



Advanced Agenda
Jefferson County Planning Commission
Tuesday, January 11, 2022 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****

*Access virtual meeting from desktop, laptop, iPad/tablet, or phone.
You will be prompted to download the software or install the ZOOM app.*

Join Zoom Meeting: <https://us02web.zoom.us/j/83918360844>

Dial by location: 301-715-8592 / Meeting ID: 839 1836 0844

Find your local number: <https://us02web.zoom.us/u/kcdMPp84dC>

1. Election of Planning Commission Officers.
2. Approval of Meeting Minutes: December 14, 2021 and January 4, 2022 Special Called Meeting
3. Request for postponement.
4. **Public Hearing:** Request for a waiver of Section 20.201A.2 to reduce the width of a required access easement from 50' to 40'; and, to allow for the creation of two additional lots on Woodbury Drive to process as a minor subdivision. Property Owner: Sandra Phillips. Property Location: 387 Woodbury Drive, Kearneysville, WV. Parcel ID: 07000800030019; Size: ~27 acres; Zoning District: Rural. File: 21-23-PCW.
5. **Public Hearing:** Final Plat Public Hearing for Aspen Greens Subdivision, Phase IIB for Lots 47 – 85, and Residue. Applicant: Fred Gates, Gates Associated. Property Owner: Maurice Gladhill, Roderick Planes, LLC. Property Location: Aspen Greens Subdivision, residue parcel located off Wintergreen Way. NE of the intersection of Routes 24 (Old Country Club Rd.) & 17 (Flowing Springs Rd.), Charles Town, WV. Parcel ID: 02000400190000; Size: 77.42 acres; Zoning District: Rural. File: 20-1-SD.
6. **Public Hearing:** Final Plat Public Hearing for Beallair Subdivision, Phase 3-Residential, Lots 203-233, 273-275, 283-304, Residue Parcels A & F. Applicant: Piedmont Design Group, LLC. Property Owner: Beallair Homes, LLC. Property Location: Beallair Subdivision, residue parcel located off Beallair Manor Dr. / Claymont Hill St. / Clover Lea Way / Lewis Washington Dr., Charles Town, WV Parcel ID: 040010RESA; Size: +60 acres; Zone: Residential Growth. File: 21-31-SD
7. **Public Hearing:** Preliminary Plat Public Hearing for Milton's Landing Subdivision consisting of 50 single family detached lots to be served by well and septic systems. Property Owner: Lutman Land Development. Property Location: Vacant parcel located 0.3 miles west of the Summit Point Rd (WV13)/ Middleway Pike (WV51) intersection, Charles Town; Parcel ID: 02001100300002; Size: ~65 acre; Zone: Residential Growth. File: 21-22-SD.

8. **Public Hearing:** Waiver from Section 20.203B of the Subdivision Regulations, which requires a Site Plan when the footprint of any addition or a new structure (building and/or parking lot) is greater than 1,200 square feet. The applicant is requesting to waive the requirement of a site plan to convert an existing tennis court into a Brewery. Property Owner: Matt and Laura Knott. Property Location: 408 Allstadt's Hill Road, Harpers Ferry, WV. Parcel ID: 04000900690000; Combined Size: 4.64 ac; Zoning District: Residential-Light Industrial-Commercial. File: 21-24-PCW.

There is no public comment for the following items.

9. **Discussion and Action for a Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial to Residential Growth is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: Arnold Holden. Property Location: NW of Shenandoah Road and Ridge Road, Shenandoah Junction, WV. Tax District: Charles Town (02), Map: 1; Parcels: 29 and 45. Combined acreage: 76.22 acres. Zoning District: Industrial Commercial. File: 21-5-Z.
10. **Discussion and Action for a REVISED Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Village to Residential-Light Industrial-Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: John Morris. Property Location: 16, 30, and 36 Old Leetown Road, Kearneysville, WV. Tax District: Middleway (07), Map: 11; Parcels: 2.1 and 2.2. Combined acreage: 1-acre. Zoning District: Village. File: 21-4-Z.
11. **Discussion and Approval:** Planning and Zoning Quarterly Report for FY 2021-2022 2nd Quarter for the County Commission
12. **Reports from Legal Counsel**
- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
 - b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
 - c. Discussion regarding Comprehensive Plan Amendment and related issues.
13. **Planner's Memo**
14. **President's Report**
15. **Actionable Correspondence**
16. **Non-Actionable Correspondence**
-

Meeting Minutes
Jefferson County Planning Commission
December 14, 2021

The Jefferson County Planning Commission met on December 14, 2021 at 7:00 pm with the following Planning Commission members present in person: Mike Shepp, President; Jack Hefestay, Matt Knott, and Steve Stolipher, County Commission Liaison.

The following members were present via ZOOM: Wade Louthan, Secretary and J. Ware.

The following members were absent with notice: Donnie Fisher, Vice President, Shane Roper, and Ron Thomas.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator (ZOOM); Jonathan Saunders, County Engineer (ZOOM), Nathan Cochran, Assistant Prosecuting Attorney; and Will Rohrbaugh, County's legal representative.

The Planning Commission meeting was held as a hybrid meeting. The ZOOM meeting information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed that a quorum was present. Mr. Shepp stated that Agenda Item #9 would be heard before Agenda Item #6.

1. Approval of the following meeting minutes:

Hearing no objection, Mr. Shepp approved the November 9, 2021 and December 7, 2021 minutes as presented.

2. Request for postponement. None.

3. Public Hearing: Request for a waiver of Section 20.201A.2, to reduce the access width from 50' to approximately 14' for the purpose of creating one additional lot on the existing Hollow Tree Drive. Applicant: Patricia Greenley. Property Owner: Laurice Berry. Property Location: 137 Hollow Tree Drive, Summit Point, WV. Parcel ID: 06019A00010001; Size: 11 acres; Zoning District: Rural. File: 21-20-PCW.

Ms. Brockman provided an overview of her staff report. Ms. Greenley, applicant, stated that she didn't have anything to add to Staff's overview.

Mr. Shepp opened the public hearing.

Mr. Jimmy Palmer, 91 Hollow Tree Drive, spoke in opposition to the request and noted that he thought the public notice sign was not in an appropriate location. Mr. Palmer passed around photos of the property to the Planning Commission members.

No additional members of the public were signed up to speak for this item. Mr. Shepp closed the public hearing.

Ms. Greenley provided a rebuttal stating that the public notice placard had been posted in accordance with posting requirements. She stated that she had spoken with several neighbors who did not object to the request.

Mr. Stolipher made a motion to approve the request as presented. Mr. Hefestay seconded the motion, which carried unanimously.

4. Public Hearing: Request for a waiver of Section 20.201 of the Subdivision Regulations, to process the first five (5) lots (out of the maximum of seven (7) lots) of a Cluster Subdivision as a Minor Subdivision. Property Owner/Applicant: Secatello Contracting LLC; Property Location: 4590 Bowers

Road, Kearneysville, WV. Parcel ID: 07000500020000; Size: 48 ± acres; Zone: Rural. File: 21-21-PCW.

Mr. Shepp recused himself from the meeting for this item, stating he had a conflict of interest. Mr. Shepp vacated the room during discussion of this item.

Mr. Knott presided over the meeting in Mr. Shepp's absence.

Ms. Brockman provided an overview of her staff report. Mr. Paul Raco, applicant's representative, was present to represent the request and provided an overview of the request.

Mr. Knott opened the public hearing. There was no public comment. Mr. Knott closed the public hearing.

Mr. Hefestay motioned to approve the request as presented. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp re-entered the room at 7:22 p.m. and presided over the remainder of the meeting.

5. **Public Hearing:** Request for a waiver of Section 20.201A.2.b of the Subdivision Regulations, to allow Lot 10 to use River Bend Road as an entrance to the lot as it was permitted to do so in 1970. Property Owner/Applicant: H and G Catrow Contracting, LLC; Property Location: Vacant Parcel, Lot 10 Hidden River Farm Subdivision, River Bend Road and Wide Horizon Road, Kearneysville, WV. Parcel ID: 07001300440000; Size: 1.18 acre; Zone: Rural. File: 21-22-PCW.

Ms. Brockman provided an overview of her staff report. Mr. Paul Raco, applicant's representative, was present to represent the request and provided an overview of the request. Mr. Raco noted that access to River Bend Road was previously granted when the lot was originally created in 1970. Mr. Raco noted that River Bend Road is a private (not State) road and that an entrance permit from the Division of Highways would not be required.

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

Mr. Knott motioned to approve the request as presented. Mr. Hefestay made an amendment to the motion to include Staff's recommended condition that Lot 10 will need to participate in any local road maintenance agreement including the cost and expense of maintaining the private road and easement, including snow removal. Mr. Knott accepted the amendment with the addition that the condition applies only if a road maintenance agreement exists. Mr. Stolipher seconded the amended motion, which carried unanimously.

9. **Discussion and Possible Recommendation:** Recommendation to the County Commission regarding the proposed *Envision Jefferson 2035 Comprehensive Plan* (approved 01/14/15) Text Amendment regarding solar facilities in the rural and residential zoning districts. The Public Hearing was held by the Planning Commission on December 7, 2021.

Mr. Cochran asked Ms. Brockman to confirm that a Public Hearing was held on the subject amendment. Ms. Brockman confirmed that a Public Hearing was held on December 7, 2021. Mr. Cochran asked Mr. Knott if he had an opportunity to review the meeting recording since he was not in attendance on December 7, 2021. Mr. Knott verified that he had listened to the recording prior to the [12/14/21] meeting.

Ms. Brockman provided an overview of the changes included in the proposed amendment to the Comprehensive Plan.

Mr. Shepp made the following motion:

“The Planning Commission has reviewed the information that has been presented by the staff and the public during the course of this amendment. The study titled ‘Solar Power: Review of Existing Conditions and Services and Probable Future Changes in Jefferson and Surrounding Counties’, prepared by Potesta & Associates has been especially helpful, and the Commission adopts and finds that the information collected and reviewed reflects many of the existing conditions and probable future changes that may occur in Jefferson County related to the solar power issue.

For the foregoing reasons, in accordance with W.Va. Code §8A-3-11-3-6 and related statutes, I move to:

- approve the proposed text amendment to the Jefferson County *Envision Jefferson 2035 Comprehensive Plan* to clarify that solar facilities are principal permitted uses in the rural and residential zoning districts;
- to direct staff to submit the amendment to the Jefferson County Commission for consideration and potential adoption on January 6, 2022; and
- to authorize the president or his designee to present the Comprehensive Plan Amendment to the Commission on January 6, 2022.”

Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Cochran confirmed that Mr. Ware and Mr. Louthan voted in favor of the motion via ZOOM.

- 6. Discussion and Action for a Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Village to General Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: John Morris. Property Location: 16, 30, and 36 Old Leetown Road, Kearneysville, WV. Tax District: Middleway (07), Map: 11; Parcels: 2.1 and 2.2. Combined acreage: 1-acre. Zoning District: Village. File: 21-4-Z.

Ms. Brockman provided an overview of her staff report, noting that the property contained significant floodplain area on the property and that commercial development was not permitted within the floodplain area. Ms. Brockman stated that Staff did not find the request to be rezoned to General Commercial to be consistent with the Comprehensive Plan but advised that it was the Planning Commission’s role was to make a recommendation to the County Commission.

Mr. Shepp inquired as to whether the property owner was present. The applicant was not present. Mr. Stolipher said that the applicant indicated that the Planning Commission could call him if additional information was required.

Mr. Shepp made a motion that the Planning Commission finds that the request is not compatible with the Comprehensive Plan and requested that the County Commission or applicant consider requesting a different zoning district and return the request to the Planning Commission. Mr. Hefestay seconded the motion, which carried unanimously.

- 7. Discussion and Action:** For the Planning Commission to vote to approve or deny the Milton’s Landing Preliminary Plat Application as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. Property Owner: Lutman Land Development. Property Location: Parcel ID: 02001100300002; Size: ~65 acre; Zone: Residential Growth. File: 21-22-SD.

Ms. Brockman provided an overview of her staff report, noting that there were several outstanding comments that needed to be addressed before the plans could be deemed complete. Mr. Gerhart, applicant's representative, provided an overview of the request, noting that he believed the items could be addressed prior to the Public Hearing. It was noted that the Public Hearing could be postponed if the outstanding comments were not addressed.

Mr. Stolipher motioned to deem the application as complete for the purpose of scheduling a public hearing on January 11, 2022. Mr. Knott seconded the motion, which carried unanimously.

- 8. Planning Commission Budget Discussion:** The Director of Engineering, Planning and Zoning, Roger Goodwin, has to prepare the Department's draft FY2022-2023 Budget by the end of December 2021. This is the opportunity for the Planning Commission to provide input into this budget, including the upcoming update to the Comprehensive Plan, which should be initiated in early 2023. Any budget request needs to include the item, purpose or justification, if it is an item that is needed due to state code (if so, the section of state code), and the budget amount requested.

Mr. Shepp stated that Mr. Knott and Mr. Hefestay agreed to serve on a budget committee with him. Mr. Shepp requested that Staff schedule a meeting with Mr. Goodwin and requested that a copy of the draft budget be sent to the committee. Ms. Brockman stated that the Planning Commission should consider what else may need to be included in the budget since the current budget is primarily for staff, materials and supplies, and legal notice expenditures.

10. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
- c. Report by counsel regarding Comprehensive Plan Amendment and related issues.

Mr. Shepp made a motion to go into executive session for the purpose of receiving legal counsel on Civil Action No. 2021-C-109 and review of a Supreme Court case and a possible proposed settlement, and to receive legal advice on those items. Mr. Stolipher seconded the motion, which carried unanimously (8:14 p.m.).

Mr. Shepp made a motion to come out of executive session at 8:54 p.m. Mr. Hefestay seconded the motion, which carried unanimously.

11. Planner's Memo. None.

12. President's Report. None.

13. Actionable Correspondence. None.

14. Non-Actionable Correspondence. None.

Mr. Hefestay motioned to adjourn the meeting at 8:55 p.m. Mr. Knott seconded the motion, which carried unanimously.

These minutes were prepared by Alexandra Beaulieu, Zoning Administrator.

Meeting Minutes
Jefferson County Planning Commission
January 4, 2022

The Jefferson County Planning Commission met on January 4, 2022 at 7:00 p.m. with the following Commission members present via ZOOM: Mike Shepp, President; Wade Louthan, Secretary; J Ware, Jack Hefestay, Ron Thomas, and Matt Knott.

The following Commission members were absent with notice: Donnie Fisher, Vice President; Steve Stolipher, County Commission Liaison; and Shane Roper.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; and Nathan Cochran, County Attorney.

By order of the President, the Special Called Planning Commission meeting was held virtually via ZOOM. Virtual meeting access information was made available on the agenda, which was posted to the County website.

Ms. Brockman conducted a roll call.

Mr. Shepp confirmed a quorum was present and called the meeting to order at 7:03 p.m.

Mr. Shepp made a motion to go into executive session to receive legal advice on Jefferson County Circuit Court Civil Action No. 2021-C-109. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Knott joined the ZOOM meeting at 7:05 p.m. and stated he would join the executive session using the information provided to him by email.

Mr. Hefestay made a motion to come out of executive session at 8:15 p.m. Mr. Knott seconded the motion, which carried unanimously.

Mr. Hefestay motioned to authorize Mike Shepp to sign all pertinent and necessary documents associated with this legal action. Mr. Louthan seconded the motion, which carried unanimously.


Mr. Hefestay motioned to adjourn the meeting at 8:16 p.m. Mr. Ware seconded the motion, which carried unanimously.

These minutes were prepared by Alexandra Beaulieu, Zoning Administrator.

Staff Report
 Jefferson County Planning Commission Meeting
 January 11, 2022

Phillips Waiver Request (File # 21-23-PCW)

Item # 4: Public Hearing: Request for a waiver of Section 20.201A.2 to reduce the width of the required access easement from 50' to 40'; and, to allow for the creation of two additional lots on Woodbury Drive to process as a minor subdivision.

Owner	Sandra Phillips
Consultant	Mike Roberts, Roberts Land Surveying
Property Location & Information	<p style="text-align: center;">387 Woodbury Drive, Kearneysville, WV Parcel ID: 07000800030019; Size: ~27 acres; Zoning District: Rural</p> 
Adjacent Zoning Districts	<i>North, South, East and West: Rural</i>
Proposed Activity	Creation of two additional lots
Previous Approvals	06/12/74: Woodbury Subdivision Lots 1-15 and Residue recorded in PB 3, PG 40 05/28/76: Woodbury Subdivision, Parcel A & B recorded in PB 3, PG 115 <i>*plat for subject parcel</i> 11/8/77: Woodbury Subdivision Lots 16-30 recorded in PB 4, PG 70

Summary of the Request:

The applicant is proposing to divide the subject parcel into two lots and a residue for a total of three lots as a Minor Subdivision. In order to proceed with the subdivision, the applicant is requesting a waiver from Section 20.201A.2, to waive the required 50' access easement to either a WV DOH road or a road in a major subdivision that meets county roadway design standards, and to allow the use of Woodbury Drive, which is a 40' wide right-of-way.

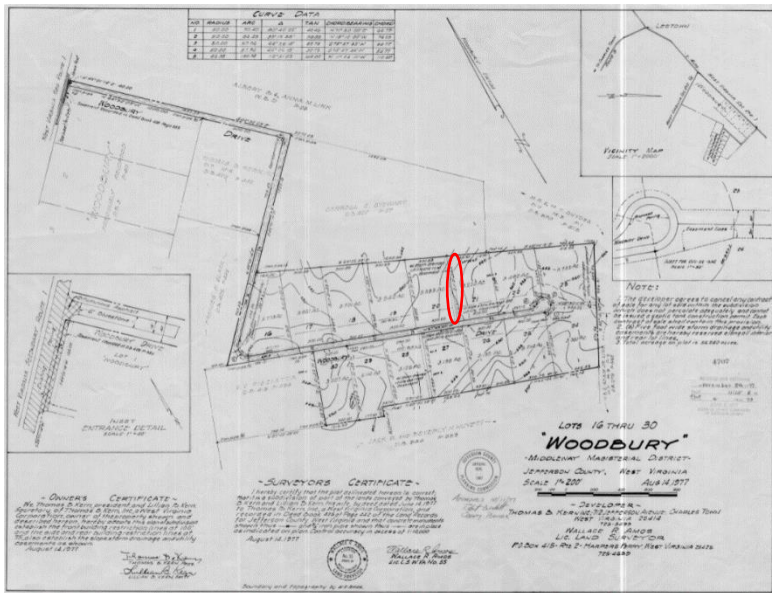
Additionally, the applicant is requesting to process this subdivision as a Minor Subdivision as the proposal results in more than five (5) lots on a 50' access easement.

Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022
Phillips Waiver Request (File # 21-23-PCW)

Relevant Site Information:

The subject parcel (Parcel 13.9) is platted as Parcel A of the Woodbury Subdivision. The plat was recorded on May 28, 1976 in [Plat Book 3, Page 115](#). This division, in addition to other sections of Woodbury Subdivision, were platted prior to October 5, 1988; therefore, according to Section 5.7D.3, Parcel 13.9 still possesses the right to further subdivide.

The subsequent phase of Woodbury Subdivision (below), consisting of Lots 16-30, was recorded on November 8, 1977 in Plat Book 4, Page 70. As part of the creation of this phase of Woodbury Subdivision, a 40' right-of-way (Woodbury Drive) was created, which is the access related to this request. It should be noted that Woodbury Drive does not meet the current county roadway design standards for major subdivisions which would require a 50' right-of-way with a 20' wide bituminous asphalt road. If the road met the county roadway standards, the requested subdivision could proceed as a Minor Subdivision.



Woodbury Drive is maintained via a Road Maintenance agreement shared by all lots in the Woodbury Subdivision, including Parcel 13.9.

When Woodbury, Lots 16 - 30 was created, an additional 40' drainage/utility/access easement was provided to the eastern end of Parcel 13.9 between Lots 20 and 21 that has not been used for access to date and may not be available to this property.

Staff Discussion:

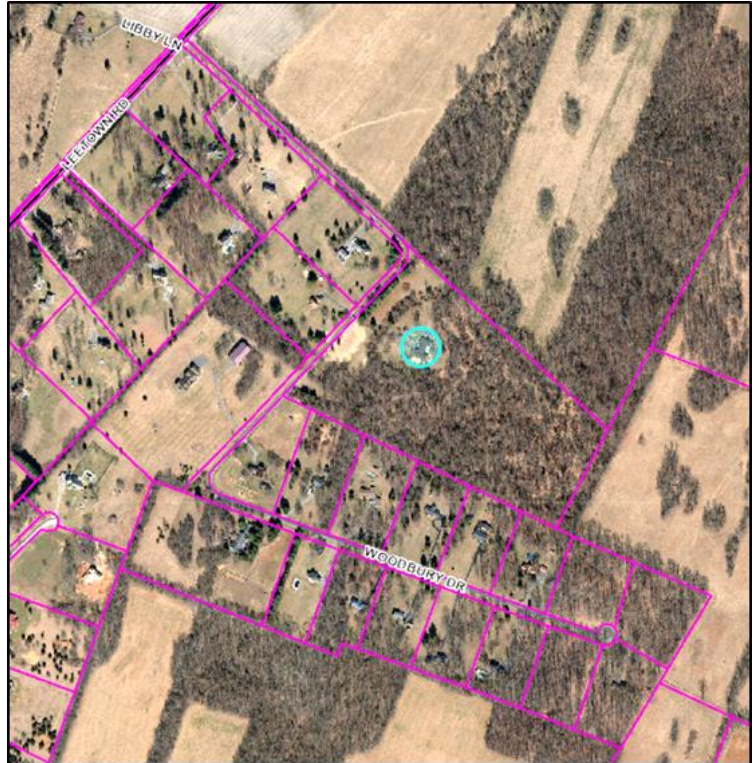
As noted above, it was determined that this parcel has the right to create two lots and a residue parcel (a total of three lots) in accordance with Section 5.7D.3 of the Zoning Ordinance. While Zoning would permit the division to occur, the Subdivision Regulations require each new lot to have access via a 50' access easement to either a WVDOH road right-of-way or a road in a major subdivision that meets county roadway design standards. As it is unlikely that the impacted neighbors would granted a 10' easement over

Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022

Phillips Waiver Request (File # 21-23-PCW)

their property to expand the existing right-of-way, it is not feasible to comply with this requirement; nor is it likely that the road would be brought up to county road standards.

In addition to a request to reduce the required width of an access easement, the applicant is also requesting to allow the proposed subdivision to process as a minor subdivision, as opposed to a major subdivision. A Major Subdivision would necessitate a Concept Plan with a public workshop, a preliminary plat with a public hearing, and a final plat. Provided the applicant receives approval to utilize the existing Woodbury Drive, the only substantial purpose of a major subdivision is to address stormwater management. As the subject parcel is approximately 27 acres, a division of two additional lots would not appear to negatively impact drainage on the site. Note that the applicant will still need to obtain Health Department and WV Division of Highway approvals for the Minor Subdivision.



Staff Recommendation:

It appears reasonable to allow this large lot to subdivide into three lots as a Minor Subdivision on the existing 40' right-of way. Such approval should be conditioned on the requirement that any additional lots should be required to participate in the road maintenance agreement and any other covenants that apply to the current Parcel A.

Sections of Subdivision Regulations under Consideration:

Sec. 20.201 Minor Subdivisions

A. Residential

All minor residential subdivisions shall conform with the following:

1. A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. All lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots to either:
 - a. A WV DOH road right-of-way or easement; or
 - b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)

However, in the Rural District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway

Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022

Phillips Waiver Request (File # 21-23-PCW)

access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet

3. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.

Waiver Requirements:

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

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



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 #: 21-23-PCW
 Mtg Date: 01/11/22
 Date Rec'd: 11/24/21
 Fees Paid: 100.00
 Staff Int: jth
 List of Adjoiners:

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

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: SANDRA PHILLIPS
 Business Name: N/A
 Mailing Address: 387 WOODBURY DRIVE, KEARNEYVILLE, WV 25430
 Phone Number: 304-268-3254 Email: phillips@breecke.com

Applicant Contact Information

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

Consultant Information

Name: MICHAEL ROBERTS
 Business Name: ROBERTS LAND SURVEYING
 Mailing Address: 2068 PRIMER ROW, HODGESVILLE, WV 25427
 Phone Number: 304-671-5406 Email: miker002395@frontier.com

Physical Property Details

Physical Address: 387 WOODBURY DRIVE, KEARNEYVILLE, WV Vacant Lot:
 Tax District: MIDDLEWAY Map No: 8 Parcel No: 3.19
 Parcel Size: 29.93 AC. ~ 27 ac Deed Book: 962 Page No: 649
 Zoning District: RURAL - jth

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

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

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

SECTION ~~20.201B~~ () ADOPTED 10/08; AMENDED PERU
20.201A.2 - jth 9/16

Briefly Describe the Nature of Your Waiver Request:

TO ALLOW USE OF A PREVIOUS RECORDED 40' R/W TO ACCESS PROPOSED LOTS. A 10' R/W REDUCTION TO BE PROVIDED ALONG PROJECT FRONTAGE. (1,644' OF WAIVER DIST)

*To reduce the width of the required access easement from 50' to 40'; and, to allow for the creation of two additional lots on Woodbury Drive to process as a minor subdivision. - jth

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.

PRIVATE RW; NO County MAINTENANCE COST

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

THE EXISTING 40' RW IS IMPROVED BY AN 18' PAVED ROAD SURFACE

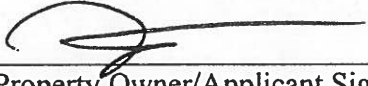
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

THE EXISTING 40' RW WAS ALLOWED FOR County ORDINANCE AT TIME OF ITS RECORDATION.

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

THE OWNER OF THE PROPERTY PROPOSED FOR DEVELOPMENT IS NOT ABLE IMPACT THE EXISTING RW WIDTH FROM HW ROUTE 1 TO THE SUBJECT PROPERTY. WHERE ABLE, THE APPLICANT WILL PROVIDE A 10' RW DEDICATION TO MEET THE 50' Req.

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.


Property Owner/Applicant Signature
AGENT FOR APPLICANT

11/24/21
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.

01/11/21
Public Hearing Date

12/28/21
Date Placard Posted

12/28/21
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___

LEETOWN ROAD - WV ROUTE 1 - 30' R/W

WOODBURY DRIVE - 164' WAIVER REQUEST DISTANCE
40' RIGHT OF WAY - PLAT BOOK 4, PAGE 70

LUCILLE WALTZ
MAP 5, PARCEL 6
D.B. 1234 PG. 478
RESIDENTIAL
ZONING - RURAL

SHERI PETRUCCI
MAP 8, PARCEL 3.20
D.B. 1031 PG. 697
RESIDENTIAL
ZONING - RURAL

JAMES TAYLOR
MAP 58, PARCEL 3.40
D.B. 927 PG. 68
RESIDENTIAL
ZONING - RURAL

TED SINE
MAP 8, PARCEL 3.42
D.B. 999 PG. 596
RESIDENTIAL
ZONING - RURAL

LOT 1
4.802 ACRES

LOT 2
4.837 ACRES

LOT 3 - RESIDUE
17.163 ACRES

BARBARA ROBINSON
MAP 8, PARCEL 3.38
D.B. 974 PG. 125
RESIDENTIAL
ZONING - RURAL

MICHAEL WALLACE
MAP 8, PARCEL 3.21
D.B. 1083 PG. 289
RESIDENTIAL
ZONING - RURAL

MARK LARRICK
MAP 8, PARCEL 3.22
D.B. 976 PG. 503
RESIDENTIAL
ZONING - RURAL

RICHARD MILLS
MAP 8, PARCEL 3.23
D.B. 449 PG. 191
RESIDENTIAL
ZONING - RURAL

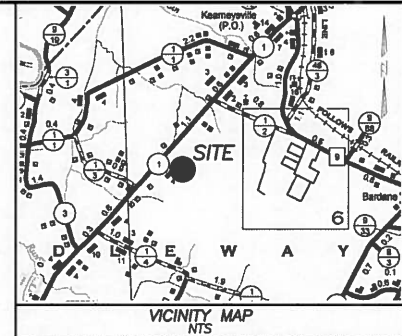
XIAOPEI JIN
MAP 8, PARCEL 3.24
D.B. 929 PG. 186
RESIDENTIAL
ZONING - RURAL

KENNETH STROECH
MAP 8, PARCEL 3.25
D.B. 585 PG. 198
RESIDENTIAL
ZONING - RURAL

WALLACE ECKLES
MAP 9, PARCEL 1
D.B. 519 PG. 67
RESIDENTIAL
ZONING - RURAL

WOODBURY DRIVE - 40' RIGHT OF WAY - PLAT BOOK 4, PAGE 70

40' ROAD EASEMENT
P.B. 4, PG. 70



DATE: 11-22-21
DRAWN: RLW
CHECKED: MSR
SCALE: 1"=200
DWG NO: 21-200
SHEET 1 OF 1

WAIVER REQUEST PLAN
PHILLIPS MINOR SUBDIVISION
PROPERTY OF
SANDRA PHILLIPS
DEED BOOK 962 PAGE 649 ~ TAX MAP 8, PARCEL 3.19
MIDDLEWAY DISTRICT ~ JEFFERSON COUNTY, WV

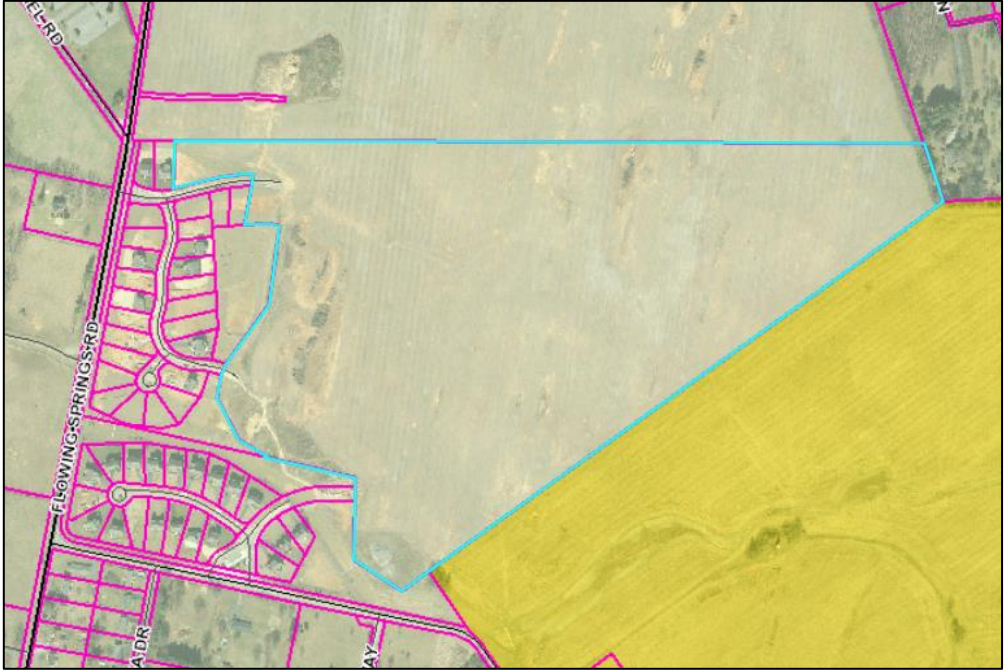
ROBERTS LAND SURVEYING
2068 PALMER ROAD - HEDGESVILLE, WV 25942
304.671.5406 miker002395@frontier.com

(DWG. # 20-200)

Staff Report
 Jefferson County Planning Commission Meeting
 January 11, 2022

Aspen Greens, Phase IIB, Final Plat (File # 20-1-SD)

Item # 5: Final Plat Public Hearing for Aspen Greens Subdivision, Phase IIB for Lots 47 – 85 and Residue.

Owner	Maurice Gladhill, Roderick Planes, LLC
Consultant	Fred Gates, Gates Associated, Inc.
Property Location & Information	<p>Aspen Greens Subdivision, residue parcel located off Wintergreen Way NE of the intersection of Route 24 (Old Country Club Rd.) & Route 17 (Flowing Springs Rd.), Charles Town, WV. Parcel ID: 02000400190000; Size: 77.42 acres; Zoning District: Rural</p> 
Adjacent Zoning Districts	<p style="text-align: center;"><i>North, South, East: and West: Rural</i> <i>Southeast: Residential Growth</i></p>
Proposed Activity	Phase IIB for Lots 47 – 85 and Residue (39 single family lots)
Previous Approvals	
Conditional Use Permit (File #Z02-06)	<p>Approved Official Issuance Signature: 12/20/07 BZA Variance Approved to Extend CUP to: 12/20/10; 7/01/12 Recordation of the Phase 1A Final Plat deems CUP to be “commenced”</p>
Community Impact Statement (CIS)	<p>PC Approval: 03/25/08 Approval and Recordation of the Final Plat for Phase 1A vested the CIS; each subsequent phase must process every 2-years in accordance with Sec. 6.3 of the Subdivision Ordinance (1979) PC Variance Approved to Extend CIS to: 12/31/09; 12/20/10; 07/01/2012; 4/10/15; 12/08/2015; 6/10/20 (the time required to hold a FP PH for the Phase IIB or other next phase)</p>
Preliminary Plat	<p>Staff Approved: 04/10/12 (Phase IA, 20 lots; File #07-15) Staff Approved: 03/16/15 (Phase IIA, 26 lots; File # 14-01) Staff Approved: 11/16/21 (Phase IIB, 39 lots; File # 20-1-SD)</p>

Staff Report
 Jefferson County Planning Commission Meeting
 January 11, 2022

Aspen Greens, Phase IIB, Final Plat (File # 20-1-SD)

Final Plat	PC approved: Phase 1A FP (PC File # 07-15) 6/12/12 (recorded 9/6/12) PC approved: Phase IIA FP (PC File #14-01) 06/09/15 (rec. 8/31/15)
Early Grading Permit	PC Approved: EGP for Phase IIB (see variance 20-2-PCV)
Variances	PV Variances to extend CIS/CUP –see dates above PCV 18-01: PC approved 3/13/18; to reduce the required slope from .5 to .27. 19-1-PCV: PC Approved 04/09/19; to allow 66 lots on a single entrance including Phases IIA and IIB. 20-1-PCV: PC approved 04/14/20; to extend the required FP PH for Phase IIB to 6/10/22. 20-2-PCV: PC approved 06/02/20; Early Grading Permit for Phase IIB.

Background:

Aspen Greens Subdivision is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. Since this Subdivision began processing before the 2008 Subdivision Regulations were adopted, the Subdivision is being reviewed under the 1979 Subdivision Regulations.

Aspen Green will consist of a full build-out of 203 lots (total for all phases). Phase IA, approved and recorded 9/6/12, consists of 20 lots. Phase IIA, approved and recorded 8/31/15, consists of 26 lots. Phase IIB, which is the third phase of Aspen Green Subdivision currently in process, consists of 39 single-family lots.

The Request:

All developments approved under the 1979 Subdivision Regulations are required to have Final Plat approval every two years, which allows the Community Impact Statement (CIS) to remain valid and the development itself to retain its vested rights. The applicant is complying with that time requirement by submitting a Final Plat for approval prior to the expiration date, which was previously extended to June 10, 2022 by the Planning Commission.

If the Final Plat is approved by the Planning Commission, the applicant shall have 90 days from time of approval to bond and record the Final Plat.

The 1979 Subdivision Regulations limits the type of discussion that can occur during the Planning Commission Public Hearing on a Final Plat as follows:

FINAL PLAT PUBLIC HEARING held before the Planning Commission during a regular meeting. New or revised information not previously considered at the Community Impact Evaluation stage is solicited from the public. The Planning Commission, after considering public comment, all previous information and comment, the provisions of this Ordinance, and the provisions of Section 8-24-30 of the West Virginia Code, approves, approves with conditions or disapproves the subdivision proposal and Final Plat.

