTION	DISTANCE
L-1	S60°02'35"E	110.50'
L-2	S34°32'35"E	162.00'
L-3	S50°32'35"E	82.90'
L-4	S34°20'45"W	158.40'
L-5	NB7°22'25"E	141.58'

LEGEND	
○	SET CAPPED REBAR
□	FND. 3/8" REBAR
△	8" WOOD FENCE POST
○	POINT IN C/L



21-9-PCW

Margaret Hoffman

Public Comments Received for May 11, 2021 Public Hearing

1. Gary Jay Hoffman – Received 5/4/2021
2. Brian Dieffenbacher – Received 5/4/2021

From: [Gary Jay Hoffman](#)
To: [Planning Department](#)
Cc: [GJ Hoffman](#)
Subject: Fwd: Comments / Questions - Waiver - Hoffman (21-9-PCW)
Date: Tuesday, May 4, 2021 2:16:48 PM

Hello Jefferson County Planning Dept,

This is a message from Gary & Kathy Hoffman 628 Ann Lewis Rd. Charles Town WV 25414.

Thanks, -Gary & Kathy Hoffman

Summary of our Comments: Currently we are AGAINST the waiver.

We might be open to the waiver depending on answers to comments/concerns/questions we have below.

COMMENTS / CONCERNS:

1. Seventeen+ years ago, the county planning commission said nothing about the possibility of any waivers. From the information given to us at the time we were told that the roadway/access improvement to FORTY feet was an absolute requirement (i.e. it was forty feet then). We have paid taxes on the driveway/easement (approx 1 acre) for 17+ years and have NOT been able to use it for access to our property. Our thoughts that a waiver is unfair because a waiver was not available to us.
2. We are concerned that if waived, the requirement for a 50' access easement may extend to us at some time in the future or if there was ever an child ownership transfer or split of our property (628 Ann Lewis Rd).
3. We love the big trees on the edge of the current 30 ft accessway. I do believe there is the possibility of gaining access through my mom's property so the requesting party would have to weigh the financial options of both ways of access.
4. In our opinion this might be the best opportunity / time to improve the driveway before all the new construction & additional traffic comes.

QUESTIONS:

1. If a WAIVER is allowed, will the same privilege be granted in the future for similar situations to others? For example, if we wanted to give some land under inheritance rule to our children would we be granted similar WAIVER? When and who is responsible for the 50 ft access way?
2. When did the access way size requirement increase from 40 to 50 ft?
3. (A) We are wondering how any large trucks like a 'well drilling' truck will even turn around or access the new construction site? I guess they can back all the way up the long access way.
(B) We are also wondering how all the construction traffic will impact our neighbor's recent repairs he paid for on the driveway?

4. Whether a waiver is granted or not, would the requesting party pay for cutting down any trees (only if necessary for construction equip) and we obviously get the wood? We don't want to be financially responsible to improve or maintain an access way we don't use. We already pay taxes. If a waiver is granted wondering if the requesting party is open to improving the existing driveway as relates to our trees / large construction equip / maintain the access way where construction equip may damage access way? Currently our neighbor pays to mainain current access way.

From: [Brian Dieffenbacher](#)
To: [Planning Department](#)
Subject: Dieffenbacher / Burchard Input to Melanie Hoffman (21-9-PCW) 622 Ann Lewis Road, Charles Town WV 25414
Date: Tuesday, May 4, 2021 2:34:43 PM

Reference: Melanie Hoffman (21-9-PCW) 622 Ann Lewis Road, Charles Town WV 25414

Summary: We DO NOT support the waiver. However, are reservations are qualified.

1. We are concerned that if waived now, the requirement for obtain a 50' access easement may extend to us at some time in the future or if there was ever a transfer of ownership of our property (309 Round Rock Lane).
2. Furthermore, if the county deems 50' of easement necessary for an access road within a subdivision, we do not want to compromise our property value by an acknowledged substandard access.
3. We understand that this consideration is solely for the purpose of the easement. However, we hope to set conditions for a multiple use road that fully meets zoning requirements with a shared maintenance agreement.
4. It is worth noting that within the last 6 months we invested a significant amount of money in Round Rock Lane maintenance and gravel. We have concerns that construction traffic on the road would render those improvements moot and most likely degrade the usability of the current 30' access easement.
5. We do not fully understand the options being proposed. It is our intent to attend the meeting to better understand the ramifications and options. We acknowledge that a single access, appropriately sized road is an ecologically superior and generally more practical solution. We merely want to preserve the quality of our current access as well as avoid any potential future burden.

We look forward to finding a mutually acceptable solution to all parties.

Thank you to the zoning / planning commission for their work in support of the county.

Brian Dieffenbacher / Rachel Burchard
309 Round Rock Lane

Staff Report
Jefferson County Planning Commission Meeting
May 11, 2021

Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

Applicant's Request

The applicant's request involves two vacant parcels East of Route 480, 1 mile North of Route 9 interchange (Middleway (07); Tax Map: 3; Parcel: 29 and 35). The two parcels consist of a total of 238.9 acres (based on a recent survey). The request is to rezone a 43.7 acre portion of Parcel 29 from Rural (R) to Light Industrial (LI) and the remaining 195.2 acres from Rural (R) to Residential Growth (RG).

Existing Conditions/Neighboring Uses

The proposed area to be rezoned is located on the northeast side of the Village of Kearneysville, which is the crossroads where WV 1 (Leetown Road) and WV 480 (Kearneysville Pike) meet and intersect with WV 115 (Old WV 9/Charles Town Road), and north/northwest of the Rockwool facility under construction within the Corporation of Ranson.

Kearneysville is a small village with a limited number of single family homes, a bank branch, a Post Office, and a limited number of commercial establishments. A corner gas station/convenience store that has been closed for a number of years is currently being reestablished. Historically, Charles Town Road (now WV 115; previously WV9) was the main southeast/northwest route from Charles Town/Ranson to Martinsburg. A new four-lane WV 9 was constructed approximately 10 years ago, which bypasses Kearneysville to the southwest.

To the west of Kearneysville toward the Berkeley County line are a number of rural residential lots, the West Virginia University Kearneysville Tree Fruit Research and Education Center and Hospice of the Panhandle. Berkeley County Public Water and Sewer Districts serve the industrial area within this area of Berkeley County and is slated to serve some new developments in Jefferson County in this area.

To the east of Kearneysville, properties in the unincorporated area of the County are either rural residential lots or rural/agricultural. A large orchard property that was annexed by the Corporation of Ranson has recently developed as a large industrial insulation manufacturing Plant. Public water and sewer services were extended from Ranson/Charles Town to serve this property.

Properties to the north of the rezoning request are zoned Rural and identified as general agricultural and large lot/rural residential uses on the Future Land Use Guide and are not served by public water and sewer. WV 480 is a two lane rural road owned and maintained by the state.

Scope of this Assessment

This staff 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 not consistent with the Future Land Use Guide of the *2035 Plan* because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary. If it is determined to be inconsistent, the Planning Commission should advise the County Commission whether the adjoining industrial development, and the related extension of utilities to the property, is a major change of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted (per §8A-7-9 et seq of the West Virginia State Code).

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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May 11, 2021

Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

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*, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-9 et seq of the West Virginia State Code, as amended.” [See WVC 8A-7-9(c) below].

“§8A-7-9. Amendments to the zoning ordinance by petition.

