



AGENDA

Jefferson County Planning Commission

Tuesday, July 13, 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 only.

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****

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1. Approval of Meeting Minutes: June 8, 2021 and June 22, 2021
2. Request for postponement.
3. **Hunter Hills Subdivision Concept Plan Public Workshop:** A Concept Plan for Hunter Hills Subdivision (Major Residential Subdivision). The proposal consists of 642 lots [471 Single Family Detached and 171 Townhomes (SFA)] and associated infrastructure. Owner/Applicant: Ernest Hunter, et. al.; Developer: Joshbeen Grewal, ILA Properties, Inc., 4115 Charles Town Rd., Kearneysville, WV. Property Location: 4469 Charles Town Rd, Kearneysville, WV; Tax District: Middleway (07); Tax Map: 1; Parcel: 2; Parcel Size: +/- 107 Ac.; Zoning District: Residential-Light Industrial-Commercial (File #21-21-SD).
4. **Milton's Landing Subdivision Concept Plan Public Workshop:** A Concept Plan for Milton's Landing Subdivision (Major Residential Subdivision). The proposal consists of 51 Single Family Detached lots to be served by on-lot well and septic systems. Owner/Applicant/Developer: David Lutman, Lutman Land Development. Property Location: South of Summit Point Rd, 0.3 miles west of Summit Point Rd/ Washington St intersection; Tax District: Charles Town (02); Map: 11; Parcels: 30 & 30.2; Parcel Size: +/- 67.6 Ac.; Zoning District: Residential Growth (File #21-22-SD)
5. **Milton's Landing Subdivision Public Hearing (21-11-PCW)**

Waiver of Section 2.3.A.3 "Single Entrance Requirement" is a request to utilize a single entrance because of the location of the railroad crossing and other single family driveways existing along the State Road. This request is to minimize access points on the State Road due to the limited number of lots and the limited frontage along the State Road.
6. **Milton's Landing Subdivision Public Hearing (21-12-PCW)**

Waiver of Section 22.206.B "Lots on and Length of a Cul-de-sac" is a request to exceed the maximum number of lots permitted on a Cul-de-Sac from 24 to allow serving the 51 proposed lots on two cul-de-

sacs and to exceed the maximum 800-foot requirement. The applicant maintains that their design is intended to work with the existing topography and will have two cul-de-sacs serving the lots because a steep connection would be required to connect the two cul-de-sacs.

There is no public comment for the following items.

7. Discussion/Action: FY 2021 4th Quarter Quarterly Report – for County Commission
8. Reports from Legal Counsel
9. Planner's Memo
10. President's Report
11. Actionable Correspondence
12. Non-Actionable Correspondence

DRAFT MINUTES

Meeting Minutes Jefferson County Planning Commission

June 08, 2021

The Jefferson County Planning Commission met on June 8, 2021 at 7:00 p.m. with the following Commission members present in person: Mike Shepp, President; Wade Louthan, Secretary; Jack Hefestay, Steve Stolipher, and Donnie Fisher; and the following present via ZOOM: Shane Roper and Matt Knott. Jay Ware and Ron Thomas were absent with notice.

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

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

Jennifer Brockman 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: May 11, 2021. The minutes were approved as submitted.
2. Request for postponement. None.
3. **Wild Hill Solar Energy Facility Concept Plan Public Workshop:** Construction of a 92.5 megawatt alternating current solar energy facility with a substation connecting to the existing overhead electrical transmission line. The project will be developed across six contiguous parcels comprised of approximately 841 acres owned by five separate property owners: Zigler, Inc., Clarence & Donna S. Hough, Charles L. & Marie S. Hough, T. Todd & Susan B Hough, John Samuel & Alice J. Rissler Estate, and Clarence & Donna S. Hough. Tax District: Kabletown (06); Map 4/Parcel 9, Map 11/Parcels 7.1 & 8; Map 5/Parcels 1 & 6; and Tax District: Charles Town (02); Map 16/Parcel 18. Developer: Wild Hill Solar, LLC an indirect subsidiary of EDF Renewables, Inc.

Mr. Shane Roper recused himself from this agenda item. Jennifer Brockman presented an overview of her staff report to the Commission.

Mr. Paul Raco with P.J. Raco Consulting, LLC was present in person along with Joe Knechtel, Engineer with Potesta & Associates, Inc. and Susan Snowden, attorney with Jackson Kelly PLLC and Katie Rose Jackson with Jackson Kelley PLLC. Present via ZOOM was Chris Sternhagen with EDF, Applicant.

Mr. Paul Raco presented an overview of the project. . Mr. Paul Raco explained that this project will occupy 841 acres and that the landowners will continue to farm the portions of their farms not occupied by the solar facilities. .

Mr. Chris Sternhagen, Director of Development with EDF Renewables North America, spoke to give background on EDF Renewables North America. EDF Renewables North America has been a provider for over 35 years and currently has 73 operating projects in the US across 15/16 states. EDF intends to hire locally for fairly skilled jobs in Jefferson County.

Mr. Paul Raco explained that although a site plan is not required to be reviewed by the County, construction of the facility still requires engineered plans and the following approvals:

- Storm water management plans by the County Engineer;
- NPDES Permit by the West Virginia Department of Environmental Protection (WV DEP);
- Highway entrance permit by the WV DOH

- Building permits and bonding by County Building Dept.;
- A complete decommissioning plan by the County Engineer; an outline of which is a part of d the submitted concept plan.

Mr. Paul Raco then further summarized the project and stated that Public Service Commission approval has been received. He also noted that although the Cloverdale subdivision to the north is beyond the required 100' distance requirement and no buffer is required, the applicants have agreed to install a 20' treed buffer based on the M53 standard detail along this boundary. Mr. Joe Knechtel also pointed out the location of the proposed 4.6-acre substation adjacent to the overhead power lines which will process as an "essential utility".

Jennifer Brockman explained that no comments were received from outside agencies and that staff has deemed the Concept Plan to be complete in accordance with the Subdivision Regulations.

Mr. Mike Shepp opened the Public Workshop for public comment. The following members of the public spoke:

- Natalie Stone - spoke in favor.
- Dee Metz – spoke in favor, with two concerns: one regarding whether Roper North Fork Rd during construction, and secondly, whether it would possible to provide additional screening along North Roper Fork Road across from her farm location.
- Mr. Rodney Rice – spoke in favor.
- Delegate Wayne Clark - spoke in favor of the project.
- Mr. Tim Sheehy – requested that the natural barrier include an evergreen component for a year round buffer.
- Mr. Kim Guterrez, - supports project.
- Mr. William Baty - supports project but expressed concern regarding the topography of the area, the potential for sinkholes, and the impact of an 8' fence on the wildlife corridor/ migration through the property.
- Ms. Stacy Tabb – supports solar energy but believes the process should be a Conditional Use Permit and expressed concern about the proposed use on the karst topography, noting that at the Public Service Commission, public hearing a geotechnical report was present and EDF testified that there would be no blasting or concrete foundations for the installation of the panels. Ms. Tabb asked if those guidelines would still be followed.
- Mr. Doug Rockwell called in and Jennifer Brockman and Mr. Shepp called back but no connection was made.

Mr. Mike Shepp closed the Public Workshop.

Mr. Raco made the following responses to the public comments:

- Construction traffic they will not be off North Roper Rd; it will be off Kabletown Rd where the main entrance is. Any damage to state road would be monitored by WV DOH.
- Regarding the karst topography, and the applicants have mapped the sinkholes on the site and identified 12 to 18 sinkholes.
- Regarding the wild life, the applicant will monitor the wildlife; however, a fence is required by ordinance.

- Regarding an additional buffer along North Roper Rd, Mr. Raco noted that the current plan has the panels sitting far back from the road in this area but the applicants would consider a buffer as the plans develop.
- Stated that anything the applicant agreed to at the PSC Public Hearing would be honored.
- Stated that the applicant will install a natural buffer as required in the M53 standard detail as well as the existing vegetation along the Cloverdale boundary.

Mr. Steven Stolipher asked Mr. Raco to describe the proposed buffer including the width and height. Mr. Raco stated the County's standard details include three barriers that were developed by Jon Lockman who was the County Engineer: a 10-foot narrow buffer (M-54), a 20-foot medium buffer (M-53), and a 30-foot wide buffer (M-52). A convenience store would require a 10-foot narrow buffer. For the proposed solar facilities, the ordinance requires the 100-foot setback and an 8-foot fence, and the applicants are agreeing to install a buffer meeting the M-53 detail which includes small shrubs, medium bushes and large evergreen trees.

Wade Louthan asked about a buffer around the substation. Mr. Raco explained that none of the ordinances in Jefferson County require a buffer around the substation.

Mr. Steve Stolipher made a motion to approve the Concept Plan as presented; which was seconded by Jack Hefestay. The motion passed unanimously.

4. Charles Town Sheetz (Augustine Avenue) Concept Plan Public Workshop: Concept Plan for the Charles Town Sheetz Store (a Major nonresidential Site Development). The proposal consists of Gas Station, Large, including a 5,437 sq. ft. convenience store with drive-thru, 5 fueling islands with canopy, new roadway, open space, stormwater management areas and the construction of associated utilities. Owner/Applicant: Guy Chicchirichi; Developer: Bob Franks, Sheetz Inc. Property Location: Northeast corner of US 340 and Augustine Avenue intersection, Charles Town. Tax District: Charles Town (02); Tax Map: 16; Parcels: 1. Total Project Size: 2.5 acre portion of 4.42 acre site; Zoning District: Highway Commercial (HC). (File: 21-4-SP.)

Mr. Steve Stolipher recused himself from agenda item #4. Mr. Roper re-joined the meeting.

Jennifer Brockman provided an overview of the project.

The applicant, Jason Gerhart with Gordon was present to review the project. Bob Franks, with Sheetz was on line via Zoom.

The applicant is proposing two access points from Augustine Avenue. A draft Traffic Impact Study (TIS) has been submitted and reviewed by WV Dept of Highways (WVDOT) and there is continued coordination regarding access. The TIS recommends that the entry closest to US 340 be developed as a right in only from 340 and that full access would be the entrance aligned with Washington High School. The TIS has not been finalized at this point. Any improvements would be at the expense of Sheetz.

Jennifer Brockman reported on the outside agency comments received:

- Historic Landmarks had no objection.
- Charles Town Utility Board Schools indicated that they had the capacity to serve this site and they are working on best water and sewer connection points.
- Jefferson County Schools Director of Transportation indicating concerns about the amount of traffic and congestion during arrival and dismissal times.

- WV DOH comments on the TIS about the right in only.

Ms. Brockman also stated that the 2.5 acres will have to be subdivided from the existing parcel; noted that the Subdivision Regulations require sidewalks/ bike paths on at least one side of the street; and require interconnectivity with adjoining properties.

Mr. Mike Shepp opened the Public Workshop.

Ricki Twyford, Charles Town City Councilman spoke in support of the project and the proposed intersection improvements and inquired whether Huyett Rd would be a part of the intersection improvements.

Mr. Mike Shepp closed the Public Workshop.

Mr. Jason Gerhart stated that there are no current plans related to Huyett Rd improvements to Huyett Road because the applicant is currently limited to “right in” access to their site. He also noted that the draft TIS evaluated the US340/Augustine Avenue intersection and that there may be improvements related to the Sheetz project. The WV DOH may also be looking at other safety concerns that have existed prior to this project.