The Planning Commission shall approve, approve with conditions, or disapprove a subdivision proposal and Final Plat within 60 days from the day the final plat and support material are submitted to the Planning Commission office. Failure to take action within the 60 day period shall result in final plat approval, unless a waiver of the 60 day period is granted to the Planning Commission by the subdivider.

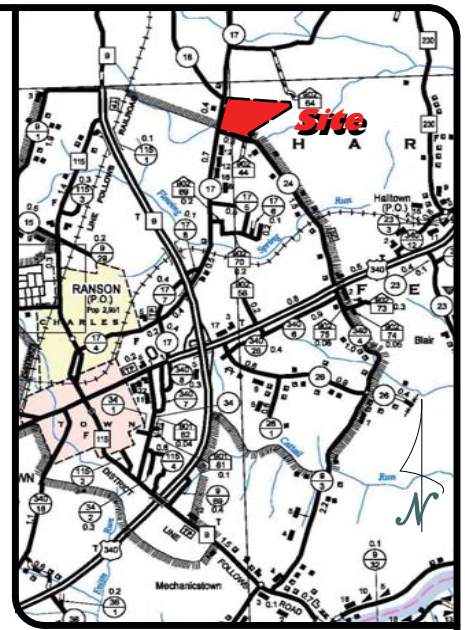
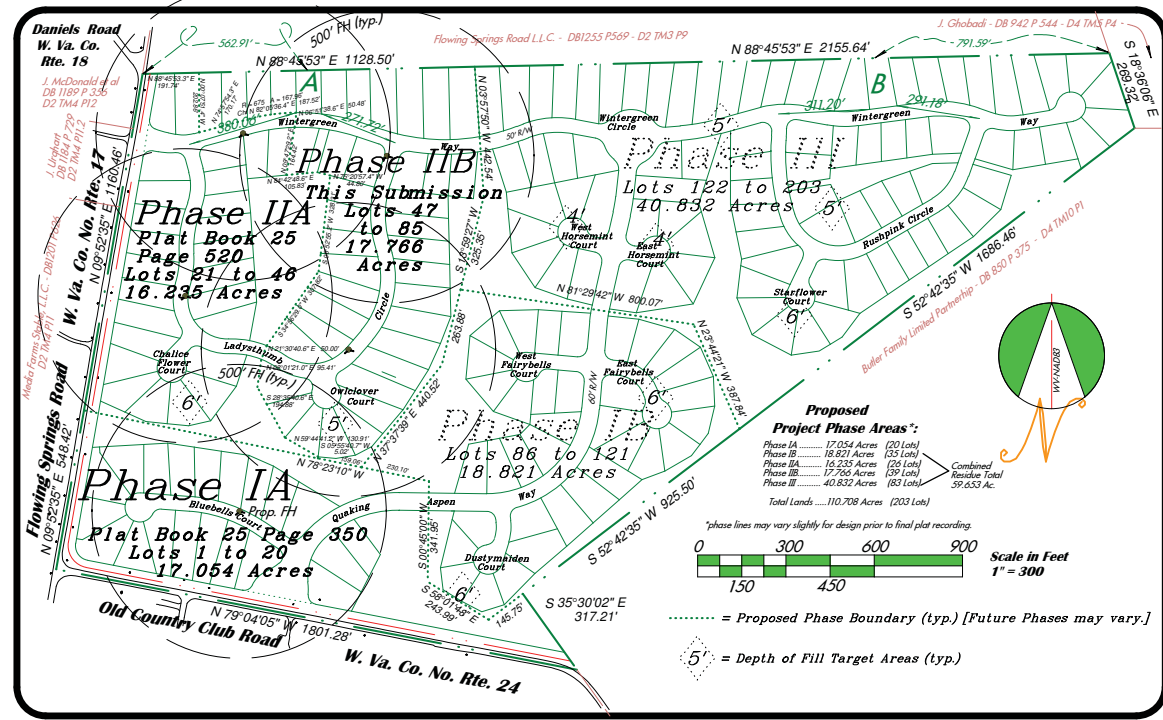
Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022

Aspen Greens, Phase IIB, Final Plat (File # 20-1-SD)

Recommendation

Staff have reviewed the Phase IIB Final Plat and all outstanding comments have been addressed. The Phase IIB Final Plat complies with the approved Community Impact Statement and Preliminary Plat. Staff recommends approval.

Note: Lots bearing letters 'A' & 'B' below shall be re-designed to include 30 foot wide 'Stub Roads' to lands lying directly to the north when included in a phase submission. See Sheet 3, Note 43. This may impact the lot count as can be adjusted in Phase Submissions not to exceed the 203 originally planned. It may also impact the overall areas of dedicated roads and lots in a minor amount from that shown.



Location Map
1" = 5280'

Sheet Index :

- 1 - Title Sheet, Signatures, Phasing Plan, Location
- 2 - Lot Plan @ 100, Boundary Bearings & Distances
- 3 - Site Information Development Notes

Proposed Phase Limits, Sheet Window & Fire Hydrant Coverage

CONDITIONAL USE PERMIT
Approval Date: 20 December 2007

CUP Condition:	How Addressed:
1. Installation of a left turn lane for the proposed entrance to Aspen Greens off of Old Country Club Road (Route 24) unless prohibited by the WVDOT.	Per Larry All, WVDOT, Improvement is not needed at this phase of the development.
2. Installation of a left turn lane for the proposed entrance to Aspen Greens off of Flowing Springs Road (Route 17) unless prohibited by WVDOT.	Per Larry All, WVDOT, Improvement is not needed at this phase of the development.
3. Installation of a left turn lane off of Flowing Springs Road (Route 17) to Daniel Road (Route 18) unless prohibited by WVDOT.	Per Larry All, WVDOT, Improvement is not needed at this phase of the development.
4. Installation of a left turn lane off of Flowing Springs Road (Route 17) to Old Country Club Road (Route 24) unless prohibited by WVDOT.	Per Larry All, WVDOT, Improvement is not needed at this phase of the development.
5. Provide a minimum 8' paved shoulder along Flowing Springs Road (Route 17) and Old Country Club Road (Route 24).	Per Larry All, WVDOT, applicant is requested to reduce shoulder to 4' due to the increased amount of maintenance it would require of DOH.
6. Provide a note on the plat indicating a 50' easement along Flowing Springs Road (Route 17) and Old Country Club Road (Route 24) starting at the centerline of the road for potential location of sidewalks and trails. (Condition amended by BZA 2/16/12)	Sheet 3, Notes 7g, 14 & 43
7. Letter Submission to WVDOT notifying them about the potential growth and ask their thoughts about a traffic light at the intersection of Daniel Road (Route 18) and Flowing Springs Road (Route 17).	Email Acknowledgment provided for JCPC File
8. Any further change in use or expansion processing through the Jefferson County Departments of Planning, Zoning and/or Engineering to update this certificate; and, all other applicable County regulations being followed.	Extension granted; see Sheet 3, Note 44.
9. Revise the plat to show two points of pedestrian and vehicular access that would allow future connections between Aspen Greens Subdivision and the property located to the north of the subdivision. (Condition added by BZA 2/16/12)	See Note above Phasing graphic; see Sheet 3, Note 43.

Preliminary COPY

**Jefferson County
Final Plat Approval**

Final Plat Approved: _____ (Date)

Jennifer M. Brockman, AICP Director
JEFFERSON COUNTY PLANNING & ZONING DEPARTMENT
116 East Washington Street, 2nd Floor (POB # 338)
Charles Town, WV 25414 (Ph. 304-728-3228)
Email - planningdepartment@jeffersoncountywv.org

Seal

Owner/Developer Compliance

Having reviewed these drawings and support documents using due care, including legal or other independent professional review as to all express or implied obligations contained herein, this owner/developer now indicates his agreement to abide by all conditions, terms, and specifications on behalf of the present and future owners, heirs or assigns:

(Date)

Maurice Gladhill, Manager
RODERICK PLANES, L.L.C.
5509 Mount Zion Road
Frederick, MD 21705 (Ph. 800-245-0691)
Email: mgladhill@aol.com

Surveyor's Certificate

This is to certify that I have reviewed the Final Plat sheets listed above and find them acceptable with my responsible charge of the Land Surveying contained.

(Date)

Fred W. Gates, WVPS #559
GATES ASSOCIATED, Inc.
153 Venice Way
Shepherdstown, WV 25443 (Ph. 876-6124)
Email: gatesassociated@aol.com

Seal

Final Plat Phase IIB - Lots 47-85 & Dedicated Areas of Phases IB & III

Aspen Greens

P/O Deed Book 952 Page 565; PB 10 P 106;
Tax District CT-2, Map 4, Parcel 19
Project Owner/Developer: Roderick Planes, L.L.C.
5509 Mount Zion Road; Frederick, MD 21705
(Ph. 800-245-0691)

Situate northeasterly of the intersection and along both Flowing Springs Road (WV Co. Rte. 17) and Old Country Club Road (WV Co. Rte 24) approximately one mile northeasterly of Charles Town, within the Charles Town Magisterial District, in Jefferson County, West Virginia.

Plat:
C10900J
Date:
18 Nov 2021
Scale:
As Shown
Tax Map: 4
Charles Town - 2
Computer Entry: F.G.

Gates Associated Inc.
153 Venice Way (Rte. 45)
Shepherdstown,
West Virginia, 25443
Tel: 1-304-876-6124 Email: gatesassociated@aol.com

Site Information:

1. **OWNERSHIP:** Being the lands of Roderick Planes, L.L.C., a West Virginia limited liability company, by deed dated the 28th September, 2021, and recorded among the Jefferson County, West Virginia, Land Records in DEED BOOK 932 at PAGE 565. These lands are all of Lot 3 RESIDUE LAND shown in Plat Book 10 Page 106; and Part of Charles Town District 2 Tax Map 4 Parcel 19.
2. **PROPOSED PROJECT:** Phase II is 39 detached single-family dwellings (Lot #s 47-85) about 0.40 acre (varies), individual lots served by public water, public sewer and buried utilities. Open Space to have interconnecting hiker-biker trails and play fields. Roadside walks link pedestrians to a unique multifunction entrance that accommodates a school bus off site road pickup, school bus loading staging area for children and parents, limited parent parking, rain shelter, mail access off traffic pickup, as well as landscaping options. The layout design is of a coving plan style for optimum land use. Coordinated tree plantings of hemlock/aspens/redwoods/sassafras trees present theming, roadside tree, asymmetrical clusters.
3. **AREA SCHEDULE TABLE**
- | ASPEN GREENS, Phase II (17.7661 Ac.): | ACRES: | Tract Total |
|--|---------|-------------|
| Street Dedication: HOA | 2.1577 | |
| Meadow (East P/O Phase II)- HOA | 1.1511 | |
| Lots 47- 85 | 14.2336 | |
| Dedicated Future North Access (50' R/W; Cover 'A)- HOA | 0.1737 | |
| Tract Land: Phase II | 17.7661 | |
| Residue (Phases IB & III) | 59.653 | 110.708 Ac. |
| Phase IA (PB 25 P 330) | 17.054 | |
| Phase IIA (PB 25 P 320) | 16.235 | |
4. **SERVING UTILITIES SHALL BE BURIED:** Electric to be provided by Allegheny Power. Public Water served by Jefferson Utilities, Inc. by interconnecting to Walnut Grove with fire flow capacity. Charles Town Utility Board Phase Sewer lines are connecting to the developer-installed Phase IA, 15" gravity sewer line (see CLUS DB 1217-P154), being originally proposed as a cross-country line, and shown hereon as a crossing site easement. On lot wells or septic systems are prohibited.
5. **TOPOGRAPHY** used for design is a July 25, 2021 aerial survey 3D(i).com. North alignment was to True North by 27.198 degrees. The WVAADSS control permitted vertical and horizontal data shown. U.S. Government National Map Accuracy standards indicate aerial rendered vertical contours may vary within half the contour interval shown either + or -. Do not place coordinates by GPS.
6. **CALLING MISS UTILITY @ 1-800-245-4848** shall precede any excavation in public rights-of-way or areas served by underground utilities by five (5) days.
7. **COMMON USE AREA RIGHTS:**
- a. **COMMON POINTS OF LOT ENTRY (CE)** shall be limited to where marked on plan (E = single). Concrete access ramp shall be provided for driveways to diverge at the point. 20" width for CE and 12" width for E shall allow for safe owner access. Homes shall be constructed in mirror direction to allow direct driveway garage access. Homeowner Association shall be responsible for concrete ramps for the street right-of-way and the lot homeowner shall be responsible for their asphalt driveway connecting to each access ramp. Driveway cross slopes from roadside ramps to dwelling envelope shall direct rain runoff water towards side lot property line ditching easements.
- b. **COMMON REAR RAIN GARDEN EASEMENTS** shall be placed where shown in Preliminary Plans to mitigate the risk of impervious sheet flow of two lots. Active maintenance and planting shall be equally shared by lot owners served with either party retaining the right to add water-absorbing herbaceous plantings and trees to facilitate transportation and subsurface infiltration. The Home Owners Association shall also retain the right and obligation to maintain oversight of the active working function, regenerate non-working conditions, and bill the serving owners should that body deem this to be necessary. The act of mitigating lot runoff impact and the aquifer is the goal. Bioretention facilities are a necessary part of the Storm Water Management plans approved for this project. All lots may also consider similar or other means of runoff control mitigation.
- c. **CUL-DE-SAC BIORETENTION EASEMENTS** within each road terminus are shown to control surface water in that area. Plantings here shall be a primary oversight and maintenance of the Homeowners Association. Fronting lots retain the right to engage in added plantings or care with HOA approval. Limited water retention storage shown in the construction plans shall be aided with overflow directed to storm drains.
- d. **REAR LOT BUFFER TREE PLANTING RIGHTS ALONG STATE ROADS** shall be retained by lot owners above and beyond the plantings by the developer for authorized tree types (hemlock/aspens/redwoods/sassafras). Trees need to be planted within a lot's immediately adjacent 25' buffer in asymmetrical random clusters; avoid linear rows. HOA oversight decision shall prevail where questions arise. On-lot plantings are each owner's choice. Other Common Area plantings, other than moat trees, by individual homeowners shall need HOA approval.
- e. **MAINTAINING THE PRIVATE RIGHT-OF-WAYS, BUFFERS AND OPEN SPACE** shall be the sole obligation, cost and expense of the Home Owners Association, being divided equally among the lot owners in the subdivision and paid by the lot owners, heirs, or assigns. The parties hereto state and acknowledge that access roads or access easements are private and their maintenance, including snow removal, is not a public responsibility or the responsibility of Jefferson County. A Common Interest Agreement shall be established to provide for maintenance of commonly owned land. See Declaration LICIOA DB 1189 P 518 & DB 1222 P 351.
- f. **FUTURE DEVELOPMENT COMMON USE RIGHTS** shall mature over other phases of the ASPEN GREENS concept at such point that construction on them is complete. This includes use of all open spaces, paths, and walks once transferred to a properly organized Home Owners Association.
- g. A 50' WIDE BUFFER is hereby dedicated along the northerly and easterly side of both state roadway fronts from the approximate road center perpendicularly distant for 30 feet extending to the back of lots. This land shall be conveyed in fee to the HOA. It is subject to a WVDOT future road widening easement strip 25 feet from centerline (Note 14). The buffer shall be subject to current and future easements for utilities or future pedestrian walks/trails (by others). See Note 'e.' and 43.
- h. **UTILITY REPAIR AND MAINTENANCE ACCESS** shall be provided by HOA and lot owners after alerted of need for the common good of all for the appropriate service providers, including owner restraint of dogs or animals of concern.
8. **LIMITED YARD FENCING:** Yard fencing no further forward than the rear corner of the lot dwelling. Fences shall be visually open; not higher than four feet. A rail fence with welded wire attached for animal yard enclosure is permissible. Blockade fencing is prohibited. Fences shall be placed a minimum of 6" onto lot from boundary lines. Pool fences limited to this acre. Visual privacy shall be limited to plantings. Confirm boundary prior to all construction. Only county fencing ordinance requirements shall be a county-enforcement responsibility. Notify Miss Utility before any digging per Note 6 above.
9. **NO UNLICENSED MOTORIZED VEHICLES** are permissible. Non-motor devices are fine if acceptable to HOA oversight. Always use due care for the mutual health and safety of others.

10. **RESTRICTIVE TITLES & COVENANTS:** No title search nor land title survey ordered or provided by owner. Owner/developer has been apprised of merits of Quiet Title Suit to remove any undisclosed, apparent, unknown or other title issues, including legal counsel determination of all possible residual title search and actions by title company prior to purchase. Intended added covenants beyond those directly or indirectly created herein shall be referred to in the individual lot deeds recorded within the Jefferson County, West Virginia, Land Records, West Virginia International Code, applicable court decisions, and chain of title documents, to which interpretation by legal counsel need apply.
11. **OWNER/DEVELOPER RETAINS THE RIGHT** to create new easements, add utilities, paths, or access use as needed over the phases created and recorded for the benefit of this development.
12. **SITE SOILS - USDA Web Soil Survey NCCS** indicates all site Soil Ratings are "B" having a moderate infiltration rate, being deep soils moderate to well drained, and having a moderate rate of water transmission. Soil Map names include Fallowton, Papilento, Ryder-Planters Complex, and Urban Land Hagerston Complex with slopes predominantly lying in the 10% and lower range.
13. **TRASH REMOVAL** is by Apple Valley Waste (304-267-1280) as lot side pickup. Recyclable materials will be homeowner directed to drop points, including paper drop at Hallifax Paper Mill off Route 230. Recycle metal, electronics & plastics @ JC Leetown Landfill. Mulching & food remnants need be buried and possibly subject to HOA direction if impacting to residents.
14. **EXISTING STATE ROAD EASEMENTS** are 15' from centerline along Flowing Springs Road (WV Rte. 17) and 20' from centerline along Old Country Club Road (WV Rte. 24) per Deed Book 293 Page 200. These EASEMENTS are hereby acknowledged by the owner/developer as widened by dedication to 25' from centerline along both roads. See also plat reference in Note 1 hereon.
15. **MODEL HOMES** without staff shall be permitted throughout this development. Staffed model homes shall be limited to lots located on either side of entry to a new phase. Phase IB Lots 47 and 76 are reserved for Staffed Model Homes. Building permits shall reflect use and model use termination when sold for domestic home ownership.
16. **ONLY ONE SINGLE FAMILY DWELLING** shall be permitted on each lot. No apparent structures exist in this phase.
17. **BUILDING SETBACK LIMITS (BRLs)** shown for these lots served by public water and sewer are 25' Front, 12' Side and 20' Rear. Shown fifty foot square building envelopes shall be used to place primary residences where shown. Only county BRL ordinance requirements shall be a county-enforcement responsibility.
18. **PROPERTY BOUNDARY SURVEYS AND CORNER MONUMENTATION** were established by a network of traverse control having a relative error of closure of 1:7500 or better and are to be set 5" 8" X 30" rods with identification caps (CRIS). Concrete monuments are to be set where shown on Sheet 2. See Note 34. All others are as noted. Corner markers shall be set prior to sale of individual lots.
19. **LOT ACCESS IS LIMITED** to interior subdivision roads. See also Note 7a. Public Road access shall be over interior roads only at entries determined by WV D.O.T. after direct site and plan reviews.
20. **HOMEOWNERS ASSOCIATION (HOA)** shall be formed after 100 lots are sold. Every lot owner shall become a member. Upon formation the HOA shall petition the County Commission to adopt a "teash law". The HOA shall maintain Storm Water Management areas on this plan. Completed phase internal road right-of-ways, greenspace, and buffers shall be dedicated to HOA after 100 lots are sold. See LICIOA DB 1189 P 518 & DB 1222 P 351.
21. **BUILDINGS IN COMMON AREAS** shall be limited to use & maintenance activities deemed necessary by the HOA. Temporary structures shall be replaced, after two years, with brick mull permanent structures consistent with development use, subject to necessary county oversight.
22. **ACCESSORY STRUCTURES** such as decks, pools, sheds, etc. shall need special consideration when placing any house within the building envelopes on these lots. See Note 17. Service line access may require future homeowner cost, if structures exist. Lot limits and county ordinances may also restrict later additions. Confirm options before proceeding.
23. **APPARENT EXISTING EASEMENTS AND RIGHT-OF-WAYS** on this property are shown. Proposed and future easements are also shown herein. See Note 11 above.
24. **EASEMENTS:** A BLANKET EASEMENT shall be given to the appropriate Public Service District within all subdivision right-of-ways & common areas for construction of water and sewer lines and any utilities. UTILITY & DRAINAGE GRADING EASEMENTS 12' WIDE along all front and side lot lines and 20' WIDE along all rear lot lines are now created. Structures, fences or landscaping within these easements are subject to being moved or replaced at all owner expense should an unforeseen necessary access be required. Lot owner use exclusion is not intended. Utilities may serve all other lots. Sewer easements are 10 feet each side of pipe centerline or 20' total.
25. **FEMA FLOOD PLAIN MAP - FIRM Panel 5400645 0035 B** indicates that this land is located in Zone C and does not lie in the 100 year flood plain. No observed across-site water flow has been detected during stronger rain events. No scour channels are visible. On-site sheet flow is being anticipated and directed through the property to recorded grading easements in the current natural watershed outflow. Development runoff to be managed by county required methodology with added on lot bioretention to benefit aquifer restoration and mitigate impacts within phase design. Builders are hereby advised to avoid possible impacts of water flow when grading homes. Karst moisture impacts remains an unpredictable variable. See note 27 & 46.
26. **NATIONAL WETLAND INVENTORY WEBSITE** shows no wetlands are apparent on or adjacent to this site. (See <http://137.227.85/wetland/wetland.htm>)
27. **DWELLING MOISTURE:** Karst Topography during high antecedent moisture conditions (heavy prior ground rain saturation buildup) is a considered home impact that may require a homeowner to seek a certified architectural temporary or permanent remediation that deals with post-construction site-specific conditions. All roof drains and ground slopes must drain runoff away from buildings towards the side or rear lot drainage easements. Off-project surface drainage across ASPEN GREENS does not show a flow or scour channel. Flows through the existing 18" CMP under Flowing Springs Road (Rte. 17) bottom are not active. As mentioned in above Note 25, FEMA FLOOD INSURANCE MAP indicates this project lies in Zone C, indicating "areas of minimal flooding". FEMA maps show this to be true for all watershed land elevated above this site. This is not an owner mapped flood plain. This watershed is 7500 feet to the east approximately. 50 feet below this site per USGS Charles Town Quad Map. No active stream lies within 300 feet of this development.
28. AN HOA BLANKET TRAFFIC SIGHT DISTANCE VISIBILITY CLEARANCE right shall be retained at all intersections. Within all dedicated street right-of-ways, sight obstructions > 2.5 feet in height may be removed to assure safe intersection traffic visibility. Complete Stop Sign steps are mandatory.
29. **CONSTRUCTION EASEMENTS SHOWN** by definition are limited for use during, and for initial construction of, the easement utility. See pertinent documents of record.
30. **CULVERTS ADDED TO THESE PLANS** shall be a minimum of 15 inches in diameter, galvanized, set on a 0.5% slope with rip-rap aprons, if appropriate, having 12" minimum cover, or equal.
31. **WEST VIRGINIA STATE OVERSIGHT APPROVAL PERMIT NUMBERS:**
WVDEP - Reg. # WVRI05696 & WVNPD65 # WV 0115924 (2Jun21)
WVHD - WF # 20,363 & SS # 20,362 (2Jun20)
WVDOT Entry Permit # 05-2015-0093 - Addendum 39 Lots (23Jun20)

32. **ALL POTENTIAL FUTURE LOT OWNERS HAVE A DUTY** to appraise all information within all approval review documents relating to ASPEN GREENS. This includes any and all oversight, legal or other reviews, through County, State, Courts or other. It shall be each lot owner's express obligation to obtain sufficient necessary independent legal or other professional counsel under their own direction and expense to assure their complete understanding prior to purchase. All parties creating this project open and release all reviewed information to potential lot owners with unconditional transparency. Lot purchase shall constitute full notice and acceptance of this duty that might affect their ownership both directly or indirectly, both per se and permanent, of any concerns or issues pertaining thereto, either express or implied. Conditional Use Permit, its inclusions & modifications, pertinent to development processing documentation is specifically included.
33. **CTUB SEWER EASEMENT SHOWN** is recorded where shown on Sheet 3 among the Jefferson County Land Records. The placement of this easement is determined as 10 feet each side of the constructed pipe. An additional 20' temporary construction easement during the period of initial construction is also shown. See Note 29. Agreement between the developer and JCPSD prior to construction by the developer places the manholes at the following coordinates in WV-NAD83 for initial vertical coordination efforts of this work with ASPEN GREENS development plans. Actual construction may vary.
- | | | | | | |
|---------------|----------------|-----------|---------------|----------------|-----------|
| 305661.950600 | 2439392.988000 | PSD MH 54 | 305438.460400 | 2440417.119800 | PSD MH 49 |
| 305647.229900 | 2439477.539300 | PSD MH 53 | 304932.211200 | 2440775.005900 | PSD MH 48 |
| 305589.680900 | 2439808.083800 | PSD MH 52 | 304881.266600 | 2441038.763800 | PSD MH 47 |
| 305679.059800 | 2439887.484400 | PSD MH 51 | 304824.276715 | 2441146.727641 | PSD MH 46 |
| 305628.855800 | 2440104.233400 | PSD MH 50 | | | |
34. **SHOWN CONCRETE MONUMENTS** are intended to be set at the following locations. Coordinate Level (ICL) WV-NAD83 tied to adjusted project datum.
- | | | |
|---------------|----------------|--------------------------------------|
| 306887.857996 | 2440760.692556 | Rear NE Corner Lot 65/Adjacent |
| 306038.842049 | 2440079.458930 | Rear Corner Lots 67-68/Green Space |
| 306867.664389 | 2439924.150236 | Rear NW Corner Lot 76/Adjacent Lands |
35. **SCALING OF PLATS IS AN IMPROPER USE OF WORK - Reprographers** today change printed copy scales unknowingly both by chosen medium, weather, digitization, & copy feed, often disproportionately along severe axes. A paper print will vary measurably with humidity. All survey plot use shall be measured and reconstructed from the math only. Bar scales are showing variable scale on any copy one is using; however, creep across a full sheet will multiply scaling errors. Do not render decisions based on scaling. Seek professional advice for math interpretation. For correct bar scale use, one should divide the decimal inches of bar scale into called feet for the nearest one inch equivalent of feet actually showing, subject to variant points above.
36. **FLAG POLES ON LOTS** within BRLs are encouraged with the understanding that the Stars and Stripes Flag of the USA be flown topmost and of predominant size whenever any flag are exhibited. Hoisting shall be consistent with national flag standards. Flagpole height shall be limited to no more than ten feet above the existing structure and shall comply with any County, State or other oversight. Traditional flag flying days are encouraged. Signage displays or other politically persuasive displays shall first obtain HOA approval.
37. **ENTRANCE ACTIVITY SAFETY** is of primary concern, especially given the variety of events that will transpire. Developer and later HOA oversight shall monitor all usage for optimum public safety, taking reasonably prudent precautions to address all concerns. Although the plans envision the activities shown, actual use and safety may require changes. The County School Bus Personnel shall determine their preferred point of pickup which may change during development child ages, bus student ages, addition of student load roads, driving pickup time limits, maintenance of roads and paint lines, individual student needs, safety issues they observe, and individual bus driver preferences. Owners should be prepared to adjust this facility to permit and optimize only the safest possible use.
38. **BLANKET EASEMENT FOR ALL UTILITIES** shall exist over all Buffers, Open Space, or other common HOA ground. Common lands, by definition, shall be conveyed to the development HOA being used to the common good of individual lot owners, including any and all utilities common, used by part or all lot owners. Additional utility easements within the lot boundaries, other than as previously delineated along all boundaries, shall be permitted so long as costs to that lot are covered and actual work replaces, in kind without lot owner cost, any new construction impacts. This shall include tree replacement (8" Max.) where disturbance results in loss of current owner choice. Utility location or need shall be the sole discretion of either the utility, developer or active HOA. Utilities herein shall be all co-existent activities that are used by all or groups (>2 lots) of lot owners. Utilities shall include SWM and all rainwater drainage activities. See Sheet 2 Symbols as on Plan.
39. **ALL DEVELOPMENT LIGHTING** shall be indirect. No direct bulb offsite visibility to neighbors or passing persons. Sodium, Phosphor or Halogen lights are prohibited. Indirect timed or motion sensitive exterior lighting needs HOA and neighbor consent. All flood lights require direct visibility off property shields. Christmas or Holiday Lighting between December 1st and January 20 in moderate amounts are acceptable. Avoid pulsating holiday lights. Otherwise use only indirect, non-bulb visible, of lower intensity wattage shielded from off-property direct view. HOA decisions by majority vote shall decide issues of concern.
40. **ACTIVITIES OF OFFSITE NEIGHBORS FOR SCHOOL BUSES, MAIL BOX PLACEMENT ACCESS AND STATE ROAD SAFETY** may be changed by preference of authorities that could include activities within this development. Changes may include mail box locations, varying school bus stop use, added crosswalk signage, or markings for best safe use by all.
41. **HOME ALTERATIONS FOR OWNER FAMILY VETERAN OR OTHER DISABILITY ACCESS** shall be exempt from HOA, individual owners, or other oversight design controls or reviews, so long as national standards are met for safe construction and use.
42. **FUTURE CONSTRUCTION WITHIN THE 50' BUFFER** herein may include grading, tree replanting, utility installations or maintenance, walk or trail construction or landscaping, berm redesign, state road widening and possible tree relocation without immediately specific adjacent lot owner permission. Lot owners may continue noninterfering activities indicated herein within said buffer which extends fifty feet from the rear lot line along state roads to their approximate centerline.
43. **REVISION TO WORDING OF CLIP** (See Note 32 above) BY JCBA MEETING OF 16 FEB 2021 are:
As shown on Sheet 3 of this information, the 50' buffer shown along Flowing Springs Road (Route 17) and Old Country Club (Route 24) starting at the centerline of the road for the potential location of sidewalks and trails. (Note 7g this sheet) AND
B) NEW CONDITION #9 - "Revise the plat to show two points of pedestrian and vehicular access that would allow future connections between Aspen Greens Subdivision and the property located to the north of the subdivision." (Sheet 1 Note above Phase Limits Insert border)
44. **VARIANCES APPROVED** by the Jefferson County Planning Commission are listed here as:
- | Section | Date Approved | Description |
|------------------------|---------------|--|
| Art. 3, Sec. 6.3 | 05/18/09 | PC Var. Extend File from 07/06/09 to 12/31/09 |
| Art. 3, Sec. 3.2(g) | 05/18/09 | BZA Var. Extend CLP from 06/20/09 to 12/20/10 |
| Art. 6, Sec. 6.3 | 08/11/09 | PC Var. Extend File from 12/31/09 to 12/20/10 |
| Art. 6, Sec. 6.3 | 11/09/10 | PC Var. Extend CIS from 12/20/10 to 07/01/12 |
| Art. 6, Sec. 6.3 | 11/11/10 | BZA Var. Extend CLP from 12/20/10 to 07/01/12 |
| Art. 6, Sec. 6.3 | 6/10/14 | PC Var. 10 Mo. Extend phase Final Plat from 4/12/14 to 4/12/15 |
| Art. 6, Sec. 6.3 | 3/10/15 | PC Var. 8 Mo. Extend phase Final Plat from 4/12/15 to 12/08/15 |
| Art. 6, Sec. 6.3 | 07/11/11 | PC Var. Extend CIS from 6/9/17 to 6/10/20 |
| Art. 6, Sec. 8.2(a)(2) | 04/05/19 | PC Var. Min. 50' Lot Loop Road Completion after Phase III completion |
| Art. 6, Sec. 6.3 | 04/14/20 | PC Var. Extend phase Final Plat from 6/10/20 to 6/10/22 |
| Art. 8, Sec. 8.2.c | 6/02/20 | PC Var. Permit Early Grading prior to Final Plat approval. |

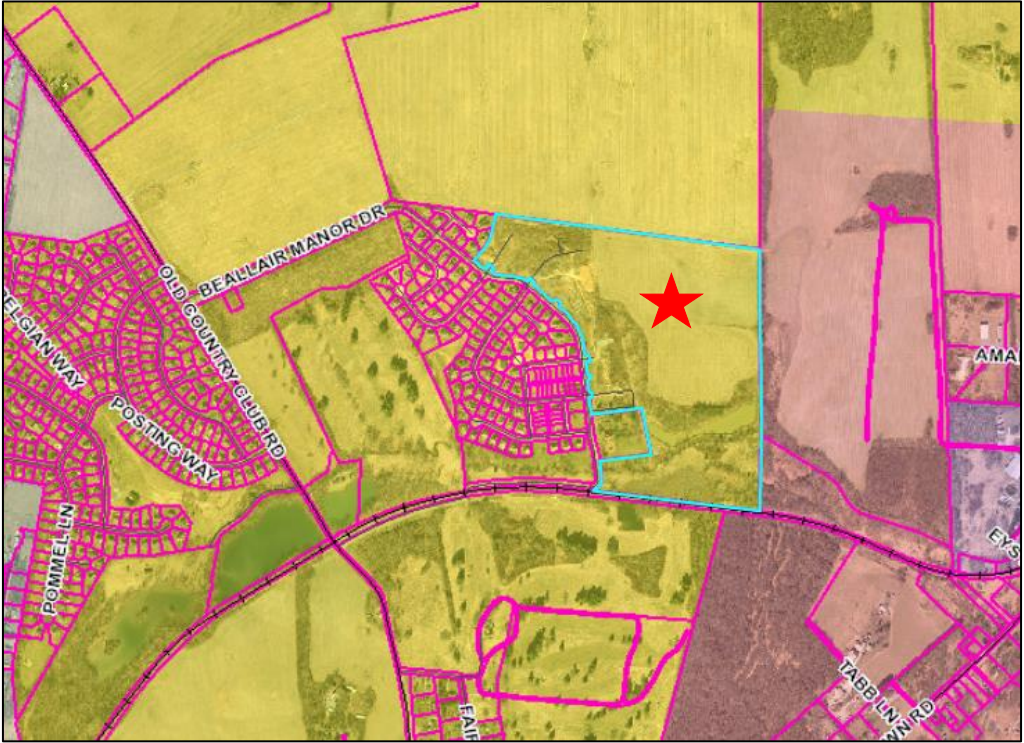
Plat:
C10900J
Date:
18 Nov. 2021
Scale:
As Shown
Tax Map:
2
Charles Town - 4
Computer Entry: F.G.