(c) If the petition to amend the zoning ordinance is from the owners of fifty percent or more of the real property in the area, then 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. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”

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:

Preferred Growth Areas (PGA)/Urban Growth Boundaries (UGB)/Villages

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): Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) are the areas of Jefferson County where urban scale development is to be targeted; and Rural/Agricultural Areas and Villages, are where limited development is possible, but not intended for urban-scale development.

The *Envision Jefferson 2035 Plan* recommends that new development should take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of the *Plan*. By encouraging higher densities within the Urban Growth Boundaries (UGBs) and Preferred Growth Areas (PGAs) and working closely with municipalities, the best result can be accomplished by providing opportunities for development within these areas with established infrastructure systems. It also noted that these statements are not about reducing development, but about growing in a fashion that more efficiently uses existing infrastructure and services (p.27).

The *Plan* further discusses that a series of Preferred Growth Areas (PGAs) were identified in addition to the defined UGBs. These areas are outside the UGBs and are generally intended to develop using the County’s development standards. The *Plan* expected that water and sewer services and other

Staff Report
Jefferson County Planning Commission Meeting
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Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

infrastructure are either currently available or could be made available in the next two decades within the identified PGAs, due to the PGAs proximity to existing services or anticipated growth. It also states that while the PGAs are not intended to be promoted in favor of the UGB for the municipalities, both areas are expected to be viable areas for development (p.20).

In addition to the identified Preferred Growth Areas, the Comprehensive *Plan* discusses the nine (9) areas of the County that are zoned “Village”, one of which includes Kearneysville. The *Plan* acknowledges that the potential provision of water and sewer services, as well as other shared infrastructure, that could lead to the revitalization of the County’s villages and the restoration of the village centers as distinct, mixed-use communities. (p. 23) The *Plan* also recognizes that some of the existing villages may have opportunities for limited expansion that would complement the existing historic areas and support the sense of community that currently exists. Kearneysville is one of four villages that is included within one of an identified Preferred Growth Areas and has a Village Expansion Area identified on the Future Land Use Guide as a part of the PGA in which they are located. (p. 43)

The *Plan* recommends that, within the villages themselves, and the village expansion areas shown on the Future Land Use Guide, the form, scale, and design of new development in these areas will complement and integrate with the existing village areas. The *Plan* includes recommendations on the form and design of future development within the village expansion areas and states that new development within the Village Expansion Areas should reflect the traditional grid network and encourage the interconnectivity and walkability found in traditional village areas. (p. 43-44)

Goal #1 of the *Plan* clearly states that the goal is to require urban intensity residential and non-residential development to occur within existing urbanized areas, approved Urban Growth Boundaries, Villages, and/or the County’s identified Preferred Growth Areas. (p. 190) The fifth recommendation under this Goal is to “create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the *Plan* recommendations” (p.30).

B. Future Land Use Guide/Map:

Route 9 Preferred Growth Area (PGA)/Ranson Urban Growth Boundary (UGB)

The subject properties are located between the Route 9 PGA (between Kearneysville and Berkeley County) and the Ranson UGB Proposed Expansion Area, and outside the Kearneysville Village Expansion Area. It is an area that was not expected to have urban development and is, therefore, designated as Future Rural/Agricultural on the Land Use Guide.

Route 9 PGA (between Kearneysville and the Jefferson/Berkeley County line:

The *Plan* identifies this area as one that could be able to access water, sewer, and natural gas services from Berkeley County thereby allowing more intense business park/commercial uses to develop along the County line. The *Plan* expected that as growth occurred east from the Berkley County line, the village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. It also anticipated that the intersection of Route 9 and County Road 1 (Leetown Pike) would be characteristic of a commercially oriented highway interchange.” (p. 22, see Map from Appendix F below)

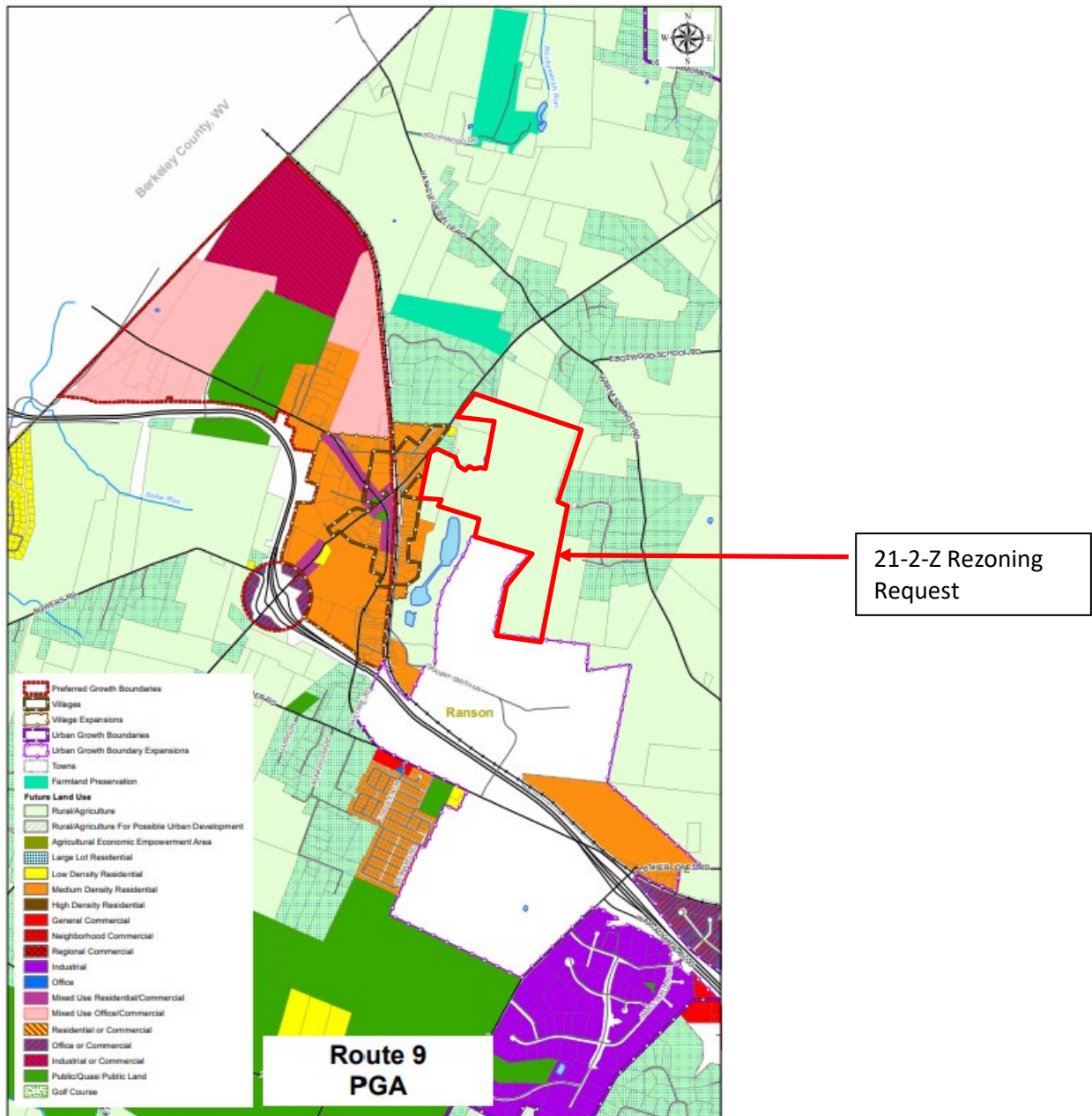
Ranson UGB/Expansion Area

In 2009, when the state law was amended to allow for the creation of Urban Growth Boundaries, Ranson formally requested that the County Commission approve their Urban Growth Boundary (UGB) and reflect it on the County Zoning Map. The Ranson UGB does not include the entire