Mr. Jack Hefestay made motion to accept this Concept Plan as presented; the motion was seconded by Donnie Fisher; and passed unanimously.

Mr. Mike Shepp stated that no public comment will be taken for the following Agenda Items.

Mr. Stolipher re-entered the meeting.

5. Requests for the Planning Commission to consider incorporating within their work plan two possible text amendments to the Zoning and Land Development Ordinance (Discussion/Possible Action):

- A. Consider developing provisions for short term rentals.

- i. Request from Amy Bowman, landowner
- ii. Request from Chris Rife, landowner

Ms. Alex Beaulieu provided an overview of the two requests above. She explained these are opposing requests. The Zoning Ordinance currently allows residential units to be rented by the week, month or year.. One request is to draft an amendment to address short-term rentals, whether allowing by right on more frequent basis and the other request is to make the requirements more stringent. Currently the definition of “family” in the Zoning Ordinance allows up to six unrelated individuals to occupy a single dwelling unit. Ms. Beaulieu stated that the Planning Commission could form a committee to address the concerns related to short-term rentals or determine that this cannot be undertaken at this time.

- i. The applicants were permitted to make a presentation to the Planning Commission: Amy Bowman and Butch Diehl stated that they are asking the Planning Commission for clarity in the Ordinance regarding the short-term rental provisions and that there is a large market for “home shares.”

Mr. Mike Shepp asked if this discussion related to Air B&Bs. Ms. Bowman stated that the term actually refers to room rental and the definition of dwelling, does not apply to room rental, particularly if there is no access to a kitchen. She further stated that she believes that there are 120 Air B&Bs already in Jefferson County. She and Mr. Diehl are the ambassadors for the County and their guests spend money in Jefferson County. Ms. Bowman stated that there was

law passed in 2018 that requires collection of sales tax. There was a bill that went to Governor Justice and didn't pass; however, they are moving forward with the idea that the state will collect the hotel/motel tax for the County and it will be a guaranteed 6% (similar to how the state has their guaranteed 6%).

Mr. Steve Stolipher made the statement that the hotel/motel tax which is collected is what funds the County Visitors Bureau (CVB), Parks and Recreation and the Historic Landmarks Commission (JCHLC).

Amy Bowman also explained that the Air B&B constituents pay higher real estate taxes. She reiterated that they would like the Ordinance to be clarified for them.

- ii. Ms. Chris Rife spoke and agreed that the ordinance is unclear. She is a home owner in rural neighborhood with five Air B&Bs within one mile radius on a back road that is not paved. Ms. Chris Rife would like more restrictions. The residents of their neighborhood have had to post signage stating private property, due to tenants coming in and out all the time. Ms. Chris Rife is looking for limitations in rural areas.

Mr. Steve Stolipher inquired if there are limitations for different zoning districts. Ms. Alex Beaulieu explained that right now, a dwelling can be rented out for weekly basis, for any district. There are no provisions to allow on daily basis, except for processing as a hotel, or if you reside on the property, to process as bed/breakfast. What is coming into question is renting entire dwellings on a more frequent rate or renting rooms that are not part of a Bed and Breakfast. Ms. Beaulieu reiterated that the request is before the Planning Commission to determine if they want to consider these amendments as a part of their current workplan.

Mr. Steve Stolipher expressed his opinion and stated that Jefferson County is the highest grossing tourist county in the state. He expressed his opinion that the County should clarify the regulations to encourage tourism and that includes Air B&Bs. Mr. Steve Stolipher that, from property rights standpoint, the tourist need to be informed that they cannot trespass on other properties. He also stated that the regulations should address all the zoning districts.

Mr. Stolipher made a motion to ask staff to work on drafting new language and updating the ordinance as part of the current workplan; Donnie Fisher seconded the motion, and it passed unanimously.

B. Consider reducing the setback requirements for lots in the Residential Growth zoning district.

- i. Request from the Board of Zoning Appeals

Ms. Alex Beaulieu provided an overview of this text amendment request. The Board of Zoning Appeals had a zoning variance request related to a proposed subdivision in which the lots were not final platted and the Board they felt they couldn't approve the request. The letter is submitted on their behalf of the Board of Zoning Appeals for the Planning Commission to consider reducing the side setbacks in the RG Zoning District.

Mr. Nathan Cochran, further explained the actions of the Board of Zoning Appeals.

Mr. Jason Gerhart, Gordon, noted that he was available if the Planning Commission had any questions as the variance in question related to the King's Crossing subdivision.

Mr. Stolipher made asked for a motion to ask staff to propose new setbacks in the RG zoning district; Donnie Fisher seconded the motion, and it passed unanimously.

6. Reports from Legal Counsel

Mr. Nathan Cochran reported that the lawsuit regarding solar text amendment is still moving forward.

7. Planners Memo

Ms. Jennifer Brockman reported that Ms. Clare Ath was appointed by the County Commission to fill Josh Compton's position effective May 20, 2021.

The next regular Planning Commission meeting is July 13, 2021 and there are two concept plans on the meeting.

There is a special meeting on June 22, 2021 to hear a Waiver Request to allow early grading for Shepherdstown Sheetz and to deem the Site Plan complete.

8. President's Report None

9. Actionable Correspondence None

10. Non-Actionable Correspondence None

Mr. Donnie Fisher made a motion to adjourn the meeting at 8:22 pm; Mr. Jack Hefestay seconded the motion, and the motion carried unanimously.

These minutes were prepared by Alice Johns, Planning Clerk.

DRAFT MINUTES

Meeting Minutes Jefferson County Planning Commission June 22, 2021

The Jefferson County Planning Commission met on June 22, 2021 at 7:00 p.m. with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Jack Hefestay, Ron Thomas, Steve Stolipher, Shane Roper, and Matt Knott. Donnie Fisher and J Ware were absent with notice.

Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer, Nathan Cochran, County Attorney, Alice Johns, Planning Clerk.

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

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

1. Request for postponement. None.
2. **Public Hearing:** Request by Robert Franks, Sheetz Inc., (File#21-10-PCW). Applicant is requesting a waiver from Section 20.102B to allow for site grading to commence prior to site plan approval. The request is to allow initial construction to commence during seasons favorable for site work. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 13, 15.2, parts of 10.2 & 14. Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 5.4 acres (after merger).

Jennifer Brockman presented an overview of her staff report to the Commission. Both Mr. Gerhart and Mr. Franks were in attendance via Zoom. This project has a Concept Plan and the Site Plan is in its third review. Primarily, the outstanding comments include WV DOH approval and utility approval as well as the final review and approval of the merger. We have had two reviews of the merger. WVDOH has preliminarily approved the Traffic Impact Study (TIS) and they are working to finalize it. The applicant is asking to begin grading and site work only. The work would be performed at their own risk. If for some reason, the site plan were not to be approved, the applicant would be required to return the site to its original state.

Ms. Brockman also noted that Martin Burke with the Jefferson County Historic Landmarks Commission (JCHLC) had reached out to the applicants to request an opportunity to photograph the house before it is torn down and they have agreed to coordinate with him.

Mr. Gerhart with Gordon stated that his firm has addressed the majority of the review comments; however, the WV DOH does not issue their approvals until the TIS is fully completed. The initial comments to the TIS have been addressed. The merger paperwork will be resubmitted later this week after the deed is prepared.

Mr. Gerhart explained that finalizing the approval of the Site Plan will take another couple of months, due to the requirement of another public hearing for the final approval. This site will require significant amount of site work which is estimated to take at least two months of site work. Sheetz is hoping to open the store this year (by Christmas) and unless the site work is allowed to commence prior to the site plan approval, this timeline is not achievable.

Mr. Bob Franks spoke and stated the full bond was sent to the Planning office on 6/21/21. Mr. Bob Franks explained that the paving season would end a month or two before the December projected

opening date. The DOH has already provided a round of comments on the design and the access permit.

Mr. Shepp asked for questions from Commissioners.

Mr. Shepp opened the Public Hearing.

Ms. Anastasia Tabb, stated that this waiver request puts the public at risk and that it should be denied until the public hearing on the full Site Plan has occurred.

Mr. Stolipher noted that this board has approved several early gradings in the past and the responsibility is on the developer to return the site to original condition if further approvals are not obtained.

Mr. Steve Stolipher made a motion to approve the request with the conditions outlined in the Staff Report (copied below) and the motion was seconded by Mr. Jack Hefestay; which was approved unanimously.

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

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

3. There is no public comment for the following item: **Discussion and Action:** For the Planning Commission to vote to approve or deny the Shepherdstown Sheetz Store 160 (a Major Non-Residential Site Development) Site Plan Application (File# 20-10-SP) as completed in accordance with Sections (24.122 and 24.123) of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 13, 15.2, parts of 10.2 & 14. Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 5.4 acres (after merger).

Jennifer Brockman provided an overview of the request. This is the same project discussed in the previous waiver request. Because this is a major site plan, there is a requirement to hold a public hearing. There is a provision in state law that staff is not allowed to deem the application complete. Staff needs to refer it to the Commission for them to deem complete. Once the commission deems it complete, then the application can be placed on the August 10, 2021 regular meeting.

Mr. Steve Stolipher made a motion to deem the Site Plan complete provided all outstanding comments are addressed and for the purpose of scheduling a Public Hearing on August 10, 2021, which was seconded by Ron Thomas and carried unanimously.

4. Reports from Legal Counsel: None

5. Planners Memo: None.

Next regular meeting is July 13 with 2 waivers and 2 Concept Plans on the agenda.

Planning Commission Minutes

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6. Presidents Report: None
7. Actionable Correspondence: None
8. Non-Actionable Correspondence:

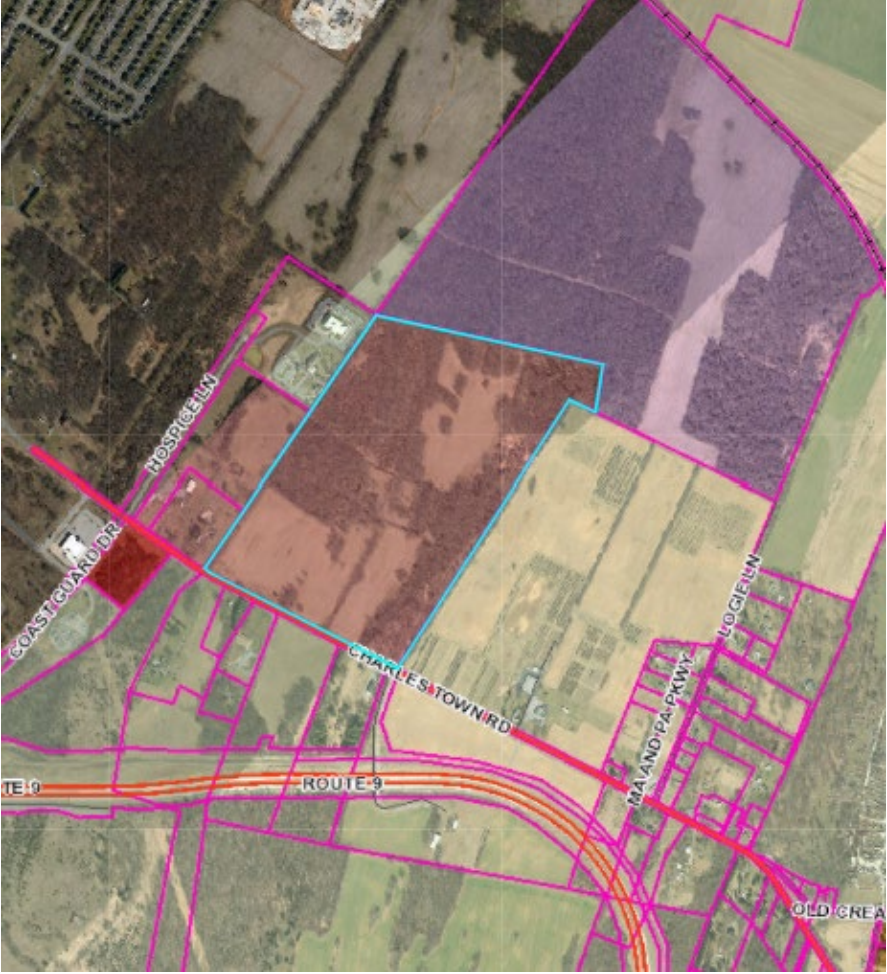
Two public comments emailed after the deadline for Wild Hill Solar project were included in the packet.