Gates Associated, Inc.
153 Venice Way (Rte. 45)
Shepherdstown,
West Virginia, 25443
Tel: 1-304-676-6124 Email: gatesassociated@pool.com

Staff Report
 Jefferson County Planning Commission Meeting
 January 11, 2022

Beallair Phase 3-Residential Final Plat (PC File#21-31-SD)

Item #6: Final Plat Public Hearing for the Beallair Subdivision, Phase 3-Residential, Lots 203-233, 273-275, 283-304, Residue Parcels A & F

Owner:	Beallair Homes, LLC.
Applicant:	Piedmont Design Group, Mike Wiley
Property Location:	East of Beallair Manor Dr. Residue A
Legal Description And Zoning:	<p>Beallair Subdivision, residue parcel located off Beallair Manor Dr. / Claymont Hill St. / Clover Lea Way / Lewis Washington Dr., Charles Town, WV Parcel ID: 040010RESA; Size: +60 acres; Zone: Residential Growth</p> 
Adjacent Zoning Districts	<p>North, South, West,: Residential Growth East: Residential-Light Industrial-Commercial</p>
Lot Area:	69.3 Acres
Proposed Density:	Lots 203-233, 273-275, 283-304, Residue Parcels A & F
Development History	<p><u>Community of Beallair Subdivision (PC Files 02-36, 05-41, 08-21, 19-16-SD)</u> <i>Note: This project fell under the 2010 SB 595 (WV State Code), which allowed an extension of the entire project. Further extensions relating to SB595 were approved as follows: 07/13/10 (PC), 06/21/12 (CC), 08/08/14 (CC), and 03/13/17 (CC).</i> <u>Planning Commission Approvals:</u> 04/05/21: Beallair Phase 4A Final Plat (PC File 19-16-SD) recorded in PB26/PG216 11/19/21: Redline revision to preliminary plat (PC File #08-21) to convert Lots 283-304 from townhome lots to detached single family lots.</p>

Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022

Beallair Phase 3-Residential Final Plat (PC File#21-31-SD)

	<p>06/02/20: PC approved a variance to extend the 2-year deadline to hold a final plat public hearing to 07/01/22</p> <p>10/27/09: Phase 3-Commerical Final Plat (PC File #08-21) approved, 1 commercial lot & 1 residue lot.</p> <p>09/14/09: Phase 3 Preliminary Plat (PC File #08-21) approved.</p> <p>07/28/09: PC approved a variance to extend the 2-year deadline to hold a Final Plat public hearing to 12/31/09</p> <p>08/26/08 PC approved a variance to extend the 2-year deadline to hold a Final Plat public hearing to 08/26/09.</p> <p>10/24/06: Phase 2 Final Plat (PC File #05-41) approved, 84 lots and a residue.</p> <p>09/12/06: PC approved a variance to extend the 2-year deadline to hold a final plat public hearing to 09/12/07.</p> <p>09/08/06: Phase 2 Preliminary Plat (PC File #05-41) approved.</p> <p>09/14/04: Phase 1 Final Plat (PC File # 02-36) approved, 49 lots and 5 residues.</p> <p>07/16/04: Preliminary Plat, Phase I (PC File #02-36) approved.</p> <p>02/23/04: PC variances approved:</p> <ul style="list-style-type: none">○ Min. finished road width from 24' to 15' for rear access drives;○ No curbs included with the rear access drives;○ No sidewalks on the one-way rear access drives;○ A 3' reduction from the back of the curb to 2.5' from the edge of the pavement;○ No buffer screening between common areas and adjoining properties with single family detached residences. <p>03/25/03: PC variances approved:</p> <ul style="list-style-type: none">○ Min. width of finished road reduced from 20' to 15' for one-way rear access drives w/ no shoulders;○ No curb & gutter to be places in alleys;○ No curb & gutter in the one-way rear access drives;○ To install an inverted crown to act as drainage conveyance in one-way rear access drives;○ Be allowed to have 2 spaces on-site parking side-by-side on the double wide driveway;○ Reduction of ROW width from 50' to 44' in the main road passing through the TND villa areas; and,○ Reduction of ROW from 50' to 20' for one-way rear access drives serving the garage areas. <p>11/26/02: CIS approved by the PC.</p> <p><u>BZA approved the following variances:</u></p> <p>07/19/12: reduce the rear setback from 20' to 17' for the construction of a 12' x 16' screened porch. (ZV12-24).</p> <p>07/24/14: reduce the rear setback from 20' to 3' to construct a deck.</p> <p>04/28/16: reduce the rear setback from 20' to 10' to construct a deck (ZV16-09).</p> <p>07/28/16: reduce rear setback from 20' to 12' for Lots 112, 127, and 128 (ZV16-12).</p> <p>07/28/16: allow a staffed model home on Lot 111 (ZV16-13).</p>
--	--

Staff Report
 Jefferson County Planning Commission Meeting
 January 11, 2022

Beallair Phase 3-Residential Final Plat (PC File#21-31-SD)

	<p>10/27/16: allow a staffed model townhome on Lot 51 (ZV16-21)</p> <p>03/23/17: allow a staffed model townhome on Lots 50-67 (ZV17-02)</p> <p>09/28/17: reduce front setback from 25' to 10' along Clover Lea Way for Lots 50-67 (ZV17-14).</p> <p>09/28/17: reduce the front setback from 25' to 10' along the South boundary for Lots 283 through 289; to reduce the front setback from 25' to 10' along the East boundary for Lot 283; to reduce the front setback from 25' to 10' along the North boundary for Lots 290 through 296; to reduce the front setback from 25' to 10' along the East boundary for Lot 296; to reduce the front setback distance from 25' to 10' along the S. boundary for Lots 297 through 304; and to reduce the front setback distance from 25' to 18' along the East boundary for Lot 297 (ZV17-15)</p> <p>09/27/18: reduce rear setback from 20' to 18' to allow the inadvertent encroachment of a home under construction on Phase 2 Lot 125. (ZV18-14)</p> <p>01/23/20: reduce the front setback from 25' to 20'; the side setback from 12' to 10' rear setback from 20' to 15' for Phase 4A Lots 134-159 (19-33-ZV).</p>
--	---

Background

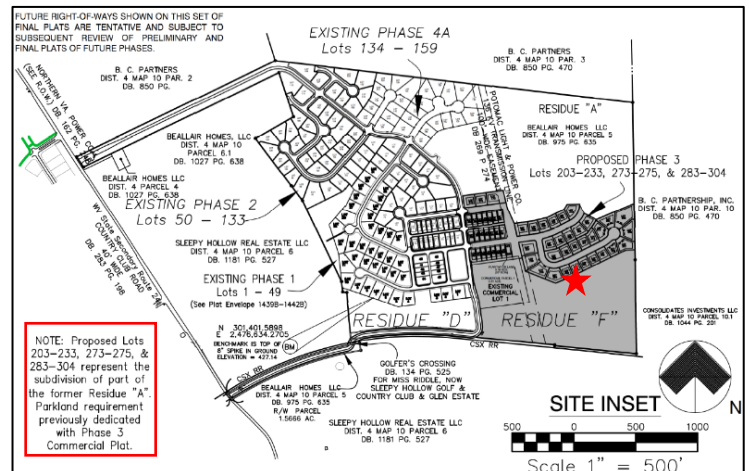
The Community of Beallair Subdivision is located on Old Country Club Road, north of the railroad tracks. The Community Impact Statement (CIS) for this development was approved for a total of 254 detached single family lots and 54 attached single family lots on 125 acres. A recent redline revision to the Phase 3 Preliminary Plat (PC File: 08-21) converted Lots 283-304 from attached single family lots (townhome units) to detached single family small lots. These lots are a part of this Final Plat.

Phases 1, 2, a portion of 3 (Commercial), and 4A have been already been approved and recorded. The Phase under review for this meeting is a further division of Residue A, which is the remaining residential area of Phase 3. This portion of Phase 3 (Residential) is currently under review and is requesting Planning Commission approval of the Final Plat.

Subsequent phases will eventually be processed to complete the balance of the development.

The Request:

Since this subdivision began processing before the 2008 Subdivision Regulations were adopted, this Subdivision is governed by the 1979 Subdivision Ordinance. All developments approved under the 1979 Subdivision Regulations are required to have Final Plat approval every 2 years, which allows the Community Impact Statement (CIS) to remain valid and the development itself to retain its vested rights. The applicant is complying with that time requirement by submitting a Final Plat for approval prior to the expiration date of 7/1/22. The next Final Plat is required to have a Public Hearing within 2 years of the date of this Phase's approval.



Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022

Beallair Phase 3-Residential Final Plat (PC File#21-31-SD)

The 1979 Subdivision Regulations limits the type of discussion that can occur during the Planning Commission Public Hearing on a Final Plat as follows:

FINAL PLAT PUBLIC HEARING held before the Planning Commission during a regular meeting. New or revised information not previously considered at the Community Impact Evaluation stage is solicited from the public. The Planning Commission, after considering public comment, all previous information and comment, the provisions of this Ordinance, and the provisions of Section 8-24-30 of the West Virginia Code, approves, approves with conditions or disapproves the subdivision proposal and Final Plat.

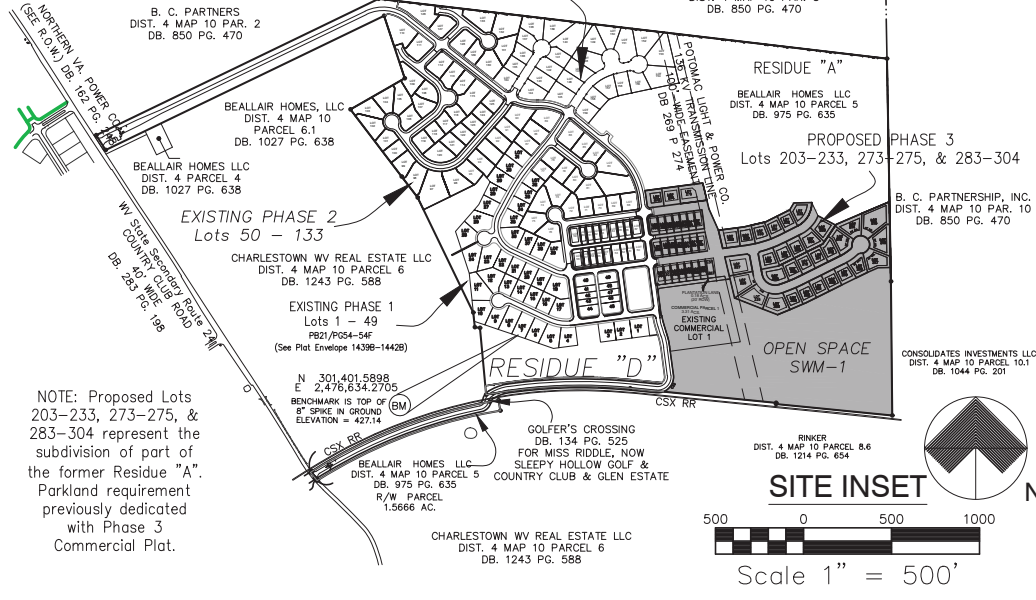
The Planning Commission shall approve, approve with conditions, or disapprove a subdivision proposal and Final Plat within 60 days from the day the final plat and support material are submitted to the Planning Commission office. Failure to take action within the 60 day period shall result in final plat approval, unless a waiver of the 60 day period is granted to the Planning Commission by the subdivider.

If the Final Plat is approved by the Planning Commission, the applicant shall have 90 days from time of approval to bond and record the Final Plat.

Recommendation:

The Beallair Phase 3-Residential Final Plat has been reviewed by staff and a few minor comments are still outstanding which need to be addressed before it can be signed and recorded. The Final Plat complies with the approved Community Impact Statement and Preliminary Plat. Staff recommends approval with the condition that all comments be addressed in a timely manner.

FUTURE RIGHT-OF-WAYS SHOWN ON THIS SET OF FINAL PLATS ARE TENTATIVE AND SUBJECT TO SUBSEQUENT REVIEW OF PRELIMINARY AND FINAL PLATS OF FUTURE PHASES.



NOTE: Proposed Lots 203-233, 273-275, & 283-304 represent the subdivision of part of the former Residue "A". Parkland requirement previously dedicated with Phase 3 Commercial Plat.

OWNER/DEVELOPER:
BEALLAIR HOMES, LLC
5285 CORPORATE DRIVE, SUITE 300
FREDERICK, MARYLAND 21703
301-695-6614

OWNER/DEVELOPER'S STATEMENT OF ACCEPTANCE

THE OWNER AND DEVELOPER, BY SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.

EDWARD E. WORMALD
MANAGING PARTNER
BEALLAIR HOMES, LLC

DATE _____

CONDITIONS:

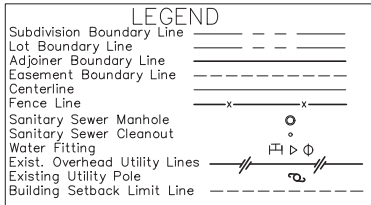
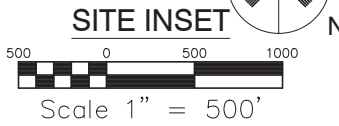
- EACH PARCEL SHOWN ON THIS PLAT SHALL BE RESTRICTED TO A SINGLE-FAMILY RESIDENCE, ONLY, UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION IN CONFORMANCE WITH THE PREVAILING COUNTY LAND DEVELOPMENT LAWS. ALL LOTS WITHIN THIS SUBDIVISION ARE PROHIBITED FROM CONSTRUCTING PRIVATE ON-SITE SEWAGE DISPOSAL (SEPTIC SYSTEMS) AND PRIVATE ON-SITE WELLS.
- TYPICALLY, SINGLE FAMILY DETACHED BUILDING SETBACKS ARE 25' FRONT, 20' REAR AND 12' SIDE. EXCEPTIONS TO THE 25' FRONT SETBACKS ARE: LOTS 214 (32'), 215 (42'), 216 (26'), AND 217 (35').
- TYPICALLY, DETACHED SMALL LOT BUILDING SETBACKS (283-304) ARE 10' FRONT, 5' SIDE AND 20' REAR. SEE JEFFERSON COUNTY ZONING ORDINANCE ART. 9 FOR OTHER SETBACK EXCEPTIONS.
- ALL INTERNAL SUBDIVISION ROADS, STORMWATER MANAGEMENT PARCELS, PARKS AND GREENSPACE PARCELS TO BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION (HOA). HOA MEMBERSHIP IS REQUIRED. HOA MUST BE ESTABLISHED AS SOON AS 50% OF THE LOTS ARE SOLD. THE HOA IS ALSO RESPONSIBLE FOR MAINTENANCE OF LANDSCAPE PLACEMENTS.
- UPON ESTABLISHMENT OF THE HOA, THE JEFFERSON COUNTY COMMISSION SHALL BE PETITIONED BY THE HOA TO ADOPT AN ANIMAL LEASH LAW.
- THE DEVELOPED LOTS OF THIS PROJECT ARE NOT IN A 100-YR FLOOD PLAIN PER FIRM MAP 540065 0035C DATED 2 AUG. 1993. LOTS ARE IN ZONE C ON SAID MAP. OPEN SPACE SWM-1 IS LOCATED WITHIN THE 100YR FLOODPLAIN. FEMA 100-YR FLOOD PLAIN IS AS DELINEATED ON THIS PLAT.
- LOT DRIVEWAYS TO BE CONSTRUCTED PER JEFFERSON COUNTY DETAIL R-31.
- ALL PERMANENT LOT CORNER MARKERS (UNLESS SUSCEPTIBLE TO DESTRUCTION BY SUBDIVISION IMPROVEMENTS GRADING) AND PERMANENT MONUMENTS SHALL BE IN PLACE PRIOR TO THE CONVEYANCE OF INDIVIDUAL LOTS. ALL OTHER LOT CORNER MARKERS SHALL BE IN PLACE PRIOR TO THE FINAL RELEASE OF THE CONSTRUCTION BOND. LOT CORNERS WILL CONSIST OF 30" LONG X 3/4" DIAMETER SECTIONS OF STEEL ROD SUITABLE FOR MAGNETIC DETECTION. CERTIFICATION OF SUCH SHALL BE LONG BY 8 PROVIDED BY A WEST VIRGINIA LICENSED LAND SURVEYOR.
- A BLANKET EASEMENT SHALL BE GIVEN TO THE APPROPRIATE UTILITY COMPANIES IN ALL SUBDIVISION RIGHT-OF-WAYS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING PUBLIC UTILITIES. ADDITIONALLY, EACH LOT IN PHASE 3 SHALL HAVE A 10'-WIDE DRAINAGE AND UTILITY EASEMENT ALONG ALL LOT LINES.
- STAFFED MODEL HOME/SALES OFFICE TO BE PLACED ON LOT #273, #289, #290 OR #304 (LIMITED TO 1 AT ANY GIVEN TIME).
- WVDOH HIGHWAY ENTRANCE PERMIT 5-06-0517; WATER & SEWER WVOEHL HEALTH DEPARTMENT PERMIT 15,996; WV NPDES PERMIT #WV00115924 - #WV104140-1.
- LOT ACCESS IS LIMITED TO INTERIOR SUBDIVISION ROADS ONLY.
- MINIMUM LOT AREA (MLA) AND AREA PER DWELLING UNIT (ADU) REQUIREMENTS OF THE JEFFERSON COUNTY ZONING AND DEVELOPMENT REVIEW ORDINANCE HAVE BEEN ADHERED TO BY THIS SUBDIVISION PLAN. SEE SHEET 2 FOR COMPUTATION.
- DRIVEWAY CULVERTS ARE NOT REQUIRED FOR ANY PROPOSED PHASE 3 RESIDENTIAL LOTS

THE FOLLOWING VARIANCES AND OR REQUESTS HAVE BEEN APPROVED BY THE JEFFERSON COUNTY PLANNING AND ZONING COMMISSION. SEE JCPZC SUBDIVISION FILE FOR SPECIFIC VARIANCE REQUEST DETAILS.

SECTION	DESCRIPTION	DATE APPROVED
8.2.A.5	RIGHT-OF-WAY WIDTH	3-25-2003
8.2.A.7	PAVEMENT WIDTH	3-25-2003
8.2.A.11	INVERTED CROWN ON ONE-WAY DRIVES	3-25-2003
8.2.B.1	CURB AND GUTTER	3-25-2003
8.2.B.4	GUTTERS	3-25-2003
8.2.C.7.B	ON-SITE PARKING SPACES	3-25-2003
8.3.C.1.A	FINISHED ROAD WIDTH OF REAR ACCESS DRIVES SHALL BE 15'	3-23-2004
8.3.C.1.B	NO CURBS WILL BE PROVIDED ALONG REAR ACCESS DRIVES	3-23-2004
8.3.C.1.C	NO SIDEWALKS WILL BE PROVIDED ON THE ONE-WAY REAR ACCESS DRIVES.	3-23-2004
8.3.C.1.D	RIGHT-OF-WAY FOR REAR ALLEY FRONTAGE WHERE THERE ARE NO SIDEWALKS REQUIRED, WILL BE LOCATED 2.5' FROM THE EDGE OF PAVEMENT	3-23-2004
8.3.C.5.A	NO BUFFER SCREENING WILL BE PROVIDED BETWEEN COMMON AREAS AND ADJOINING PROPERTIES WITH SINGLE-FAMILY DETACHED RESIDENCES	3-23-2004
6.3	12-MONTH EXTENSION OF TIME TO PROCESS FINAL PLAT	9-12-2006
6.3	12-MONTH EXTENSION OF TIME TO PROCESS FINAL PLAT	8-26-2009

BZA APPROVED THE FOLLOWING VARIANCES:

- 07-19-12: REDUCE THE REAR SETBACK FROM 20' TO 17' FOR THE CONSTRUCTION OF A 12' X 16' SCREENED PORCH. (ZV12-24).
- 07-24-14: REDUCE THE REAR SETBACK FROM 20' TO 3' TO CONSTRUCT A DECK. 04-28-18: REDUCE THE REAR SETBACK FROM 20' TO 10' TO CONSTRUCT A DECK. (ZV16-09).
- 07-28-16: REDUCE REAR SETBACK FROM 20' TO 12' FOR LOTS 112, 127, AND 128 (ZV16-12).
- 07-28-16: ALLOW A STAFFED MODEL HOME ON LOT 111 (ZV16-13).
- 10/27/16: ALLOW A STAFFED MODEL TOWNHOME ON LOT 51 (ZV16-21).
- 03/23/17: ALLOW A STAFFED MODEL TOWNHOME ON LOTS 50-67 (ZV17-02) 09/28/17: REDUCE FRONT SETBACK FROM 25' TO 10' ALONG CLOVER LEA WAY FOR LOTS 50-67. (ZV17-14).
- 09/28/17: REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE SOUTHERN BOUNDARY FOR LOTS 283 THROUGH 289; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE EASTERN BOUNDARY FOR LOT 283; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE NORTHERN BOUNDARY FOR LOTS 290 THROUGH 296; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE EASTERN BOUNDARY FOR LOT 296; TO REDUCE THE FRONT SETBACK DISTANCE FROM 25' TO 10' ALONG THE SOUTHERN BOUNDARY FOR LOTS 297 THROUGH 304; AND TO REDUCE THE FRONT SETBACK DISTANCE FROM 25' TO 18' ALONG THE EASTERN BOUNDARY FOR LOT 297. (ZV17-15)
- 09/27/18: REDUCE REAR SETBACK FROM 20' TO 18' TO ALLOW THE INADVERTENT ENCROACHMENT OF A HOME UNDER CONSTRUCTION ON PHASE 2 LOT 125. (ZV18-14)
- 04/25/19: ALLOW STAFFED MODEL HOME ON LOT 68, PHASE II. (19-7-ZV)
- 05/23/19: REDUCE FRONT SETBACK FROM 25' TO 20'; SIDE SETBACK FROM 12' TO 10'; AND THE REAR SETBACK FROM 20' TO 15' FOR LOTS 66-72, 78, 106-108, 118, 121-124, AND 129. (19-10-ZV)
- 01/23/20: REDUCE THE FRONT SETBACK FROM 25' TO 20'; THE SIDE SETBACK FROM 12' TO 10'; AND THE REAR SETBACK FROM 20' TO 15' FOR PHASE 4A, LOTS 134-159. (19-33-ZV).



SURVEYOR:
MICHAEL T. WILEY, PE, PS
WV PROFESSIONAL SURVEYOR NO. 1044
FOR BEALLAIR HOMES, LLC 5283 CORPORATE DRIVE, SUITE 300 FREDERICK, MARYLAND 21703
301-695-6614

SURVEYOR'S CERTIFICATION

I, MICHAEL T. WILEY, A WEST VIRGINIA PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS SEALED PLAN IS ACCURATE, COMPLETE AND REASONABLY MEETS OR EXCEEDS MINIMUM ACCEPTABLE SURVEYING STANDARDS AND THOSE STATE AND/OR COUNTY CODE PROVISIONS APPLICABLE ON THIS DATE. THIS SUBDIVISION COMPLIES WITH THE JEFFERSON COUNTY SUBDIVISION REGULATIONS, SECTION 8.1.B.6 FOR CLOSURE WITHIN 1:7500.

MICHAEL T. WILEY, PE, PS
WV SURVEYOR NO. 1044
FOR BEALLAIR HOMES, LLC
WV COA 9-5636

DATE _____

JEFFERSON COUNTY PLANNING COMMISSION

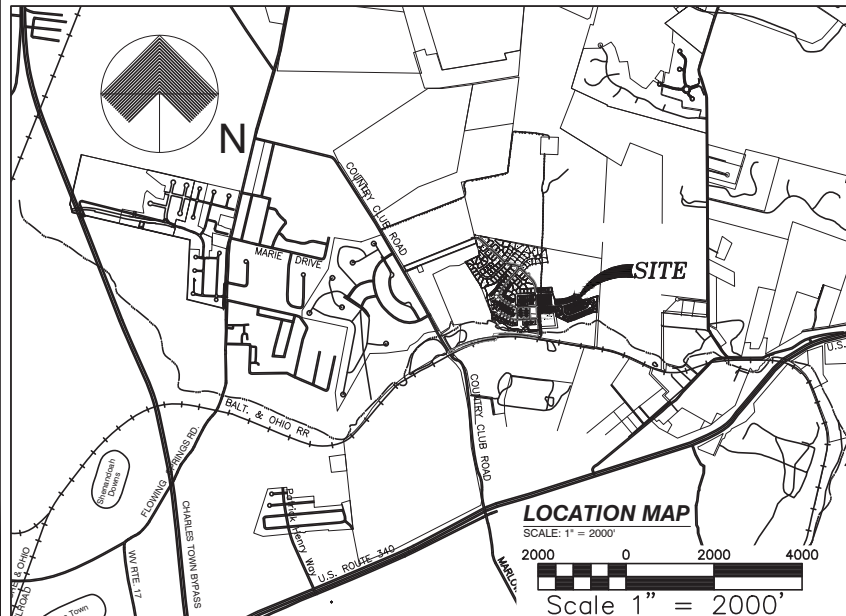
BY _____ DATE _____

SHEET INDEX

COVER	SHEET 1 OF 5
MLA / ADU COMPUTATIONS and MISC. ESMTS	SHEET 2 OF 5
LOTS	SHEET 3 OF 5
RESIDUE A	SHEET 4 OF 5
OPEN SPACE SWM-1	SHEET 5 OF 5

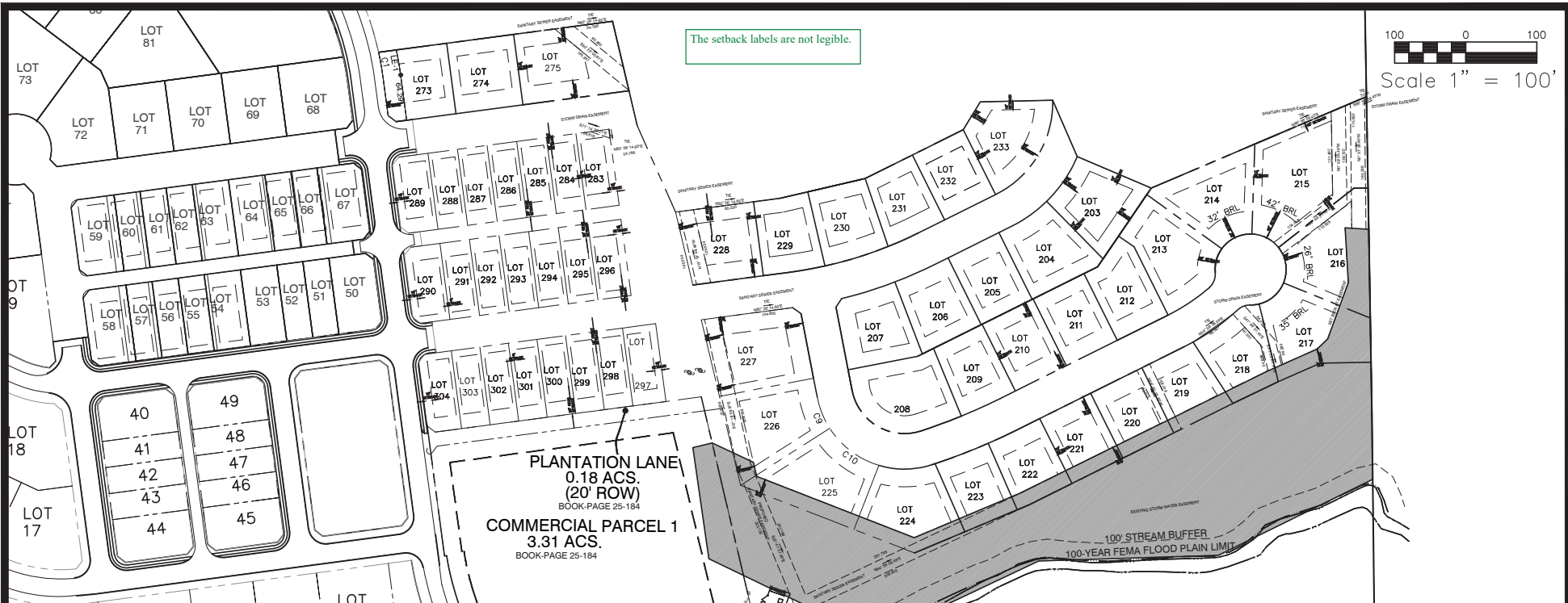
REVISIONS

DATE	DESCRIPTION
------	-------------



Plotted: Dec 29, 2021 at 12:39pm
G:\Work\BEALLAIR\Beallair_Phase_3_Final_Plat\Phase_3_Final_Plat_2021.01-Cover-BAEPF.dwg

FINAL PLAT COVER SHEET
SHOWING LOTS 203-233, 273-275, 283-304, OPEN SPACE SWM-1 AND RESIDUE PARCEL A
BEALLAIR - PHASE 3 - RESIDENTIAL
HARPERS FERRY MAGISTERIAL DISTRICT
MAP 10 PARCELS 3.2-3.4
DEED BOOK 975 PAGE 635 AND DEED BOOK 977 PAGE 490 & 495
JEFFERSON COUNTY, WV
OCTOBER 2021
SHEET 1 OF 5



COMPUTATION FOR MLA/ADU FOR THE DETACHED SMALL LOT AREA OF THE PHASE 3 DEVELOPMENT (LOTS 283 - 304)
(See Sheet 3 for Parkland Area.)

COMPUTATION FOR MLA/ADU FOR THE SINGLE-FAMILY DETACHED (SFD) AREA OF THE PHASE 3 DEVELOPMENT.

COMPUTATION OF DETACHED SINGLE-FAMILY AREA REQUIREMENTS PER ZONING ORDINANCE SECTION 5.4B:
 MLA REQUIRED - 6,000 SQ. FT. MINIMUM LOT AREA
 MLA PROVIDED - SINGLE FAMILY DETACHED LOT AREAS EXCEED 6,000 S.F.
 (See Sheet 4 for Lot Area Table)

ADU REQUIRED - 10,000 SQ. FT.
 ADU PROVIDED: 13,420 SQ. FT.
 Total Phase 3 SFD Lot Area = 456,277 SQ. FT.
 Subtract 100-YR Flood Plain Area, Including Sensitive Natural Area 0 SQ. FT.
 Subtract Buffer to Sens. Natural Area 0 SQ. FT.
 Total remaining area = 456,277 SQ. FT.

Divided by 34 SFD lots = 13,420 SQ. FT. per lot which exceeds the minimum ADU required.

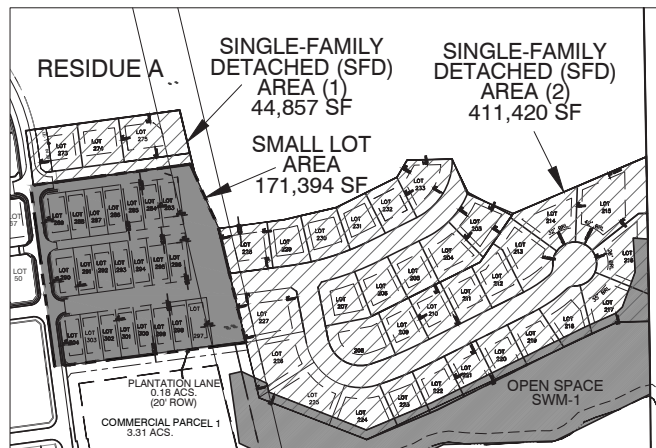
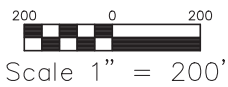
COMPUTATION OF SMALL LOT SINGLE-FAMILY AREA REQUIREMENTS PER ZONING ORDINANCE SECTION 5.4B:
 MLA REQUIRED - 3,200 SQ. FT. MINIMUM AND LESS THAN 6,000 SQ. FT. LOT AREA
 MLA PROVIDED - ALL SMALL LOT SINGLE FAMILY DETACHED LOT AREAS EXCEED 3,200 SQ. FT. AND DO NOT EXCEED 6,000 SQ. FT.

(See Sheet C-4 for Lot Area Table)
 ADU REQUIRED: 7,500 SQ. FT.
 ADU PROVIDED: 7,790 SQ. FT.
 Small Lot Area 171,394 SQ. FT.
 Subtract Sensitive Natural Area 0 SQ. FT.
 Subtract Buffer to a Sensitive Natural Area 0 SQ. FT.
 Subtract Hillside Development Area 0 SQ. FT.
 Subtract Sensitive Natural Area 0 SQ. FT.
 Subtract 100-YR Flood Plain Area 0 SQ. FT.
 Total remaining area = 171,394 SQ. FT.

Divided by 22 DSL lots = 7,790 SQ. FT. per lot which exceeds the minimum ADU required.
 SEE INSET AT RIGHT FOR DELINEATION OF SMALL LOT COMPUTATIONAL AREA.

FINAL PLAT
MLA / ADU COMPUTATIONS AND MISC. ESMTS
SHOWING LOTS 203-233, 273-275, 283-304,
OPEN SPACE SWM-1 AND RESIDUE PARCEL A
BEALLAIR - PHASE 3 - RESIDENTIAL

HARPERS FERRY MAGISTERIAL DISTRICT
 MAP 10 PARCELS 3.2-3.4
 DEED BOOK 975 PAGE 635 AND DEED BOOK 977 PAGE 490 & 495
 JEFFERSON COUNTY, WV
 OCTOBER 2021
 SHEET 2 OF 5



INSET SHOWING AREA USED TO DETERMINE MLA/ADU COMPUTATIONAL AREAS.

JEFFERSON COUNTY PLANNING COMMISSION

BY _____ DATE _____

SHEET INDEX

COVER	SHEET 1 OF 5
MLA / ADU COMPUTATIONS and MISC. ESMTS	SHEET 2 OF 5
RESIDENTIAL LOTS	SHEET 3 OF 5
RESIDUE A	SHEET 4 OF 5
RESIDUE F	SHEET 5 OF 5

REVISIONS

DATE DESCRIPTION

PROPOSED LOTS FOR PHASE 3

Lots 283-304 are Small Lots.
Lots 203-233 & 273-275 are Single-Family Detached Lots.

NOTE: See sheet 4 for Lot Area Table

EXIST. 25' LANDSCAPE ESMT.
(Typical) to be maintained by Homeowners Association.
PB 21 Pg 54

LOT LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 52°33'45" W	14.14'
L2	S 37°26'15" W	14.14'
L3	S 52°33'45" E	14.14'
L4	N 37°26'15" E	14.14'
L5	S 52°33'45" E	14.14'
L6	S 37°26'15" W	14.14'
L7	S 52°33'45" E	14.14'
L8	N 82°26'15" E	37.83'
L9	S 76°53'28" W	39.84'
L11	N 63°32'47" E	41.46'
L12	N 82°26'15" E	37.83'
L13	N 32°53'48" E	14.43'
L14	N 63°32'47" E	21.95'
L15	N 63°32'47" E	19.61'
L16	S 34°15'24" W	13.57'
L17	N 63°32'47" E	7.52'
L18	S 63°32'47" W	17.50'
L19	N 63°32'47" E	21.43'
L20	S 55°44'36" E	26.56'
L21	S 34°15'24" W	11.10'
L22	N 89°00'32" E	20.00'
L23	N 66°14'26" E	64.61'
L24	N 67°11'56" E	17.48'
L25	S 54°23'24" E	14.55'
L26	S 10°57'54" E	27.23'
L27	S 10°57'54" E	29.67'
L28	N 07°33'45" W	20.00'
L29	N 07°33'45" W	44.00'
L30	S 07°33'45" E	50.00'
L31	S 82°26'15" W	23.00'
L32	S 82°26'15" W	26.00'
L33	S 82°26'15" W	16.00'
L34	S 82°26'15" W	16.00'
L35	S 82°26'15" W	16.00'
L36	S 82°26'15" W	16.00'

LOT CURVE TABLE

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C1	04°49'12"	425.00	35.75	17.89	N 09°38'21" W	35.74
C2	04°38'06"	575.00	46.51	23.27	N 65°11'50" E	46.50
C3	09°15'58"	575.00	92.99	46.60	N 72°48'52" E	92.89
C4	04°59'24"	575.00	50.08	25.05	N 79°56'33" E	50.06
C5	07°12'30"	625.00	78.63	39.37	S 72°40'46" W	78.58
C6	05°31'12"	625.00	80.21	30.18	N 66°18'55" E	60.19
C7	17°59'15"	195.00	61.05	30.78	N 54°34'40" E	60.80
C8	22°52'29"	195.00	76.71	38.86	N 34°22'02" E	76.22
C9	21°42'48"	125.00	47.37	23.97	S 21°49'18" E	47.09
C10	40°37'54"	125.00	88.64	48.28	S 52°59'39" E	88.80
C11	34°50'01"	125.00	76.00	39.22	N 89°16'19" E	74.83
C12	00°16'51"	885.00	4.34	2.17	N 71°44'05" E	4.34
C13	05°11'11"	885.00	80.11	40.08	S 68°58'49" W	80.08
C14	02°30'26"	885.00	43.88	21.94	N 64°58'01" E	43.87
C15	02°32'57"	325.00	14.46	7.23	N 62°16'19" E	14.46
C16	13°44'17"	325.00	77.93	39.15	N 54°07'43" E	77.74
C17	43°30'19"	25.00	18.88	9.97	N 69°00'29" E	18.53
C18	54°01'44"	50.00	47.15	25.49	N 49°07'14" E	45.42
C19	80°21'17"	50.00	32.67	29.07	S 08°04'17" E	30.27
C20	49°49'21"	50.00	43.48	23.22	N 65°05'36" W	42.12
C21	56°06'18"	50.00	48.96	26.64	N 63°52'35" E	47.03
C22	41°00'34"	50.00	35.79	18.70	S 15°19'18" W	35.03
C23	54°13'58"	25.00	23.66	12.80	S 21°56'10" W	22.79
C24	14°29'30"	275.00	69.56	34.96	N 56°18'02" E	69.37
C26	10°19'27"	855.00	60.10	30.36	N 65°38'56" E	60.09
C27	04°06'36"	855.00	60.38	30.20	S 69°46'57" W	60.37
C28	97°10'51"	75.00	127.21	85.04	N 59°33'20" W	112.50
C33	14°37'03"	50.00	12.76	6.41	S 83°27'02" W	12.72
C34	64°41'48"	145.00	163.72	91.83	N 31°12'07" E	155.17

NOTE: THERE ARE NO OFFSITE MAN-MADE STRUCTURES WITHIN 200' DOWNSTREAM OF ANY PIPE OUTFALL.