Staff Report
Jefferson County Planning Commission Meeting
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Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

annexation area and ends south of the Burr Industrial and Business Park. The *Envision Jefferson 2035 Plan* proposed that the Ranson UGB be expanded to encompass the areas that are located outside of the adopted UGB, but within the municipality boundary, as well as the unincorporated area northeast of the intersection of WV 9 and Luther Jones Road. This expansion would include the properties referred to as Tackley Farm and Jefferson Orchards. At the time the *Plan* was written, the Jefferson Orchard property was proposed to become a transit oriented development and the proposed expansion area would have allowed the development of this area to occur in conjunction with the related Ranson development. (p.19)



The proposed Residential Growth and Light Industrial zoning classifications are not consistent with the Future Land Use Guide of the *2035 Plan* because the subject properties are designated as Future

Staff Report
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Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

Rural/Agricultural on the Land Use Guide and are outside the Preferred Growth Area (PGA) and the Urban Growth Boundary.

C. County Commission Authority

Under the Urban Level Development Recommendations (Goal 1), the County Commission added a recommendation that reads as follows:

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

- a. Economic Well-Being of the County; or
- b. Error or Under Scrutinized Property on the Future Land Use Guide; or
- c. Change in Neighborhood; or
- d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
- e. Environmental impacts are considered.”

This discretionary authority does not appear to apply to the Planning Commission but can be considered by the County Commission after receiving input from the Planning Commission regarding conformance with the *Comprehensive Plan* and after the Public Hearing. As noted previously, WV Code §8A-7-9 states that if the amendment is found to be inconsistent, then the governing body, with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted, and those changes have substantially altered the basic characteristics of the area, prior to approving the request.

Proposed Zoning District – Residential Growth (RG) and Light Industrial (LI)

This petition is requesting that the two parcels in question, with a combined acreage of 238.9 acres (based on recent survey) be partly rezoned to Light Industrial (~43.7 acres) and partly to Residential Growth (~195.2 acres). The Zoning Ordinance describes the purposes of these districts as follows:

Section 5.4 of the Zoning Ordinance states that the Residential Growth (RG) District is intended to provide for a variety of residential uses and densities that can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of the Ordinance.

Section 5.14 of the Zoning Ordinance states that the Light Industrial (LI) District is intended to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials. The Ordinance states that the LI zoning category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted *Comprehensive Plan*. There are no other properties in the County utilizing the LI zoning at this time.

Staff Report
Jefferson County Planning Commission Meeting
May 11, 2021

Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

Staff Recommendation

Staff finds that the proposed rezoning of this property from Rural (R) to Residential Growth (RG) and Light Industrial (LI) is not consistent with the Future Land Use Guide of the *2035 Plan* because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary.

Planning Commission Action

Article 12 of the Zoning Ordinance and the relevant sections of WV 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*. It further states that if it is determined to be inconsistent, the Planning Commission should advise the County Commission of whether findings can be made in accordance with the requirements of §8A-7-9 et seq of the West Virginia State Code, as amended. §8A-7-9(c) states that if a zoning map amendment is inconsistent with the *Comprehensive Plan*, then the governing body, with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”

Such recommendation is 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 April 15, 2021 and the required Public Hearing has been scheduled on June 3, 2021 at 1:30 pm. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to June 3rd.

Attachments:

- Section 5.4 Residential Growth (RG) District
- Section 5.14 Light Industrial (LI) District

Staff Report
Jefferson County Planning Commission Meeting
May 11, 2021

Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

ATTACHMENTS:

Section 5.4 Residential Growth (RG) District

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.

The following regulations govern development within the Residential Growth District.

A. Principal Permitted and Conditional Uses^{23,27, 32}

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. Minimum Lot Area, Height, and Yard Requirements

1. 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. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.
3. All detached accessory structures under 144 square feet in size shall have a setback of 6’.

C. Commercial Services in Residential Developments

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Conditional Use Permit process as outlined in Section 6.3 of this Ordinance. Any proposed commercial use that is served from a road that is proposed to be located on the perimeter of the project or on a State Road shall be required to be considered as a part of the Conditional Use Public Hearing process.

Staff Report
Jefferson County Planning Commission Meeting
May 11, 2021

Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

D. Standards for Commercial Uses

1. Commercial uses are subject to the following access requirements:
 - a. Such uses will not use adjacent residential roads for through traffic; and
 - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.
2. Commercial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

Section 5.14 Light Industrial (LI) District

A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials.

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

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

C. Permitted 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.

D. Site Development Standards

1. 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.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37, 39, 41}

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 ⁴⁰	NP	P	P	P	CU	CU	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
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	
Solar Energy Facility ⁴¹	NP	P	P	P	P	NP	NP	P	P	P	P	NP	Sec. 8.20
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 Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
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: 21-2-Z
Staff Initials: gh
Application Fee: \$ 13,150-

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: Jefferson Orchards, INC
Mailing Address: 8350 San Fernando Way, Dallas, TX 75248
Phone Number: 214-808-4375 Email: mralston@fjrpllc.com

Applicant contact information

Name: Mark Ralston
Mailing Address: 8350 San Fernando Way, Dallas, TX 75248
Phone Number: 214-808-4375 Email: mralston@fjrpllc.com

Applicant representative

Name: GORDON: Mark Dyck
Mailing Address: 148 S. Queen street, Suite 201; Martinsburg, WV 25401
Phone Number: 304-725-8456 Email: mdyck@gordon.us.com

Physical property details

Physical Address: 2,000 feet northeast of the Route 115, Route 480 Intersection. Located on the east side of 480
City: N/A State: WV Zip Code: 25430
Tax District: Middleway Map No: 3 Parcel No: 29, 35
Parcel Size: 242.21 acres Deed Book: 1215 - 1199 Page No: 429 - 506

Current Zoning District (please check one)

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

RECEIVED

APR 08 2021

Place Received Date Stamp Here

JEFFERSON COUNTY PLANNING
Revised 08-28-14 ZONING & ENGINEERING

Zoning Map Amendment Request Form

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" 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

RECEIVED

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).

Jefferson Orchards, Inc.
Mark H. Peterson 4/8/2021
Mark H. Peterson (President)
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

Miller Property

April 7, 2021

Owner:

Jefferson Orchards Inc.
PO Box 700
Kearneysville, WV 25430

Applicant:

Mark Ralston
Jefferson Orchards Inc.

Property Tax Identification:

Middleway District (7), Map 3, Parcel 29 – 15.71 acres
Middleway District (7), Map 3, Parcel 35 – 226.5 acres

Deed Information:

Parcel 35 - Deed Book 1215, Page Number 429
Parcel 35 - Deed Book 1199, Page Number 506

Property Characteristics:

Location: East of Route 480, 1 mile north of the Route 9 Interchange
Current Zoning: Rural
Current / Historic Use: Vacant / Agricultural
Tract Size: 242.21+/- Acres
Area of Rezoning: 242.21+/- Acres

Substantiation for Request

DESCRIBE PROPOSED USE

The properties are located in Jefferson County, immediately north of the City of Ranson annexation referred to as Jefferson Orchards or Northport. The site has frontage on Route 480 and is directly connected to Route 115 through Ranson.