Mr. Wade Louthan motioned to adjourn the meeting at 7:19 pm which was seconded by Mr. Shane Roper, and passed unanimously.

These minutes were prepared by Alice Johns, Planning Clerk.

Staff Report
 Jefferson County Planning Commission
 July 13, 2021
 Hunter Hills Major Subdivision (21-21-SD)

Item #3: Public Workshop: A Concept Plan for the Hunter Hills Major Subdivision consisting of 642 Unit Subdivision that includes 171 Townhouse Lots and 471 Single Family Detached Lots.

Applicant/Owner	Ernest Hunter, et. al./Joshbeen Grewal ILA Properties, Inc.	
Consultant	Paul J. Raco/P.J. Raco Consulting, LLC	
Property Location & Information	<p style="text-align: center;">4469 Charles Town Road: Middleway (07); Map: 1; Parcel: 2 Size: 107+ acres ; Zoning District: Residential-Light Industrial-Commercial (RLIC)</p> 	
Adjacent Zoning Districts	<i>North:</i> Industrial Commercial <i>South:</i> Rural	<i>East:</i> Rural <i>West:</i> Rural/RLIC
Proposed Activity	Major Subdivision consisting of 642 Unit Subdivision that includes 171 Townhouse Lots and 471 Single Family Detached Lots	
Concept Plan Status:	Submitted: 6/2/21 Sufficiency Letter, with conditions: 6/8/21 Resubmitted for Completeness: 6/11/21 Deemed Complete: 6/17/21	
Previous Approvals:	Z13-01 Zoning Map Amendment to RLIC	CC Approved 2/20/14

Staff Report
Jefferson County Planning Commission
July 13, 2021
Hunter Hills Major Subdivision (21-21-SD)

Introduction and Summary of Request

The applicant is proposing the development of a Major Residential Subdivision consisting of a mixture of 171 Townhouse Lots and 471 Single Family Detached, totaling 642 lots. The 107-acre property is located on the north side of Charles Town Road (WV 115) near the Berkeley County line, just east of Hospice of the Panhandle's facility.

The proposed subdivision is a combination of detached single-family dwellings using the "small lot" provisions with a minimum lot area of 3,200 square feet (area per dwelling unit of 7,500 sq. ft.) and townhouse lots with a minimum lot size of 1,400 square feet (area per dwelling unit of 3,500 sq. ft.).

The overall density for this development is 6 dwelling units per gross acre for the entire 107-acre property and 9.51 dwelling units per net acre for the 67.5-acre portion of the property that will be occupied by homes. The "high density" residential land use category defined by the *2035 Envision Jefferson Comprehensive Plan* states that this category allows for "7 units or more per acre and depicts land occupied by a condominium, townhome, apartment development, residential care and/or assisted living facilities. This type of land use would be required to be served by a public water and sewer system." The development is proposed to be served by Berkeley County Public Service Water and Sewer Districts. The townhouse lots will require a site plan as well as the 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 and may require a Traffic Impact Study (TIS). No interconnecting access is proposed to the pending Rocky Ridge townhouse development to the east as that was a condition of the Planning Commission approval of the Rocky Ridge Concept Plan. However, the Subdivision Regulations require future connections to vacant land, which is also not proposed to the north and east, and should be discussed.

The requirements of the Subdivision Regulations are as follows:

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 10% of the land to be dedicated to open space/parkland in the Residential-Light Industrial-Commercial (RLIC) Zoning District. For this development, the 10% open space/parkland requirement equals approximately 10.7 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 13.4 acres of open space/parkland, including a proposed walking trail. Details related to the active and passive areas of passive recreation/open space will be required on the Preliminary Plat/Site Plan and Final Plat. Additionally, 2.9 acres are dedicated to stormwater management areas. The open space areas are shown on of the Concept Plan.

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 Hunter Hills Major Subdivision (21-21-SD)

Waivers/Variations

At this time, no waivers/variances are proposed for this proposed subdivision.

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. Hunter Hills 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. The townhouse area will also require processing a Site Plan.

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.: 5,046; <u>Trip Generation:</u> Average Daily Trips: 4,965 VPD

Staff Report
 Jefferson County Planning Commission
 July 13, 2021
 Hunter Hills Major Subdivision (21-21-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 prior to 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. Minimal responses have been received (below).
D. Department	The Department review shall include the following: <ol style="list-style-type: none"> 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission 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 is required by the WV DOH.
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 applicant has indicated that the Berkeley County Public Service Water and Sewer Districts will serve the property with both water and sanitary sewer services (no comments received from agency).
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.

Staff Report
Jefferson County Planning Commission
July 13, 2021
Hunter Hills Major Subdivision (21-21-SD)

Concept Plan Review

1. External Agency Reviews (attached)

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

- The WV Board of Public Health (WVBPH/OEHS/EED) has noted that a permit to construct the water/sewer lines to serve the proposed development will be required.
- WV DOH e-mail stating that a Traffic Impact Study is required.

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, near the Berkeley County line, 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 Traffic Impact Study and an entrance permit will be required in conjunction with the Subdivision’s Preliminary Plat.
- b. Berkeley County Public Service Water and Sewer District 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 as well as a Site Plan for the townhouse portion.

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.

Staff Report
Jefferson County Planning Commission
July 13, 2021
Hunter Hills Major Subdivision (21-21-SD)

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:

- WVBPH/OEHS/EED e-mail
- WV DOH e-mail

From: [Marchun, Alan F](#)
To: [Planning Department](#)
Cc: pjraco.consulting@gmail.com
Subject: Hunter Hills
Date: Friday, June 18, 2021 9:30:20 AM

A permit to construct the water/sewer lines to serve the proposed development will be required by the WVBPH/OEHS/EED.

A link to access the forms here: <http://www.wvdhhr.org/oehs/eed/forms.asp>

Al Marchun, Supervisor
Kearneysville District Health Office/WVBPH/OEHS/EED

From: [Willis, Trixie A](#)
To: [Jennifer Brockman](#)
Subject: RE: [External] Hunter Hills Concept Plan 21-21-SD
Date: Wednesday, July 7, 2021 4:47:35 PM

Yes, it will require a TIS.

Thanks,

Trixie

From: Jennifer Brockman
Sent: Wednesday, July 7, 2021 3:20 PM
To: Willis, Trixie A
Cc: Planning Department
Subject: [External] Hunter Hills Concept Plan 21-21-SD

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

Trixie

The Planning Commission has their Public Workshop on the Hunter Hills Concept Plan next Tuesday. As we hadn't received any correspondence from you, I thought I would reach out to see if you know if a TIS will be required for this project.

I am attaching the Concept Plan for the proposed 642 residential lot subdivision in case you haven't seen it. It is located just east of the Rocky Ridge development which is accessing Hospice Lane but no interconnection is proposed. They are proposing 2 access points onto WV 115/Charles Town Road. At this point, I would just like to know if a TIS is being required.

Thanks

Jennie

Jennifer M. Brockman, AICP

County Planner

Jefferson County Office of Planning and Zoning

116 E. Washington St

Charles Town, WV 25414

304-728-3228

planningdepartment@jeffersoncountywv.org



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

File #: _____
 Fees Paid: _____
 Staff Int.: _____

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

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

Subdivision or Site Development Application

Application Type

<input type="checkbox"/> Concept Plan	<input type="checkbox"/> Final Plat (major/minor)
<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Site Plan

Project Name: _____
 Description: _____

Primary Contact Phone Number (must be a direct line number) _____

Property Owner Information

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

Applicant Information

Same as Owner:

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

Registered WV Engineer or Surveyor or Consultant Information

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

Physical Property Details

Vacant Lot:

Physical Address: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____
 Zoning District: _____

Additional Parcels (if any)

Physical Property Details

Vacant Lot:

Physical Address: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____
 Zoning District: _____

Physical Property Details

Vacant Lot:

Physical Address: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____
 Zoning District: _____



SOILS LEGEND			
MAP UNIT SYMBOL	MAP UNIT NAME	ACRES IN AOI	% OF AOI
Fk	FUNKSTOWN SILT LOAM	9.1	9.0%
HbB	HAGERSTOWN SILT LOAM, 3% - 8% SLOPES	3.1	3.0%
HcC	HAGERSTOWN SILTY CLAY LOAM, 8% - 15% SLOPES	0.9	1.0%
HeB	HAGERSTOWN SILT LOAM, 3% - 8% SLOPES	8.0	7.0%
HgE	HAGERSTOWN-OPEQUON-ROCK OUTCROP COMPLEX, 15%-35% SLOPES	7.2	7.0%
HrC	HAGERSTOWN-ROCK OUTCROP COMPLEX, 8% - 15% SLOPES	15.6	15.0%
OeC	OAKLET SILT LOAM, 8% - 15% SLOPES, VERY ROCKY	2.2	2.0%
VeB	VERTREES SILT LOAM, 3% - 8% SLOPES	19.1	18.0%
VrB	VERTREES SILT LOAM, 3% - 8%, VERY ROCKY	10.0	10.0%
VrC	VERTREES SILT LOAM, 8% - 15%, VERY ROCKY	16.2	15.0%
ViB	VERTREES-ROCK OUTCROP COMPLEX, 3% - 8% SLOPES	3.6	3.0%
ViD	VERTREES-ROCK OUTCROP COMPLEX, 15% - 25% SLOPES	10.0	10.0%
TOTAL AOI		105.0	100.0%

NOTES:
 AVERAGE SLOPE: 4.5%

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

HIGHWAY PROBLEM AREAS
 THERE ARE NO KNOWN HIGHWAY PROBLEM AREAS WITHIN ONE MILE OF THE SITE. KEY INTERSECTION LOCATED ON C-CS.

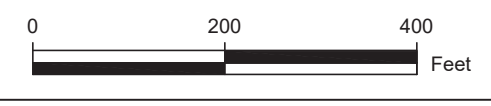
SENSITIVE AREAS
 THERE ARE NO KNOWN SENSITIVE AREAS INCLUDING SINKHOLES, WETLANDS, STREAMS, AND SEVERE SLOPES WITHIN THE SCOPE OF THE PROJECT. DEVELOPMENT OF THE SITE WILL COMPLY WITH ALL APPLICABLE GUIDELINES AND STANDARDS FOR THE REUSE AND REDEVELOPMENT OF ENVIRONMENTALLY COMPROMISED SITES, AS ESTABLISHED BY THE W.V.D.E.P. AND THE E.P.A.