SYMBOL KEY

UNLESS LABELED OTHERWISE, ALL CORNERS SHOWN AS ARE TO BE SET 5/8" REBARS PER NOTE ON SHEET 1.
CONCRETE MONUMENTS ARE SHOWN: CONC. MON.

SHEET INDEX

COVER	SHEET 1 OF 5
MLA / ADU COMPUTATIONS AND DISC. ESMTS	SHEET 2 OF 5
LOTS	SHEET 3 OF 5
RESIDUE A	SHEET 4 OF 5
RESIDUE F	SHEET 5 OF 5

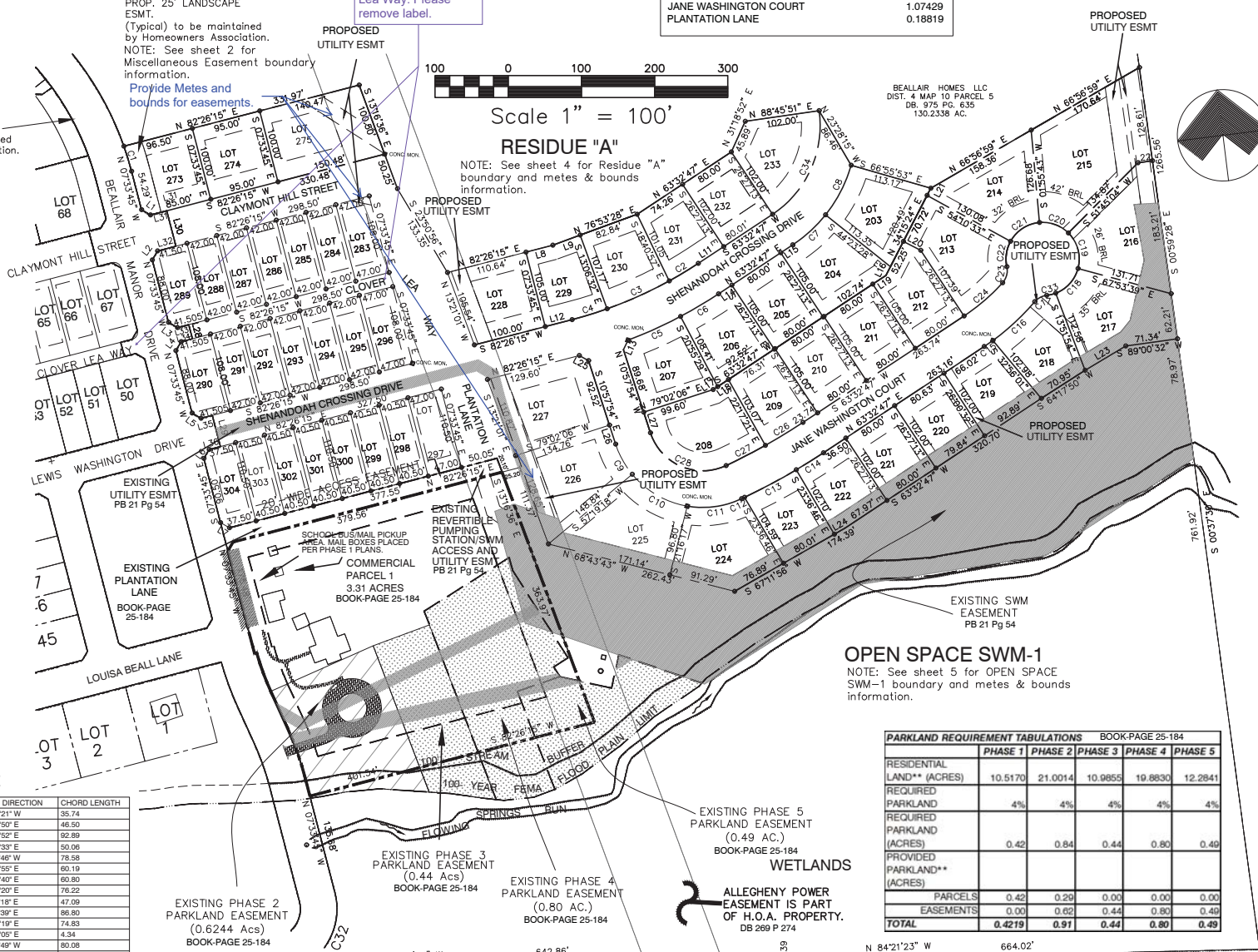
This alley way is no longer named Clover Lea Way. Please remove label.

R.O.W. NAME	ACRES
CLAYMONT HILL STREET	0.35579
CLOVER LEA WAY	0.57051
SHENANDOAH CROSSING DRIVE	1.00447
JANE WASHINGTON COURT	1.07429
PLANTATION LANE	0.18819



Scale 1" = 100'
RESIDUE "A"

NOTE: See sheet 4 for Residue "A" boundary and metes & bounds information.



OPEN SPACE SWM-1

NOTE: See sheet 5 for OPEN SPACE SWM-1 boundary and metes & bounds information.

	PARKLAND REQUIREMENT TABULATIONS BOOK-PAGE 25-184				
	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5
RESIDENTIAL LAND** (ACRES)	10.5170	21.0014	10.9855	10.8830	12.2841
REQUIRED PARKLAND	4%	4%	4%	4%	4%
REQUIRED PARKLAND (ACRES)	0.42	0.84	0.44	0.80	0.49
PROVIDED PARKLAND** (ACRES)					
PARCELS	0.42	0.20	0.00	0.00	0.00
EASEMENTS	0.00	0.62	0.44	0.80	0.49
TOTAL	0.4219	0.91	0.44	0.80	0.49

JEFFERSON COUNTY PLANNING COMMISSION

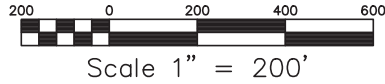
BY _____ DATE _____

REVISIONS DATE DESCRIPTION

FINAL PLAT
RESIDENTIAL LOTS
SHOWING LOTS 203-233, 273-275, 283-304,
OPEN SPACE SWM-1 AND RESIDUE PARCEL A
BEALLAIR - PHASE 3 - RESIDENTIAL
HARPERS FERRY MAGISTERIAL DISTRICT
MAP 10 PARCELS 3.2-3.4
DEED BOOK 975 PAGE 635 AND DEED BOOK 977 PAGE 490 & 495
JEFFERSON COUNTY, WV
OCTOBER 2021
SHEET 3 OF 5

LOT AREA TABLE

LOT	SQUARE FEET	ACRES
203	10,733	0.2464
204	10,628	0.2440
205	8,400	0.1928
206	9,240	0.2121
207	10,072	0.2312
208	12,750	0.2927
209	8,369	0.1921
210	8,400	0.1928
211	8,400	0.1928
212	9,164	0.2104
213	12,711	0.2918
214	12,456	0.2859
215	22,206	0.5098
216	15,114	0.3470
217	13,956	0.3204
218	9,781	0.2245
219	8,845	0.2031
220	8,184	0.1879
221	8,160	0.1873
222	8,467	0.1944
223	8,219	0.1887
224	13,028	0.2991
225	13,887	0.3188
226	13,794	0.3167
227	14,556	0.3342
228	11,059	0.2539
229	8,751	0.2009
230	9,247	0.2123
231	8,255	0.1895
232	8,160	0.1873
233	11,025	0.2531
273	9,468	0.2174
274	9,500	0.2181
275	14,548	0.3340
283	5,076	0.1165
284	4,536	0.1041
285	4,536	0.1041
286	4,536	0.1041
287	4,536	0.1041
288	4,536	0.1041
289	5,462	0.1254
290	5,462	0.1254
291	4,536	0.1041
292	4,536	0.1041
293	4,536	0.1041
294	4,536	0.1041
295	4,536	0.1041
296	5,076	0.1165
297	5,193	0.1192
298	4,475	0.1027
299	4,475	0.1027
300	4,475	0.1027
301	4,475	0.1027
302	4,475	0.1027
303	4,475	0.1027
304	5,148	0.1182
Lots	473,163	10.8623
ROW	139,098	3.1933
Residue A	1,330,125	30.5355
OPEN SPACE SWM1	677,068	15.5433
Commercial Lot	144,371	3.3143
Plantation Lane	7,871	0.1807



RESIDUE "A"
Line Table

NUMBER	DIRECTION	DISTANCE
L41	S 34°15'24" W	5.65'
L42	N 05°22'09" W	14.14'
L43	N 39°37'51" E	23.00'
L44	S 39°37'51" W	23.00'
L45	S 84°37'51" W	14.14'

RESIDUE "A" Curve
Table

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C36	37°59'11"	425.00	281.77	146.28	N 31°22'33" W	276.64

*RESIDUES REMAINING AFTER RECORDATION OF SUBSEQUENT PHASES

ITEM	AREA TABULATIONS (ACRES) (THRU THIS PLAT)					TOTAL
	PHASE 1	PHASE 2	PHASE 3 COMMERCIAL	PHASE 4A	PHASE 3	
RIGHT-OF-WAY	13.0586	4.3833	0.1807	1.2619	3.1933	22.0778
RESIDENTIAL LOTS	10.5170	21.0015	0.0000	7.8159	10.8623	50.1967
COMMERCIAL LOT	0.0000	0.0000	3.3143	0.0000	0.0000	3.3143
PARK LAND PARCELS	0.4219	0.2856	0.0000	0.0000	0.0000	0.7075
OPEN SPACE SWM1						15.5433
RESIDUES	D*	C*	A	A	A*	
	5.8143	2.0444	RESERVED FOR FUTURE LOTS	RESERVED FOR FUTURE LOTS	30.5355	38.3942
TOTAL	29.8118	27.7148	3.4950	9.0778	60.1344	130.2338

Area Tabulation

Current Development (Phase 3)					Remaining after Phase 3	
PARCEL DESIGNATIONS	ACRES IN SWM/PARKLAND	ACRES IN ROW	ACRES IN LOTS	TOTAL IN ACRES	PARCEL DESIGNATIONS	TOTAL IN ACRES
BEGINNING TOTAL : RESIDUE A				60.1344	RESIDUE A (Remaining)	30.5355
RESIDUE A (Phase 3 Contribution)		3.1933	10.8623 Res.	14.0556	RESIDUE B (Remaining)	0
OPEN SPACE SWM1				15.5433	RESIDUE C (Remaining)	2.0444
RESIDUE A (Undeveloped)				30.5355	RESIDUE D (Remaining)	5.8143
TOTALS		3.1933	10.8623 Res.			

0.4401 (PARKLAND EASEMENT PROVIDED)

NOTE: Remainder of Residue "C" & Residue "D" will be dedicated as Open Space Parcels with future Plats.

NOTE: NOT INCLUDED IN THE ABOVE COMPUTATIONS OF THE BEALLAIR DEVELOPMENT, IS THE SEPARATE RIGHT-OF-WAY PARCEL THAT EXISTS SOUTH OF THE CSX RAILROAD TRACKS. IT HAS BEEN DEDICATED, IN ENTIRETY, TO ROAD RIGHT-OF-WAY. NO CHANGES TO SAID PARCEL ARE PLANNED FOR BEALLAIR PHASE 3.

SYMBOL KEY

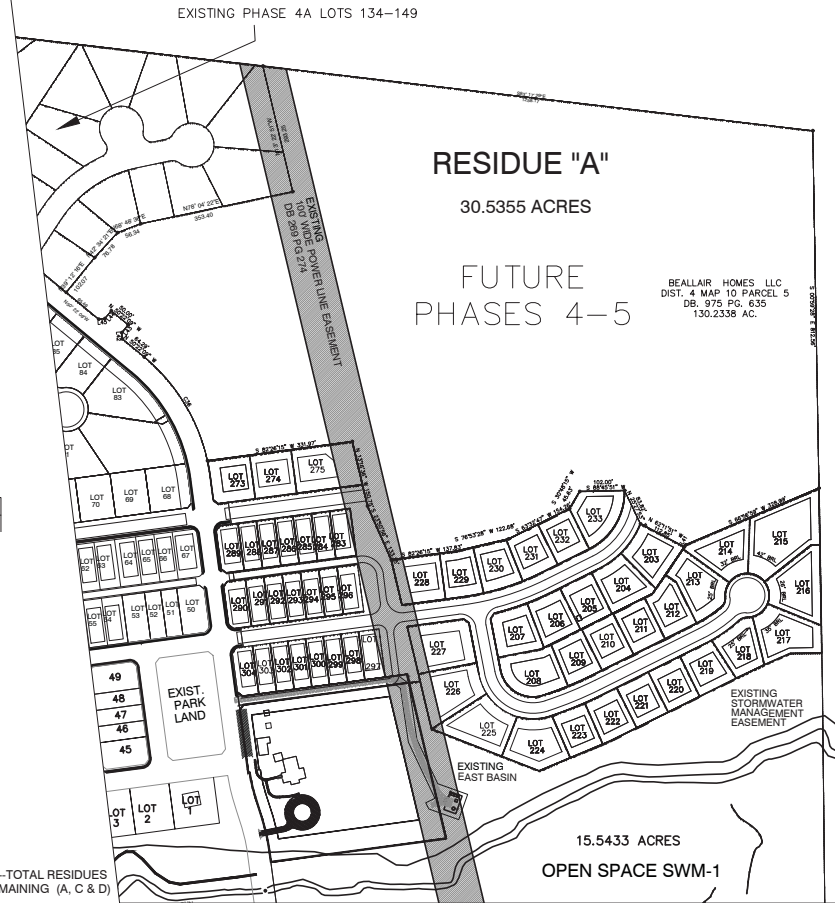
UNLESS LABELED OTHERWISE, ALL CORNERS SHOWN AS ARE TO BE SET 5/8" REBARS PER NOTE ON SHEET 1.
CONCRETE MONUMENTS ARE SHOWN: CONC. MON.

SHEET INDEX

COVER	SHEET 1 OF 5
MLA / ADU COMPUTATIONS and MISC. ESMTS	SHEET 2 OF 5
LOTS	SHEET 3 OF 5
RESIDUE A	SHEET 4 OF 5
RESIDUE F	SHEET 5 OF 5

REVISIONS

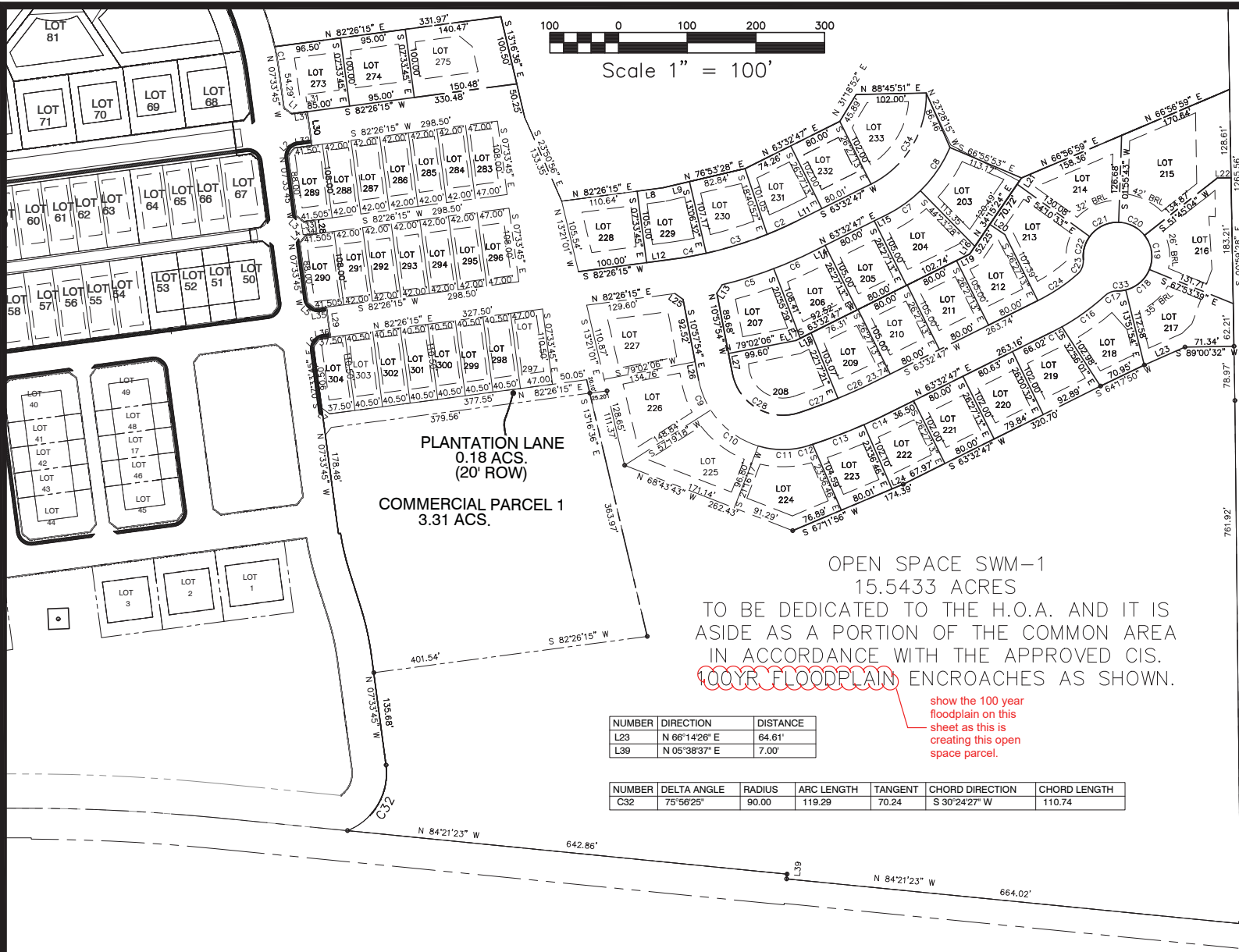
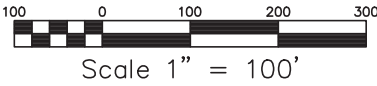
DATE	DESCRIPTION



PROPOSED PHASE 3
LOTS 203-233,
273-275, & 283-304

JEFFERSON COUNTY PLANNING COMMISSION
BY _____ DATE _____

FINAL PLAT
RESIDUE A
SHOWING LOTS 203-233, 273-275, 283-304,
OPEN SPACE SWM-1 AND RESIDUE PARCEL A
BEALLAIR - PHASE 3 - RESIDENTIAL
HARPERS FERRY MAGISTERIAL DISTRICT
MAP 10 PARCELS 3.2-3.4
DEED BOOK 975 PAGE 635 AND DEED BOOK 977 PAGE 490 & 495
JEFFERSON COUNTY, WV
OCTOBER 2021
SHEET 4 OF 5



Please provide a driveway culvert chart for all lots along a ditch line per 8.2.a.13.

PLANTATION LANE
0.18 ACS.
(20' ROW)

COMMERCIAL PARCEL 1
3.31 ACS.

OPEN SPACE SWM-1
15.5433 ACRES
TO BE DEDICATED TO THE H.O.A. AND IT IS
ASIDE AS A PORTION OF THE COMMON AREA
IN ACCORDANCE WITH THE APPROVED CIS.
100YR FLOODPLAIN ENCROACHES AS SHOWN.

NUMBER	DIRECTION	DISTANCE
L23	N 66°14'28" E	64.61'
L39	N 05°38'37" E	7.00'

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C32	75°56'25"	90.00	119.29	70.24	S 30°24'27" W	110.74

show the 100 year floodplain on this sheet as this is creating this open space parcel.

SYMBOL KEY

UNLESS LABELED OTHERWISE,
ALL CORNERS SHOWN AS
ARE TO BE SET 5/8" REBARS
PER NOTE ON SHEET 1.

CONCRETE MONUMENTS ARE SHOWN:
CONC. MON.

SHEET INDEX

COVER	SHEET 1 OF 5
MLA / ADU COMPUTATIONS and MISC. ESMTS	SHEET 2 OF 5
LOTS	SHEET 3 OF 5
RESIDUE A	SHEET 4 OF 5
RESIDUE F	SHEET 5 OF 5

JEFFERSON COUNTY PLANNING COMMISSION

BY _____ DATE _____

REVISIONS

DATE	DESCRIPTION

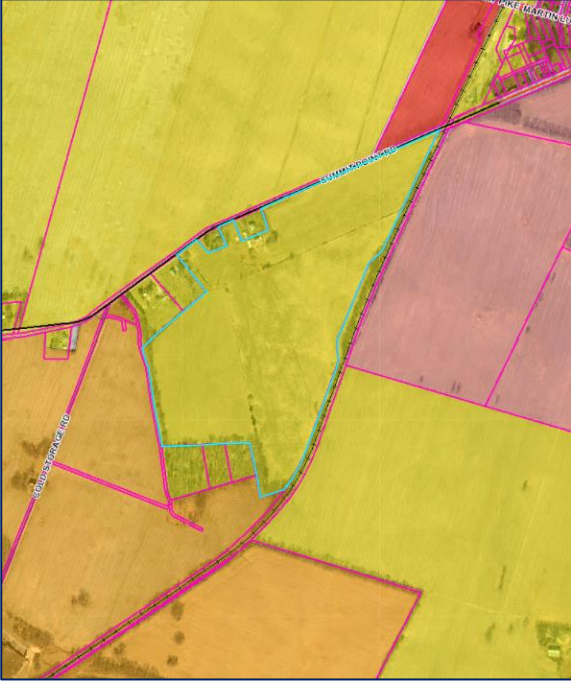
FINAL PLAT
OPEN SPACE SWM-1
SHOWING LOTS 203-233, 273-275, 283-304,
OPEN SPACE SWM-1 AND RESIDUE PARCEL A
BEALLAIR - PHASE 3 - RESIDENTIAL

HARPERS FERRY MAGISTERIAL DISTRICT
MAP 10 PARCELS 3.2-3.4
DEED BOOK 975 PAGE 635 AND DEED BOOK 977 PAGE 490 & 495
JEFFERSON COUNTY, WV
OCTOBER 2021
SHEET 5 OF 5

Staff Report
 Jefferson County Planning Commission Meeting
 January 11, 2022

Milton’s Landing Preliminary Plat Approval (File #21-22-SD)

Item # 7: Public Hearing: Request by the applicant, David Lutman/Lutman Land Development, to approve the Preliminary Plat for Milton’s Landing Subdivision (File # 21-22-SD) in accordance with the Sections 24.114 and 24.115 of the Subdivision Regulations.

Applicant	David Lutman/Lutman Land Development
Consultant	Paul J. Raco/P.J. Raco Consulting, LLC
Surveyor	Integrity Federal Services (formerly Gordon)
Location	0.3 miles west of the Summit Point Rd (WV13)/Middleway Pike (WV51) intersection
Property Location & Information	<p style="text-align: center;">Charles Town (02); Map: 11; Parcel: 30.2 (after merger); Size: 65.03 acres (after merger); Zoning District: Residential Growth</p> 
Adjacent Zoning Districts	<p><i>North:</i> Residential Growth (RG) / General Commercial (CT) <i>East:</i> Residential Growth (RG) /Residential-Light Industrial-Commercial (RLIC) <i>South:</i> Residential Growth (RG) /Neighborhood Residential (CT) <i>West:</i> Neighborhood Residential (CT)</p>
Proposed Activity	<p>Milton’s Landing Major Subdivision consisting of 49 detached single family lots on 65 acres to be served by on-lot well and septic systems. [Note: The existing home noted on the Concept Plan is now on a separate lot via an approved Boundary Line Adjustment and one proposed lot is now a bioretention area.]</p>
Previous Approvals	<ul style="list-style-type: none"> • 21-22-SD: Milton’s Landing Preliminary Plat Completeness Determination (Appr. 12-14-21) • 21-22-SD: Milton’s Landing Concept Plan (Approved 7/13/21) • 20-7-M: Boundary Line Adjustment; Tax Map 11 Parcels 30/30.2 (PB26/PG180, 11/16/20) • 21-11-PCW: Waiver of Sec. 2.3.A.3 “Single Entrance Requirement” (Approved 7/13/21) • 21-12-PCW: Waiver of Sec. 22.206.B “Lots on & Length of a Cul-de-sac” (Approved 7/13/21) • 21-18-PCW: Waiver of Sec. 24.113.B.10 waive the Archaeological Study (Approved 09/14/21) • 21-28-M: Boundary Line Adjustment with Parcel 30 (PB26/PG292, 11/15/21)

Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022

Milton's Landing Preliminary Plat Approval (File #21-22-SD)

1. Introduction/Summary of Request:

The applicant, David Lutman/Lutman Land Development is proposing to develop a 49-lot detached single-family development, to be known as Milton's Landing, which will be served by private well/septic systems. The development is proposed on a 65-acre property, zoned Residential Growth, located west of the intersection of Summit Point Road (WV13) and Norfolk and Western Railroad, approximately 0.3 miles from the intersection with Middleway Pike (WV51) and Washington Street. Bounded partially by the City of Charles Town, the parcel is surrounded by farmland and a limited number of residential uses. The application being heard at tonight's Public Hearing is the Preliminary Plat for this development.

2. Preliminary Plat Approval Process

The applicant submitted the Preliminary Plat for Milton's Landing Subdivision for review and approval on September 27, 2021. In accordance with Section 24.113 of the Subdivision Regulations, after discussion of outstanding stormwater design concerns, the Planning Commission deemed the Preliminary Plat application complete on December 14, 2021. Since the December 14, 2021 Planning Commission meeting, the applicant has resubmitted the Preliminary Plat to address the outstanding comments noted at that meeting and met with Engineering and Planning staff to discuss outstanding issues. The 5th review resulted in only a few minor comments, including needing the WV DOH permit approval information. In accordance with Section 24.114 of the Subdivision Regulations, the Planning Commission scheduled this Public Hearing for January 11, 2022, within 45 days of accepting the application as complete. This hearing has been advertised as required in the Subdivision Regulations.

The Subdivision Regulations require the review of the submitted application and plat and plans by the Department of Engineering, Planning and Zoning as well as the WVDOH and the relevant Public Utility Agency, in this case the Jefferson County Health Department. The Department is required to determine whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues and/or variances that can be identified at the Preliminary Plat submission. The Department is also required to provide a written opinion as to whether the Preliminary Plat meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations and whether the Concept Plan was fulfilled.

Engineering, Planning and Zoning Staff completed their review of the Preliminary Plat in accordance with these Articles and the requirements of Appendix A, Section 1.3 and provided the Planning Commission with a list of the outstanding comments dated December 9, 2021 as a part of the staff report dated December 14, 2021. This staff report also stated that staff found that the plat and application "essentially" conforms with the Zoning Ordinance requirements, generally meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations, and fulfills the Concept Plan direction. The Planning Commission made a motion to deem the Preliminary Plat complete provided the staff's outstanding comments are addressed and to proceed with a Public Hearing on their January 11, 2022 Planning Commission meeting.

The applicant resubmitted the revised Preliminary Plat for the 4th and 5th reviews to staff for additional reviews on December 20, 2021 and January 4, 2022. As of this staff report, the outstanding comments are minimal other than requiring an approved WV Division of Highways (WVDOH)

Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022

Milton's Landing Preliminary Plat Approval (File #21-22-SD)

Encroachment Permit and approval can be conditioned on this permit. It should be noted that the Subdivision Regulations require the Jefferson County Offices of Engineering and Planning to defer to the (WV DOH) requirements and approval for all major subdivisions. This Plat cannot be approved without the WVDOH Encroachment Permit approval.

This staff report serves as the staff's written determination the Plat essentially meets the requirements of the Zoning Ordinance and Articles 21 and 22 of the Subdivision Regulations, as required by the Subdivision Regulations, provided the outstanding technical issues and comments are addressed. The purpose of today's Public Hearing is to receive public comment on the proposed Preliminary Plat in accordance with the Subdivision Regulations and WV Code 8A.

3. Approved Waivers

The Planning Commission has approved the following waivers pertaining to this development:

- 21-11-PCW: Waiver of Sec. 2.3.A.3 "Single Entrance Requirement" (Approved 7/13/21)
- 21-12-PCW: Waiver of Sec. 22.206.B "Lots on & Length of a Cul-de-sac" (Approved 7/13/21)
- 21-18-PCW: Waiver of Sec. 24.113.B.10 waive the Archaeological Study (Approved 09/14/21)

These waivers were granted with no additional conditions.

4. Subdivision Requirements Related to Preliminary Plat Approval

The following list summarizes the requirements of Section 24.115 of the Subdivision Regulations, which requires the Planning Commission to review the recommendations and opinions of the reviewing agencies, the staff's decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. It also states that, in making its decision, the Planning Commission shall apply the following excerpted rules:

1. Zoning. The Planning Commission cannot deny an application on the basis of zoning if the staff's decision is that the application complies with the Zoning Ordinance.
2. Impact Fees. The Preliminary Plat application cannot be denied on the grounds of adverse impact on services which benefit from the County's adopted impact fees (parks and recreation, schools, law enforcement, fire protection, and emergency services).
3. Roads. The Planning Commission shall defer to the WVDOH on final requirements and approvals for improvements to the public roads.
4. Sewer and Water Systems. All sewer and water systems, whether privately owned or publicly owned shall be permitted only on the recommendation of the relevant Public Service District or private utility. The Planning Commission shall not make a decision contrary to the agency provider recommendation unless there is compelling professional evidence that its recommendation is in error.
5. Engineering and Landscaping. The plan being reviewed consists of substantial sediment and erosion control, stormwater management, sewer or water system engineering, landscaping, and site development plan. The Preliminary Plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and County Engineer may attach conditions to ensure that specific issues are addressed.

Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022

Milton's Landing Preliminary Plat Approval (File #21-22-SD)

6. Open Space. Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the Preliminary Plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.

Approval of the Preliminary Plat may include conditions based on input from the Department of Engineering, Planning and Zoning and relevant agencies that must be met in the preparation of the final plat, final engineering, and final landscaping. Such conditions may include any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.

5. Planning Commission Action Required

Section 24.115 of the Subdivision Regulations states that, after the close of the public hearing, or at any meeting within 14 days thereafter, the Planning Commission shall do one of the following:

- (1) Approve the application;
- (2) Approve the application with conditions;
- (3) Deny the application; or
- (4) Hold the application for up for 45 days for additional information. If the application is to be held for the additional time, a date certain for re-opening the public hearing must be set by the Planning Commission simultaneously with the vote to hold the Public Hearing. Additional legal advertisement is not required.

It further states that the Planning Commission may approve the plan if it meets the standards of the land use ordinances, deny the plan if it does not meet the standards of the land use ordinances, or approve the plan with conditions to complete any remaining items. In the event that the Preliminary Plat is approved with conditions to complete any remaining items, unless otherwise directed by the Planning Commission, Staff shall have the authority to grant final approval of the Preliminary Plat once the conditions are met. Also, if the Planning Commission conditionally approves the Preliminary Plat, then the applicant shall be required to submit a notarized document expressly and explicitly waiving the 45-day time requirement for the Planning Commission and/or Staff to act. If the applicant is unwilling to provide such document, then the Planning Commission shall proceed in the final consideration of the Preliminary Plat.

Sec. 24.115 of the Subdivision Regulations further states that the approval of the Preliminary Plat, with or without conditions, allows the applicant to proceed to prepare a Final Plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for a public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of Final Plat including all engineering and landscaping. The Final Plat will not require any further public input unless a waiver or variance is required.