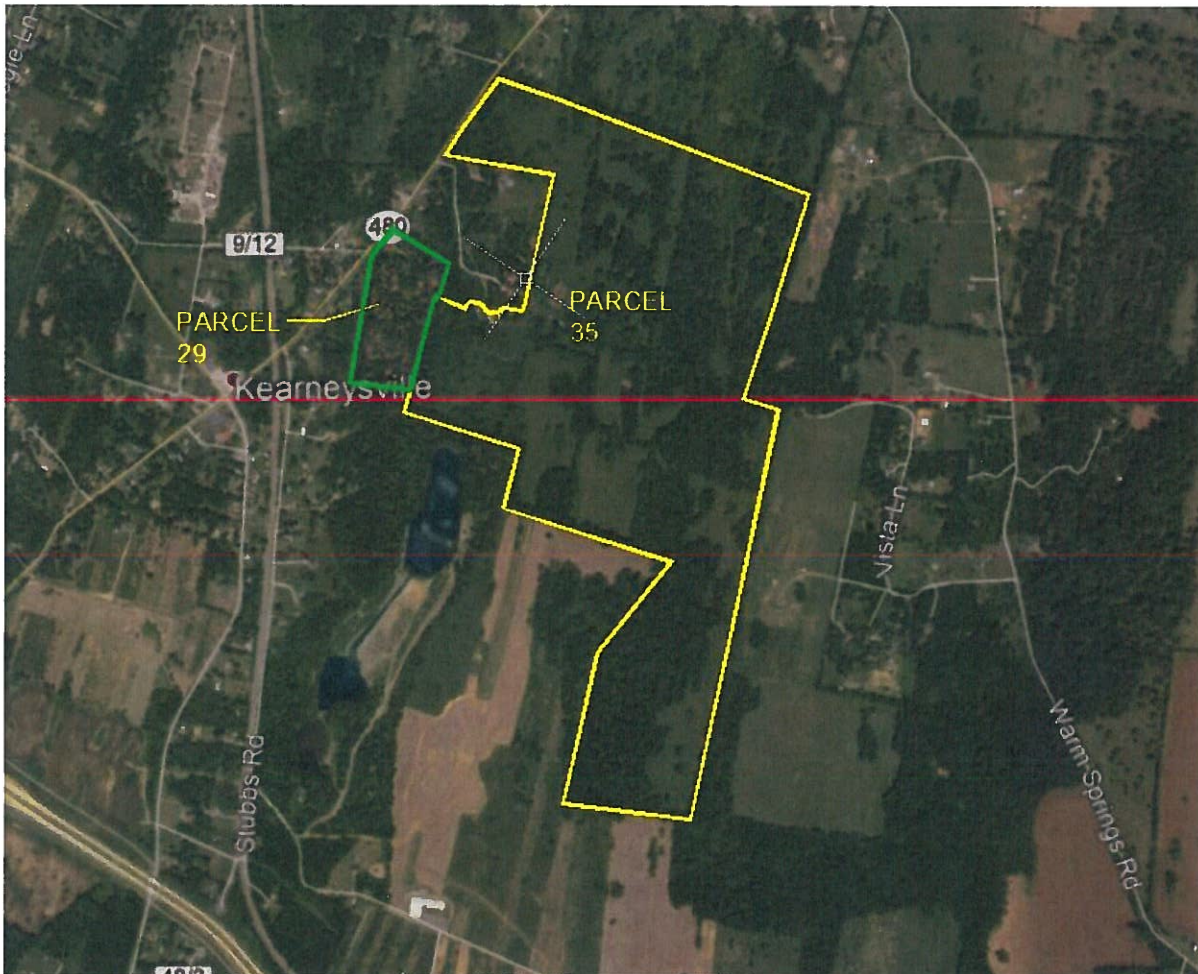


Figure 1 – Aerial Map

The properties are approximately 5 miles from Shepherdstown, 9 miles from Interstate 81 and about 8 miles from Charles Town. The properties are a mixture of wooded areas and open fields.

Residential Development

All of Parcel 29 and the majority (approximately 180 acres) of Parcel 35 are planned for residential development. The development will include homes, open spaces/buffers, parks, amenities, stormwater management and roads. The majority of the residences will be single family residential with up to 20% of the total units being townhomes. The residential development will be phased over multiple years.

As part of the development plan the project would extend the existing WVDOH road from its termination point in Ranson through to Route 480. This land would be dedicated by the owners at no cost to WV. This connection will provide an important transportation link in Jefferson County that will enhance the transportation network. It is expected that a traffic study will be required by WVDOH as part of the subdivision design process.

The project will have multiple phases and include at least two connections points to Route 480. Phase A - E are shown to graphically demonstrate how the site could potentially be sequenced.

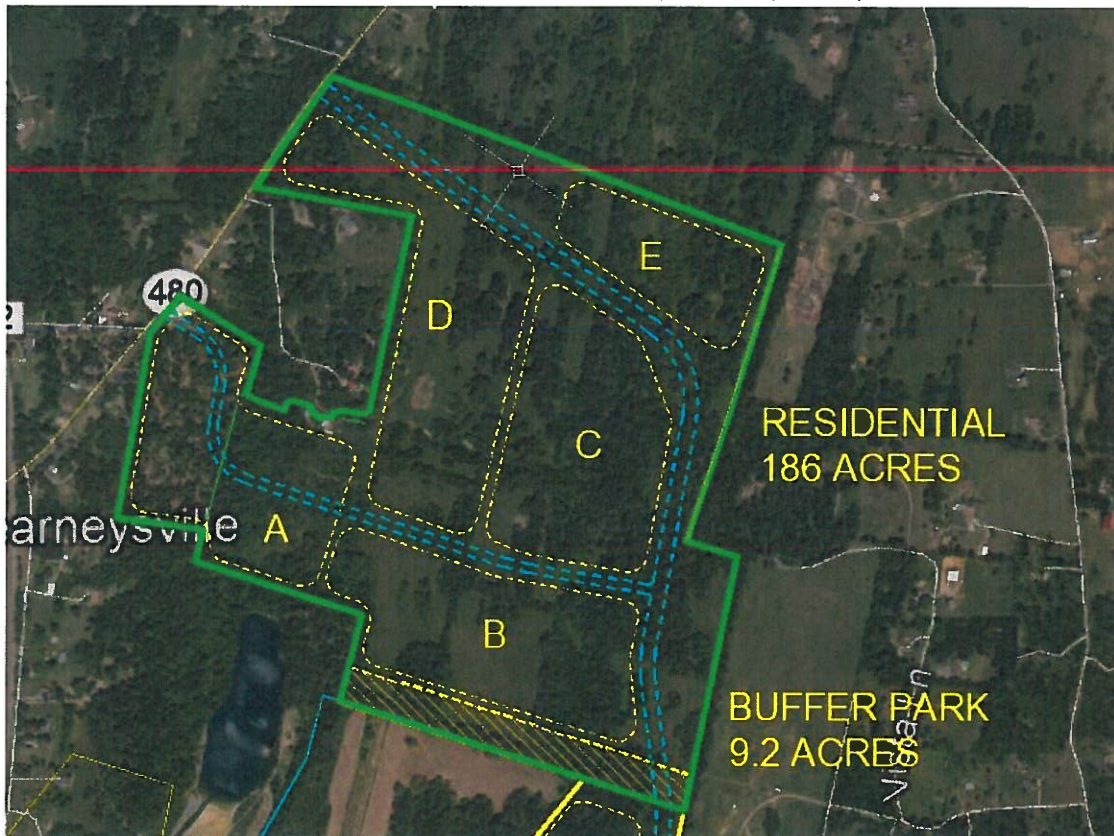


Figure 2 – Residential Development Plan

Light Industrial Zone

Approximately 43.7 acres of Parcel 35 curves around the City of Ranson limits and abuts to the Rockwool site at its southern end. The land located in Ranson is zoned as a Special Industrial District and the applicant is proposing a zone that is compatible with this adjacent use.