HISTORICAL USE:
 FARM LAND/PASTURE
 THERE ARE NO KNOWN EXISTING OR PROPOSED CEMETERIES OF HISTORIC STRUCTURES ON THE NATIONAL REGISTER WITHIN 100 FEET OF THE SITE.

EXISTING SOIL DATA
 SOIL AND GEOLOGICAL DATA SOILS MAPPING HAS BEEN TAKEN FROM BERKELEY COUNTY, WEST VIRGINIA SOIL SURVEY BY THE NATIONAL CARTOGRAPHY CENTER AND GEOSPATIAL CENTER FORT WORTH TEXAS.

LANDSCAPING
 LANDSCAPING DEPICTED IS FOR ILLUSTRATIVE PURPOSES AND ANY BUFFERING AND STREET TREES WILL BE SHOWN ON THE PRELIMINARY PLAT AS REQUIRED BY THE JEFFERSON COUNTY LANDSCAPE ORDINANCES.

LEGEND
 - - - - - EXISTING MAJOR CONTOUR
 - - - - - EXISTING MINOR CONTOUR
 - - - - - EXISTING PROPERTY
 - - - - - ADJACENT PROPERTY
 - - - - - EXISTING SOILS



BY					
DESCRIPTION					
REV/NO	DATE				
CHEAT ROAD ENGINEERING, INC. 5011 MID ATLANTIC DRIVE MORGANTOWN, WV 26508 PHONE: (304) 212-5480					
HUNTER HILLS SUBDIVISION					
DISTRICT: 07 MAP: M1 PARCEL: 2 DB: 1033 PG: 666 PROJECT NO: 21-016-100 DRAWING FILE:					
DRAWN BY:	N. PERSINGER	CHECKED BY:	G. SEPP	SCALE:	1" = 200'
DATE:	April 21, 2021				
RESOURCE MAP SHEET NUMBER: C-100					

PUBLIC COMMENT RECEIVED

HUNTER HILLS SD

21-21-SD



July 2, 2021

To: The Jefferson County Planning Commission
From: Hospice of the Panhandle

This letter is in response to the Notice of Public Workshop, dated June 24, 2021, received by Hospice of the Panhandle for zoning consideration application for the Hunter Hills Major Subdivision (File: 21-21-SD.)

Our comments are:

1. Road interconnectivity between properties

The Hunter Hills subdivision is adjacent to the Rocky Ridge subdivision which is under development by Mr. Grewal's company. Rocky Ridge has, by a clause in the original purchase agreement, access to Hospice Lane, a private road which is Hospice of the Panhandle's only entrance. During the approval process for the Rocky Ridge development it was agreed between Rocky Ridge and Hospice of the Panhandle that there will be no interconnectivity access between properties adjacent to Rocky Ridge and Hospice Lane.

In the Jefferson County Planning Commission minutes from July 9, 2019 Paul Raco, Mr. Grewal's agent, spoke on behalf of his client. The minutes state: "He responded to the staff comment regarding interconnectivity with the adjacent properties stating that Hospice Lane is a private Road which this development is permitted to use but is not open to additional traffic from other properties."

Hospice of the Panhandle requests that Planning Commission approval of the Hunter Hill development prohibits interconnectivity access between properties adjacent to Rocky Ridge and Hospice Lane.

2. Water & Sewer access

The same purchase agreement that gives the Rocky Ridge development right to use Hospice Lane also gives the development the right to use the utilities (Berkeley County Water and Sewer) Hospice built adjacent to Hospice Lane. Hospice has concerns about overuse of the utilities and requests assurances that Rocky Ridge's developer right to use of these utilities will not result in a negative impact on Hospice's patient care.

3. Buffering between Hunter Hills and Hospice of the Panhandle

Hospice of the Panhandle cares for patients with life ending illness and operates a 14-bed inpatient facility on its campus. The tranquility of the Hospice campus setting is integral to the health care we provide to our patients. Hospice of the Panhandle requests adequate building setbacks and adequate vegetative and other barriers in order to preserve that tranquil setting.

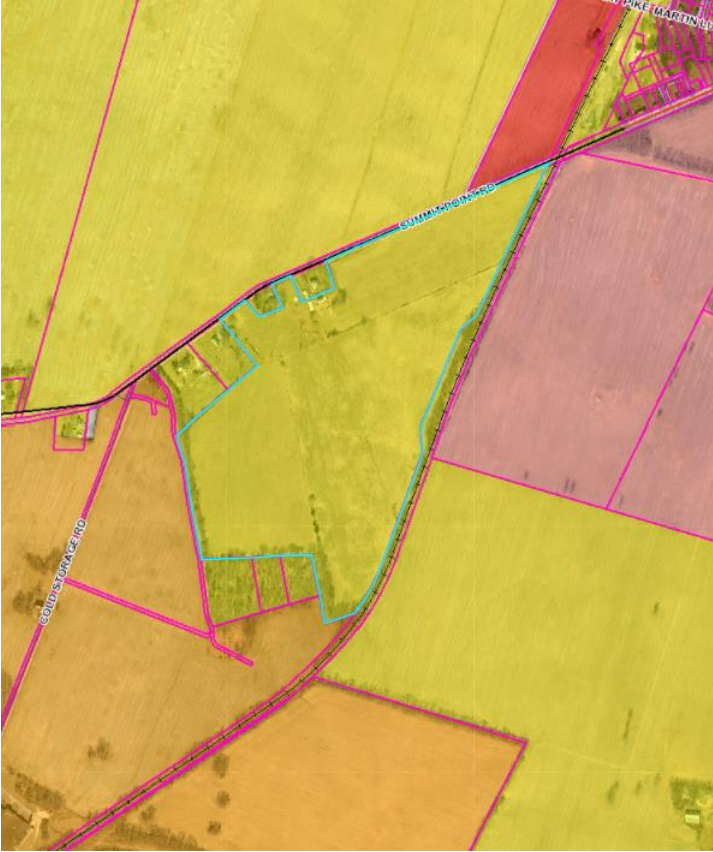
With our best regards,



Walter DeWalt
Chief Financial Officer
Hospice of the Panhandle

Staff Report
 Jefferson County Planning Commission
 July 13, 2021
 Milton's Landing Major Subdivision (21-22-SD)

Item #4: Public Workshop: A Concept Plan for the Milton's Landing Major Subdivision consisting of 51 single family detached on 67.6 +- acres.

Applicant/Owner	David Lutman/Lutman Land Development	
Consultant	Paul J. Raco/P.J. Raco Consulting, LLC	
Property Location & Information	<p style="text-align: center;">0.3 miles west of the Summit Point Rd/Washington St intersection Charles Town (02); Map: 11; Parcel: 30 and 30.2 Size: 67.6+- acres ; Zoning District: Residential Growth</p> 	
Adjacent Zoning Districts	<p><i>North:</i> Residential Growth/ General Commercial (CT) <i>East:</i> Residential Growth/Residential-Light Industrial-Commercial (RLIC) <i>South:</i> Residential Growth/Neighborhood Residential (CT) <i>West:</i> Neighborhood Residential (CT)</p>	
Proposed Activity	Milton's Landing Major Subdivision consisting of 51 single family detached (including 1 existing home) on 67.6 +- acres to be served by on-lot well and septic systems.	
Concept Plan Status:	<p>Submitted: 5/28/21 Sufficiency Letter, with conditions: 6/7/21 Resubmitted for Completeness: 6/11/21 Deemed Complete: 6/17/21</p>	
Previous Approvals:	20-7-M: Boundary Line Adjustment Tax Map 11 Parcels 30 and 30.2 CT District (PB26/PG180)	Approved 11/16/20

Staff Report
Jefferson County Planning Commission
July 13, 2021
Milton's Landing Major Subdivision (21-22-SD)

Introduction and Summary of Request

The applicant is proposing the development of a Major Subdivision consisting of 51 single family detached (including one existing home) on 67.6 +/- acres to be served by on-lot well and septic systems. The property is located between Summit Point Road and the Norfolk/Western Railroad, approximately 0.3 miles west of the Summit Point Rd/Washington St intersection in western Charles Town.

The overall density for this development is 0.75 dwelling units per gross acre for the entire 67.6-acre property and 0.91 dwelling units per net acre for the 56.22-acre portion of the property, which will be occupied by homes. The minimum lot size for properties served by on-site well and septic in the Residential Growth zone is 40,000 square feet.

This proposed development meets the "Large Lot Residential" category, which is defined by the *2035 Envision Jefferson Comprehensive Plan* as "land occupied by estate-type lots where there is one home on a lot which is between one acre and five acres in size. Large Lot Residential lots are primarily served by on-site well and septic systems." A Major Residential subdivision requires processing a Concept Plan as well as a Preliminary and Final Plats.

Access

Milton's Landing subdivision proposes one access point to Summit Point Road (WV 13) which will require WV DOH approval. Section 21.102C and Appendix B Section 2.3A.3 of the Subdivision Regulations require all residential subdivisions with more than 30 lots to have a minimum of two access points from existing roads. A waiver of this requirement (21-11-PCW) is scheduled for a Public Hearing on tonight's PC meeting.

Sec. 21.102D of the Subdivision Regulations also requires that "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. . . ." This type of interconnectivity is not addressed on this concept plan and needs to be addressed at the workshop. At a minimum, an access easement should stub to the property to the west for possible future connection to residential property within Charles Town.

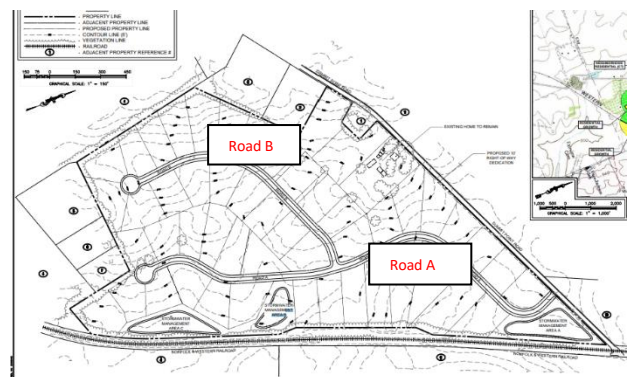
Cul-de-Sac

The proposed layout of this subdivision is a split cul-de-sac from a single entrance. Road A is about 1950 feet long and serves 27-29 lots. Road B is about 1,100 feet long after it branches off from Road A and serves 21-23 lots.

Section 22.206.B of the Subdivision Regulations limits cul-de-sacs to a maximum of 800 feet and serving 24 lots. A waiver of this requirement (21-12-PCW) is also scheduled for a Public Hearing on tonight's PC meeting.

Open Space

Section 21.105 of the Subdivision Regulations states that no land is required to be reserved for open space or parkland for subdivisions in the Residential Growth Zoning District with a density of less than 2 units per acre.



Staff Report
 Jefferson County Planning Commission
 July 13, 2021
 Milton’s Landing Major Subdivision (21-22-SD)

Waivers/Variations

The applicants are requesting the following waivers on tonight’s Planning Commission agenda:

21-11-PCW: Waiver of Section 2.3.A.3 “Single Entrance Requirement” is a request to utilize a single entrance because of the location of the railroad crossing and other single family driveways existing along the State Road. This request is to minimize access points on the State Road due to the limited number of lots and the limited frontage along the State Road.

21-12-PCW: Waiver of Section 22.206.B “Lots on and Length of a Cul-de-sac” is a request to exceed the maximum number of lots permitted on a Cul-de-Sac from 24 to allow serving the 51 proposed lots on two cul-de-sacs and to exceed the maximum 800-foot requirement.