CIVIL LEGEND:	
EXISTING	PROPOSED
BOUNDARY/RIGHT-OF-WAY LINE	BOUNDARY/RIGHT-OF-WAY LINE
ADJACENT BOUNDARY LINE	ADJACENT BOUNDARY LINE
CONCRETE MONUMENT/IRON NAIL	CONCRETE MONUMENT/IRON NAIL
STORM EASEMENT LINE	STORM EASEMENT LINE
ROAD CENTERLINE	ROAD CENTERLINE
HEADER CURB	HEADER CURB
CURB & GUTTER	CURB & GUTTER
EDGE OF PAVEMENT	EDGE OF PAVEMENT
EDGE OF CONCRETE	EDGE OF CONCRETE
EDGE OF GRAVEL	EDGE OF GRAVEL
SIDEWALK	SIDEWALK
GUARDRAIL	GUARDRAIL
BOARD FENCE	BOARD FENCE
CHAIN LINK FENCE	CHAIN LINK FENCE
WIRE FENCE	WIRE FENCE
BUILDINGS	BUILDINGS
RETAINING WALL	RETAINING WALL
MISC/ANGLAR BORN	MISC/ANGLAR BORN
MAL BOX	MAL BOX
SITE LIGHT WITH POLE	SITE LIGHT WITH POLE
BUILDING MOUNTED LIGHT	BUILDING MOUNTED LIGHT
UTILITY POLE	UTILITY POLE
UTILITY POLE GUY WIRE	UTILITY POLE GUY WIRE
OVERHEAD UTILITY LINE	OVERHEAD UTILITY LINE
UNDERGROUND UTILITY LINE	UNDERGROUND UTILITY LINE
OVERHEAD COMMUNICATIONS LINE	OVERHEAD COMMUNICATIONS LINE
UNDERGROUND COMMUNICATIONS LINE	UNDERGROUND COMMUNICATIONS LINE
UNDERGROUND GAS LINE	UNDERGROUND GAS LINE
STORM SEWER LINE	STORM SEWER LINE
STORM SEWER DROP INLET	STORM SEWER DROP INLET
STORM SEWER CURB INLET	STORM SEWER CURB INLET
STORM SEWER RIP-RAFF	STORM SEWER RIP-RAFF
STORM SEWER END SECTION	STORM SEWER END SECTION
INDEX CONTOUR LINE	INDEX CONTOUR LINE
INTERMEDIATE CONTOUR LINE	INTERMEDIATE CONTOUR LINE
SPOT ELEVATIONS	SPOT ELEVATIONS
TREES/SHRUBS	TREES/SHRUBS
DUMP LINE OF TREES	DUMP LINE OF TREES
LIMITS OF CONSTRUCTION	LIMITS OF CONSTRUCTION
SOIL BOUNDARY	SOIL BOUNDARY
HATCH LEGEND:	
CONSERVATION AREA	CONSERVATION AREA
SANITARY CHAMBER	SANITARY CHAMBER

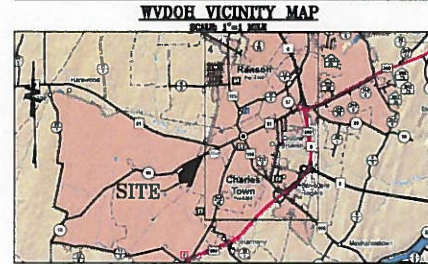
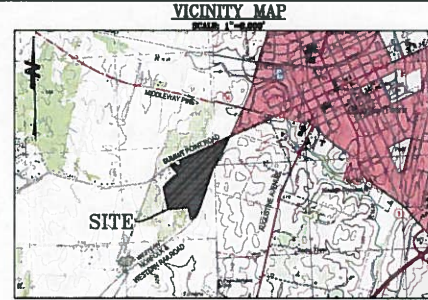
PRELIMINARY PLAT SHOWING MILTON'S LANDING

JEFFERSON COUNTY FILE NUMBER: #21-22-SD
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

DIST 2, MAP 11, PARCEL 30.2 (DB 1271/PG 136)

OWNER/APPLICANT/DEVELOPER
LUTMAN LAND DEVELOPMENT
c/o DAVID LUTMAN
412 WEST BURR BOULEVARD
KEARNEYSVILLE, WV 25430
(304)702-2500

INTEGRITY FEDERAL SERVICES
CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING
148 S. Queen Street, Suite 201 • Phone: 304-725-8158
Martinsburg, WV 25401 • www.ifss.com



SHEET LIST

Sheet Title	Sheet Number
COVER SHEET	01
GENERAL NOTES	02
PRELIMINARY PLAT SET MAP	04
PRELIMINARY PLAT AREA 1	06
PRELIMINARY PLAT AREA 2	07
PRELIMINARY PLAT AREA 3	08
PRELIMINARY PLAT AREA 4	09
PRELIMINARY PLAT AREA 5	10
PRELIMINARY PLAT AREA 6	11
PRELIMINARY PLAT AREA 7	12
PRELIMINARY PLAT AREA 8	13
PRELIMINARY PLAT AREA 9	14
HARLES WAY PLAN AND PROFILE	15
HARLES WAY PLAN AND PROFILE	16
HARLES WAY PLAN AND PROFILE	17
FLORENCE COURT PLAN AND PROFILE	18
FLORENCE COURT PLAN AND PROFILE	19
GRADING PLAN AREA 1	20
GRADING PLAN AREA 1	21
GRADING PLAN AREA 2	22
GRADING PLAN AREA 3	23
GRADING PLAN AREA 4	24
GRADING PLAN AREA 5	25
GRADING PLAN AREA 6	26
GRADING PLAN AREA 7	27
GRADING PLAN AREA 8	28
GRADING PLAN AREA 9	29
SIGHT DISTANCE PLAN AND PROFILES	30
SIGHT DISTANCE PLAN AND PROFILES	31
HARLES WAY ENTRANCE PROFILE	32
WASHON PLAN	33
STORMWATER MANAGEMENT NARRATIVE	34
STORMWATER MANAGEMENT DETAILS	35
STORMWATER MANAGEMENT DETAILS	36
CULVERT PROFILES	37
OVERALL EROSION AND SEDIMENT CONTROL PLAN	38
EROSION AND SEDIMENT CONTROL PLAN	39
EROSION AND SEDIMENT CONTROL PLAN	40
EROSION AND SEDIMENT CONTROL NARRATIVE	41
EROSION AND SEDIMENT CONTROL NARRATIVE	42
EROSION AND SEDIMENT CONTROL DETAILS	43
EROSION AND SEDIMENT CONTROL DETAILS	44

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

LUTMAN LAND DEVELOPMENT
412 WEST BURR BOULEVARD
KEARNEYSVILLE, WV 25430

DATE _____

JEFFERSON COUNTY, WEST VIRGINIA

PRELIMINARY PLAT APPROVAL
 SITE PLAN APPROVAL

BY: _____ COUNTY ENGINEER _____ DATE _____

BY: _____ COUNTY PLANNER _____ DATE _____

JEFFERSON COUNTY CONSTRUCTION NOTES
(TABLE 1.3.1)

1. EROSION & SEDIMENT CONTROL MEASURES SHALL BE IN PLACE AND INSPECTED PRIOR TO PERFORMING ANY SIGNIFICANT EARTH DISTURBING ACTIVITIES AND SITE GRADING.

EARTH WORK SHALL BE COMPACTED TO THE PERCENTAGES OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH MASH TO 93C, AS SHOWN BELOW:

A. ROADWAYS	98%
B. PARKING LOTS FOR HEAVY TRUCKS	95%
C. PARKING LOTS FOR PASSENGER VEHICLES	95%
D. UTILITY LINE TRENCHES	95%
E. BUILDING PADS	100%

THE ABOVE COMPACTION REQUIREMENTS SHALL BE CERTIFIED BY A PROFESSIONAL ENGINEER OR A SOILS TECHNICIAN UNDER THE DIRECTION OF A PROFESSIONAL ENGINEER, AND ACCEPTABLE TO THE COUNTY ENGINEER.

2. CHANGES AND REVISIONS TO THE CONSTRUCTION PLANS AND SPECIFICATIONS SHALL NOT BE MADE UNLESS FIRST SUBMITTED IN WRITING AND APPROVED BY THE COUNTY ENGINEER AND ANY OTHER AGENCIES, AS DEEMED APPROPRIATE.

3. WORK ZONE TEMPORARY TRAFFIC CONTROL ALONG A PUBLIC ROAD SHALL BE IN ACCORDANCE WITH WEST VIRGINIA DIVISION OF HIGHWAY REQUIREMENTS AND APPROVAL.

4. SEVENTY-TWO (72) HOURS PRIOR TO EXCAVATION IN PUBLIC RIGHT-OF-WAYS OR IN AREAS SERVED BY UNDERGROUND UTILITIES, CALL MISS UTILITY 1-800-245-4848.

JEFFERSON COUNTY SITE WORK MILESTONE INSPECTIONS

THE DEVELOPER SHALL REQUEST COUNTY ENGINEER INSPECTIONS A MINIMUM OF 48 HOURS IN ADVANCE (CALL 304-284-1986). INSPECTIONS SHALL BE REQUESTED ACCORDING TO THE TABLE OF MILESTONES SHOWN BELOW:

1. INSTALLATION OF SEDIMENT & EROSION CONTROL DEVICES PRIOR TO BEGINNING SITE GRADING.
2. ROADWAY AND/OR PARKING LOT SUBGRADE PROOF ROLL PRIOR TO PLACING STONE BASE.
3. ROADWAY AND/OR PARKING LOT STONE BASE DEPTH CHECK PRIOR TO PLACING ASPHALT OR CONCRETE PAVEMENT.
4. WATER SYSTEM AND SANITARY SEWER SYSTEM INSPECTION AND APPROVAL BY THE PUBLIC SERVICE DISTRICT/UTILITY PRIOR TO BACKFILLING OF TRENCHES.
5. FINAL INSPECTION INCLUDING BUT NOT LIMITED TO: SEEDING & MULCHING, ROADWAY & PARKING LOT PAVING, SIDEWALKS, STORM DRAINAGE AND STORMWATER MANAGEMENT SYSTEMS, TRAFFIC CONTROL SIGNS & PAVEMENT MARKINGS, LANDSCAPING, ETC.

NOTE:
THE COUNTY ENGINEER MAY ACCEPT THIRD-PARTY INSPECTION AND CERTIFICATION REPORTS IN PLACE OF INSPECTIONS PERFORMED BY THE OFFICE OF ENGINEERING UPON PRIOR APPROVAL. THIRD-PARTY INSPECTION REPORTS SHALL BE SUBMITTED IN THE FORMAT SPECIFIED BY THE COUNTY ENGINEER.

LIST OF APPROVALS:

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PERMIT # _____
DATE: _____

WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
STATE HEALTH PERMITS BUREAU FOR PUBLIC HEALTH
PERMIT # _____
DATE: _____

JEFFERSON COUNTY GRADINGS
APPROVED: _____ DATE: _____

REVISIONS:

NO.	SHEET NUMBER AND REVISION DESCRIPTION	DATE
1.	PER WASHON COMMENTS	10/07/2021
2.	PER JEFFERSON COUNTY COMMENTS	11/15/2021
3.	PER JEFFERSON COUNTY COMMENTS	11/09/2021
4.	PER JEFFERSON COUNTY COMMENTS	12/17/2021

JEFFERSON COUNTY - COMPLETE LIST OF WAIVERS/VARIANCES
(TABLE 1.2.2)

ORDINANCE	SECTION OF ORDINANCE	DESCRIPTION OF WAIVER OR VARIANCE	DATE GRANTED
SUBORDINANCE	SECT 2.2.A.3	21-11-PCW APP B - ALLOWS SINGLE ENTRANCE	7/13/21
SUBORDINANCE	SECT 22.28B	21-13-PCW - EXCEED MAX. LENGTH OF AND # OF LOTS ON CUL-DE-SACS	7/13/21
SUBORDINANCE	SECT 24.113.B.11	21-18-PCW ARCHAEOLOGICAL STUDY REQUIREMENT	8/14/21



INTEGRITY FEDERAL SERVICES
CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING
148 S. Queen Street, Suite 201 • Phone: 304-725-8158
Martinsburg, WV 25401 • www.ifss.com



REVISIONS

NO.	REVISION DESCRIPTION	DATE
1	PER WASHON COMMENTS	10/07/2021
2	PER JEFFERSON COUNTY COMMENTS	11/15/2021
3	PER JEFFERSON COUNTY COMMENTS	11/09/2021
4	PER JEFFERSON COUNTY COMMENTS	12/17/2021

MILTON'S LANDING PRELIMINARY PLAT
PARCEL 30.2 (DB 1271/PG 136)
JEFFERSON COUNTY, WEST VIRGINIA

J.C.P.C. FILE #00.XX

SCALE: HORIZ. AS NOTED
VERT. _____

DATE: SEPTEMBER 2021

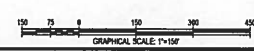
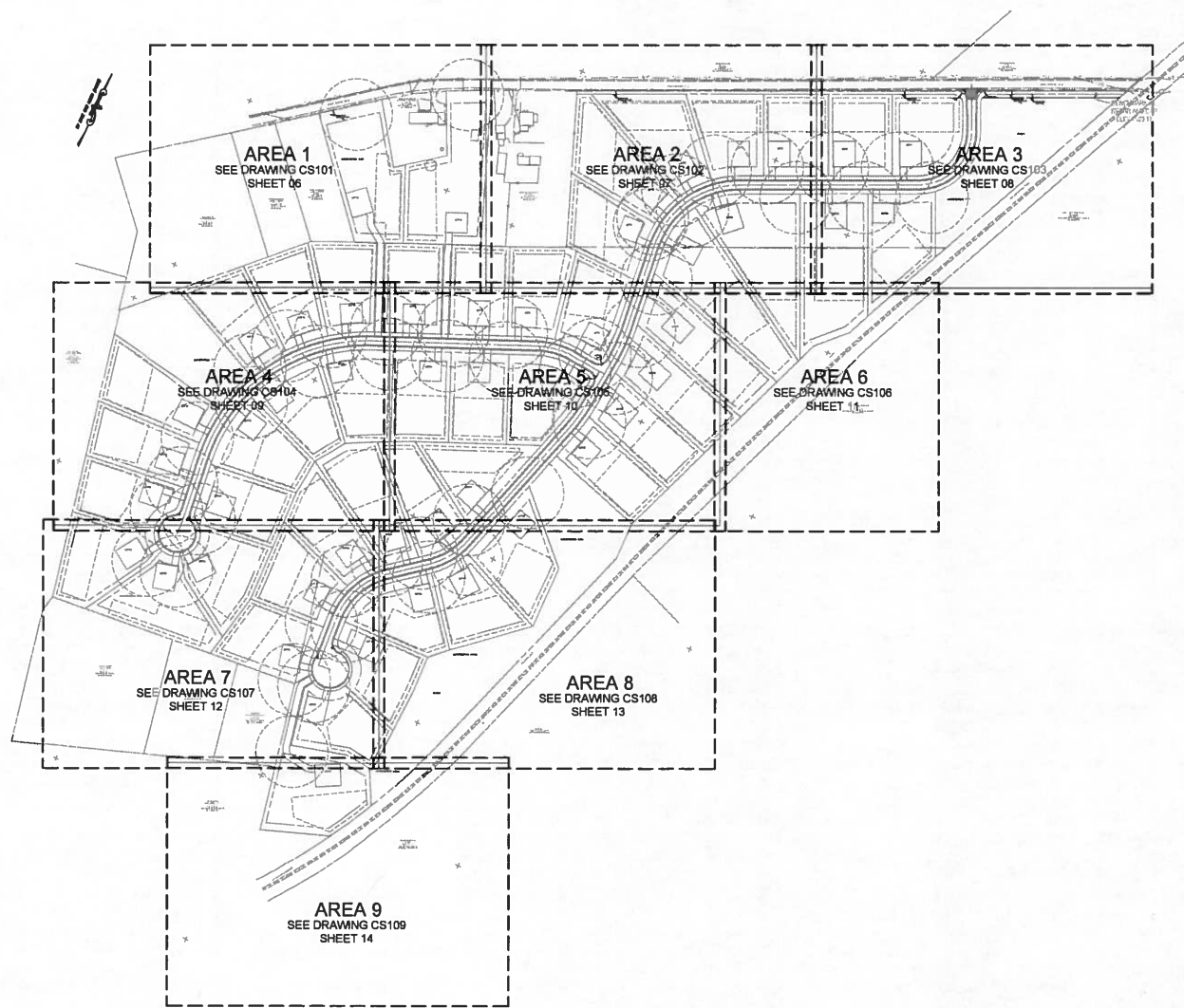
JOB: 3029-0101

DRAWN: _____ CHECK: _____

CADD: C-G-001.DWG

NCS: N/A

SHEET: _____



INTEGRITY
FEDERAL SERVICES

CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING
148 S. Queen Street, Suite 201 • Phone: 301-725-8456
Hartshornburg, WV 25401 • www.ifss.com

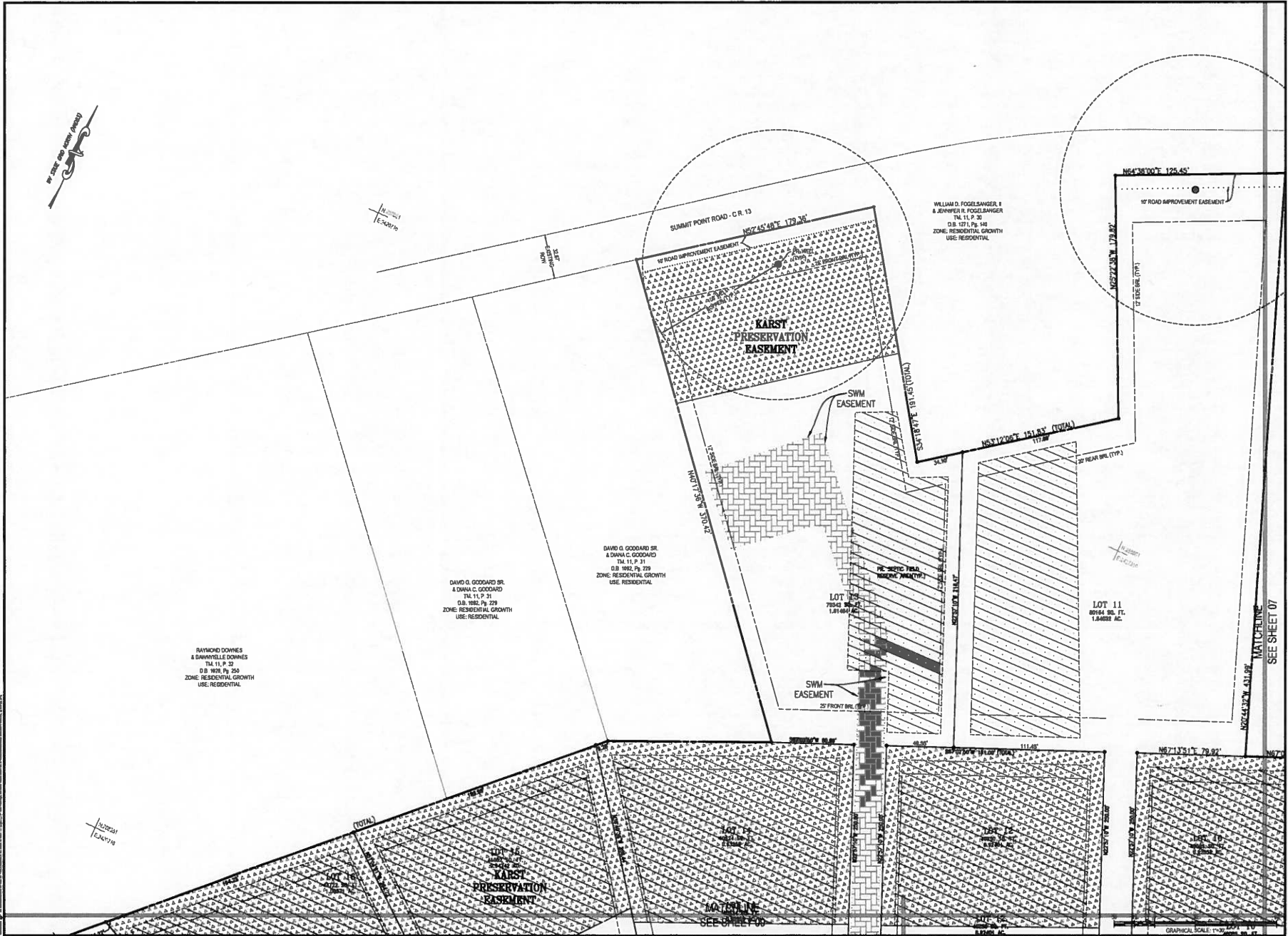


NO.	REVISIONS
1	2021-10-07 PER WOOD COMMENTS
2	2021-11-12 PER JEFFERSON COUNTY COMMENTS
3	2021-11-30 PER JEFFERSON COUNTY COMMENTS
4	2021-12-17 PER JEFFERSON COUNTY COMMENTS
5	2022-01-04 PER JEFFERSON COUNTY COMMENTS

PRELIMINARY PLAT KEY MAP
MILTON'S LANDING
PRELIMINARY PLAT
DIST. 1, MAP 11, PARCEL 30.2, 08, 27 (R/S 196)
JEFFERSON COUNTY, WEST VIRGINIA

J.C.P.C. FILE #100-00

SCALE:	HORIZ: 1" = 150'
	VERT: 1" = 150'
DATE:	SEPTEMBER 2021
JOB:	3029-0101
DRAWN:	CHECK:
CADD:	C-CS-100 DWG
NCS:	N/A
SHEET:	



NO.	REVISIONS
1	2023-09-07 PER ARCHIT. COMMENTS
2	2023-11-10 PER JEFFERSON COUNTY COMMENTS
3	2023-11-30 PER JEFFERSON COUNTY COMMENTS
4	2023-12-17 PER JEFFERSON COUNTY COMMENTS
5	2023-01-04 PER JEFFERSON COUNTY COMMENTS

PRELIMINARY PLAT AREA 1
MILTON'S LANDING
PRELIMINARY PLAT
 DIST. 2, MAP 11, PARCEL 30.2 (DB 1214PC 139)
 JEFFERSON COUNTY, WEST VIRGINIA
 J.C.P.C. FILE #100-XX

SCALE:	HORIZ. 1" = 30'
DATE:	SEPTEMBER 2023
JOB:	3523-0101
DRAWN:	CHECK:
CADD:	C-C-S-101 DWG
NCS:	NA
SHEET:	06 OF 44



HENRY B DAVENPORT II
 TM 11, P 9
 D.B. 184, Pg. 48
 ZONE: RESIDENTIAL GROWTH
 USE: AGRICULTURE/RESIDENTIAL

NOTE:
 * THIS 10' ROAD IMPROVEMENTS EASEMENT
 OVERLAPS WITH THE HOA RIGHT OF WAY.

SUMMIT POINT ROAD - C.R. 13

10' ROAD IMPROVEMENTS EASEMENT

N65°22'36"E 1043.17' (TOTAL)

S62°22'36"W 1428.84'

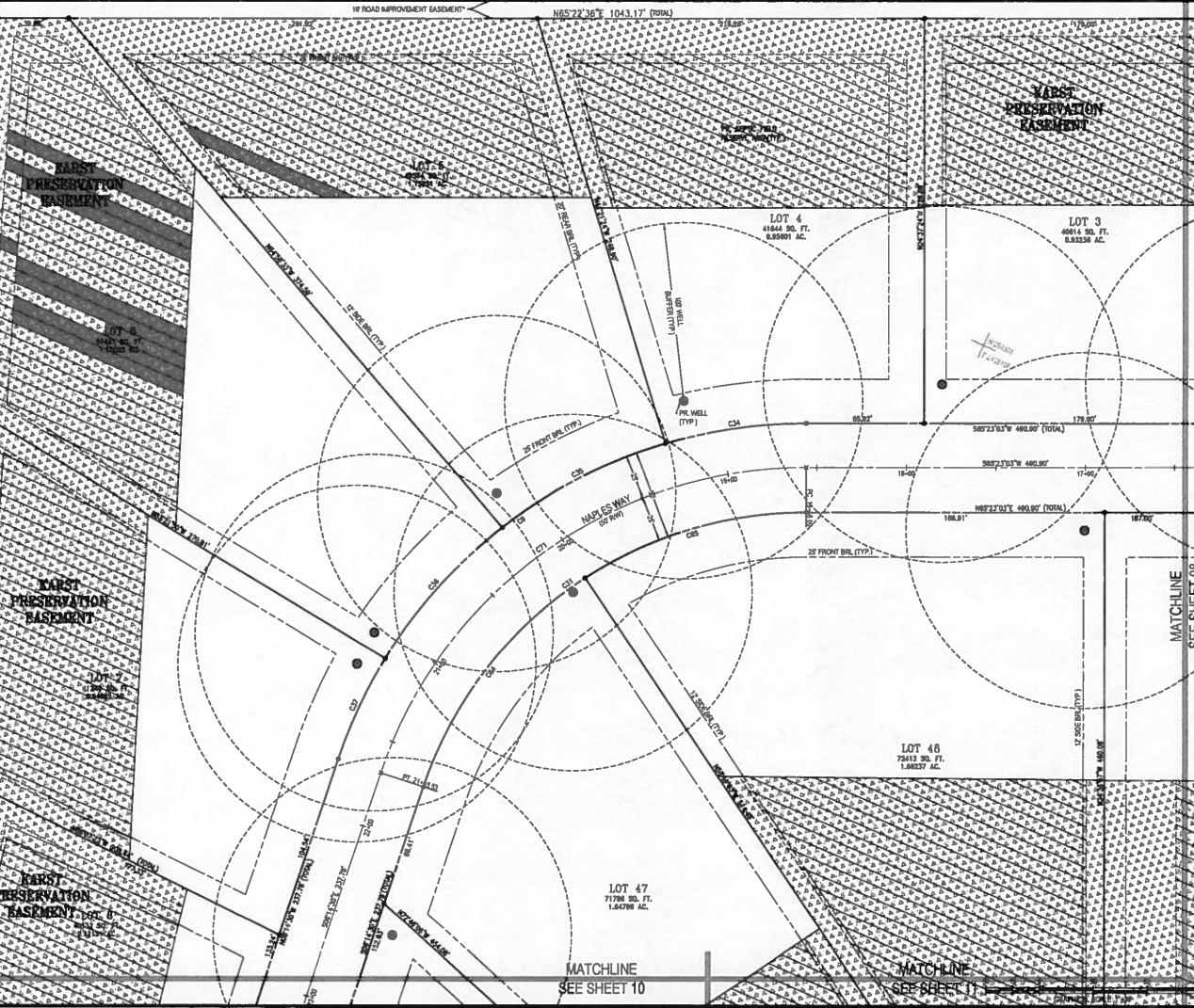
LUTMAN LAND DEVELOPMENT LLC
 TM 11, P. 30
 D.B. 1071, Pg. 138
 ZONE: RESIDENTIAL GROWTH
 USE: RESIDENTIAL

MATCHLINE
 SEE SHEET 06

MATCHLINE
 SEE SHEET 08

MATCHLINE
 SEE SHEET 10

MATCHLINE
 SEE SHEET 11



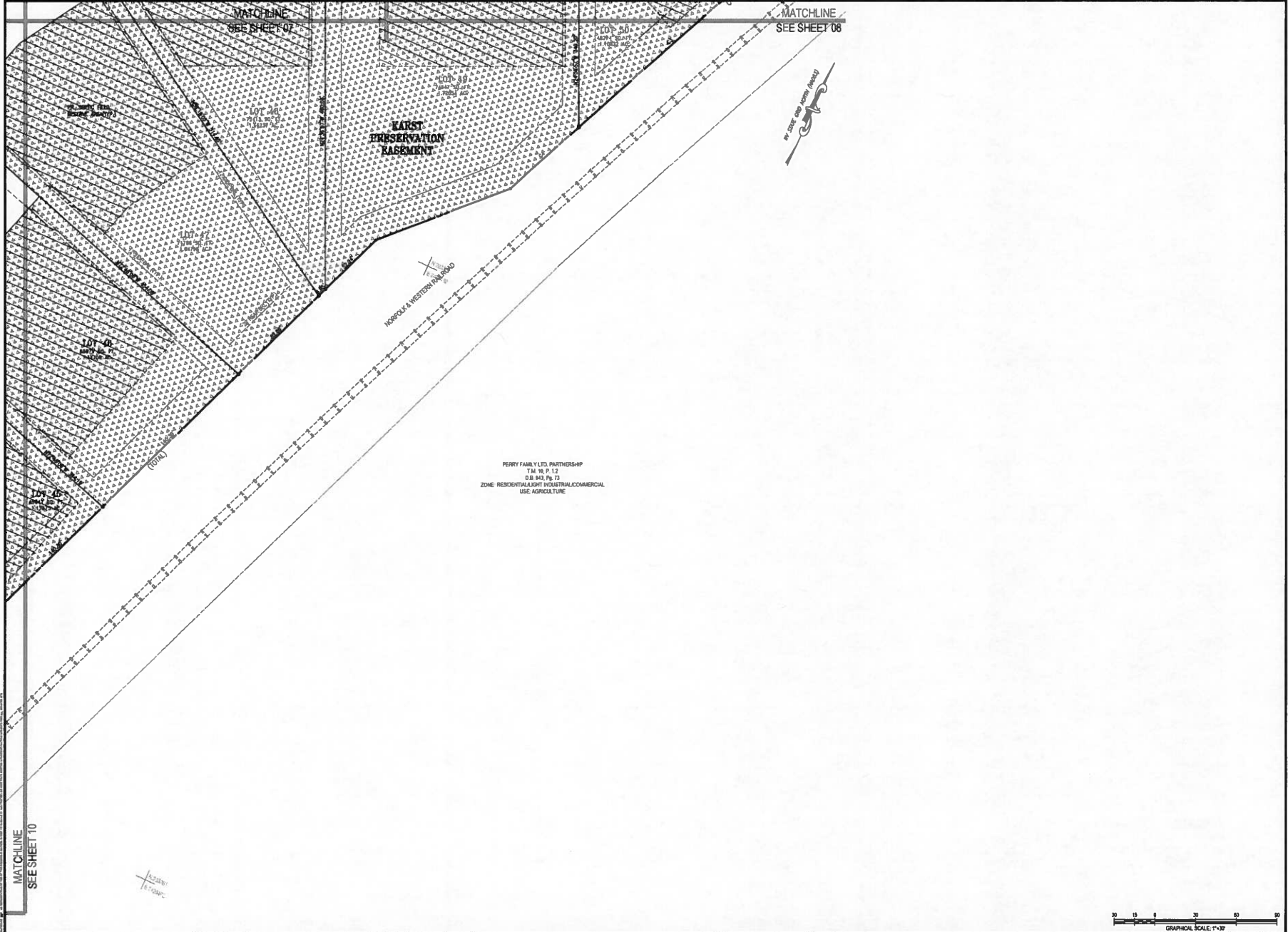
INTEGRITY FEDERAL SERVICES
 CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING
 148 S. Queen Street, Suite 201 • Phone: 304.725.4046
 Martinsburg, WV 25401 • www.ifss.com



NO.	REVISIONS
1	2021-08-07 PER WOOD COMMENTS
2	2021-11-12 PER JEFFERSON COUNTY COMMENTS
3	2021-11-30 PER JEFFERSON COUNTY COMMENTS
4	2021-12-17 PER JEFFERSON COUNTY COMMENTS
5	2022-01-04 PER JEFFERSON COUNTY COMMENTS

PRELIMINARY PLAT AREA 2
MILTON'S LANDING
PRELIMINARY PLAT
 DIST. 2, MAP 11, PARCEL 302 DB (27 HRS 19)
 JEFFERSON COUNTY, WEST VIRGINIA
 J.C.P.C. FILE #00-00

SCALE: HORIZ: 1" = 30'
 VERT: 1" = 10'
 DATE: SEPTEMBER 2021
 JOB: 3529-0101
 DRAWN: CHECK
 CADD: C-C5-101 DWG
 NCS: N/A
 SHEET: 07 OF 44



INTEGRITY
FEDERAL SERVICES

CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING

148 S. Queen Street, Suite 201 • Phone: 304.752-8166
 Marlinton, WV 25101 • www.ifs-ac.com



NO.	REVISIONS
1	2021-10-07 PER WYCKOFF COMMENTS
2	2021-11-17 PER JEFFERSON COUNTY COMMENTS
3	2021-11-17 PER JEFFERSON COUNTY COMMENTS
4	2021-12-17 PER JEFFERSON COUNTY COMMENTS
5	2022-01-04 PER JEFFERSON COUNTY COMMENTS

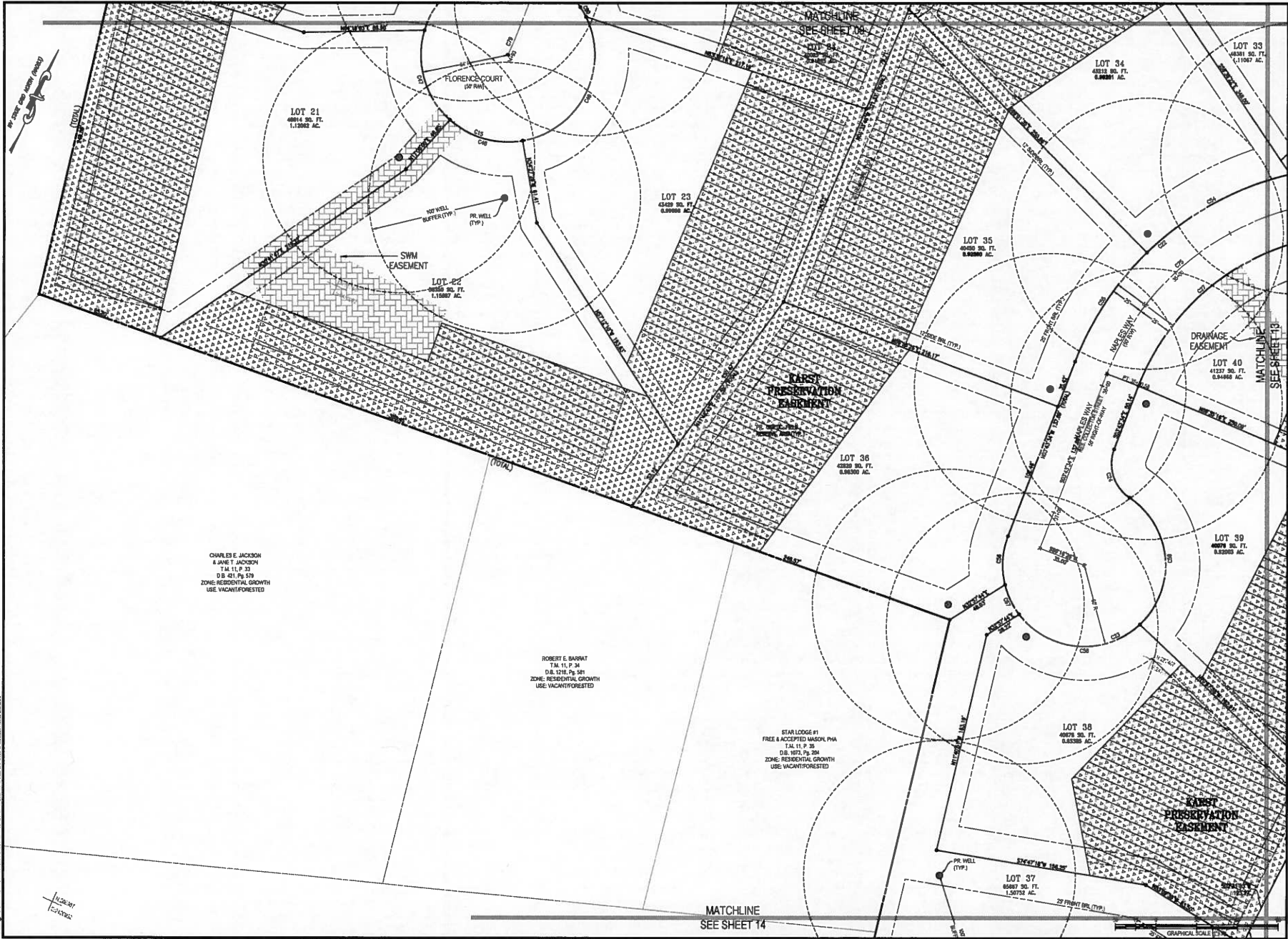
PRELIMINARY PLAT AREA 6

MILTON'S LANDING
PRELIMINARY PLAT

DIST. 2, MAP NO. 302, 205, 127 (P&S 136)
 JEFFERSON COUNTY, WEST VIRGINIA

J.C.F.C. FILE #XX XX

SCALE:	HORZ. 1" = 30'
VERT.:	1" = 15'
DATE:	SEPTEMBER 2021
JOB:	3025-0101
DRAWN:	CHECK
CADD:	CCS-101 DWG
NCS:	N/A
SHEET:	11 OF 44



CHARLES E. JACKSON
 & JANE T. JACKSON
 T.M. 11, P. 33
 D.B. 21, PG. 573
 ZONE: RESIDENTIAL GROWTH
 USE: VACANT/FORESTED

ROBERT E. BARRAT
 T.M. 11, P. 34
 D.B. 21, PG. 581
 ZONE: RESIDENTIAL GROWTH
 USE: VACANT/FORESTED

STAR LODGE #1
 FREE & ACCEPTED MASON, P.M.
 T.M. 11, P. 35
 D.B. 187, PG. 304
 ZONE: RESIDENTIAL GROWTH
 USE: VACANT/FORESTED

INTEGRITY FEDERAL SERVICES
 CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING
 141 S. Queen Street, Suite 201 • Phone: 502-722-8456
 Manassasburg, WV 25401 • www.ifs.com



NO.	REVISIONS
1	2021-04-07 PER WOOD COMMENTS
2	2021-11-12 PER JEFFERSON COUNTY COMMENTS
3	2021-11-30 PER JEFFERSON COUNTY COMMENTS
4	2021-12-17 PER JEFFERSON COUNTY COMMENTS
5	2022-01-24 PER JEFFERSON COUNTY COMMENTS

PRELIMINARY PLAT AREA 7
MILTON'S LANDING
PRELIMINARY PLAT
 DIST. 2, MAP 11, PARCEL 30.2 DB 127 (RCS 136)
 JEFFERSON COUNTY, WEST VIRGINIA
 J.C.P.C. FILE #100-00