The Light Industrial Zone significantly limits heavy manufacturing and does not permit heavy industrial uses. It will serve as an excellent transition zone while providing a large parcel of land that can support future investment in employment-based uses. By definition in the Zoning Ordinance a light industrial use is one that does not use a significant amount of water, does not create noise, odors, smoke and objectionable nuisances or hazards.

This development will be served by a WVDOH road and is adjacent to existing public sewer and water infrastructure. As noted in the residential development summary, the land required for the WVDOH road would be donated by the property owner.

It is possible that the development may consist of a single larger use, or it might be multiple smaller buildings similar to those found in the Burr/Bardane Park.

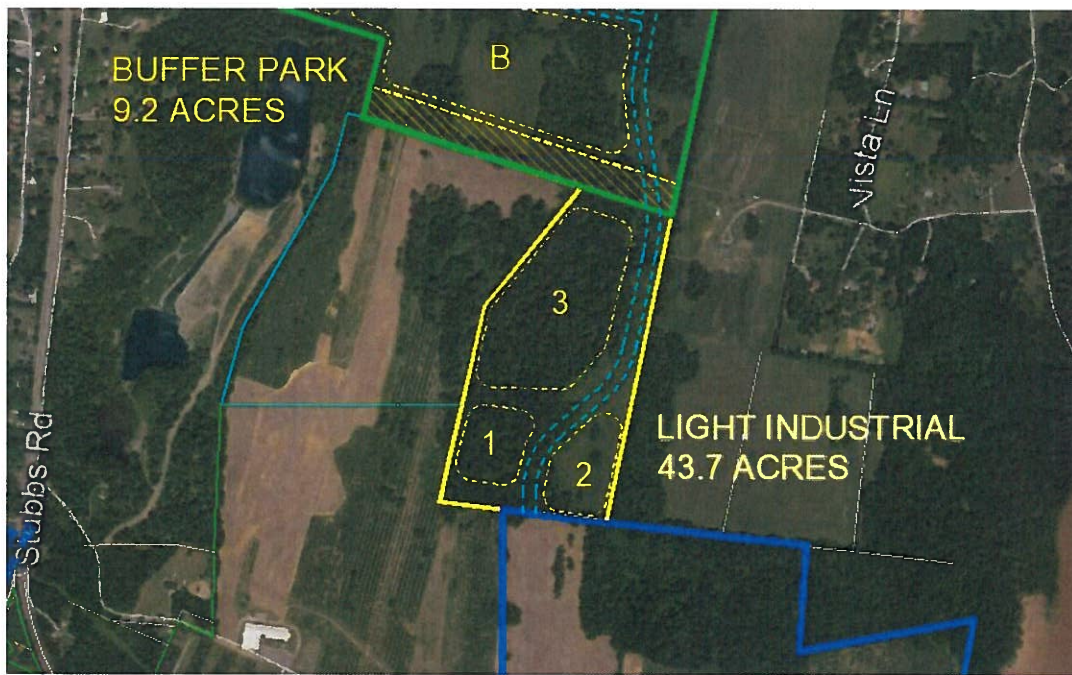


Figure 3 – Light Industrial Development Plan

DESCRIBE WHY THE ZONING MAP AMENDMENT IS NECESSARY FOR THE PROPOSED USE

A zoning map amendment is necessary since the Rural Zone does not permit the proposed uses.

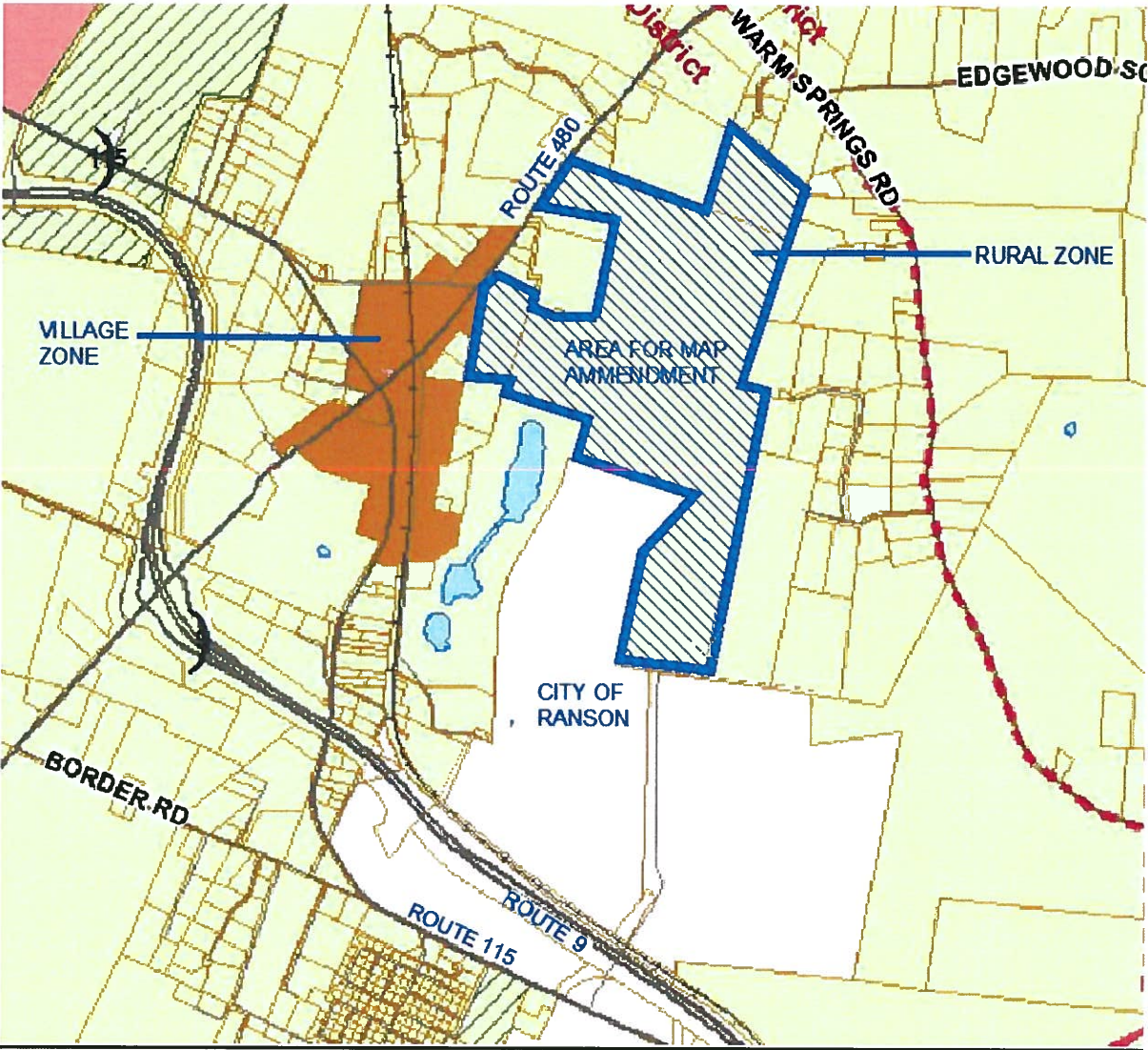


Figure 4 – Jefferson County Zoning Map

HOW IS THE ZONING MAP AMENDMENT CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN