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. Milton’s Landing 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

Staff Report
 Jefferson County Planning Commission
 July 13, 2021
 Milton's Landing Major Subdivision (21-22-SD)

5. Traffic Impact Data	<p>a) Average Daily Trip (ADT) figures for the adjoining or accessible State road.</p> <p>b) Trip generation figures</p> <p>c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan.</p> <p>d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project.</p>	<p>On Concept Plan: <u>WV DOT ADT Counts</u> Summit Point Rd 500' east of property: 3,502; Summit Point Rd south of Huyett Rd: 2,529; <u>Trip Generation:</u> Average Daily Trips: 306 VPD</p>
Traffic Study	<p>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.</p>	<p>No Traffic Impact Study is required for WV DOH approval; however, a full set of plans need to be submitted to finalize the approval of the entrance.</p>
6. Agency Reviews	<p>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.</p>	<p>Letters to required agencies provided. Responses received are below.</p>
D. Department	<p>The Department review shall include the following:</p> <ol style="list-style-type: none"> 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission 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. 	<p>Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Major Subdivision.</p>
E./F. WVDOH	<p>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.</p>	<p>WV DOH Highway Entrance Permit approval will be required.</p>
G. Public Service	<p>The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.</p>	<p>The applicant intends to use on-site well and septic for these lots but CTUB has indicated they have the capacity if higher density is proposed.</p>
H. Recommended Conditions	<p>All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.</p>	<p>See below</p>
I. Approval	<p>Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.</p>	<p>Planning Staff accepts the Concept Plan as complete.</p>

Staff Report
 Jefferson County Planning Commission
 July 13, 2021
 Milton's Landing Major Subdivision (21-22-SD)

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.
------------------	--	--

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 (within 2,200 linear feet) and sanitary sewer services (within 1,300 linear feet) if desired.
- WV DOH stated that the developer will need to provide full site plans for further review before an entrance permit can be issued and that the location of the proposed entrance may need to be adjusted for adequate site distance.

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 Summit Point Road, southwest 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 an entrance permit will be required in conjunction with the Subdivision’s Preliminary and Final Plat.
- b. Jefferson County Health Department approval of both on-site well and septic systems will be required in conjunction with the Preliminary and Final 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.

Staff Report
Jefferson County Planning Commission
July 13, 2021
Milton's Landing Major Subdivision (21-22-SD)

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 24.112 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 e-mail
- WV DOH e-mail

From: [Jennifer Brockman](#)
To: "tmarkley"
Cc: [kstolipher](#); [Planning Department](#); "Paul Raco"; rent01@frontiernet.net; "Chad Wallen (cwallen@gordon.us.com)"
Subject: RE: Milton's Landing Concept Plan
Date: Thursday, June 17, 2021 2:30:59 PM
Attachments: [image001.png](#)

Travis

Thank you for letting us know.

Have a nice weekend.

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

From: tmarkley <tmarkley@ctubwv.com>
Sent: Thursday, June 17, 2021 2:26 PM
To: Jennifer Brockman <jbrockman@jeffersoncountywv.org>
Cc: [kstolipher](mailto:kstolipher@ctubwv.com) <kstolipher@ctubwv.com>
Subject: Milton's Landing Concept Plan

Hi Jennifer,

We have reviewed the concept plan for the Milton's Landing project. We understand the developer is proposing the lots to be on well and septic systems. As a comment pertaining the concept plan, CTUB has existing water and sewer within 2,200 linear feet and 1,300 linear feet respectively, to this site.

Kindest Regards,



Travis Markley
Charles Town Utility Board
Engineering Technician
304-725-2316 office

From: [Willis, Trixie A](#)
To: [Planning Department](#)
Cc: [Jason Gerhart](#); [Jennifer Brockman](#)
Subject: Milton's Landing concept
Date: Thursday, July 8, 2021 4:33:12 PM

WVDOH is OK with the concept of the subject project. However, the developer will need to provide full site plans for further review before an entrance permit can be issued.

Note: the location of the proposed entrance may need to be adjusted for adequate site distance.

Thanks,

Trixie Willis

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



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

File #: _____
 Fees Paid: _____
 Staff Int.: _____

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

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

Subdivision or Site Development Application

Application Type Concept Plan Final Plat (major/minor)
 Preliminary Plat Site Plan

Project Name: Milton's Landing Subdivision
 Description: 51 single family detached (including 1 existing home) on 67.6+/- acres. Development will be served by on-lot well and septic systems.
 Primary Contact Phone Number (must be a direct line number) 304-725-8456

Property Owner Information

Owner Name: David Lutman
 Business Name: Lutman Land Development
 Mailing Address: 412 West Burr Boulevard; Kearneysville, WV 25430
 Phone Number: 304-725-8456 Email: rent01@frontier.net

Applicant Information

Same as Owner:

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

Registered WV Engineer or Surveyor or Consultant Information

Contact Name:	<u>Chad Wallen</u>	<u>Paul J. Raco</u>
Business Name:	<u>GORDON</u>	<u>P.J. Raco Consulting, LLC</u>
Mailing Address:	<u>148 S. Queen St, Suite 201; Martinsburg, WV 25401</u>	<u>P.O. Box 548, CT WV</u>
Phone Number:	<u>304-725-8456</u>	<u>Email: cwallen@gordon.us.com pjraco.consulting@gmail.com</u>

Physical Property Details

Vacant Lot:

Physical Address: South of Summit Point Rd, 0.3 iles west of the Summit Point Rd/Washington St intersection.
 Tax District: Charles Town (2) Map No: 11 Parcel No: 30 & 30.2
 Parcel Size: 67.6+/- Deed Book: 1249 Page No: 45
 Zoning District: Residential Growth

Additional Parcels (if any)

Physical Property Details

Vacant Lot:

Physical Address: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____
 Zoning District: _____

Physical Property Details

Vacant Lot:

Physical Address: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____
 Zoning District: _____

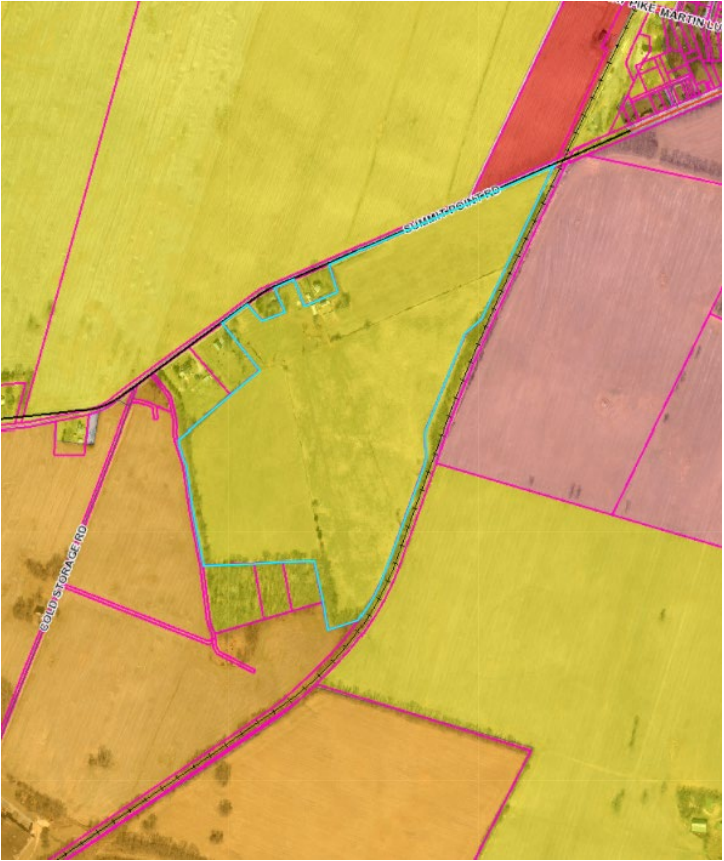
Staff Report
 Jefferson County Planning Commission Meeting
 July 13, 2021

Milton’s Landing Waiver Requests (File #21-11-PCW and #21-12-PCW)

Items #5 and #6: Public Hearings:

Request # 1: (21-11-PCW) Waiver of Section 2.3.A.3 “Single Entrance Requirement” is a request to utilize a single entrance because of the location of the railroad crossing and other single family driveways existing along the State Road.

Request # 2: (21-12-PCW) Waiver of Section 22.206.B “Lots on and Length of a Cul-de-sac” is a request to exceed the maximum number of lots permitted on a Cul-de-Sac from 24 to allow serving the 51 proposed lots on two cul-de-sacs and to exceed the maximum 800-foot requirement.

Applicant	David Lutman/Lutman Land Development
Consultant	Paul J. Raco/P.J. Raco Consulting, LLC
Property Location & Information	<p style="text-align: center;">0.3 miles west of the Summit Point Rd/Washington St intersection Charles Town (02); Map: 11; Parcel: 30 and 30.2 Size: 67.6+- acres ; Zoning District: Residential Growth</p> 
Adjacent Zoning Districts	<p><i>North:</i> Residential Growth/ General Commercial (CT) <i>East:</i> Residential Growth/Residential-Light Industrial-Commercial (RLIC) <i>South:</i> Residential Growth/Neighborhood Residential (CT) <i>West:</i> Neighborhood Residential (CT)</p>
Proposed Activity	<p>Milton’s Landing Major Residential Subdivision (21-22-SD) consisting of 51 single family detached (including 1 existing home) on 67.6 +- acres to be served by on-lot well and septic systems. Concept Plan Public Workshop is also scheduled for 7/13/21.</p>

Staff Report
Jefferson County Planning Commission Meeting
July 13, 2021

Milton's Landing Waiver Requests (File #21-11-PCW and #21-12-PCW)

Summary of the Request:

Applicant is proposing a Major Residential Subdivision with a 51 single family detached lots. The Concept Plan Public Workshop is also being held on July 13, 2021. The applicants are requesting the following two waivers which will influence the final design of the development.

Request # 1: (21-11-PCW) Waiver of Section 2.3.A.3 "Single Entrance Requirement" is a request to utilize a single entrance because of the location of the railroad crossing and other single family driveways existing along the State Road. This request is to minimize access points on the State Road due to the limited number of lots and the limited frontage along the State Road.

Request # 2: (21-12-PCW) Waiver of Section 22.206.B "Lots on and Length of a Cul-de-sac" is a request to exceed the maximum number of lots permitted on a Cul-de-Sac from 24 to allow serving the 51 proposed lots on two cul-de-sacs and to exceed the maximum 800-foot requirement. The applicant maintains that their design is intended to work with the existing topography and will have two cul-de-sacs serving the lots because a steep connection would be required to connect the two cul-de-sacs.

NOTE: *These are two separate waivers that will require separate action by the Planning Commission but are included in the same staff report.*

Milton’s Landing Waiver Requests (File #21-11-PCW and #21-12-PCW)

21-11-PCW WAIVER REQUEST #1 OF SECTION 2.3.A.3 “Single Entrance Requirement”

Summary of the Request:

The applicant is requesting a waiver of Section 2.3.A.3 of the Subdivision Regulations to utilize a single entrance because of the location of the railroad crossing and other single-family driveways existing along the State Road. This request is to minimize access points on the State Road due to the limited number of lots and the limited frontage along the State Road.