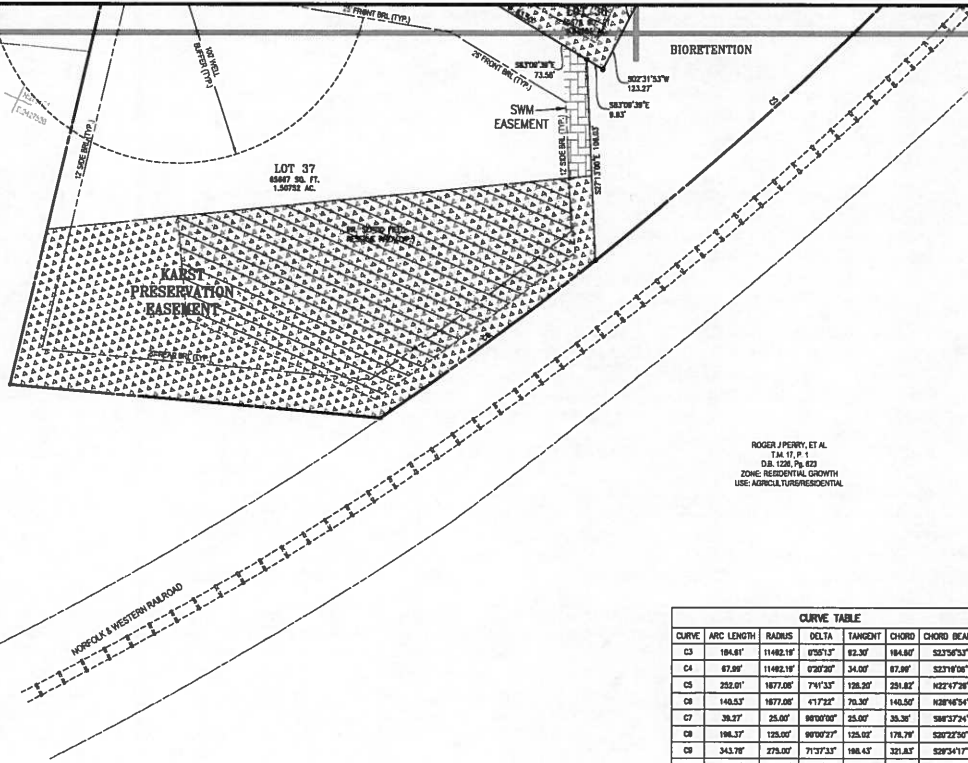
SCALE:	HORIZ. 1" = 30'
DATE:	SEPTEMBER 2021
JOB:	3529-0101
DRAWN:	CHEEC
CADD:	CCS-101 DWG
NCS:	N/A
SHEET:	

MATCHLINE
SEE SHEET 12

MATCHLINE
SEE SHEET 13



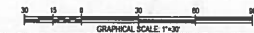
THE WINCHESTER
COLD STORAGE CO. LTD.
174 11, P. 3
DB. 488, PG. 218
ZONE, NEIGHBORHOOD RESIDENTIAL
USE, AGRICULTURE



ROGER J. PERRY, ET AL.
174 11, P. 4
DB. 1226, PG. 623
ZONE, NEIGHBORHOOD GROWTH
USE, AGRICULTURE/RESIDENTIAL

CURVE TABLE						
CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C3	184.81	11482.16	0°55'15"	82.30	184.80	S23°55'37"W
C4	87.89	11482.16	0°20'20"	34.00	87.89	S27°19'08"W
C5	232.01	18777.08	7°41'35"	128.20	232.82	K22°47'28"E
C6	140.53	18777.08	4°17'22"	70.30	140.50	K28°16'54"E
C7	38.37	25.00	80°00'00"	25.00	38.36	S88°37'24"E
C8	198.37	123.00	90°00'27"	123.02	178.79	S20°22'50"W
C9	343.78	273.00	71°37'33"	198.43	321.83	S28°34'17"W
C10	88.95	473.00	11°38'09"	48.85	88.77	N00°16'28"W
C11	23.02	16.00	80°38'25"	15.80	22.58	N50°28'21"E
C12	123.21	250.00	28°14'15"	62.86	121.86	S81°10'57"W
C13	641.48	500.00	73°30'34"	373.43	588.38	S30°17'33"W
C14	28.51	30.00	58°21'15"	18.07	28.33	N21°42'53"E
C15	322.05	64.00	288°19'08"	48.23	74.85	N85°43'58"E
C16	77.21	30.00	51°57'58"	14.82	28.28	S37°28'49"E
C17	577.34	450.00	73°30'34"	338.08	538.55	S30°17'33"W
C18	88.57	200.00	28°14'15"	50.30	87.57	S81°10'57"W
C19	25.13	16.00	80°00'00"	16.00	22.83	N38°43'57"W
C20	89.85	473.00	11°38'09"	48.79	88.87	N11°52'28"E
C21	108.19	173.00	34°48'04"	54.79	104.57	N34°38'38"E
C22	218.83	225.00	55°43'31"	118.84	216.30	S24°08'12"W
C23	288.30	60.00	257°00'37"	79.21	83.81	S47°41'38"W
C24	40.40	30.00	77°00'37"	23.83	37.42	N11°52'28"E
C25	138.53	225.00	34°48'04"	70.44	134.45	N34°38'38"E
C26	108.47	225.00	11°38'09"	54.84	108.38	N11°52'28"E
C27	108.81	225.00	11°38'09"	52.86	108.43	N02°26'43"W
C28	281.27	525.00	71°37'33"	162.35	283.31	K28°34'17"E
C29	374.81	175.00	80°00'27"	175.02	247.50	K22°47'28"E
C30	38.37	25.00	80°00'00"	25.00	38.36	K22°47'28"E
C31	78.78	275.00	18°37'28"	40.18	78.91	S57°34'50"W
C32	103.11	275.00	21°28'00"	52.17	102.24	S38°10'08"W
C33	99.82	275.00	30°37'52"	50.05	98.48	S18°57'40"W
C34	81.85	275.00	12°53'11"	31.88	81.72	N87°13'57"W
C35	71.13	250.00	18°18'08"	35.81	70.88	N79°16'36"W
C36	52.87	250.00	11°38'09"	26.13	51.86	S73°09'57"W
C37	121.87	500.00	13°32'28"	60.83	120.78	S80°09'37"W
C38	124.38	500.00	14°18'18"	62.82	124.67	S48°02'47"W
C39	120.17	500.00	13°46'13"	60.37	118.86	S32°02'03"W

CURVE TABLE						
CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C40	125.83	500.00	14°25'51"	63.30	123.60	S17°56'11"W
C41	111.45	500.00	12°46'15"	55.86	111.27	S04°19'57"W
C42	38.48	500.00	4°24'34"	19.25	38.47	S04°19'57"W
C43	64.71	84.00	57°58'42"	38.43	61.99	S20°35'40"W
C44	72.45	84.00	64°31'46"	48.87	68.85	S42°28'50"E
C45	57.58	84.00	51°33'28"	30.91	56.87	N81°19'17"E
C46	188.85	84.00	108°24'18"	63.56	102.50	N02°28'27"E
C47	8.40	84.00	73°33'41"	4.23	8.44	N54°28'38"W
C48	216.87	450.00	28°50'57"	107.41	208.85	S08°57'44"W
C49	221.78	450.00	28°14'15"	113.18	218.54	S34°30'21"W
C50	144.88	450.00	18°25'21"	72.87	144.67	S37°30'10"W
C51	121.84	225.00	31°01'33"	62.48	120.38	S38°29'11"W
C52	88.98	225.00	24°41'36"	48.38	88.25	S08°27'25"W
C53	38.54	60.00	34°53'30"	18.86	38.08	S21°19'18"E
C54	24.34	60.00	23°14'23"	12.34	24.17	S01°41'15"E
C55	100.83	60.00	86°00'42"	68.79	88.24	N70°05'43"E
C56	107.78	60.00	102°06'03"	73.34	83.87	N28°25'10"E
C57	114.42	225.00	28°00'08"	58.47	113.19	N37°25'57"E
C58	23.12	225.00	57°37'55"	11.67	22.11	N10°10'57"E
C59	85.04	525.00	7°05'55"	32.58	85.00	N07°40'57"E
C60	44.43	525.00	4°58'08"	22.23	44.42	N07°41'31"E
C61	158.81	225.00	30°21'27"	78.25	147.82	S17°56'11"W
C62	138.66	225.00	33°18'21"	67.23	138.83	S48°44'53"W
C63	50.71	175.00	18°30'17"	25.53	50.53	N57°04'58"E
C64	224.20	175.00	73°41'52"	130.45	208.18	N17°04'44"E
C65	235.84	500.00	80°00'27"	150.02	212.15	S22°22'50"W
C66	313.53	250.00	71°27'33"	180.38	282.57	S28°24'17"W
C67	108.58	500.00	11°31'33"	50.48	108.41	S02°28'43"E
C68	104.28	500.00	11°56'54"	52.32	104.07	S11°52'50"W
C69	121.38	200.00	34°48'04"	62.61	118.84	S34°38'38"W
C70	194.52	200.00	56°43'31"	105.73	186.84	S24°08'12"W
C71	118.88	225.00	28°14'15"	58.56	108.77	N81°10'57"W
C72	808.42	475.00	73°30'34"	394.78	588.47	S26°17'37"W
C73	58.38	525.00	8°02'30"	27.72	58.38	S82°28'24"E



INTEGRITY FEDERAL SERVICES
 CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING
 145 Chesapeake Commons
 Huntington, WV 25901 • 304.292.4950
 www.integrityfs.com



NO.	DATE	REVISIONS
1	2021-10-07	PER WORK COMMENTS
2	2021-11-02	PER JEFFERSON COUNTY COMMENTS
3	2021-12-17	PER JEFFERSON COUNTY COMMENTS
4	2021-12-17	PER JEFFERSON COUNTY COMMENTS
5	2022-01-04	PER JEFFERSON COUNTY COMMENTS

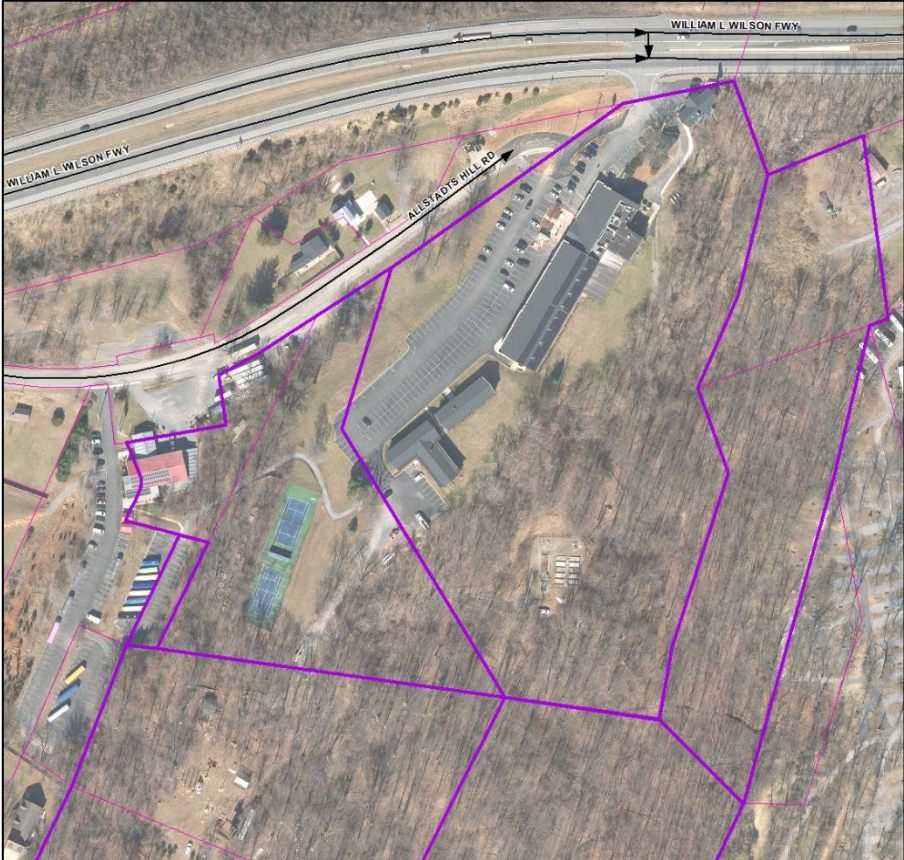
PRELIMINARY PLAT AREA 9
MILTON'S LANDING
PRELIMINARY PLAT
 DIST. 2, MAP 11, PARCEL 302.08 (271PG 138)
 JEFFERSON COUNTY, WEST VIRGINIA
 J.C.P. FILE #XX-XX

SCALE: HORIZ. 1" = 30'
 VERT. 1" = 10'
 DATE: SEPTEMBER 2021
 JOB: 3529-0101
 DRAWN: _____ CHECK: _____
 CADD: C-CS-101 DWG
 NCS: N/A
 SHEET: _____

Staff Report
 Jefferson County Planning Commission Meeting
 January 11, 2022

Knott Waiver Request (File #: 21-24-PCW)

Item # 8: Public Hearing: Waiver from Section 20.203B of the Subdivision Regulations, which requires a Site Plan when the footprint of any addition or a new structure (building and/or parking lot) is greater than 1,200 square feet. The applicant is requesting to waive the requirement of a site plan to convert an existing tennis court into a Brewery.

Owner/ Applicant	Matt and Laura Knott
Parcel Location and Information	<p style="text-align: center;">408 Allstadts Hill Road, Harpers Ferry, WV Parcel ID: 04000900690000; Combined Size: 4.64 ac; Zoning District: Residential-Light Industrial-Commercial</p> 
Adjacent Zoning Districts	<i>North, East, South, West:</i> Residential-Light Industrial-Commercial
Proposed Activity	Development of a Brewery on the existing tennis court site without processing a Site Plan
Approvals:	<ul style="list-style-type: none"> • Boundary Line Adjustment recorded in DB1264/PG36 and PB26/PG254; Approved 07/19/21 • ZC17-07 Recreation and Commercial Tourism Operation comprised of various indoor and outdoor recreation areas, Issued 2/28/17 • ZC17-03 Helipad as Commercial Use for existing approved recreational tourism site; Issued 2/28/17

Staff Report
 Jefferson County Planning Commission Meeting
 January 11, 2022

Knott Waiver Request (File #: 21-24-PCW)

	<ul style="list-style-type: none"> • S13-07 River Riders All-Inclusive Family Adventure Center Site Plan (for full 45 acres including multiple parcels); Concept Plan 2/25/14; Site Plan Approved 8/17/15 • ZC 12-02 Aerial Adventure Park, Issued 3/14/12
Waivers/Variances:	<p>PCW 14-04: Waiver from Section 2.5.1; Table 2.2-1; Section 9.4.E; Section 9.3; and Section 9.4.A. regarding the grade of the internal drive aisles for the proposed All-Inclusive Family Adventure Center; Approved 12/9/14</p> <p>PCW 14-01: Waiver to permit a grass parking area with minimal earthwork and grading and with a paved center drive aisle as shown on previously approved the Concept Plan as the “Seasonal Parking” area. Waiver is from Sections Appendix B, Section 2.5, Multiple Subsections; Appendix B, Section 9.4 A and C; Appendix B, Section 9.5; Approved 4/8/14</p> <p>ZV 14-19: Elimination of the parking/drive aisle, building setbacks and landscape buffer requirements for internal lot lines only; Approved 11/13/14</p> <p>ZV 98-38: Variance from sign provisions (denied 01/21/99)</p>

Summary of the Request

The applicant is proposing to construct a 10,000 square foot brewery/brewpub with indoor and outdoor seating on the site of existing tennis courts, which occupy a 60’ x 240’ (14,400 sq ft) site. The Zoning Ordinance defines a brewpub as an establishment owned by a resident brewer in which craft beer is manufactured and sold on premises in accordance with WV State Code licensing requirements. A brewpub may include the incidental sale of food. The Zoning Administrator has determined that this use is permitted in the RLIC zone.

The applicant contends that there is sufficient existing parking serving the overall Recreation and Commercial Tourism Operation to serve the proposed brewery/brewpub and that existing walking paths will provide access.

Background

On July 19, 2021, a boundary line adjustment was approved and recorded in Deed Book 1264/Page 36 and Plat Book 26/Page 254. This boundary line adjustment incorporated the tennis courts, which were previously a part of the Clarion Inn Harpers Ferry hotel complex, with a portion of the Family Adventure Resort LLC property creating a 4.64-acre property. This property includes the main structure associated with the River Riders Family Adventure Resort and the tennis courts. The full Family Adventure Resort complex occupies multiple properties totaling approximately 45 acres. All parking proposed for use by the brewery/brewpub is on adjoining properties that are all a part of the Family Adventure Resort complex.

Subdivision Requirements and Discussion

Section 20.203 “Minor Site Development” of the Subdivision Regulations (excerpt below), requires all projects to process a Site Plan if the footprint of the proposed addition or the new structure is greater than 1,200 square feet; OR if additional parking is required per the Zoning Ordinance; OR if the disturbed

Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022

Knott Waiver Request (File #: 21-24-PCW)

area is more than 5,000 square feet. Additionally, Section 20.203B of the Subdivision Regulations states that a Concept Plan is required if the all new structures or new additions to structures located on the parcel total more than 5,000 square feet.

The applicant is requesting that this proposed project be classified as a “No Site Plan” because they believe that the existing 14,400 square foot impervious area occupied by the tennis courts should be considered a “structure” for the purpose of interpreting this section of the Subdivision Regulations. They believe that because the proposed 10,000 square foot brewery/brewpub structure is smaller than the existing 14,400 square foot impervious area occupied by the tennis courts – and therefore creates no additional impervious area – that a site plan is not required.

The applicant also claims that no additional parking is required due to excess parking already available on site to serve the structure; and that there will be no disturbed area outside the tennis court footprint. In addition, the applicant also claims that stormwater management facilities already exist on the site and that no additional stormwater management will be needed as no additional impervious area will be created by the project.

Even though the footprint of the proposed 10,000 square foot structure does not exceed the existing 14,400 square foot of impervious area created by the tennis court, and the applicant claims no additional parking will be required due to excess parking already available on site to serve the structure, and the applicant plans to disturb no area outside the tennis court footprint; the Office of Engineering determined that the existing tennis courts are not considered a structure under the Improvement Location Permit Ordinance. Therefore, due to this interpretation, and solely for this reason, a site plan is required in accordance with Sec. 20.203 B. “Site Plan Classifications” of the Jefferson County Subdivision Regulations.

Should the Planning Commission grant the waiver, the applicant will still need to process a Zoning Certificate and will also be required to obtain a building permit, WV Division of Highways approval for use of the existing entrance, and approval from the necessary utility providers prior to construction.

Staff Recommendation

Site Plans are engineered documents that depict the site improvements required by the Subdivision Regulations, including, but not limited to, stormwater management, landscaping, parking and drive aisle layout, bonding and signage. It is generally preferred that Site Developments in commercial zoning districts, such as this one, meet the Site Plan requirements of the Subdivision Regulations.

However, this proposed project, the circumstances, and waiver request is not typical of what staff usually processes. Therefore, staff defers to the Planning Commission to evaluate the applicant’s argument for a waiver and to determine if the project merits a waiver.

It should be noted that if the Planning Commission is inclined to grant the waiver, from requiring a site plan, that the applicant will still have to provide approval from the WVDOH (access) and the Health Department, and appropriate water and sewer utility providers before a building permit can be issued.

Staff Report
Jefferson County Planning Commission Meeting
January 11, 2022

Knott Waiver Request (File #: 21-24-PCW)

Sections of Subdivision Regulations under Consideration:

Section 20.203 Minor Site Development

Minor Site Developments are those proposals that do not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure.

B. Site Plan Classifications

All Minor Site Developments shall be processed utilizing one of the following Site Plan Classifications. Unless explicitly stated within this Section, all requirements of these Regulations apply to each of the classifications below, including the requirements of Appendix A and Appendix B. Minor Site Development may require Stormwater Management Plans and stormwater management activities per the Jefferson County Stormwater Management Ordinance.

1. **No Site Plan or Stormwater Management Plan.** No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:
 - a. The footprint of the addition or the new structure is less than 1,200 square feet; and
 - b. No additional parking is required per Zoning Ordinance standards; and
 - c. The disturbed area is no more than 5,000 square feet.

Note: Once the total of any additions or new structures processed under this provision since October 5, 1988 exceeds 1,200 square feet, it shall process as a Limited Site Plan or a Full Site Plan, as appropriate.

Waiver Requirements

The applicant has provided 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.



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 #: 21-24-pcw
 Mtg Date: 11-11-22
 Date Rec'd: 12-21-21
 Fees Paid: 100-
 Staff Int: SM
 List of Adjoiners:

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

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: Matt and Laura Knott
 Business Name: _____
 Mailing Address: 408 Alstadts Road, Harpers Ferry, WV 25430
 Phone Number: 304/671-7199 Email: Matt@riverriders.com

Applicant Contact Information

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

Consultant Information

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

Physical Property Details

Physical Address: 408 Alstadts Road, Harpers Ferry, WV 25430 Vacant Lot:
 Tax District: Harpers Ferry Map No: 9 Parcel No: 69
 Parcel Size: 4.6408+- Acres Deed Book: 980 1264 Page No: 230 36
 Zoning District: Residential/Light Industrial/Commercial

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

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

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

Section 20.203B

Briefly Describe the Nature of Your Waiver Request:

Applicant Believes They Qualify for a No Site Plan under Section 20.203B since the Impervious Structure where the Brewery will be placed already exists as a Commercial/Hotel Tennis Court Facility/Structure. No new Impervious Surface will be added and parking will be accomodated at the existing parking facilites. If the interpretation stands, then applicant is seeking a waiver.
Further information may be added prior to the meeting due to the limited time to prep application prior to the Waiver deadline.

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.

There will be no cost in County Maintenance as it is a private commercial facility. It will only add to the Tourist and Commercial Tax Base.

Reserve right to add to the agenda package prior to the meeting.

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.

There will be no adverse affect to Public Health, Safety , or Welfare. The facility and neighboring facility has been impervious and has been used for commercial purposes for many, many, many years. The land is zoned for commercial Activities and the Comprehensive Plan completely supports the adaptive reuse of commercial facilities and the expansion of Commercial Tourism in Jefferson County. This is particularly true on Alstadts Hill that have been used for River Riders and the Hotel since the 70s and 80s. Other properties such as farms and other jurisdictions don't need a site plan for a Brewery/Brew Pub type operation. County Commission has specifically cited need for Breweries and Wineries.

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

The Ordinance says that a No Site Plan can be granted if the "Footprint" of the addition is not greater than 1200 sq. ft. Since the addition is on top of the tennis court structure (the County Department of Planning, Zoning and Engineering has long interpreted tennis courts, pickleball courts, patios, basketball courts as structures), the "Footprint" of the facility does not expand at all. Furthermore, the ordinance states that if additional parking is not needed, then it can avoid a site plan. The Applicant is planning on using existing parking and only construct a gravel drive for delivery/employee.

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

Counties all around Jefferson are allowing Breweries and Wineries to enhance their tourism. This commercial tourism is permitted without site plans (even in Jefferson County on Farms), so this land that is actually zoned for commercial is an ideal location to allow the reuse of an existing commercial impervious structure with existing parking to capitalize on the brewery and winery craze. This location is already long recognized as a tourist hotspot in the County with the Zipline, Hotel, River Riders, Adventure Park, Campground. This use would be a perfect compliment to the area. Finally, the County Commission President, just in the past two years specifically said it was time to remove any regulatory barriers to this type of use.

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.

12/21/21

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.

01/11/22

Public Hearing Date

12/28/21

Date Placard Posted

12/28/21

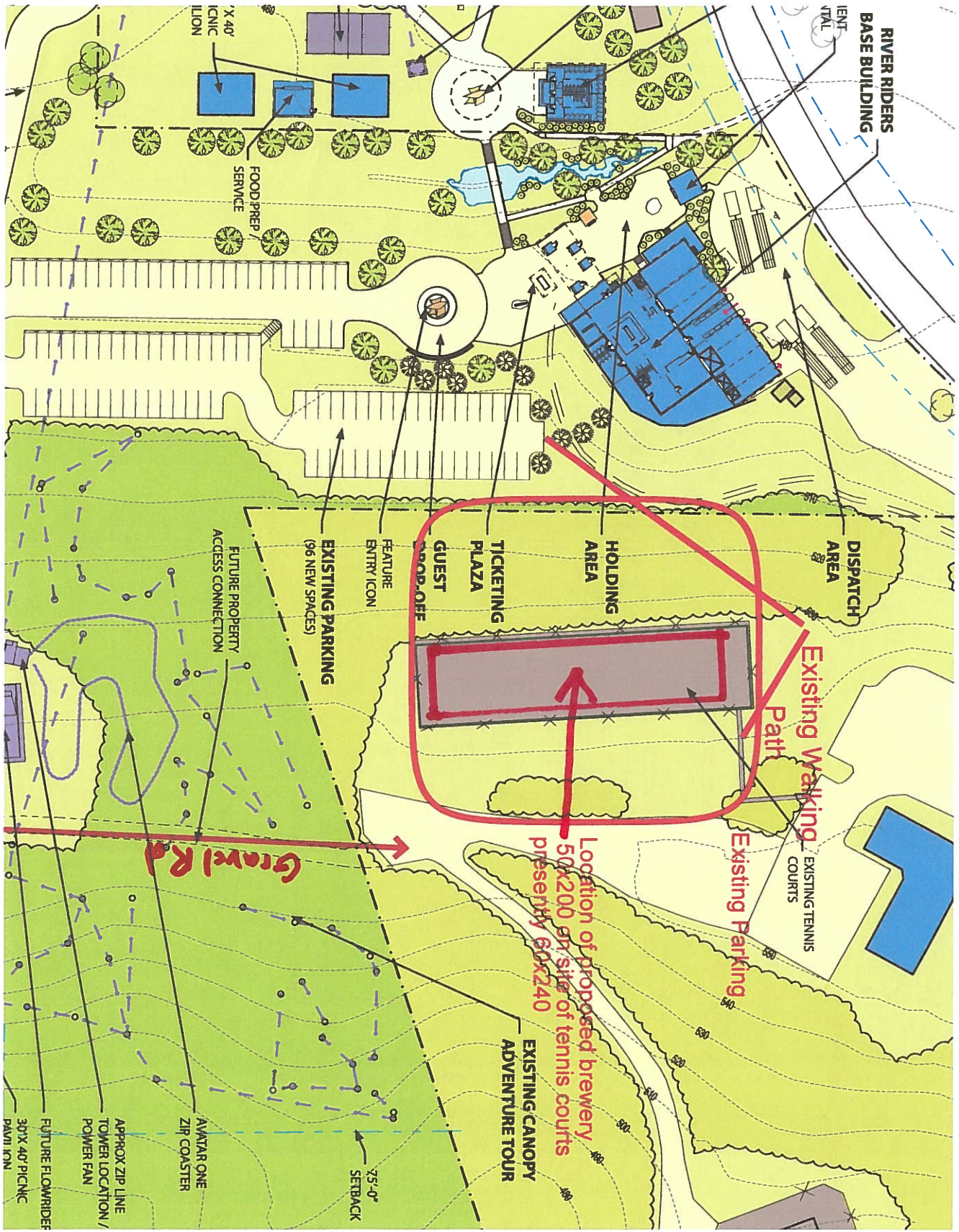
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



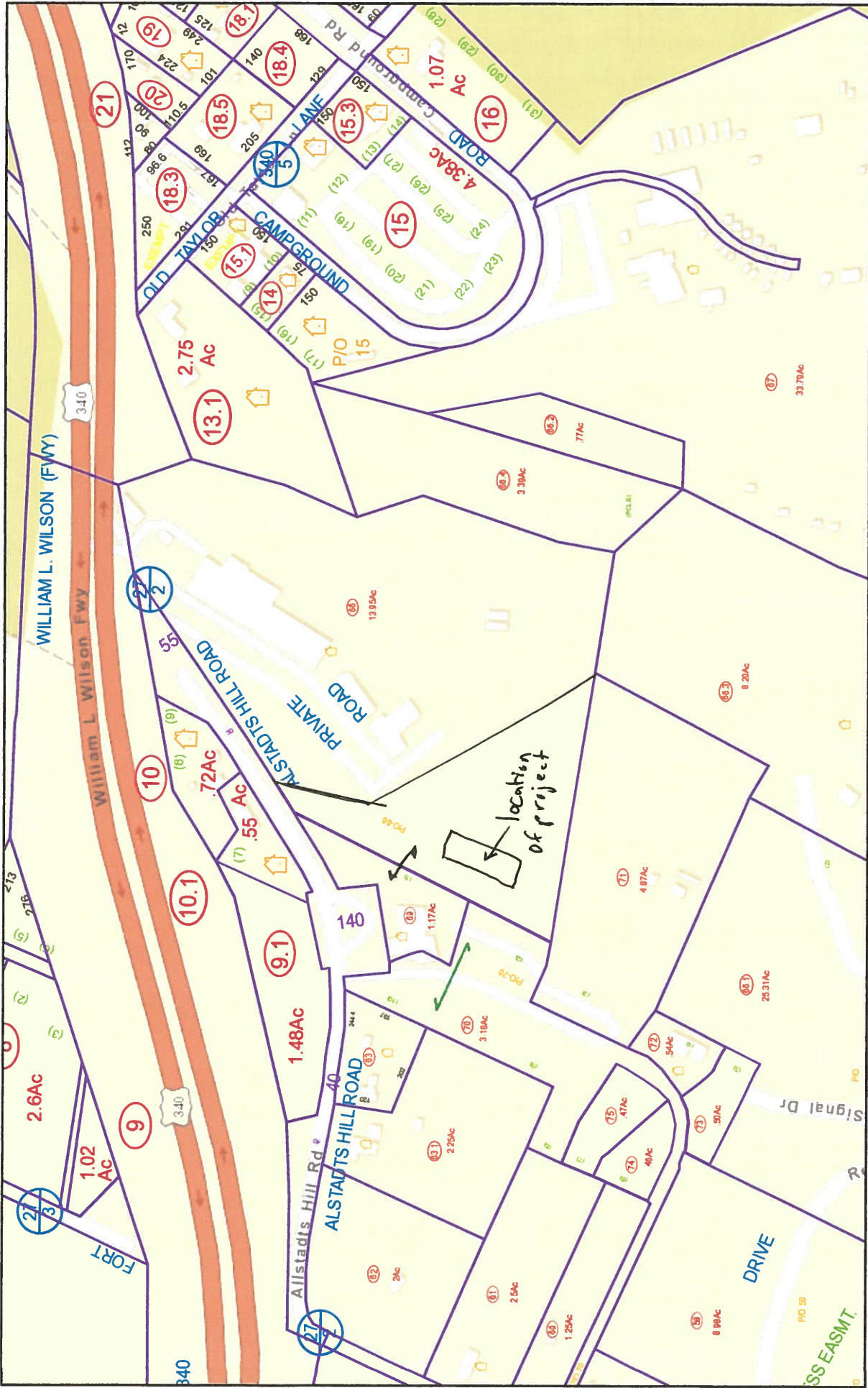
Location of proposed brewery
 50'x200' on site of tennis courts
 presently 60'x240'

Existing Walking Path

Existing Parking

Gravel Rd.

Viewer Map



December 21, 2021

1:4,514



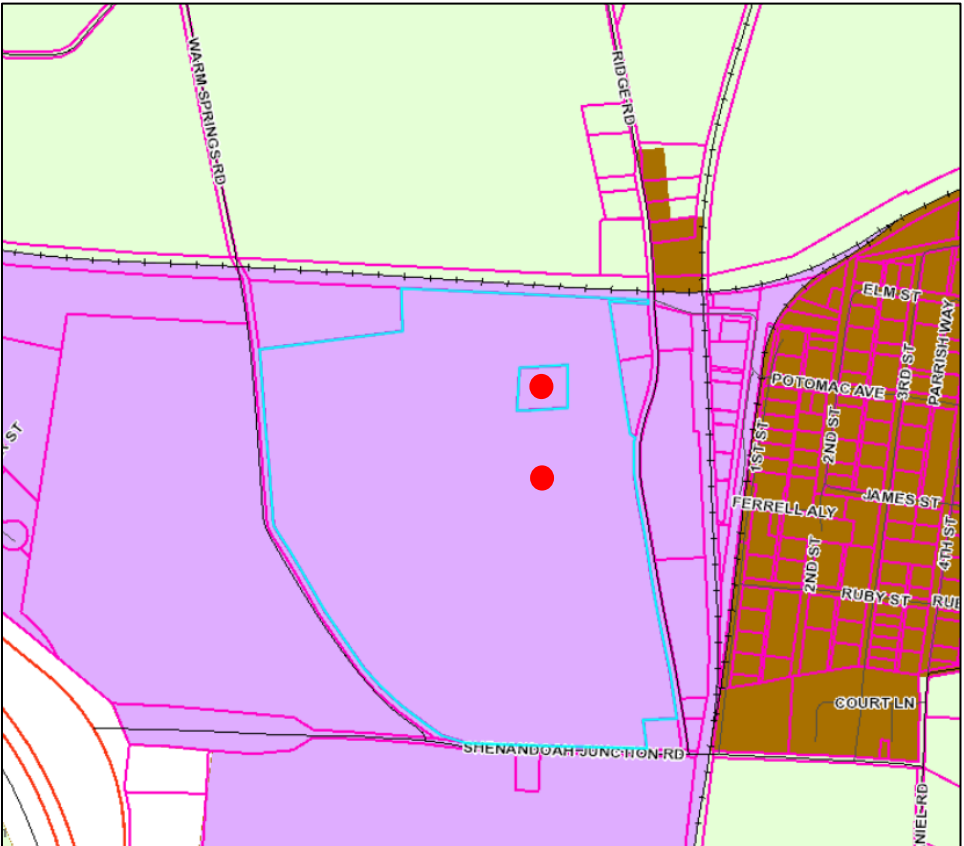
Staff Report

Jefferson County Planning Commission Meeting

January 11, 2022

Holden Rezoning Request (21-5-Z)

Item # 9: Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial to Residential Growth is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Owner:	Arnold Holden, et al
Consultant:	Chad Wallen, Integrity Federal Services
Parcel Information:	<p style="text-align: center;">257 and 263 Ridge Road, Shenandoah Junction, WV Tax District: Shepherdstown (09), Map: 11; Parcels: 29 & 45; Total Acres: 76.2 Zoning District: Industrial-Commercial</p> 
Surrounding Properties:	North: Rural; East: Industrial Commercial & Village; South & West: Industrial-Commercial
Current Use:	Agricultural/Residential
Proposed Request	To rezone from Industrial-Commercial (IC) to Residential Growth (RG)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that the request is <u>consistent</u> with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .

Staff Report

Jefferson County Planning Commission Meeting

January 11, 2022

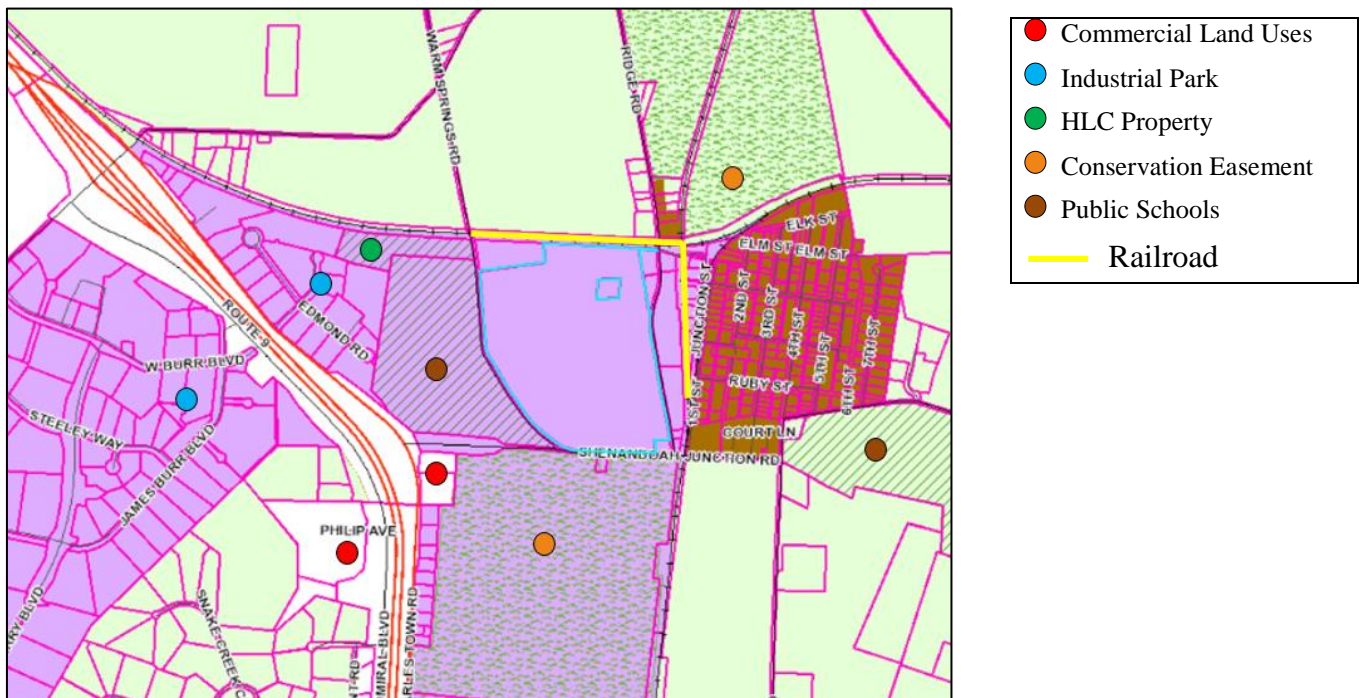
Holden Rezoning Request (21-5-Z)

Applicant's Request

The applicant's request is to rezone a total of 76 acres from Industrial Commercial (IC) to Residential Growth (RG). The subject parcels are accessed from Ridge Road (WV 16) and also have state road frontage along Warm Springs Road (WV 48/2) and Shenandoah Junction Road (WV 20) in Shenandoah Junction, WV. Aside from two existing dwelling units, the parcel appears to have historically been occupied by a passive agricultural use.