1. Preferred Growth Areas (page 22)

d. Route 9 PGA

(between Kearneysville and the Jefferson/Berkeley County line)

This area would be able to access water, sewer, and natural gas services from Berkeley County thereby allowing more intense business park/commercial uses to develop along the County line. The village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. The intersection of Route 9 and County Road 1 (Leetown Pike) would be characteristic of a commercially oriented highway interchange. A map of the Route 9 PGA can be found in Appendix F – Maps.

In 2012 the Kearneysville area was designated as a PGA, with the expectation that sanitary sewer and water would be extended from Berkeley County. With its location at a major interchange the area is a good location for growth. The proposed map amendment would support this PGA by allowing for the extension of water, sewer and natural gas from Ranson. These utilities are especially important to the Village of Kearneysville which lacks access to adequate infrastructure to even maintain its current businesses and homes. A residential community on the Miller Property could support the growth of village scale commercial enterprises that were historically located in this area.

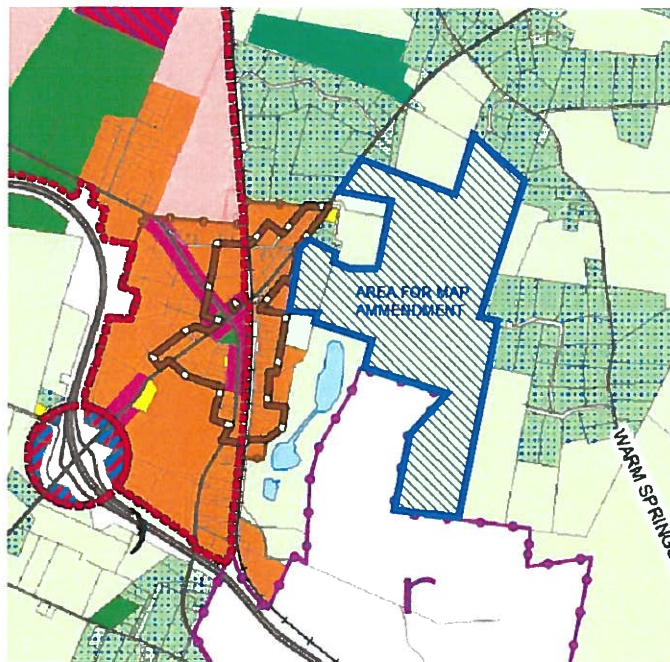


Figure 5 – Jefferson County Future Land Use Map

2. Urban Level Development Recommendations Direction (page 30)

2.	Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:
	a. Economic Well-Being of the County; or
	b. Error or Under Scrutinized Property on the Future Land Use Guide; or
	c. Change in Neighborhood; or
	d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
	e. Environmental impacts are considered.

The above list of requirements are found in the Comprehensive Plan and provide direction on justification the County Commission can use to make zoning map amendments. These conditions allow the County Commission to evaluate the individual circumstances of any parcel in Jefferson County in a manner that is not practical or possible during the preparation of a Comprehensive Plan.

Economic Well-Being of the County

- Residential Land Use – Jefferson County has not met the comprehensive plans growth projections of 0.95% per year and is only at 0.55% as of 2019. The lack of residential growth has impacted the strength of the local economy. While there are pockets of residential activity, the County is not benefiting from a robust residential economy.

The development of the proposed residential community will strengthen the ability of Jefferson County to grow and prosper. There are limited opportunities for residential growth in the western part of Jefferson County. This lack of residential development negatively impacts the growth and development of commercial services. Future residents would support restaurants, shops, and other services in the village of Kearneysville. They could walk/bike to this area enhancing the character of the village.

- Light Industrial Land Use – Jefferson County suffers from a lack of land with sufficient infrastructure to serve light industrial development. While there are still a number of small parcels available in the Burr Industrial Park there are no other options available to employers without the expenditure of significant money to extend infrastructure. This land will also be the only industrial development where natural gas is available to business.

The zoning map amendment would have a direct positive impact on the economic well-being of the County. It would attract investment and create jobs in Jefferson County.

Error or Under Scrutinized Property

- Residential Land Use/Light Industrial – during the preparation of the Comprehensive Plan from 2012-2014 the steering committee focused on the municipalities, villages, and major intersections on Route 9 and 340 as the probable destination for residential and light industrial development. This analysis failed to evaluate the logical extension of water and sewer, in part driven by upgrades related to a growing Burr Industrial Park. These factors have led to the upgrade of utilities that would serve residential development on the Miller Property. These properties would have been included within the growth area if water and sewer expansion plans had been included in the Comprehensive Plan.
- Jefferson Orchards Plan – while the Comprehensive Plan references this planned community in Ranson, it did not evaluate the document to determine the impacts on the Miller Property. The plan shows a direct connection via a 2-lane boulevard divided road with parallel parking to the Miller Property, clearly indicating that it would be part of a future development pattern.

Change in Neighborhood

The following changes to the neighborhood have occurred since the preparation of the Comprehensive Plan in 2012-2014.

- Water and Sewer – the property is now served by water and sewer. These utilities were designed for future expansion, anticipating development in this area. It is important to note that without extension of water and sewer through the land included in this application that the Route 9 PGA will likely not occur. Berkeley County has shown no interest in extending their utilities deep into Jefferson County.
- Natural Gas – the property is one of the few in Jefferson County where light industrial and residential development would have the benefit of a natural gas utility. The use of natural gas is supported in the Comprehensive Plan.
- Roads and Trails – it is rare for a new WVDOH road to be constructed in Jefferson County. Through a partnership with Ranson, the Department of Highways constructed Northport Avenue, this road will be extended to Route 480 through the land being rezoned. The project will also continue the trail system located on Route 9 and extended along Northport Avenue. The proposed rezoning would add a significant portion of new pedestrian/biker trails that is eventually expected to extend to Shepherdstown.
- Development – the Rockwool project brought significant changes to the development characteristics of this neighborhood. These changes validate the condition found on the Zoning Map Amendments as follows:
 - The construction of Rockwool was not evaluated in 2012.

- The elimination of residential development on the Jefferson Orchards property significantly reduced the adjacent land available to support the employment uses on this property.
- Ranson Rezoning – the rezoning approved by Ranson in 2017 changed the characteristics of this area. These changes support the zoning map amendment.