Section 2.3.A.3 of the Jefferson County Subdivision and Land Development Regulations states that “generally, a subdivision shall be served by at least two entrances. The entrances shall be offset a minimum of 300’ centerline to centerline. . . . Residential subdivisions with more than 30 lots shall have two entrances.” Section 21.102 C of the Subdivision Regulations also requires that “all subdivision plats that contain more than 30 lots shall have a minimum of two access points from existing roads”.

Waiver Requirements:

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

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

Staff Comments:

Communities generally have requirements for multiple access points to subdivisions of a certain size to ensure access to safety and emergency services and for the free flow of traffic for residents using the residential streets. For this reason, the Jefferson County Subdivision and Land Development Regulations require that all subdivision plats that contain more than 30 lots to have a minimum of two access points from existing roads. Section 21.102C of the Subdivision Regulations also states that “Where possible, all subdivisions shall connect so that developments are not cul-de-sacs with only one access to an existing road.” This Section of the Regulations also provide some direction on when the use of a single access cul-de-sac may be acceptable which may apply in this circumstance. The next sentence states in Section 21.102C states “The use of cul-de-sacs shall be limited to places where natural resources, such as streams, hillsides, floodplains, or open space, make normal blocks inefficient, environmentally damaging, or prohibitively expensive.” As the applicant has indicated, the location of the railroad, the existing

Staff Report
Jefferson County Planning Commission Meeting
July 13, 2021

Milton's Landing Waiver Requests (File #21-11-PCW and #21-12-PCW)

driveways along Summit Point Road and the topography of the property limit the ability to have two accesses to the state road.

While it might be reasonable to restrict the access to Summit Point Road along this property to one access, it seems prudent to provide a stub street access easement to the property to the west in case an option in the future for interconnectivity presents itself. As Waiver #2 (21-12-PCW) below also requests permitting longer cul-de-sacs serving a greater number of lots than provided for in the Subdivision Regulations, a possible future access to the west would relieve the number of lots on a cul-de-sac if a future connection ever happened.

Staff Recommendation:

Planning and Zoning staff does not object to granting the waiver to allow the applicant to utilize a single entrance to Summit Point Road for the development of the 50 lots within Milton's Landing Subdivision, provided WV DOH agrees to this layout. Note that the existing house (Lot 51) has direct access to Summit Point Road. Staff further recommends that a stub street access easement be platted to the property to the west in case an option in the future for interconnectivity presents itself.

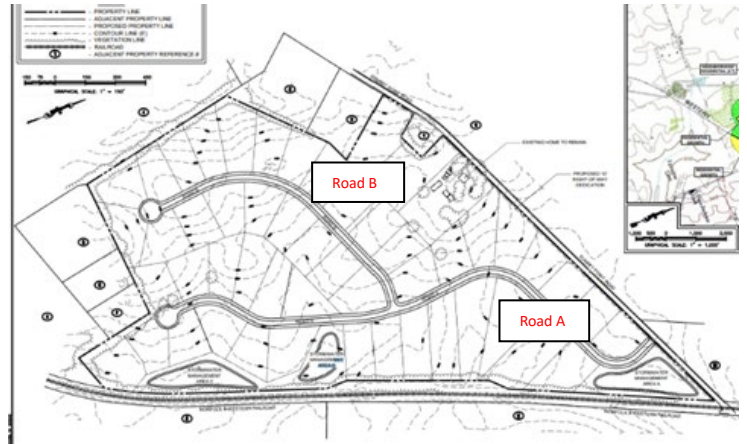
Milton’s Landing Waiver Requests (File #21-11-PCW and #21-12-PCW)

21-12-PCW WAIVER REQUEST #2 OF SECTION 22.206.B “Cul-de-sacs”

Summary of the Request:

The applicant is also requesting a waiver of Section 22.206.B to allow the proposed subdivision layout to exceed the maximum number of lots permitted on a cul-de-Sac from 24 to allow serving the 50 proposed lots on two cul-de-sacs and to exceed the maximum 800-foot requirement. The applicant maintains that their design is intended to work with the existing topography and will have two cul-de-sacs serving the lots because a steep connection would be required to connect the two cul-de-sacs.

Section 22.206.B of the Jefferson County Subdivision and Land Development Regulations, “Cul-de-Sacs”, limits cul-de-sacs to a maximum of 800 feet and serving 24 lots. The proposed layout of this subdivision is a split cul-de-sac from a single entrance. The road labeled as “Road A” is about 1950 feet long and serves 27-29 lots. The road labeled as “Road B” is about 1,100 feet long after it branches off from Road A and serves 21-23 lots.



Waiver Requirements:

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

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

Staff Comments:

Again, communities generally have maximum lengths and maximum number of lots that can be served by cul-de-sacs to ensure access to safety and emergency services and for the free flow of traffic for residents using the cul-de-sacs. While there are no national standards for these maximums and different communities have different requirements, the Jefferson County Subdivision and Land Development Regulations limits cul-de-sacs to a maximum of 800 feet and serving 24 lots.

Staff Report
Jefferson County Planning Commission Meeting
July 13, 2021

Milton's Landing Waiver Requests (File #21-11-PCW and #21-12-PCW)

The proposed layout of this subdivision is a split cul-de-sac from a single entrance. The combined portion of the road (a portion of "Road A") is about 1,100 feet long and the total length of this cul-de-sac is about 1950 feet long and serves 27-29 lots. The road labeled as "Road B" is about 1,100 feet long after it branches off from the original 1,100-foot portion of "Road A" and serves 21-23 lots.

Sec. 22.206 of the Jefferson County Subdivision and Land Development Regulations, "Cul-de-Sacs" warns that cul-de-sac streets should be carefully managed to ensure they are not over-used because interconnectivity is preferred for street systems. Subsection B of this section of the Subdivision Regulations does provide that the use of cul-de-sacs may be permitted if natural resources, such as topography, floodplains, open space, or stream systems make standard blocks inefficient (such as in this case); limits the number and length as noted above; and recommends that a pedestrian circulation system is provided to allow direct, non-vehicular access between cul-de-sac ends. Subsection C also provides that all cul-de-sacs shall be designed to permit vehicles to turn around without backing, except as otherwise provided in Appendix B of Subdivision Regulations.

Therefore, while the layout of the split cul-de-sac design does seem to fit the property in question, it still seems prudent to provide a stub street access easement to the property to the west in case an option in the future for interconnectivity presents itself. Additionally, the requirement of a pedestrian connection between the two ends of the two cul-de-sacs should be provided.

Staff Recommendation:

Due to the topography and geometry of the proposed subdivision site, Planning and Zoning staff does not oppose the length and number of lots served by the two cul-de-sacs, but continues to recommend that a stub street access easement be platted to the property to the west, in case an option in the future for interconnectivity presents itself, and recommends the provision of a pedestrian connection between the two ends of the two cul-de-sacs.



21-12-PCW
Culdesac

21-11-PCW
single entrance

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

116 E. Washington Street, 2nd Floor
P.O. Box 716
Charles Town, West Virginia 25414

File #: 7/13/21
Mtg Date: 7/13/21
Date Rec'd: 7/13/21
Fees Paid: 200.00
Staff Int: ag
List of Adjoiners:

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

check #1036 / D. Lutman
100.00 cash

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

with
D. Lutman
signature

D. Lutman

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: Lutman Land Development
Business Name: Lutman Land Development
Mailing Address: 412 West Burr Blvd, Kearneysville, WV 25430
Phone Number: 304/725-8456 Email: _____

Applicant Contact Information

Applicant Name: David Lutman Same as owner:
Business Name: Lutman Land Development
Mailing Address: Same as Above
Phone Number: _____ Email: _____

Consultant Information

Name: Paul J Raco Chad Wallen
Business Name: P.J. Raco Consulting, LLC Gordon
Mailing Address: P.O. Box 548 Charles Town, WV 25414 148 S Queen Street, Martinsburg WV 25401
Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: South of Summit Point Road .3 miles W of Summit Pt Rd and Washington St Vacant Lot:
Tax District: Charles Town Map No: 11 Parcel No: 30 and 30.2
Parcel Size: 67.6 +- Acres Deed Book: 1259 1257 Page No: 181 209
Zoning District: Residential Growth District

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

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

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

Appendix B Division 2 Section 2.3.A.3 Single Entrance Requirement
Article 22, Division 22.200 Section 22.206.B. Cul-de-Sacs for more than 24 Lots/800 feet.

Briefly Describe the Nature of Your Waiver Request:

This subdivision is proposed to be a 51 Lot Subdivision on a Triangular shaped parcel that is designed to work with the existing topography. The first waiver is a request to utilize a single entrance because of the location where there is a railroad crossing in the area and other single family driveways already existing on the State Road. This request is to minimize access points on the State Road due to the limited number of lots and the limited frontage along the State Road. The second waiver is from the maximum number of lots on a Cul-de-Sac. This provision sets the maximum number at 24 lots. This standard appears to be set up to safeguard against long roads without connections in a typical grid pattern subdivision. Our design is intended to work with the existing topography and will have one cul-de-sac that serves 27 or 29 lots because of a steep connection that would be required to connect the two cul-de-sacs.

2020m 5/11/21

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.

Neither of these waiver affect County Maintenance or County Parks. If granted, however, they will allow the development as designed, which will create lots for a local bulider to continue to pay into impact Fees which benefit the County Parks.

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.

Both waivers will allow for minimum impact on the neighborhood. If two entrances were required, the only location would be near the existing property owners along Summit Point Road. Where the single entrance is designed, it is not near any of the existing dwelling units. Regarding the length of the one cul-de-sac, if the waiver is denied, it would require cutting through between the cul-de-sacs which would require significant earth work and allow for more traffic along the back of the subdivision where there are three additional existing lots. The attempt of the design with the walvers was to minimize the Impact on the existing residents. The DOH will review the access point and will still be in charge of access.

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

The current design keeps the traffic away from the existing dwellings around the property, while minimizing an entrance point onto Summit Point Road. The subdivision is a compact development and due to shape of the property and the location of the adjacent housing units and railroad, the waivers will allow the development with minimal earthwork. Not all subdivisions can be accomplished by utilizing a grid pattern of development. This design works with the existing terrain and topography with less impervious surface. A second entrance along with a connection between the cul-de-sacs will just create more pavement without serving a reasonable purpose. All other State approvals will still be needed.

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

Some of the current ordinance standards make it necessary to add density to pay for additional costs associated with the standards. The design of this subdivision allows for the development to utilize the existing topography if the waivers are granted. If they are denied, then two more roads will be added, which will open up the development for more lots and it will require more grading and asphalt to accomodate the standards. As designed, it requires less grading and incorporates existing features like the railroad where the SWM areas will be adjacent and keeps the entrances away from existing dwellings which will lessen the Impact on them.

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.

	<u>6-22-21</u>	_____	_____
Property Owner/Applicant Signature	Date	Property Owner/Applicant Signature	Date

Notification Requirements

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

_____	_____	_____
Public Hearing Date	Date Placard Posted	Date Adjoiners Mailed

Planning Commission Determination

Approved Denied Date: ___ / ___ / ___



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

4th Quarterly Report for Planning and Zoning FY 2021 (April 1, 2021 – June 30, 2021)

Attached is an electronically generated report of all applications submitted and reviewed within the 4th Quarter of FY2021. This data is being provided as a part of the 4th Quarterly Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

PLANNING COMMISSION ITEMS

Planning Commission Meetings:

4 Meetings

Subdivision Regulations Text Amendments

On-going Major updates and revisions on hold

Zoning Ordinance Text Amendments

2

#ZTA21-01: Planning Commission added to their work plan Zoning Ordinance Text Amendments related to Short-Term Rentals at their 6/8/21 PC Meeting

#ZTA21-02: Planning Commission added to their work plan Zoning Ordinance Text Amendments related to Reducing Setbacks in the Residential Growth Zoning District at their 6/8/21 PC Meeting

Zoning Map Amendments/Rezoning

1

#21-2-Z: 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: +/- 238.9 acres. Zoning District: Rural.