Neighboring Uses

This area of the County is comprised of a variety of land uses and zoning categories. To the east of the properties proposed to be rezoned is the village of Shenandoah Junction. This area is zoned Village (shown in brown) and consists of small residential lots, a church, post office (closed), and a community center (closed). Between Shenandoah Junction and the subject properties are a number of small lots zoned Industrial Commercial (shown in purple), but primarily occupied by residential uses. These lots are within the Village Expansion Area. This area is bisected by the Norfolk Southern railroad tracks.



Industrial Commercial zoning (purple) is to the west and south of the subject properties, but occupied by a variety of land uses. Within this zoning category to the west is T.A. Lowry Elementary School, the Peter Burr Farm (owned by the Jefferson County Historic Landmarks Commission) and the Burr Industrial Park. Recently a Dollar General store was constructed at the southeast corner of Shenandoah Junction Road and Charles Town Road, within the Corporation of Ranson.

To the south of the subject properties is a 320-acre farm, known as Gap View Farm, owned by the Buckles family. While zoned Industrial Commercial, in 2017 this property was put into the Jefferson County's Farmland Protection Program, which permanently retired the farm's potential development rights in order to maintain the land as agricultural open space.

The properties to the north, across the CSX Railroad tracks, are zoned Rural (green) and are generally agricultural in nature.

Staff Report

Jefferson County Planning Commission Meeting

January 11, 2022

Holden Rezoning Request (21-5-Z)

Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that the request is **consistent** with the *2035 Plan* because it is shown as future "Medium Density Residential" on the Future Land Use Guide. The current zoning permits industrial and commercial uses while prohibiting residential land uses. The existing dwelling units are considered nonconforming land uses. The owner-initiated downzoning to Residential Growth (RG) would allow for a variety of residential land uses such as single family and two family dwellings and/or townhome units.

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

Zoning Map Amendment Public Hearing Process

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

Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary

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

A. Land Use and Growth Management Element/ Future Land Use Guide

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

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

The properties that are the subject of this rezoning request are located within the Shenandoah Junction PGA/School Based Growth Area which extends from TA Lowery Elementary School to Flowing Springs Road, encompassing Shenandoah Junction and Wildwood Middle School and Jefferson High School. The Land Use and Growth Management Element of the *2035 Plan* states that this PGA abuts the Ranson UGB and includes the village of Shenandoah Junction, TA Lowery Elementary School, Wildwood Middle School, Jefferson High School, and the existing Duffield's train stop and parking lot. It further reports that considerable input was received during the Comprehensive Plan process

Staff Report

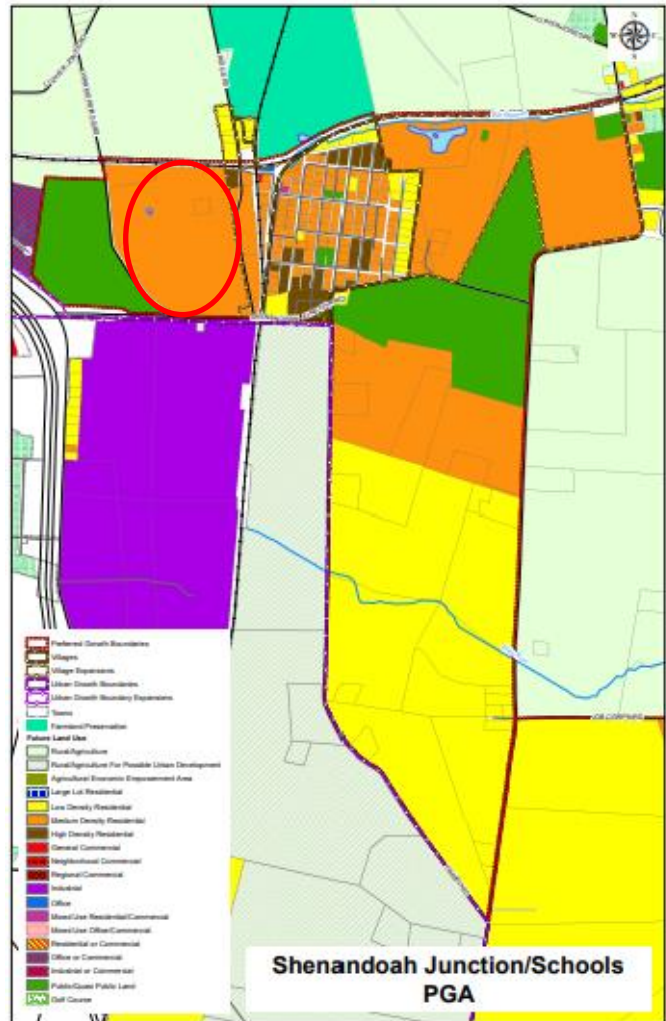
Jefferson County Planning Commission Meeting

January 11, 2022

Holden Rezoning Request (21-5-Z)

related to the desirability of siting schools in locations that are walkable and/or bikeable to the neighborhoods that the school serves. Toward this end, this PGA was designated as an area to encourage the development of such walkable neighborhoods around schools that currently exist. As noted in the discussion of this PGA, planning growth around existing schools decreases bus vehicular traffic and allows for connectivity including walking and biking trails.

The recommended land uses in this PGA include Medium Density Residential around the schools which is recommended to develop in a pattern and scale compatible with the village of Shenandoah Junction, transitioning to Low Density Residential abutting the Rural/Agricultural land uses. Residential densities of this scale would require access to public water and sewer which currently serve the schools and the village area. (p. 23)



B. Appendix G - Land Use Map Classifications

The property which is a part of this Zoning Map Amendment request is shown on the Future Land Use Guide as Future “Medium Density Residential”. Appendix G of the 2035 Plan provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts (p. 235).

Appendix G states that the “Medium Density Residential” land use category (pp. 235) is a land use category “defined as three units per acre to 6.99 units per acre and reflects land occupied by a single development or a mixture of densities and housing types, including single-family detached, duplex, condominium, or townhome development. This type of development pattern would be required to be served by a public water and sewer system.” (p.235)

As the current Jefferson County Zoning Ordinance does not include a variety of zoning categories which anticipate certain residential densities, Residential Growth is a category that would permit Medium Density Residential land uses.

Staff Report

Jefferson County Planning Commission Meeting

January 11, 2022

Holden Rezoning Request (21-5-Z)

Proposed Zoning District – Residential Growth (RG)

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

Staff Discussion and Recommendation

This property has been zoned Industrial-Commercial since zoning went into to effect in 1988. This zoning category was likely implemented in this location due to its proximity to the Norfolk Southern Railroad tracks and Charles Town Road. Other than the Burr Industrial Park, which was approved shortly after zoning went into effect, no other development in this area has occurred under the Industrial Commercial zoning category.

As noted in the *2035 Plan*, and above, public input and discussion which occurred during the Comprehensive Plan process encouraged both the siting schools in locations that are walkable and/or bikeable to the neighborhoods that the school serves and encouraged the development of such walkable neighborhoods around schools that currently exist. For this reason, the recommended land use for the subject properties located with the Shenandoah Junction PGA (School Based Growth Area) is Medium Density Residential. The recommendation further recommends development in a pattern and scale compatible with the village of Shenandoah Junction, transitioning to Low Density Residential abutting the Rural/Agricultural land uses and notes that residential densities of this scale would require access to public water and sewer which currently serve the schools and the village area.

Based on these recommendations of the *2035 Plan*, staff finds that the proposed Residential Growth (RG) rezoning for the lots included in this application to be **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*.

Planning Commission Action

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

The petition was presented to the County Commission on December 16, 2021 and the required Public Hearing has been scheduled on January 20, 2022. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

Attachment:

- Section 5.4 Residential Growth (RG) District

Staff Report

Jefferson County Planning Commission Meeting

January 11, 2022

Holden Rezoning Request (21-5-Z)

ATTACHMENT:

Section 5.4 Residential Growth (RG) District

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

The following regulations govern development within the Residential Growth District.

A. Principal Permitted and Conditional Uses.

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

B. Minimum Lot Area, Height, and Yard Requirements

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

C. Commercial Services in Residential Developments

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

Staff Report

Jefferson County Planning Commission Meeting

January 11, 2022

Holden Rezoning Request (21-5-Z)

D. Standards for Commercial Uses

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



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

File Number: 21-5-Z

Staff Initials: JMB

Application Fee: \$4,850.00
Chk #1015

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

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

Phone: (304) 728-3228

Fax: (304) 728-8126

Zoning Map Amendment (Rezoning)

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

Property owner information

Name: Arnold Holden
Mailing Address: 5958 Roseto Place; Sarasota, FL 34238
Phone Number: 941-400-5345 Email: arnie941@verizon.net

Applicant contact information

Name: Arnold Holden
Mailing Address: 5958 Roseto Place; Sarasota, FL 34238
Phone Number: 941-400-5345 Email: arnie941@verizon.net

Applicant representative

Name: Integrity Engineering; Chad Wallen
Mailing Address: 148 S. Queen Street; Martinsburg, WV25401
Phone Number: 304-725-8456 Email: cwallen@ifs-ae.com

Physical property details

Physical Address: Northwest of the Shenandoah Rd & Ridge Rd intersection.
City: Shenandoah Junction State: WV Zip Code:
Tax District: 02 - Charles Town Map No: 1 Parcel No: 29 & 45
Parcel Size: 76.22 Deed Book: 1111 Page No: 394

Current Zoning District (please check one)

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

RECEIVED
DECEMBER 8, 2021
Jefferson County, WV
Office of Planning & Zoning

Place Received Date Stamp Here

Proposed Zoning District (please check one)

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

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

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

See Attached

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

See Attached

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

See Attached

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

- Yes, I request that the Planning and Zoning Staff present the petition
- No, I prefer to present the petition

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

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

Is Plat or Sketch Plan attached?

Yes **No**

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

[Handwritten Signature] NOVEMBER 4, 2021

Signature of Property Owner

Date

Signature of Property Owner

Date

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

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

Recommended **Not Recommended**

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

Approved **Disapproved**

Final Determination/Other Comments

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

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

Is Plat or Sketch Plan attached?

Yes No

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

<i>A. Phillip Caswell</i>	11/15/21		
Signature of Property Owner	Date	Signature of Property Owner	Date

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

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

Recommended *Not Recommended*

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

Approved *Disapproved*

Final Determination/Other Comments

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

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

Is Plat or Sketch Plan attached?

Yes No

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

Allen M. Russell 4 Nov 21

Signature of Property Owner

Date

Signature of Property Owner

Date

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

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

Recommended Not Recommended

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

Approved Disapproved

Final Determination/Other Comments

Zoning Map Amendment Application Addendum

Ridge Road Rezoning

December 3, 2021

Owner / Applicant:

Arnold Holden
5958 Roseto Place
Sarasota, FL 34238

Property Tax Identification:

Charles Town District (2), Map Number 1, Parcel 29 – 1.05 Acres
Charles Town District (2), Map Number 1, Parcel 45 – 75.17 Acres

Deed Information:

Deed Book 1111, Page Number 394

Property Characteristics:

Location: Northwest of the Shenandoah Junction Rd & Ridge Rd intersection.
Current Zoning: Industrial / Commercial (IC)
Current / Historic Use: Residential and Agricultural
Area of Rezoning: 76.22+/- Acres

Requested Zoning District:

Residential Growth (RG)

Table of Exhibits

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

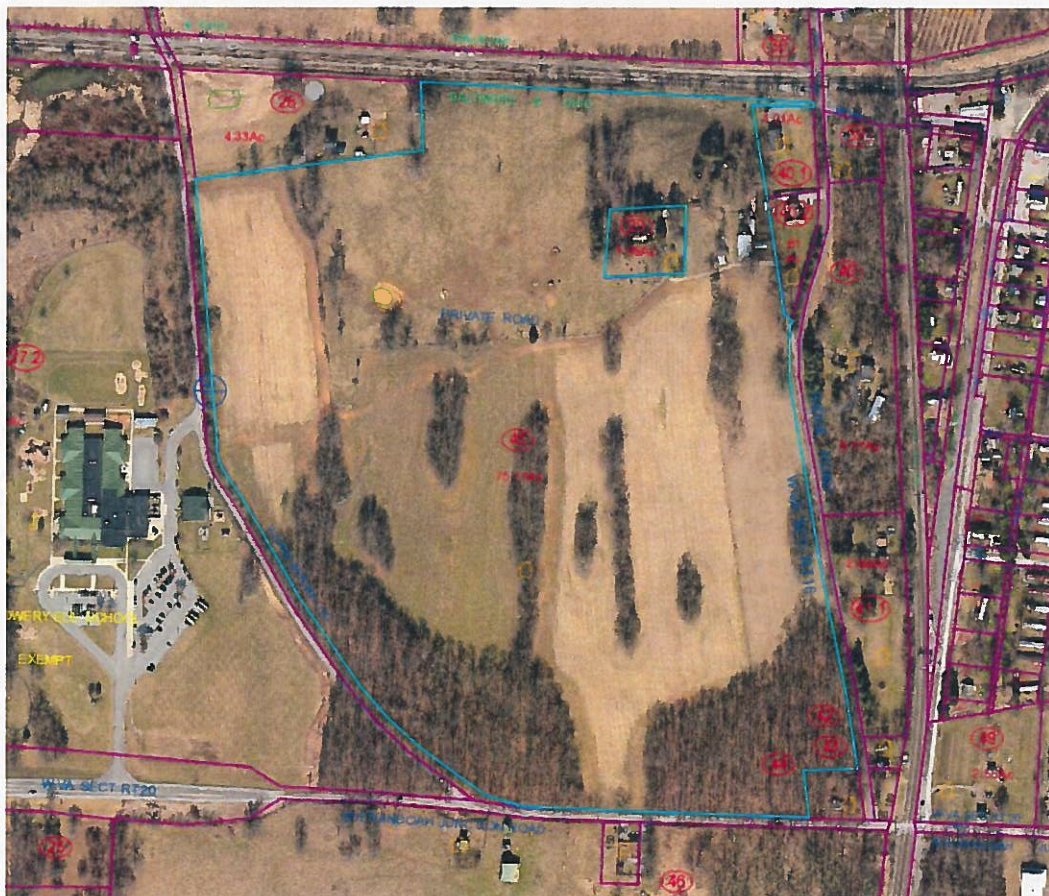
Substantiation for Request

Existing Characteristics

The properties are located along Shenandoah Junction Road between its intersections with Ridge Road and Warm Springs Road, approximately 1-mile from the Bardane exit of Route 9.

The properties are a mixture of agricultural and wooded lands and contain one residential structure. The properties are 0.6 miles from Jefferson High School and Wildwood Middle School. T.A. Lowery Elementary School is located across Warm Springs Road.

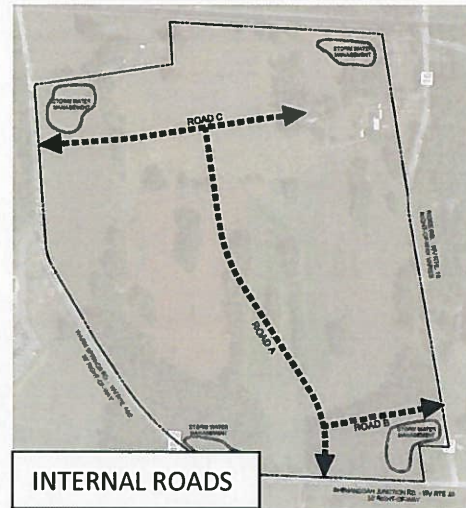
Potential permitted uses under the existing Industrial/Commercial (IC) zone include heavy industrial, salvage yards, manufacturing, and most commercial uses. The IC zone does not allow for residential development.



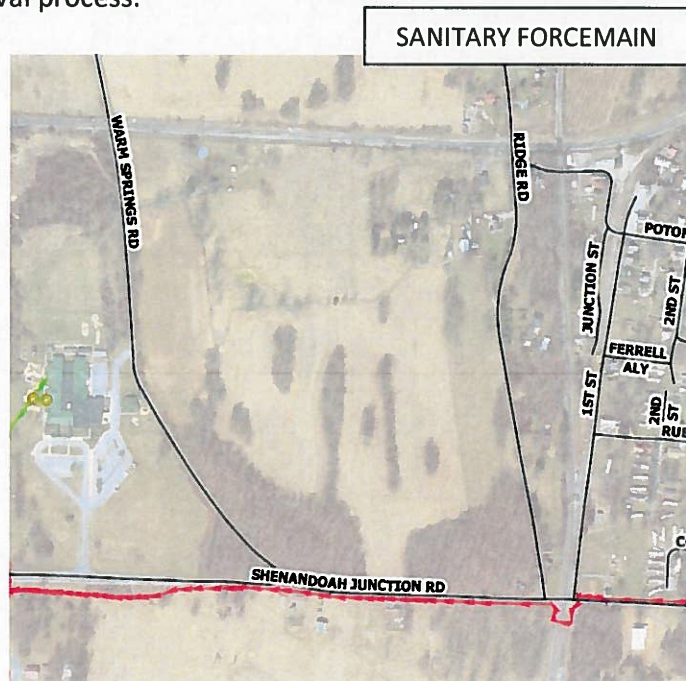
Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.

The proposed residential use of the property is not a permitted use in the current IC district. The Residential Growth district will allow the properties to be developed as envisioned by the comprehensive plan.

It is proposed that the property be developed as a residential community under the regulations of the Residential Growth (RG) zoning district. It is anticipated the development will include a mix of townhomes and single-family detached homes, but any uses under the RG district will be permitted. The development will include open spaces, storm water management facilities, utilities, and roads. Access will be provided from entrances from Shenandoah Junction Road, Ridge Road and Warm Springs Road. Like all similar developments in Jefferson County, the proposed development of the property will be subject to the County's regulations, review and approval process.



Jefferson Utilities and the Charles Town Utility Board were contacted to verify that both water and sanitary sewer service is available for the property. Water will be provided from an existing 12" water main located along Shenandoah Junction Road and will be looped through the properties and connect in to an existing water line located at T.A Lowery Elementary. Sanitary sewer from the property will tie into an existing sanitary forcemain located



along the eastbound side of Shenandoah Junction Road.

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

1. Preferred Growth Areas (Page 22)

- f. **Shenandoah Junction PGA/School Based Growth Area**
(from TA Lowery Elementary School to Flowing Springs Road, encompassing Shenandoah Junction and Wildwood Middle School and Jefferson High School)

This PGA abuts the Ranson UGB and includes the village of Shenandoah Junction, TA Lowery Elementary School, Wildwood Middle School, Jefferson High School, and the existing Duffields train stop and parking lot. Considerable input was received as to the desirability of siting schools in locations that are walkable and/or bikeable to the neighborhoods that the school serves. This PGA allows the development of such walkable neighborhoods around schools that currently exist. Planning growth around existing schools decreases bus and vehicular traffic and allows for connectivity including walking and biking trails. The recommended land uses in this area include Medium Density Residential around the schools which should be in a pattern and scale compatible with the village of Shenandoah Junction, transitioning to Low Density Residential abutting the Rural/Agricultural land uses. Densities of this scale would require access to public water and sewer which currently serve the schools and the village area. A map of the Shenandoah Junction PGA/School Based Growth Area can be found in Appendix F – Maps.

The inclusion of the property within the Shenandoah Junction / Schools PGA demonstrates the Plans vision for development to occur on the subject property.

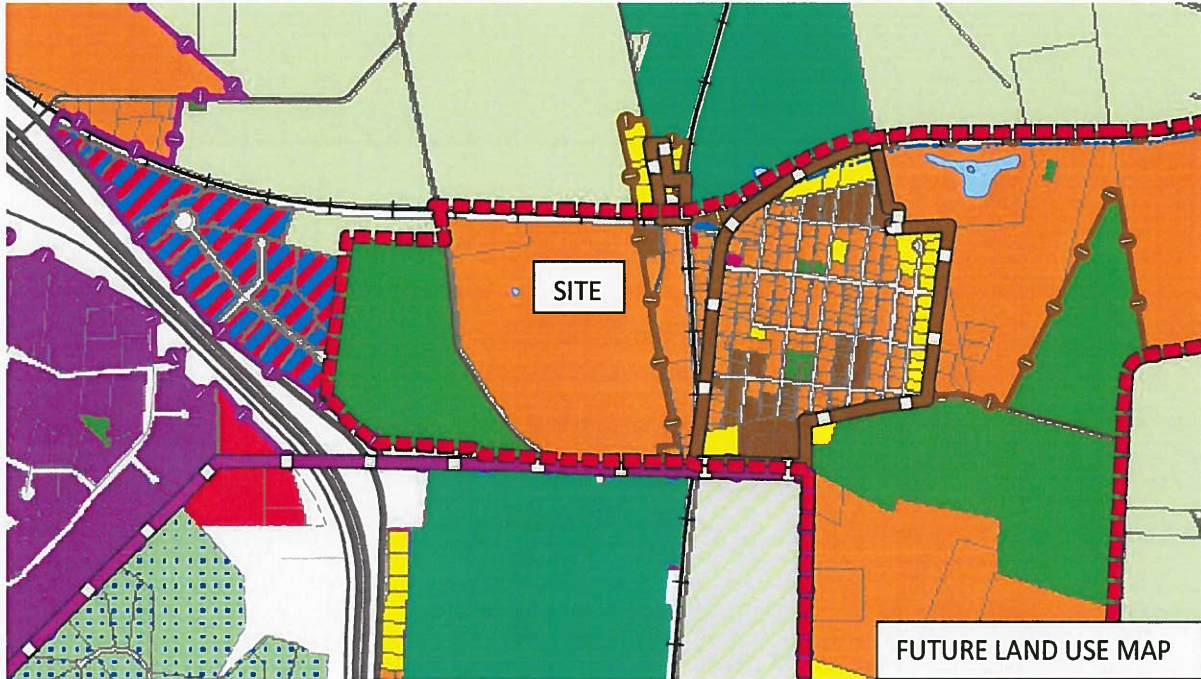
2. Future Land Use Guide – (Pages 26 & 235)

Medium Density Residential

This category is defined as three units per acre to 6.99 units per acre and reflects land occupied by a single development or a mixture of densities and housing types, including single-family detached, duplex, condominium, or townhome development. This type of development pattern would be required to be served by a public water and sewer system.

A Medium Density Residential use is identified by the Plan for the subject property. The proposed residential mix of townhomes and single-family residential units is both consistent and supported by the comprehensive plan. The Plan states on page 26 that

“Land Use Classifications are intended to provide guidance to the Planning Commissions when considering owner initiated zoning map amendments”.



- | | |
|--|--|
|  Rural/Agriculture |  Regional Commercial |
|  Rural/Agriculture For Possible Urban Development |  Industrial |
|  Agricultural Economic Empowerment Area |  Office |
|  Large Lot Residential |  Mixed Use Residential/Commercial |
|  Low Density Residential |  Mixed Use Office/Commercial |
|  Medium Density Residential |  Residential or Commercial |
|  High Density Residential |  Office or Commercial |
|  General Commercial |  Industrial or Commercial |
|  Neighborhood Commercial |  Public/Quasi Public Land |

 Preferred Growth Area

3. Urban Level Development Recommendations (Page 30)

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

- a) Economic Well Being: Residential Land Use in Jefferson County has not met the comprehensive plans growth projections of 0.95% per year and is only at 0.55% as of 2019. The lack of residential growth has impacted the strength of the local economy. While there are pockets of residential activity, the County is not benefiting from a robust residential economy.
- b) Future Land Use Guide: Medium Density Residential is identified as the appropriate use of the property by the comprehensive plan. The proposed RG district is consistent with this future land use.
- c) Environmental Impacts: The existing IC district permits more intense development on the subject property than would be allowed under the proposed RG district. While there are no known sensitive natural features on the properties, the change in zoning will reduce the potential impact to the property and surrounding properties.

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

The Original Zoning Ordinance was adopted on July 7, 1988. Some changes in the immediate area of the properties include:

1. Schools: T.A. Lowery Elementary is located across Warm Springs Road from the properties and did not exist when the ordinance was adopted. The location of an Industrial zoned property could allow for uses, if not planned/designed properly, to create a conflict between uses. There are three schools located within 0.6 miles of the properties, including Wildwood Middle School which also did not exist when the ordinance was adopted.
2. Adjacent Development: The property is located next to the Village Shenandoah Junction and an elementary school. Additional development has occurred along Charles Town Road which includes businesses located in the Burr Business Park east of Route 9 (Kings Pizza, café, office...). These facilities will both serve and provide employment opportunities for the future residents of the properties.

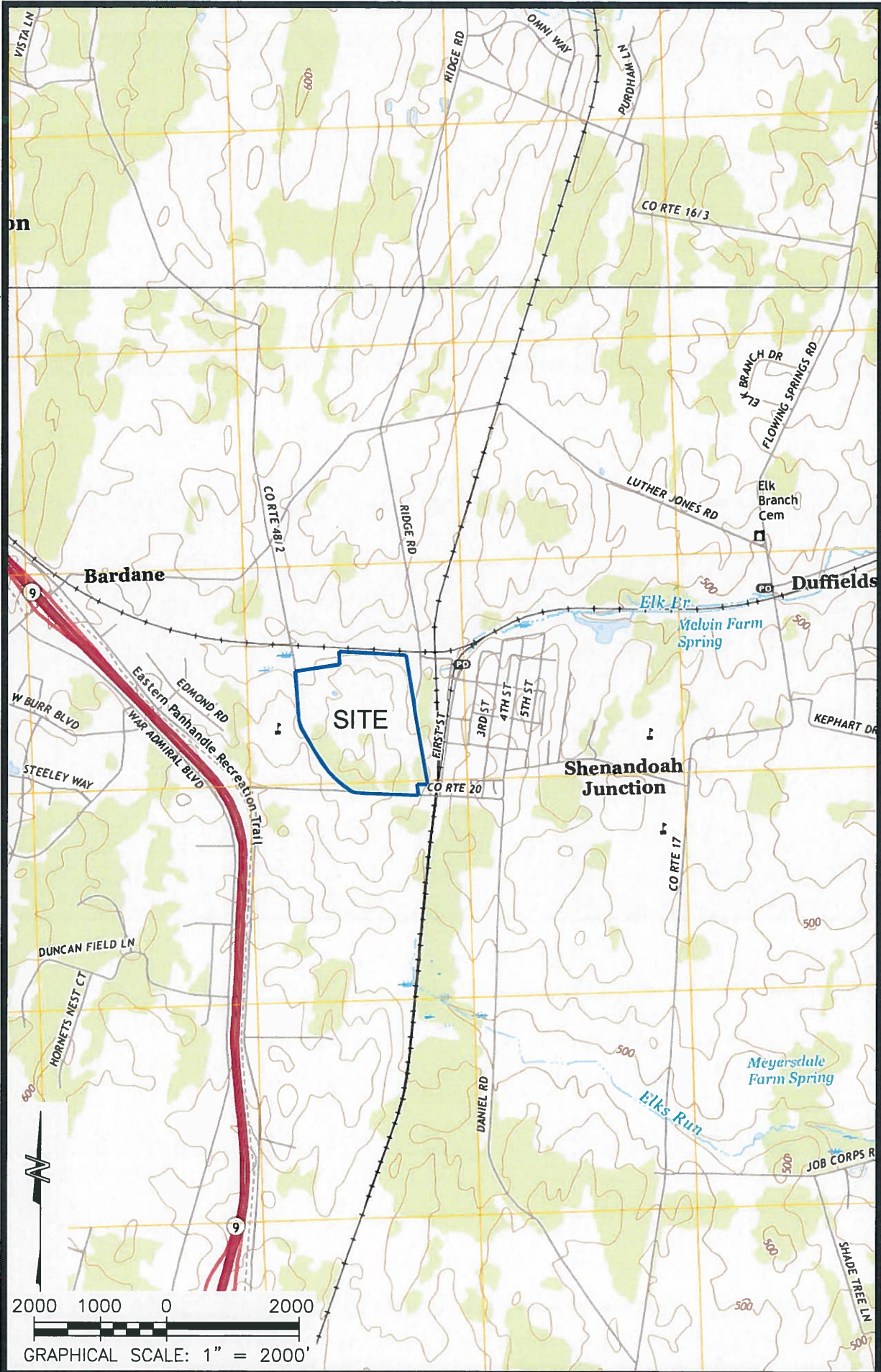


3. Transportation: A 4-lane divided Route 9 was constructed, providing a high-capacity road corridor between Jefferson County and Interstate 81. An interchange (Bardane exit) is in close proximity to the properties.

As required with any property, an entrance permit from the West Virginia Department of Transportation (WVDOT) will be needed. Obtaining an entrance permit requires the review by the WVDOT to ensure that safe and adequate access can be provided. It is anticipated that improvements to the traffic signal and intersection will be requested by WVDOT.



COPYRIGHT 2021. NO REPRODUCTION OR USE OF THIS DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT PRIOR WRITTEN AUTHORIZATION FROM INTEGRITY FEDERAL SERVICES, INC.



ZONING MAP AMENDMENT EXHIBIT 1 - VICINITY MAP

12-03-2021

RIDGE ROAD REZONING JEFFERSON COUNTY, WV

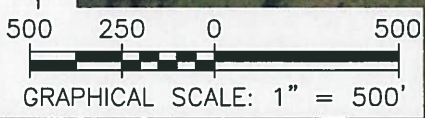
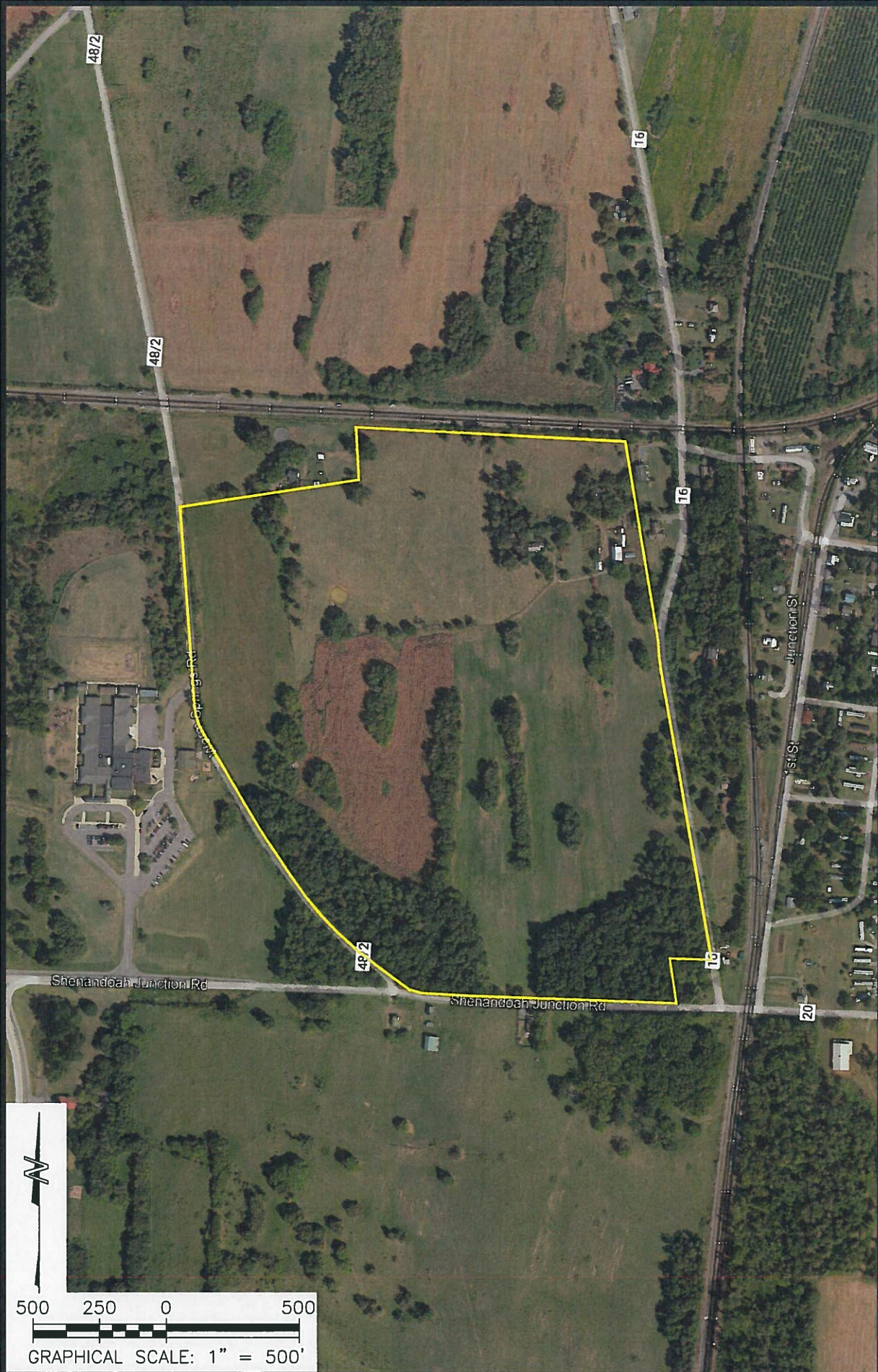


ZONING MAP AMENDMENT EXHIBIT 2 - AERIAL OVERLAY

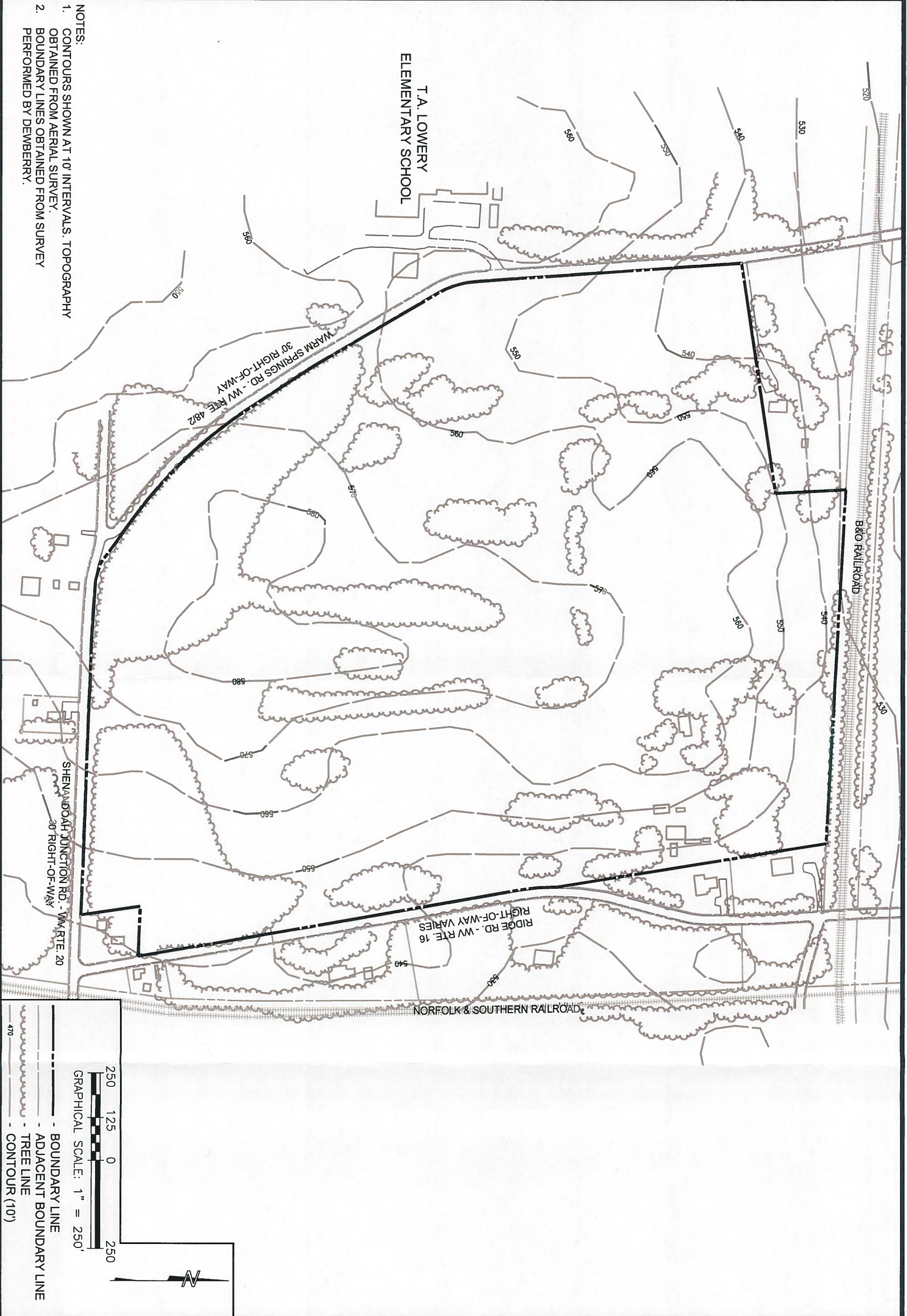
12-03-2021

RIDGE ROAD REZONING JEFFERSON COUNTY, WV

COPYRIGHT 2021. NO REPRODUCTION OR USE OF THIS DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT PRIOR WRITTEN AUTHORIZATION FROM INTEGRITY FEDERAL SERVICES, INC.