Figure 6 – Jefferson Orchards Land Development Plan

3. Urban Level Development Recommendations Direction (Page 31)

6.	Require new urban level development to provide opportunities for multi-modal accessibility and to occur in a manner that enables connectivity to existing street and infrastructure networks or for future connectivity as development is extended to municipalities, UGBs, PGAs, or Villages.
	a. Create and implement the results of small area studies that would address the potential provision of infrastructure, accessibility, place making, and community facilities.
	b. Require viable integration of multi-modal accessibility to facilities as part of new development plans.
	c. In coordination with the West Virginia Division of Highways, identify key corridors where publicly owned roadways might be beneficial to the overall development of the County.
	d. Coordinate with existing property owners/HOA's to extend existing roadway corridors when possible to connect into adjoining neighborhoods or new development. At a minimum, this may include pedestrian, non-motorized vehicle, and/or emergency access ways.

Transportation is a key consideration of land use and growth management in the Comprehensive plan. The rezoning is support by objectives 6.b and 6.c.

- 6.b – the proposed development area would have direct access to multi-modal pedestrian and bike trails. It would be the first residential subdivision in Jefferson County to have access to this trail system without first traveling on a roadway.
- 6.c – WVDOH has identified Northport Avenue as a key corridor for Jefferson County, whose development would benefit the County as a whole.

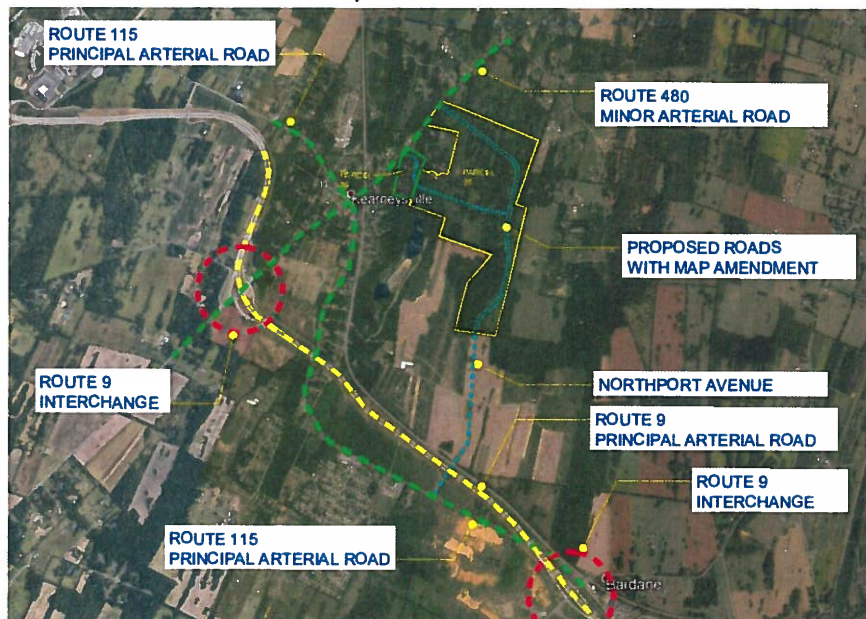


Figure 7 – Transportation Map

4. Village Objectives (Page 45)

3. Collaborate with key village stakeholders to implement and create water and sewer improvements, internal interconnections between adjacent commercial properties, area-wide shared stormwater and parking facilities within village centers.

Protection and enhancement of Jefferson County's villages is a theme in the Comprehensive Plan. Most of the villages are limited due to the lack of water and sewer which prohibits the development pattern of historic villages. While supported by the Comprehensive Plan, many of the characteristics of a village, small lots, commercial/residential mix, etc. are restricted by the subdivision and development ordinance. The rezoning of the subject properties would allow for the extension of water and sewer to the village of Kearneysville. These utilities would serve to revitalize this historic area.

5. Finance Recommendations (Page 141)

1. 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 proposed rezoning includes both a residential tax base and a light industrial tax base, achieving the noted finance recommendation. From a tax perspective the rezoning offers a huge increase in county taxes after development. The current tax for both properties is approximately \$2,100.00, this is less than one single family home in a new subdivision.

DISCUSS ANY CHANGES OF TRANSPORTATION CHARACTERISTICS FROM WHEN THE ORIGINAL ORDINANCE WAS ADOPTED

1. A 4-lane divided Route 9 was constructed, providing a high-capacity road corridor between Jefferson County and Interstate 81.
2. Two interchanges to a 4-lane divided highway have been constructed in close proximity to the property.
3. WVDOH is in planning to further upgrade the east west connection between Jefferson county and Interstate 81.
4. Northport Avenue was constructed, providing a direct connection to Route 115 and the interchange at Route 9 and Wiltshire Road.

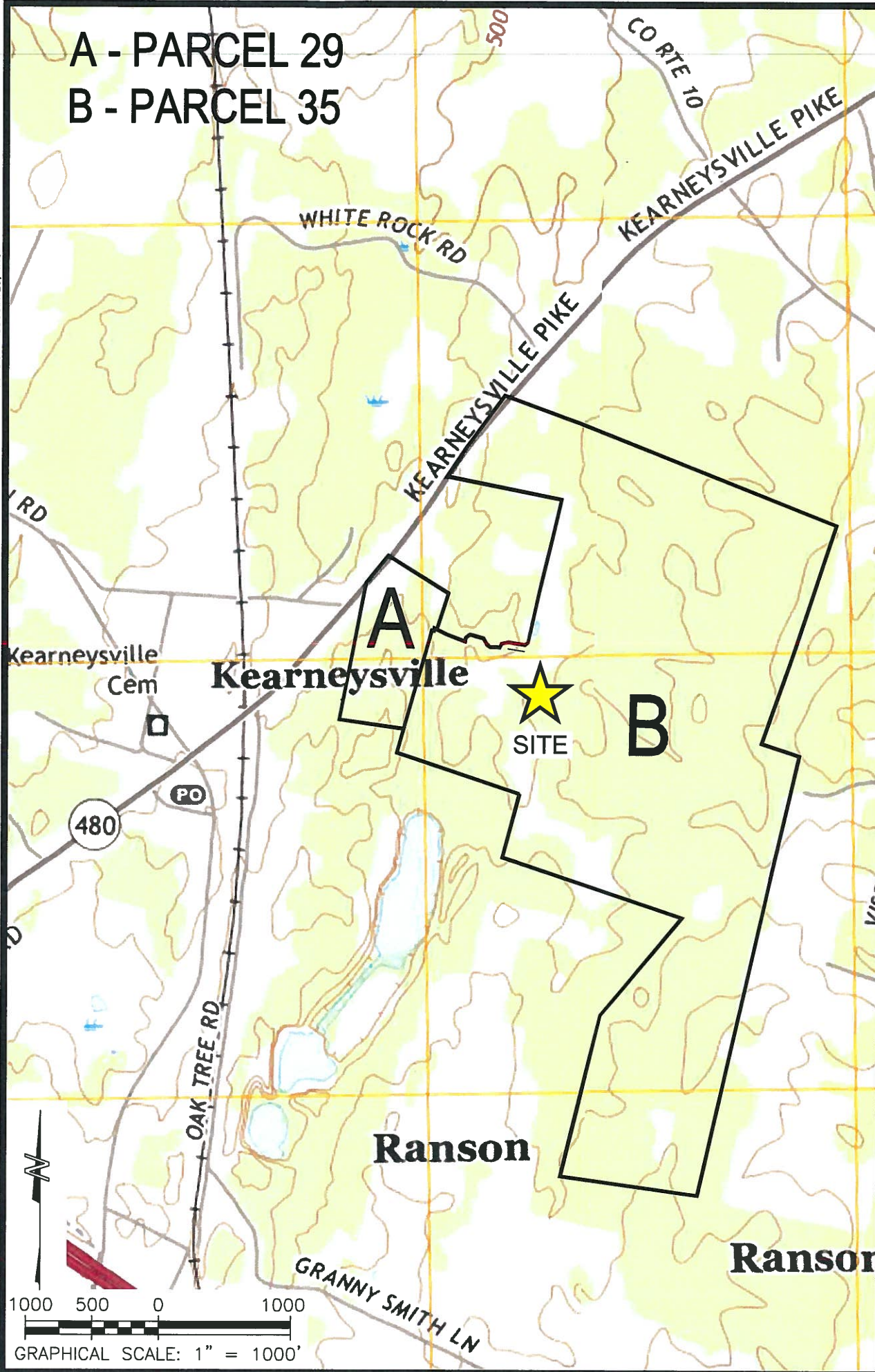
DISCUS ANY CHANGES OF NEIGHBORHOOD CHARACTERISTICS FROM WHEN THE ORIGINAL ORDINANCE WAS ADOPTED.