PC review and recommendation to the CC that the requested rezoning is not consistent with the Envision Jefferson 2035 Comprehensive Plan, however there have been major changes of economic, fiscal or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted and these changes have substantially altered the basic characteristics of the area. 5/11/21; CC PH 6/3/21; Approved 6/3/21.

Concept Plan Public Workshops

4

- #21-1-SP 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 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.
Public Workshop 5/11/21; PC accepted the Concept Plan as submitted.
- #21-8-SD 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.
Public Workshop 5/11/21; PC accepted the Concept Plan as submitted.
- #21-3-SP A Concept Plan for the Wild Hill Solar Energy Facility. The Proposal consists of the construction of a 92.5-megawatt alternating current solar energy facility with a substation connecting to the existing overhead electrical transmission line. The project will be developed across six contiguous parcels comprised of approximately 841 acres owned by five separate property owners: Zigler, Inc., Clarence & Donna S. Hough, Charles L. & Marie S. Hough, T. Todd & Susan B Hough, John Samuel & Alice J. Rissler Estate, and Clarence & Donna S. Hough. Tax District: Kabletown (06); Map 4/Parcel 9, Map 11/Parcels 7.1 & 8; Map 5/Parcels 1 & 6; and Tax District: Charles Town (02); Map 16/Parcel 18. Developer: Wild Hill Solar, LLC an indirect subsidiary of EDF Renewables, Inc.; Developer: Wild Hill Solar, LLC an indirect subsidiary of EDF Renewables, Inc.
Public Workshop 6/8/21; PC accepted the Concept Plan as submitted.
- #21-4-SP Concept Plan for the Charles Town Sheetz Store (a Major nonresidential Site Development). The proposal consists of Gas Station, Large, including a 5,437 sq. ft. convenience store with drive-thru, 5 fueling islands with canopy, new roadway, open space, stormwater management areas and the construction of associated utilities. Owner/Applicant: Guy Chicchirichi; Developer: Bob Franks, Sheetz Inc. Property Location: Northeast corner of US 340 and Augustine Avenue intersection, Charles Town. Tax District: Charles Town (02); Tax Map: 16; Parcels: 1. Total Project Size: 2.5 acres portion of a 4.42 acre site; Zoning District: Highway Commercial (HC).
Public Workshop 6/8/21; PC accepted the Concept Plan as submitted.

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings:

3 meetings

Zoning Appeal of Administrative Decision

none this quarter

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings:

29 Total (12 Subdivision & 17 Site Plan)

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

48 Total

Zoning and Land Development Fees Collected:

\$ 36,630.00

Regional Transportation Planning Meetings (primarily remote)	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	4/19/21; 5/17/21
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	5/19/21
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Long Range Transportation Plan	6/23/21
Martinsburg Pike Corridor Vision Plan Stakeholder Meetings	5/18/21; 5/15/21
WV51/W. Washington Street, traffic safety, pedestrian mobility improvements plan Feasibility Study	4/8/21; 5/3/21

Local and Regional Planning Meetings (all remote)	
Safe Water Conservation Collaborative	4/29/21; 6/29/21
WV APA Chapter Executive Committee Meetings (ZOOM);	4/27/21; 5/25/21
WV APA participation in Mid-Atlantic Consortium reception as a part of APA National Conference	5/6/21
WV APA Strategic Planning Effort	4/8/21; 4/20/21; 5/13/21
APA Chapter Presidents Council	5/13/21
Land Use Planning Webinars	5/11/21

**Planning and Zoning FY 2021 4th Quarterly Report
04/01/2021 - 06/30/2021 (Generated 7/6/2021)**

Type	Project Number	Creation Date	Owner Name	Location	Status	Description
Easements	21-3-E	5/12/2021	SNYDER WILLIAM N & MARY S	839 MCCORMACK LN, CHARLES TOWN, WV	Open	306.674 acre Farmland Preservation Easement
					Category Total:	1
	17-20-M	5/18/2021	ROMAN RAFAEL A III - RAFAEL ROMAN	150 AVON BEND RD, CHARLES TOWN, WV 25414	Open	.02 acre merger from Rafael Roman (Parcel 19.19) to Mark Cerasi (Parcel 14)
Merger or Boundary Line Adjustment	21-11-M	4/2/2021	HENRY JAMES S & JENNIFER L	85 ROUND OAK LN KEARNEYSVILLE, WV	Closed	Tabb Henry BLA
	21-12-M	4/12/2021	PTM, L.P. - Joseph S. Sheetz	Lots 13 /14 Burr Business Park Kearneysville, WV	Closed	Deed of consolidation from PTM LP to PTM LP.
	21-13-M	4/26/2021	SWARTZ RANDAL S & MELISSA S	1717 PERSIMMON LN SHEPHERDSTOWN, WV	Open	Swartz-Swartz BLA
	21-14-M	4/29/2021	BURCH PAULA - Thomas Burch	935 BOX FACTORY RD SUMMIT POINT, WV	Open	Burch Boundary Line Adjustment
	21-15-M	4/30/2021	Lutman Land Development - Dave Lutman	492 TUSCAWILLA DR CHARLES TOWN, WV	Closed	BLA between two lots owned by Lutman Land Development, LLC in the Tuscawilla Hills Subdivision
	21-16-M	5/7/2021	OAK MEADOW LLC	42 WAGON TRAIL RD HARPERS FERRY, WV	Open	Merging a portion of Lot 9 into Lot 8 and the remainder of Lot 9 into Lot 10
	21-18-M	5/17/2021	Jefferson Utilities Inc. Stephanie Reel	Cobalt Lane Charles Town, WV	Open	Merger/BLA from LK Land Holdings LLC to Jefferson Utilities Inc.
	21-17-M	5/17/2021	Jefferson Orchard, Inc. - M Ralston	Kearneysville Pike (WV 480) and Northport Ave Ranson, WV	Open	Merger/BLA of a portion of Roxul property in Ranson with Jefferson Orchard property
	21-19-M	5/27/2021	VAN EVERA JAMES W III ET AL	7948 MARTINSBURG PIKE SHEPHERDSTOWN, WV	Open	Merger of portions of lots for Shepherdstown/Martinsburg Pike Sheetz lot
	21-20-M	6/22/2021	BARLOW HAROLD S	215 TWISTED OAK LN, SHEPHERDSTOWN, WV	Open	Proposed BLA between Parcels 10 and 10.7
	21-21-M	6/23/2021	Vacant parcel across from 4115 Charles Town Rd	Kearneysville, WV	Open	BLA between Berkeley County Parcel 7 (Murrall Limited Partnership) & Jefferson County Parcel 1.1 (F2L3 Developers)
						Category Total:
	21-7-Q	5/14/2021	SAB REAL ESTATE 2 LLC	8310 MARTINSBURG PIKE SHEPHERDSTOWN, WV	Closed	ABC Letter for ROCS convenience store and gas station

Miscellaneous	21-8-Q	6/14/2021	WHISNER CANTON E	1491 SHIRLEY RD SUMMIT POINT, WV	Open	Minor Plat Change: modify easement location and setbacks.
	21-9-Q	6/14/2021	Troy Mann & Debra Ann Napier	MISSION RD HARPERS FERRY, WV	Open	Mann Napier Septic Reserve Change
	21-10-Q	6/16/2021	NORTOM INVESTMENTS LLC	69 CLENDENING DR, KEARNEYSVILLE, WV	Open	No Site Plan review
	21-11-Q	6/17/2021	Lutman Land Development - Dave Lutman	0.3 miles west of Summit Pt Rd & Washington Street, Charles Town	Open	Lift single family restriction from Trough Bend, Lot 1 for an attached in-law suite.
	21-12-Q	6/28/2021	Nicole Picciotto	Lot 1 Elmwood Farm Peaceful Breeze Ln Shepherdstown, WV	Open	Lift SF Restriction Peaceful Breeze Ln
					Category Total:	6
Planning Commission Waiver	21-9-PCW	4/20/2021	Margaret Hoffman - Margaret Hoffman	Round Rock Lane Charles Town, WV	Open	Utilize an existing 30' R/W to Route 25/7 instead of needing to widen the said R/W to 50.'
	21-10-PCW	6/4/2021	VAN EVERA JAMES W III ET AL - James Van Evera	7948 MARTINSBURG PIKE SHEPHERDSTOWN, WV	Open	Waiver to alter the existing process for plan review and approval in order to begin site grading prior to full site plan approval.
	21-11-PCW	6/22/2021	Lutman Land Development - David Lutman	Summit Point Rd Charles Town, WV	Open	Waiver of Section 2.3.A.3 "Single Entrance Requirement" is a request to utilize a single entrance for Milton's Landing Subdivision
	21-12-PCW	6/22/2021	Lutman Land Development - David Lutman	Summit Point Rd Charles Town, WV	Open	Waiver of Section 22.206.B to exceed the maximum number of lots permitted on a Cul-de-Sac and to exceed the maximum 800-foot requirement.
					Category Total:	4
Site Plan	21-2-SP	4/7/2021	JEFFERSON COUNTY DEV AUTHORITY	JAMES BURR BLVD, KEARNEYSVILLE	Open	Slonakers Custom Paving
	21-3-SP	4/19/2021	Six parcels comprised of approximately 841 acres owned by five property owners	between Roper North Fork Rd, Old Shennandale Rd, Kabletown Rd, Uinta Farm Lane south of Charles Town, WV	Open	Wild Hill Solar Energy Facility on approximately 841 acres of leased land across six parcels to connect to the existing 138k overhead elec transmission line.
	21-4-SP	4/23/2021	Guy Chicchirichi	NE corner of US 540 and Augustine Ave Charles Town, WV	Open	Augustine Ave Sheetz (Gas Station, Large)
	21-5-SP	5/27/2021	Epic at Burr Park LLC - Andre Fontaine	NE corner of Wiltshire/W Burr Blvd KEARNEYSVILLE, WV	Open	Two flex use buildings, drive aisles, and parking (Lots 17A & 17B Ph 1 Burr Industrial Park)
	21-6-SP	6/30/2021	Rexroat - Cindy Rexroat	191 MEYERSTOWN RD CHARLES TOWN, WV	Open	weddings and group gatherings, farm vacation enterprise, lodging for guests, pick your own crop, bed and breakfast, possible future expansion
					Category Total:	5
	21-12-SD	4/8/2021	New Hope Farm, Inc. - New Hope Farm	419 Pheasant Run Drive Kearneysville, WV	Open	Lot 1 (Residue) & Lots 2-5