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



GRAPHICAL SCALE: 1" = 250'

250 125 0 250

BOUNDARY LINE

ADJACENT BOUNDARY LINE

TREE LINE

CONTOUR (10')

470

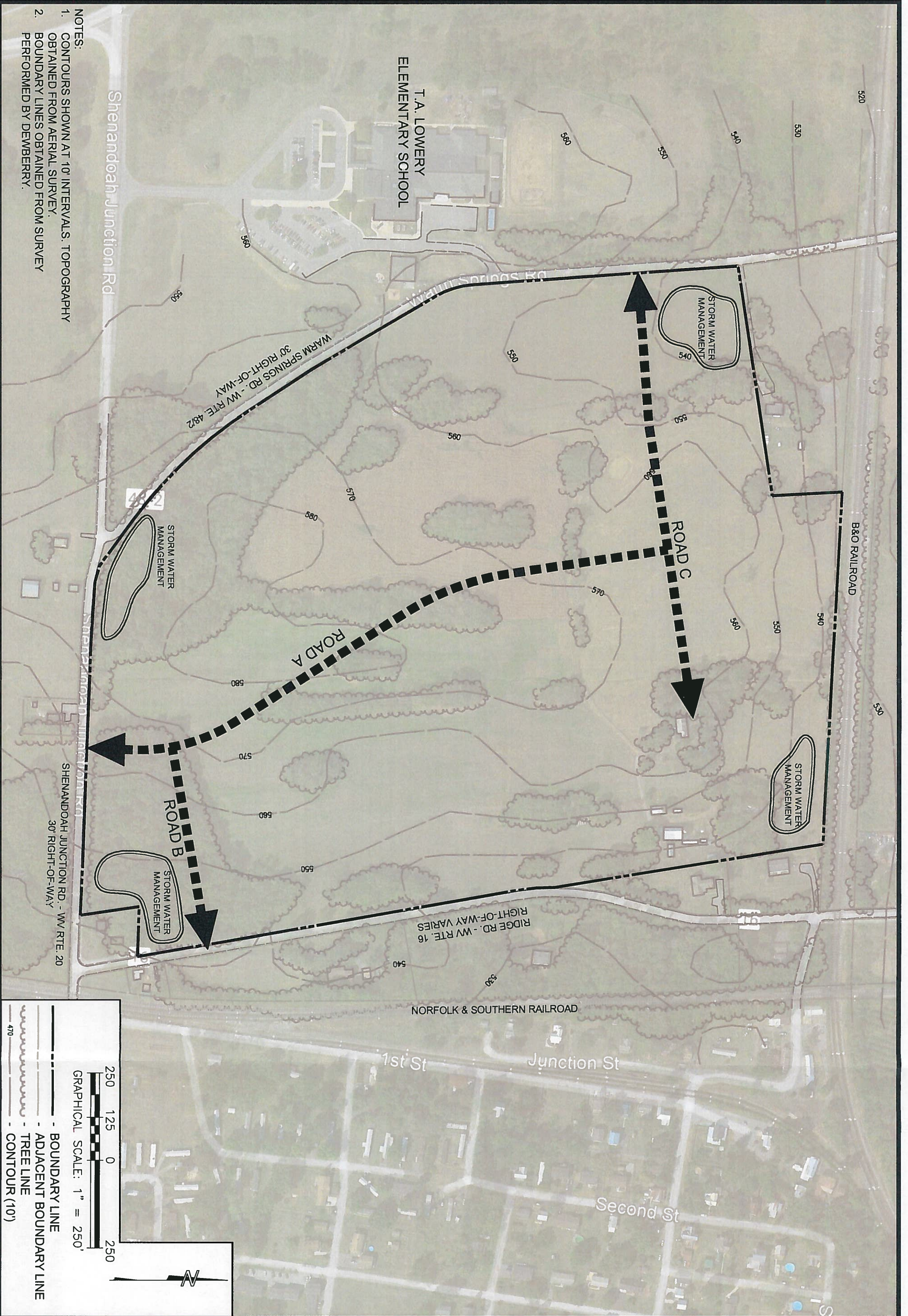
RIDGE ROAD REZONING
JEFFERSON COUNTY, WV

12-03-2020

ZONING MAP AMENDMENT
EXHIBIT 3 - EXISTING CONDITIONS



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



250 125 0 250

GRAPHICAL SCALE: 1" = 250'

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

470

RIDGE ROAD REZONING
 JEFFERSON COUNTY, WV

12-03-2020

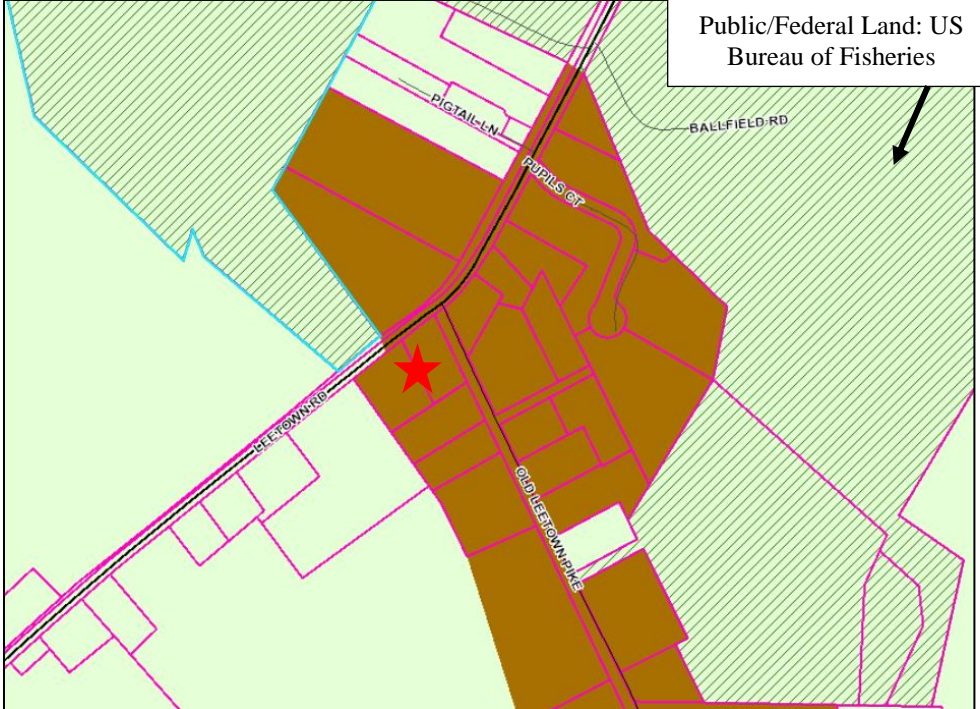
ZONING MAP AMENDMENT
EXHIBIT 4 - CONCEPT SKETCH



Staff Report
 Jefferson County Planning Commission Meeting
 December 14, 2021

Morris Rezoning Request (21-4-Z) REVISED

Item # 10: Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Village to **Residential-Light Industrial-Commercial** is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Owner/Applicant:	John Morris
Parcel Information:	16 Old Leetown Road, Kearneysville, WV* Tax District: Middleway (07), Map: 11; Parcels 2.1 and 2.2; Combined acreage: 1 ac; Zoning District: Village
	
	*Located on the same parcel: 30 and 36 Old Leetown, Kearneysville WV
Adjacent Zoning Districts	North, South, East: Village and Rural; West: Rural
Current Use:	Commercial / Residential (nonconforming use)
Proposed Request	To rezone from Village to Residential-Light Industrial-Commercial
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that the request is reasonably consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> because it is shown as future “Mixed Use Residential/ Commercial” on the Future Land Use Guide and the proposed Residential-Light Industrial-Commercial zone allows this mixture of uses.

Applicant’s Request

The applicant’s request is to rezone parcels 2.1 and 2.2 from Village to Residential-Light Industrial-Commercial. The combined acreage of the proposed rezoning is approximately one acre.

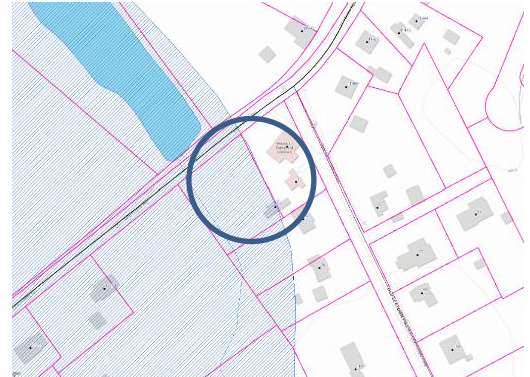
Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Morris Rezoning Request (21-4-Z) REVISED

Relevant Site Information and Neighboring Uses

The surrounding properties are primarily agricultural and residential in nature. The subject site is also within close proximity to Leetown Baptist Church, a consignment shop, and the US Bureau of Fisheries (aka US Fish and Wildlife Services), which is federally owned land.

Half of the property lies within Flood Zone A within which commercial development would not be permitted, including related parking. New construction requires 25-foot setback from the edge of the floodplain.



Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff’s professional recommendation is that the request is **reasonably consistent** with the *2035 Plan* because it is shown as future “Mixed Use Residential/ Commercial” on the Future Land Use Guide and the proposed Residential-Light Industrial-Commercial zone allows this mixture of uses.

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

Zoning Map Amendment Public Hearing Process

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

Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary

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

A. Land Use and Growth Management Element/ Future Land Use Guide

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

The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the

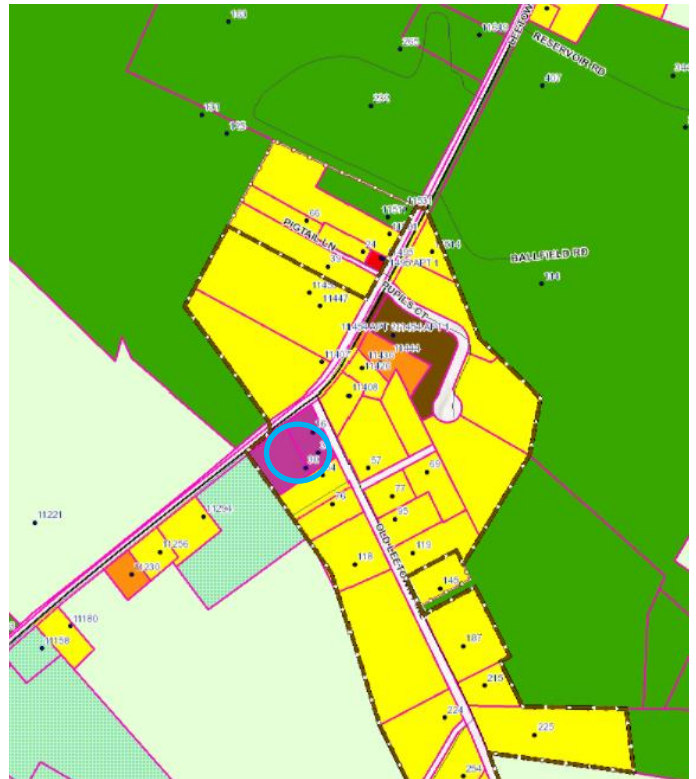
Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Morris Rezoning Request (21-4-Z) REVISED

planning horizon of the *2035 Plan*; and Rural/Agricultural Areas and Villages, where limited development is possible but is not intended for urban-scale development. (p. 17)

The property proposed for rezoning in this petition is located within the area of the County identified as the Village of Leetown, located at the intersection of Old Leetown Pike (WV15) and Leetown Road (WV1). (p. 41) The *2035 Plan* acknowledges the need to allow the rehabilitation and repurposing of buildings within historic districts and village areas. It further acknowledges that many villages were founded around live-work structures that allowed local business owners to live and support the village area from the same structure. One of the biggest issues related to the viability of villages and crossroads is the lack of sufficient infrastructure to serve the existing and future needs of the community. (p.43)

The *2035 Plan* also recommends that, within the village areas and the village expansion areas shown on the Future Land Use Guide, “the form, scale, and design of new development in these areas needs to complement and integrate with the existing village areas. Suburban commercial strip development is not anticipated and should not be approved in these areas. Proposed commercial structures should take into account similar architecture in the area or a type of structure that would be appropriate for the area in which it is located.” (p. 43- 44)



B. Appendix G - Land Use Map Classifications

The properties which are a part of this Zoning Map Amendment request are shown on the Future Land Use Guide as Future “Mixed Use Residential/ Commercial Development”. Appendix G of the *2035 Plan* provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide, which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts (p. 235).

Appendix G states that the “Mixed Use Residential/Commercial Development” land use category (pp. 237) was used to reflect “areas which are intended to support the mixing of residential and commercial uses. This land use classification should result in the creation of a new zoning district that would permit this activity, with a mandatory mix of uses to be determined through the zoning text amendment process. As shown on the Future Land Use Guide, any rezoning to the Residential-Light Industrial-Commercial (R-LI-C) or a new zone that permits these uses shall have a mandatory mix of these uses.” No new zoning category to address this mandatory mix has been drafted at this time.

Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Morris Rezoning Request (21-4-Z) REVISED

This section of Appendix G of the 2035 Plan further states that the purpose of the Mixed-Use Residential/Commercial Development is to:

- “1. encourage flexibility in the development of land to promote its most appropriate use.
2. improve the design, character and quality of new developments.
3. provide and promote redevelopment and reuse opportunities.
4. encourage a harmonious and appropriate mixture of uses and/or housing types.
5. facilitate the adequate and economic provision of streets, utilities and city services.
6. preserve critical natural environmental and scenic features of the site.
7. encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses.
8. mitigate the problems which may be presented by specific site conditions.”

It should be noted that under the “Urban Level Development Recommendations (Goal 1)”, Recommendation #14 recommends that all commercial/industrial zoning map amendment requests should utilize the 2014 (or later) zoning categories and discourages the use of the existing R-LI-C District as a zoning category for zoning map amendment requests. It further recommends that any development in a zone that permits mixed use be developed according to the mixed land use ratios found in the land use categories recommended by this Plan, unless otherwise provided in the Zoning Ordinance (p.33, emphasis added). In spite of this recommendation, at this time the RLIC zoning district is the only district that supports the mixing of residential and commercial land uses.

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

The purpose of the Residential-Light Industrial-Commercial (GC) District (Section 5.8) is to “guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.” (full description attached)

Staff Discussion and Recommendation

While the *Envision Jefferson 2035 Plan* anticipated the development of a new zoning category to require a mandatory mix of the residential and commercial uses for areas identified for Mixed Use Residential/Commercial Development, this text amendment has not occurred. *Because of this, the applicant’s requested zoning category of Residential-Light Industrial-Commercial, although discouraged by the 2035 Plan seems the most consistent with the 2035 Plan because it is shown as future “Mixed Use Residential/ Commercial” on the Future Land Use Guide and the proposed Residential-Light Industrial-Commercial zone allows this mixture of uses.*

It should be noted that the size of the property, the impact of the floodplain, and the location make this property difficult to develop the property for the purpose identified in the Residential-Light Industrial-Commercial Zoning District. Also note that the current Village zoning permits residential and a limited number of non-residential land uses which is consistent with *the Plan*. It would also be possible to reinstate the non-conforming retail use that existed on this property for many years through action by the Board of Zoning Appeals, which would allow the mixed uses on the property to continue. It should also be noted that the Antiques Shop noted in the application is one of the retail uses permitted in the existing Village Zoning District.

Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Morris Rezoning Request (21-4-Z) REVISED

Staff's professional recommendation is that the revised zoning map petition is **reasonably consistent** with the *2035 Plan* because it is shown as future "Mixed Use Residential/ Commercial" on the Future Land Use Guide and the proposed Residential-Light Industrial-Commercial zone, while not encouraged by the *2035 Plan*, allows this mixture of uses.

Planning Commission Action

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

The original petition to rezone these properties from Village to General Commercial was presented to the County Commission on December 2, 2021 and the required Public Hearing was scheduled for January 20, 2022 at 6:30 pm. Prior to the Public Hearing, the County Commission sent the petition to the Planning Commission for their review. The original petition was considered by the Planning Commission at their December 11, 2021 meeting and the Planning Commission found, with a unanimous vote, that the proposed Zoning Map Amendment to General Commercial was not compatible with the *Envision Jefferson 2035 Comprehensive Plan*. The Planning Commission also requested that the County Commission recommend a different zoning district and return the request to the Planning Commission for further review.

The applicant revised the petition at the January 6, 2022 County Commission meeting to request this rezoning petition from Village to Residential-Light Industrial- Commercial and to request that the Planning Commission review this revised petition and make a recommendation to the County Commission prior to the scheduled January 20, 2022 Public Hearing. This revised petition is being considered at tonight's meeting and the recommendation will be sent to the County Commission prior to their January 20, 2022 Public Hearing.

Attachment:

- Section 5.8 Residential-Light Industrial- Commercial (RLIC)

Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Morris Rezoning Request (21-4-Z) REVISED

ATTACHMENT:

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

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

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

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

B. Standards

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

C. Site Development Standards

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.
3. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: John Morris

Department or Organization: Citizen

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **January 6, 2022**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Rezoning Request for a one acre property located at 16 Old Leetown Pike, Kearneysville, WV 25430; Tax District – Middleway (07); Map No. – 11; Parcel No. 0002-0007-000 to change current zoning district from Village to Residential, Light Industrial, Commercial (RLIC).**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

↓ **I move to schedule a public hearing to receive input concerning the rezoning request for a one acre property located at 16 Old Leetown Pike, Kearneysville, WV 25430; Tax District – Middleway (07); Map No. – 11; Parcel No. 0002-0007-000 to change current zoning district from Village to RLIC, to be held on _____ at _____ am/pm.**

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



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

2nd Quarterly Report for Planning and Zoning FY 2022 (October 1, 2021 – December 31, 2021)

Attached is an electronically generated report of all applications submitted and reviewed within the 2nd Quarter of FY2022. This data is being provided as a part of the 2nd 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:

6 Meetings

3 regular meetings

1 special called meeting for legal advice;

2 special meetings related to Comp Plan Amendment

Subdivision Regulations Text Amendments

On-going Major updates/revisions on hold

Zoning Ordinance Text Amendments

1

#ZTA21-01: Zoning Ordinance text amendment to create provisions to allow short term rentals to process in Jefferson County, including revisions to Article 2, Section 2.2 “Definitions”; Article 8, Supplemental Use Requirements (proposed Section 8.16 Short Term Rentals); and Appendix C, Principal Permitted and Conditional Uses Table.
PC Public Hearing 10/12/21; CC Public Hearing 12/2/21; Approved 12/2/21

Envision Jefferson 2035 Comprehensive Plan Text Amendments

1

09/02/21: County Commission’s request to the Planning Commission to draft an amendment to the *Envision Jefferson 2035 Comprehensive Plan* to identify and secure the role of solar facilities throughout the rural and residential zoning districts in Jefferson County.
Discussion of draft Amendment 10/5/21; PC Public Hearing 12/7/21; Recommendation to County Commission 12/14/21; to be presented to CC 1/6/22

Zoning Map Amendments/Rezoning

3

#21-3-Z Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone a 53.2-acre portion of the Sunnyside Industrial Park from Industrial-Commercial to Residential-Light Industrial-Commercial is consistent with the *2035 Comprehensive Plan*.
Owner/Applicant: Sunnyside Investments, LLC (Lots 1-5) and Thomas Management Group, Inc. (Lots 8-11). Property Location: nine vacant lots located off Kanawha Lane within Sunnyside Industrial Park, south of Wheatland Road, west of the Norfolk

Southern railroad tracks. Tax District: Kabletown (06), Map: 12; Parcels: 12, 12.2, 12.3, 12.4, 12.5, 12.8, 12.9, 12.10, and 12.11. Combined acreage: approximately 53.2 acres. Zoning District: Industrial-Commercial.

PC review and recommendation to the CC that the proposed Zoning Map Amendment is reasonably consistent with the Envision Jefferson 2035 Comprehensive Plan: 11/09/21; CC PH 12/02/21; Approved 12/02/21.

#21-4-Z Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Village to General Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: John Morris. Property Location: 16, 30, and 36 Old Leetown Road, Kearneysville, WV. Tax District: Middleway (07), Map: 11; Parcels: 2.1 and 2.2. Combined acreage: 1-acre. Zoning District: Village.
PC review and recommendation to the CC that the proposed Zoning Map Amendment is not compatible with the Comprehensive Plan and requested that the County Commission or applicant consider requesting a different zoning district and return the request to the Planning Commission: 12/14/21; CC PH scheduled for 01/20/22

#21-5-Z Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial to Residential Growth is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: Arnold Holden. Property Location: NW of Shenandoah Road and Ridge Road, Shenandoah Junction, WV. Tax District: Charles Town (02), Map: 1; Parcels: 29 and 45. Combined acreage: 76.22 acres
scheduled for 1/11/22 PC meeting and CC PH scheduled for 1/20/22

Concept Plan Public Workshops **1**

#21-26-SD Concept Plan for Colonial Hills Subdivision, Phase 3B (Major Residential Subdivision), which will consist of 20 townhome units with associated parking spaces. Owner/Applicant: KE Colonial Hills, LLC; Property Location: Colonial Hills Subdivision, Lots C1 and C2, vacant parcels; eastern side of Potomac Farms Drive approximately 0.25 miles north of the intersection of Rte. 480 and Potomac Farms Dr. Shepherdstown, WV; Parcel ID: 09000800100000; Size: 2.54 ac; Zoning District: Residential Growth.
Public Workshop 10/12/21; PC voted to accept the Concept Plan as presented noting that the applicant may move forward with processing a Preliminary Plat.

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings: **1 meeting**

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

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings: 17 Total (5 Subdivision & 12 Site Plan)

Information Request Forms (IRFs) -- general inquiries from the public: 34 Total

Zoning and Land Development Fees Collected: \$ 39,651.07

Regional Transportation Planning Meetings (all remote)	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	10/18/21; 11/15/21; 12/20/21
EPTA Safety Committee	11/30/21
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	10/20/21
WV DOH/Regional Planners Roundtable	10/06/21

Local and Regional Planning Meetings (all remote)	
WV APA Chapter Executive Committee Meetings (ZOOM);	10/26/21; 11/23/21
WV APA Strategic Planning Effort	10/13/21
WV APA Annual Chapter Meeting (ZOOM)	12/2/21
APA Chapter Presidents Council	10/21/21
Land Use Law/Planning Professional Credit Webinars	11/18/21; 12/7/21; 12/16/21

**Planning and Zoning FY 2022 2nd Quarterly Report
10/01/2021 - 12/31/2021 (Generated 1/3/2022)**

Type	Project Number	Creation Date	Owner Name	Location	Status	Description
Easements	21-4-E	11/10/2021	BERNAZZOLI MATTHEW B	664 CARTER AVE, HARPERS FERRY	Open	To vacate two existing easements/agreements & create a new easement across parcels 57 & 58 for parcel 3.
						Category Total:
Merger or Boundary Line Adjustment	21-28-M	10/5/2021	Lutman Land Development - David Lutman	0.3 miles west of Summit Pt Rd & Washington Street, Charles Town	Closed	BLA of Parcel 30 into Parcels 30.1 and 30.2
	21-29-M	10/25/2021	TEMA NORTH AMERICA, LLC	395 STEELEY WAY, KEARNEYSVILLE	Open	Consolidation of Burr Business Park Lots 18, 19, & 20 for TeMA North America
	21-30-M	11/2/2021	RINKER WILLIAM D ESTATE	3735 CHESTNUT HILL RD, HARPERS FERRY	Open	Series of BLA between three existing lots.
	21-31-M	11/8/2021	ACLY DAVID	402 STRATFORD LN, CHARLES TOWN	Open	BLA between parcels 26-28.
	21-32-M	12/1/2021	B C PARTNERS INC	OLD COUNTRY CLUB RD, CHARLES TOWN	Open	BC Partners to consolidate the Breckenridge East Subdivision, Lots 1-9, Parcel C, and associated ROW (Recorded in PB25/PG343); and, to consolidate the Breckenridge East Subdivision, Lots 23-45, Parcels A and B, and associated ROW (Recorded in PB25/PG188).
	21-33-M	12/10/2021	CHAMBERS JACK R II & MEREDITH A SMITH	54 DARKE LN, KEARNEYSVILLE	Open	0.1147 ac. from Parcel 11 to be merged with Parcel 11.4
					Category Total:	6
	21-24-Q	11/3/2021	SOUTHLAND CORPORATION (7-11)	868 E WASHINGTON ST, CHARLES TOWN	Closed	7-Eleven Store 10663J ABC Letter
	21-25-Q	11/3/2021	GCS MULTI LLC	7364 MARTINSBURG PIKE, SHEPHERDSTOWN	Closed	7-Eleven Store 20685J - ABC Letter
	21-26-Q	11/17/2021	GODDARD LAURA	Falcon Ridge, Charles Town	Open	Falcon Ridge Redline Revision
	21-27-Q	11/17/2021	JEFFRIES JUDY D	Old Leetown Rd, Kearneysville	Open	George England MSD, Lot 2 MPC (septic relocation)
						Category Total:
	19-19-Q	10/27/2021	HAINES WILLIAM R & KRISTI	174 TALL PINES DR, CHARLES TOWN	Closed	ADU: In-Law
	21-20-PCW	11/16/2021	BERRY LAURICE	137 HOLLOW TREE DR, SUMMIT POINT	Open	Request by applicant, Patricia Greenley, for a waiver from Section 20.201A, to reduce the access width from 50' to approximately 14' for the purpose of creating one additional lot on the existing Hollow Tree Drive.
	21-21-PCW	11/23/2021	SECATELLO CONTRACTING LLC - TODD SECATELLO	4590 BOWERS RD, KEARNEYSVILLE	Open	Waiver of the requirement to process a Concept Plan for a proposed 7 lot cluster subdivision (Section 20.201)

Planning Commission Waiver	21-22-PCW	11/23/2021	H & G CATROW CONTRACTING, INC - BUTCH CATROW	RIVER BEND RD, KEARNEYSVILLE	Open	Waiver request from Section 20.201A.2.b to allow Lot 10 to use River Bend Road as an entrance to the lot as it was permitted to do so in 1970.
	21-23-PCW	11/29/2021	PHILLIPS SANDRA E & BROOKE S	387 WOODBURY DR, KEARNEYSVILLE	Open	Request for a waiver from Section 20.201A, to reduce the width of the required access easement from 50' to 40'; and, to allow for the creation of two additional lots to process as a minor subdivision
	21-24-PCW	12/21/2021	KNOTT MATTHEW P & LAURA A	408 ALLSTADTS HILL RD, HARPERS FERRY	Open	Waiver of Section 20.203B to process a brewpub as a "no site plan"
					Category Total:	6
Site Plan	21-13-SP	12/22/2021	CARPE DIEM PROPERTIES LLC	JAMES BURR BLVD, KEARNEYSVILLE	Open	Burr Park Lot 30 - Contractor with Outdoor Storage
					Category Total:	1
Subdivision	21-31-SD	10/4/2021	BEALLAIR HOMES LLC - Todd Abe	Beallair Manor Dr., Charles Town	Open	Final plat consisting of 56 single family lots and 2 residue parcels.
	21-32-SD	10/6/2021	DR ACQUISITIONS LLC	Turner Road, Shepherdstown	Open	Proposal to create a two lot MSD
	21-33-SD	10/12/2021	HARRISON-BURNS JEROME C-LIFE	1535 S CHILDS RD, KEARNEYSVILLE	Open	Creation of a two-lot MSD.
	04-21-SD	10/20/2021	KE TOLLHOUSE, LLC	Kearneysville Pike, Shepherdstown	Open	69 single family homes
	21-34-SD	11/19/2021	KLEFFNER JURGEN M & VERONICA D	1325 SHIRLEY RD, SUMMIT POINT	Open	Family Transfer MSD (Lot 1 & Lot 2-Residue)
					Category Total:	5
Zoning Certificate	21-45-ZC	10/12/2021	KNR INVESTMENTS LLC	481 MILLVILLE RD UNIT A, MILLVILLE	Closed	Former Millville Post Office change to Professional Office Space.
	21-46-ZC	10/26/2021	Richard and Phillip Childs	S. Childs Road, Kearneysville	Closed	AT&T is proposing to build a 195 ft monopole telecommunication tower with a 4' lightning rod which will include 6 Antennas and a 3,600 square foot fenced compound on the ground.
	21-47-ZC	10/27/2021	HAINES WILLIAM R & KRISTI M	174 TALL PINES DR, CHARLES TOWN	Closed	ADU: Detached in-law suite.
	21-48-ZC	10/29/2021	RUSHIZKY GEORGE W & MARY L - Matthew Rushizky	8428 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN	Closed	AT&T Replace antennas on an existing tower and install a 3' 6" x 9' 6" (33.25 sf) concrete pad for ancillary equipment serving new antennas.
	21-49-ZC	11/10/2021	MCMILLAN ROBERT A & DOROTHEA C	2332 TERRAPIN NECK RD, SHEPHERDSTOWN	Closed	Converting existing detached accessory structure to an in-law suite.
	21-50-ZC	11/23/2021	RUSSO ANTHONY J & PAULA P	6568 FLOWING SPRINGS RD, SHENANDOAH JUNCTION	Closed	Agricultural Special Event Facility and Farm Vacation Enterprise

	21-51-ZC	12/15/2021	SUTHERLAND DONALD W - DONALD SUTHERLAND	287 GARDNERS LN, SHEPHERDSTOWN	Open	Short Term Rental
					Category Total:	7
Zoning Map Amendment	21-3-Z	10/22/2021	SUNNYSIDE INVESTMENT LLC	KANAWHA LN, CHARLES TOWN	Open	Request to rezone the following parcels from IC to RLIC
	21-4-Z	11/18/2021	MORRIS JOHN S	16 OLD LEETOWN PIKE, KEARNEYSVILLE	Open	To rezone from Village to General Commercial
	21-5-Z	12/10/2021	ARNOLD HOLDEN	SHENANDOAH JUNCTION ROAD, SHENANDOAH JUNCTION	Open	To rezone from Industrial Commercial to Residential Growth
					Category Total:	3
Zoning Variance	21-36-ZV	10/4/2021	LIND TESSA & JEFFREY R BOWERS JR	47 MADDEX FARM DR, SHEPHERDSTOWN	Open	Variance from Section 9.6C to allow an accessory structure within the required front yard; and, Section 5.4B of the 01/10/02 Zoning Ordinance (as emended) to reduce the front setback from 25' to 15' for a proposed 18' x 40' in-ground pool with surrounding concrete.
	21-37-ZV	12/14/2021	SNYDER STEPHEN P & KATIE MCELROY-WOODRUM - STEPHEN SNYDER	38 MARCUM LN, HARPERS FERRY	Open	Request to reduce the side setback and distance requirement from 75' and 25' down to 15' (residential side setback) for proposed landscaping business (Section 4.6 and Appendix B)
	21-38-ZV	12/14/2021	SNYDER STEPHEN P & KATIE MCELROY-WOODRUM - STEPHEN SNYDER	38 MARCUM LN, HARPERS FERRY	Open	Request to reduce the front setback requirement for a freestanding sign from 25' to 10' and to allow the sign to face a residence (Sections 10.4.B.3 & 10.4B.4). Proposed business sign for landscaping business.
	21-39-ZV	12/15/2021	DARR BRANDON & ALEXI - BRANDON DARR	OUR LANE, KEARNEYSVILLE	Open	Request to reduce the front setback from 20' to 10' and the side setback from 12' to 10' for a single family dwelling. *include section 9.6C for when the structure is converted to an accessory dwelling.*
	21-40-ZV	12/28/2021	JEFFERSON CO HISTORIC LANDMARKS COMMISSION	84 MELVIN RD, SHENANDOAH JUNCTION	Open	Variance from Article 11.1 - Nonresidential Parking Requirements to request a waiver from the requirement that parking be provided on-site/off-street. The applicant has obtained approval from the WV State Rail Authority to allow the HLC to use the train station parking lot on weekends.

	21-41-ZV	12/29/2021	NOLDER KELLY M	211 JOHN BROWN FARM CT, HARPERS FERRY	Open	Request to reduce the front setback requirement from 40' to 20' for proposed 32' x 26' accessory structure (carport). Sections 9.6C & 9.7.
					Category Total:	6
					Grand Total:	39



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 January 11, 2022

- 1) **Introduce new Planning Clerk:** Tanya Lyons
- 2) **Status of Engineering, Planning and Zoning County Offices during COVID-19 Virus Pandemic**

The Department of Engineering, Planning and Zoning Mason Building is open to the public. Masks only need to be worn if you are not 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

- 3) **FY2022-2023 Budget Discussion**

The Planning Commission Budget Committee has met with Roger Goodwin, Director of Department of Engineering, Planning and Zoning, regarding his Budget preparation. In particular, they are planning for the County's next Comprehensive Plan. WV Code §8A-3-11(a) requires the Planning Commission to review and update the Comprehensive Plan at least every ten years. The current Comprehensive Plan was approved on January 14, 2015. The previous Plans were dated 2004, 1994, 1986 and 1968.

- 4) **Upcoming PC meetings**

Next Regular meeting: **February 8, 2022**