1. Ranson annexed lands adjacent to and in close proximity to the subject properties.
2. Rockwool was constructed on the Jefferson Orchards property.
3. Jefferson Orchards was rezoned to Smart Code New Community, this zoning was modified in 2017 to support industrial development.
4. Commercial businesses in Kearneysville have greatly decreased.

A - PARCEL 29

B - PARCEL 35

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ZONING MAP AMENDMENT
EXHIBIT 1 - VICINITY MAP

04-07-2021

MILLER PROPERTY
JEFFERSON COUNTY, WV



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting May 11, 2021

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

The Department of Engineering, Planning and Zoning Mason Building is open to the public effective 4/7/21. Masks must be worn at all times and social distancing will be observed.

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffersoncountywv.org

IMPACT FEES 304-728-3331 - mmason@jeffersoncountywv.org

ENGINEERING 304-728-3257 - engineering@jeffersoncountywv.org

PLANNING & ZONING 304-728-3228 - planningdepartment@jeffersoncountywv.org,
zoning@jeffersoncountywv.org

GIS & ADDRESSING 304-724-6759 - gis@jeffersoncountywv.org

2) Planning Commission 4th Tuesday Meeting Policy

Revised version of the policy, approved 4/13/21, attached (requires President's signature).

3) Subdivision Regulation Amendment Update

a) On hold

4) Status of Zoning Ordinance Text Amendments

a) ZTA19-03: Text Am. Re: Solar Energy Facilities in the Rural District
(CC Approved, effective 4/13/21)

5) Upcoming PC meetings

a) Next Regular meeting: June 8, 2021

- Wind Hill Solar Energy Facility Concept Plan (21-3-SP) Public Workshop
- Charles Town Sheetz (Augustine Avenue) Concept Plan (21-4-SP) Workshop



Jefferson County, West Virginia
Department of Engineering, Planning, and Zoning
Office of Planning and Zoning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

MEMORANDUM

TO: Jefferson County Planning Commission
FROM: Jennifer M. Brockman, AICP, County Planner
DATE: April 13, 2021 (revised from October 11, 2016 Policy)
RE: 4th Tuesday Meeting Policy (Revised)

The following is a Planning Commission initiated policy clarifying the provision of Section 4.1 of the Planning Commission Bylaws which states "An additional regular meeting may be called by the President or by two or more members of the Planning Commission for a specific agenda item on the fourth Tuesday of each month at 7:00 p.m. at the location noted in this section. Such regular meeting shall be called at least seven (7) days prior to the fourth Tuesday to allow for posting of the agenda."

Policy Regarding Planning Commission Meetings on Fourth Tuesdays

In accordance with Section 4.1 of the Planning Commission Bylaws, an additional regular meeting of the Planning Commission may be called by the President or by two or more members of the Planning Commission, for the fourth Tuesday of the month, under the following circumstances:

- 1) If the regular Tuesday meeting agenda is full, as determined by staff, in consultation with the Planning Commission President; or
- 2) If there is a timing issue caused by the action of the Office of Planning and Zoning staff or the Planning Commission; or
- 3) If action is required within a set time frame by locally adopted ordinances, regulations or state law; or
- 4) For Planning Commission initiated items such as text amendments or long range planning projects; or
- 5) At the discretion of the President of the Planning Commission.

Approved by Action of the Planning Commission: 7 FOR 0 AGAINST

President, Mike Shepp

Date

NON-ACTIONABLE CORRESPONDENCE

1. Aileen Curfman – Received May 3, 2021
2. Kat Hagedorn – Received May 4, 2021

From: [Aileen](#)
To: [Planning Department](#)
Subject: Proposed Rezoning of former Miller Orchards in Kearneysville
Date: Monday, May 3, 2021 6:23:47 PM

I have several concerns about the proposed rezoning of the 242-acre parcel in Kearneysville, formerly the Miller Orchards and now the property of Jefferson Orchards Inc.

1. Exactly what is "light industry?" What kinds of activities would be permitted in the "light industrial" area adjacent to the Rockwool facility?
2. Is this the same land that Rockwool has the right of first refusal on? Are we looking at an expansion of the current Rockwool facility, which should have been permitted as a "major source" of pollution but was allowed to use several sleight-of-hand tricks to get their "minor source" permit? Is this more of the same?
3. Will we be stuck with another PILOT agreement that benefits yet another business that will come in, spew dirt into our air and pollutants into our water, bringing a handful of poorly paid jobs for a few years, then leave when it suits them, leaving behind a brownfield?
4. Will anyone actually WANT to live in the 196 acre residential area with a scenic view of two factories?
5. Why would the civic leaders of Jefferson County want to do this to our beautiful county?
6. Will residents have time to get our homes on the market and sold before this place is recognized as another Chemical Valley like Charleston and Huntington?

Sincerely yours,
Aileen Curfman
1067 Comstock Dr.
Shepherdstown, WV 25443

From: [Kathy Hagedorn](#)
To: [Planning Department](#)
Subject: proposed rezoning of the old Miller Orchard purchased by Jefferson Orchards Inc.
Date: Tuesday, May 4, 2021 11:56:08 AM

Commissioners as a resident of Jefferson County since 1992 I have seen many changes to out county zoning plans. The one thing I have not seen addressed by any of the changes is Affordable Housing. It is time to change that. Plans for new residential living areas must be required to include building plans and land set aside for affordable housing units. Wages across the board from employers have not kept up with the cost of living in Jefferson Co. Your housing market encourages high wage earners to move into the county while pushing service industry workers, teachers, social workers and nurses who would happily work locally to seek jobs in surrounding counties in order to afford to live here. Affordable housing is not just for low income but for Seniors, single parents, teachers, grocery store clerics, DHHR employees, construction workers, medical office workers, administrative assistants. Affordable housing is for the shrinking middle class. Most individuals in Jefferson Co pay more than 30% of their income for housing. We residents are considered house poor. Most families rely on 2 incomes. 2020 has shown us what will happen when even one of the incomes in the household is disrupted or lost.

If you are planning to improve our county for everyone then you must pan for affordable housing.

Thank You
Kat Hagedorn
kathewv@yahoo.com
675 Hidden Hollow Dr
Kearneysville, WV