Subdivision	21-13-SD	4/8/2021	New Hope Farm, Inc. - New Hope Farm	503 Pheasant Run Drive Kearneysville, WV	Open	Lots 6 - 9 and Lot 10 (Residue)
	21-14-SD	4/12/2021	DBA ACLY ENTERPRISE - David Acly	Hyde Park Lane Charles Town, WV	Open	Lots C-3 (Residue), C-4, and C-5
	21-15-SD	4/12/2021	David Lutman - David Lutman	French Road Shenandoah Junction, WV	Closed	Creation of 4 total lots and a boundary line adjustment of ~24 acres.
	21-16-SD	4/23/2021	James Gibson	Shepherdstown Pike (WV 230) Harpers Ferry, WV	Open	MSD of Lots 1 and 2-Residue
	21-17-SD	5/21/2021	GROVE ALTON R & BARBARA J	14024 LEETOWN RD KEARNEYSVILLE, WV	Open	Grove Family Transfer - MSD Lots 1 & 2
	21-18-SD	5/24/2021	Magnolia WV, LLC.	Belvedere Farm Ct Charles Town, WV	Open	Magnolia Springs Phase 2 (Lots 192 - 296 Open Space parcels A & B) Final Plat
	21-19-SD	5/26/2021	BML, LLC - Brant Lowe	1963 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV 25443	Open	MSD of Lot 1-Residue, and 3-4
	21-20-SD	5/27/2021	DuBois Living Trust - Dubois Living Trust	Persimmon Lane Shepherdstown, WV	Open	Dubois MSD - Lot A and Lot B- Residue
	21-21-SD	5/28/2021	Ernest Hunter, et. al. - Ernest Hunter	4469 Charles Town Road, Kearneysville, WV	Open	Hunter Hills Major Subdivision: 642 lots including townhouse & single family detached lots
	21-22-SD	5/28/2021	Lutman Land Development - David Lutman	0.3 miles west of Summit Pt Rd & Washington Street, Charles Town	Open	Milton's Landing Major Subdivision: 51 single family detached (including 1 existing home)
	17-06-SD	6/23/2021	KE Colonial, LLC	Lowe Drive, Shepherdstown, WV	Open	Colonial Hills 3A Townhouse Development (Rev 3 -- prior versions before MGO)
					Category Total:	12
	21-14-ZC	4/2/2021	BAJADA NICHOLAS & ERIN N F	321 PEACE RIDGE RD, HARPERS FERRY, WV 25425	Closed	Peace Ridge Gardens Center for Sustainable Agriculture: 60' x 60' barn for summer school program and adult programming; weekend classes; produce sales 2-days/week on farm; agricultural accessory dwelling unit.
	21-15-ZC	4/12/2021	G&S Properties	179 E BURR BLVD UNIT N KEARNEYSVILLE, WV	Closed	Change In Tenant: Retail Sales and Services, General / Medical Cannabis Dispensary
	21-16-ZC	4/15/2021	KIDWELL RODNEY W	35 HALLTOWN RD HARPERS FERRY, WV	Closed	Change in Tenant: Real Estate Brokerage Office. Operation: Monday-Friday, 9:00 am to 5:00 pm. Employees: 5 people
	21-17-ZC	4/16/2021	STRUVE DAVID L & VALERIE C	357 HAPPY RETREAT LN CHARLES TOWN, WV	Closed	Accessory Dwelling Unit: In-Law Suite
	21-18-ZC	4/22/2021	AMERICAN TOWERS INC	17340 POPPY RD BLUEMONT, VA	Closed	Modifications to existing telecommunications tower site to include: installation of a generator
	21-19-ZC	4/22/2021	KENTLAND FOUNDATION INC - Jack Walker	98 SOMERSET BLVD CHARLES TOWN, WV	Closed	Temporary sale of legal fireworks: two 8' x 40' temporary stands (06/01/21 to 07/31/21)
	21-20-ZC	4/23/2021	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	770 HARDESTY RD SUMMIT POINT, WV	Closed	Existing Telecommunications Tower: AT&T to install additional cabinet, concrete pad, diesel generator, 6 antennas, 6 future antennas, and RRHs.

Zoning Certificate	21-21-ZC	4/30/2021	HARPERS FERRY HOLDINGS LLC - MATT KNOTT	1816 POTOMAC ST HARPERS FERRY, WV	Closed	Expansion of a Nonconforming Campground: up to 11 campsites, 950 sq ft structure for events. *Total campsites after issuance: 44 sites
	21-22-ZC	5/4/2021	ORTEZ SANTOS I C & TAYDE R RAMIREZ	677 MILLVILLE RD MILLVILLE, WV	Open	Ice Cream Stand: Operation Monday to Sunday from 8:00 am to 11:00 pm. Two employees.
	21-23-ZC	5/4/2021	GALLUP MICHAEL & JENNIFER HILLMANN	4174 FLOWING SPRINGS RD, SHENANDOAH JUNCTION, WV	Closed	Cottage Industry: Dog Kennel (up to 6 dogs)
	21-24-ZC	5/7/2021	SUSO 2 ALABAMA LP	96 PATRICK HENRY WAY CHARLES TOWN, WV	Closed	Temporary sale of state legal fireworks from a 20' x 40' tent. Proposed daily operation 06/15/21 through 07/05/21, 9:00 a.m. to 10:00 p.m. Tent to be removed from the property no later than July 10, 2021. A 10' x 20' storage container/pod will be provided for overstock.
	21-25-ZC	5/10/2021	JD LAND HOLDINGS INC - Randie Lawson	362 W BURR BLVD, KEARNEYSVILLE, WV 25430	Closed	Change in Tenant: Commercial Use (Fitness Center) 45 existing parking spaces
	21-26-ZC	5/18/2021	Carter and Blair Dubois	Persimmon Lane Shepherdstown, WV	Open	Home Occupation Level 2: Appraisal Office with 2 employees
	21-27-ZC	5/18/2021	LEFEVRE THOMAS E	237 TEL FARM LN KEARNEYSVILLE, WV	Closed	Tower equipment modification (antennas) on an existing 196' telecommunication facility.
	21-28-ZC	5/26/2021	ESPINOSA KRISTEN R	6485 SUMMIT POINT RD CHARLES TOWN, WV	Closed	Accessory Dwelling Unit (In-Law Suite) (Varinace to lift SF restriction received)
	21-29-ZC	6/9/2021	Richard and Phillip Childs	S. Childs Road Kearneysville, WV	Open	AT&T is proposing to build a 195ft monopole Cell tower which will include 6 Antennas and a 3,600 square foot fenced compound on the ground.
	21-30-ZC	6/16/2021	SHANNONDALE ENTERPRISES, INC	1329 LAKESIDE DR HARPERS FERRY, WV	Closed	Nonconforming Use - Change in Owner
	21-31-ZC	6/22/2021	340 RAINBOW LLC - Rob Frogale	3511 BERRYVILLE PIKE CHARLES TOWN, WV	Closed	Change in Owner: Nonconforming Use: Mobile Home Park for four (4) mobile homes
					Category Total:	18
Zoning Map Amendment	21-2-Z	4/8/2021	Jefferson Orchards Inc - MARK RALSTON	Kearneysville Pike Kearneysville, WV	Open	To rezone two vacant parcels from Rural to: Light Industrial: 43.7 acres Residential Growth: 195.2 acres
					Category Total:	1
	21-16-ZV	4/9/2021	Chad and Kimberly McGarrah	711 APPLE CROSS RD HARPERS FERRY, WV	Open	Variance from Section 9.6C to allow accessory structure in the required front yard; and Section 9.7 to reduce the front setback from 25' to 2' for a 10' x 20' accessory structure (shed).
	21-17-ZV	4/16/2021	BEAHM NORMAN A & CHARLOTTE K	382 MISSION RD HARPERS FERRY, WV	Closed	Variance from Appendix A to reduce the minimum lot size from 40,000 sf to 16,800 sf to allow for the creation of a lot to be donated to the Mission Tabernacle Holiness Church for the purpose of creating an overflow parking area.

Zoning Variance	21-18-ZV	4/20/2021	SUTTON FRANCIS N III & LISA M	178 DEVONSHIRE DR CHARLES TOWN, WV	Closed	Variance from Section 5.4B of the Zoning Ord., as amended 07/15/93, to reduce the rear setback from 20' to 10' for a 12' x 16' accessory structure (shed).
	21-19-ZV	4/20/2021	BOUNDS HERMAN JR & ROBIN A	43 KILLIAN LN CHARLES TOWN, WV	Closed	Variance from Section 5.4B of the Zoning Ord., as amended on May 1, 2003, to reduce the rear setback from 20' to 5' for a 12' x 24' in-ground pool.
	21-20-ZV	4/26/2021	WHISNER CANTON E	1491 SHIRLEY RD SUMMIT POINT, WV	Closed	Variance from Section 9.6C to allow an accessory structure (barn) in the required front yard; Section 8.2 to reduce the distance requirement from 50' to 10'; and Appendix A to reduce the front setback from 40' to 10' for a 64' x 40' barn.
	21-21-ZV	4/28/2021	DAVIS RANDOLPH S & MELINDA L	Sydney Cir. Harpers Ferry, WV	Closed	Variance from Section 9.6C to allow an accessory structure in the required front yard; and Section 9.7 to reduce the front setback from 25' to 10' for a 30' x 50' accessory structure.
	21-22-ZV	4/29/2021	Guy Chicchirichi	Augustine Ave. Charles Town, WV	Closed	Variance from Section 8.9A.9 to eliminate the requirement to provide a 60' easement along a limited access highway; Section 8.9A.10 to eliminate the landscape buffer requirement along a limited access highway for a proposed Large Gas Station (Sheetz).
	21-23-ZV	4/30/2021	Stepping Stones Cottages, LLC - Doreen Schaffner	Bower Road Kearneysville, WV	Closed	Variance from Section 9.7 to reduce the side setback from 6' to 2' for a 12' x 16' accessory structure.
	21-24-ZV	4/30/2021	DR Acquisitions LLC - Matt Powell	Vacant Lot West of Charles Town Road, Charles Town, WV	Closed	Variance request from Appendix A to reduce the side setback from 12' to 10' for all single family lots in the proposed King's Crossing subdivision (approximately 175 single family lots).
	21-25-ZV	5/4/2021	PHELPS BOBBI L & TYLER W	109 JOHNS CT CHARLES TOWN, WV	Closed	Variance from Section 9.7 to reduce the side setback from 6' to 1' for a 12' x 32' accessory structure.
	21-26-ZV	6/28/2021	YEAGER BARBARA & THOMAS - BARBARA YEAGER	157 VICTORIA LN CHARLES TOWN, WV	Open	Variance from Section 5.4B of the Zoning Ordinance, as amended on May 1, 2003, to reduce the side setback from 12' to 10' and the rear setback from 20' to 10' for a 38' x 30' in-ground pool.
					Category Total:	11
				Grand Total:	70	



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 July 13, 2021

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

In accordance with Direction from the Office of the Governor, the Department of Engineering, Planning and Zoning Mason Building is open to the public. Masks must be worn at all times, unless you are fully vaccinated, 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) Zoning Map Amendment

- a) 21-2-Z Jefferson Orchards (Miller) Property, two vacant parcels designated as Middleway (07); Tax Map: 3; Parcels: 29 and 25, with a combined parcel size of 238.9 acres were rezoned from Rural to Light Industrial (LI) (43.7 acres) and to Residential Growth (RG) (195.2 acres) by the County Commission on June 3, 2021.

3) Subdivision Regulation/Zoning Ordinance Amendment Update

- b) On hold at this time

4) Upcoming PC meetings

- a) Next Regular meeting: **August 10, 2021**
 - Major Site Plan for the Shepherdstown Sheetz Store 160 (20-10-SP) Public Hearing
 - Public Hearings related to Lifting the Single Family Restrictions
 - Rexroat Wedding Venue Concept Plan (21-6-SP) Public Workshop - tentative