



Agenda  
Jefferson County Planning Commission  
Tuesday, August 9, 2022 at 7:00 PM

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**By order of the President of the Jefferson County Planning Commission,  
this meeting will be held both in-person and virtually via ZOOM.**

**In-Person Meeting Location:** County Commission Meeting Room located in the lower level of the Charles Town Library (side entrance on Samuel Street)  
200 East Washington Street, Charles Town, WV 25414

**ZOOM Meeting Information:** Meeting ID: 844 2873 4627  
Meeting Link: <https://us02web.zoom.us/j/84428734627>  
Call-In Option: 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/keeQpaULoC>

*Virtual meeting can be accessed from desktop, laptop, iPad, or from a phone. You will be prompted to download the software or install the ZOOM app.*

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1. Approval of Meeting Minutes: July 12, 2022
  2. Request for postponement.
  3. **Public Workshop:** Miller Station Apartments Concept Plan to consist of 7 Multi-Family Garden Style Apartments with 218 units, associated parking spaces, SWM facilities, and signage. Applicant: Keane Enterprise; Property Owner: Gerald A Miller Estate c/o Paul S. Schleifman; Property Location: Captain Chews Trace, Charles Town, WV; Parcel ID: Tax District: Charles Town (02), Map: 8C, Parcels: 1-8; Combined Lot Size: 10 acres; Zoning District: Residential/Light Industrial/Commercial; File: #22-6-SP.
  4. **Public Hearing:** Request for waiver from Section 22.208 to eliminate the sidewalks from the front of the Miller Station Apartments parcel. Applicant: Keane Enterprise; Property Owner: Gerald A Miller Estate c/o Paul S. Schleifman; Property Location: Captain Chews Trace, Charles Town; Parcel ID: Tax District: Charles Town (02), Map: 8C, Parcels: 1-8; Combined Lot Size: 10 acres; Zoning District: Residential/Light Industrial/Commercial; File: #22-17-PCW.
  5. **Public Workshop:** Concept Plan for the Blake Solar Energy Facility. The applicant, Horus West Virginia 1, is proposing an 80MW solar electric generating facility to be located on approximately 516 acres, consisting of single-axis trackers, 535W modules, 3.38MW inverters, and new substation to connect the solar facility with the electric grid. A portion of the project site has existing high voltage power lines running through the property. File: #22-7-SP.  
Property Owners/Location/ID/Size/Zoning District:
    - Thorn Hill LLC; Vacant parcel on east side of Kabletown Road, south of Charles Town; Parcel ID: 2001900140000; Size: 171.59 acres; Zoning District: Rural
    - Peel Properties WVA LLC; Two Vacant parcels on the south side of Charles Town Road, east of Kabletown Road; Parcel ID: 02001900150003; Size: 51.19 acres; & Parcel ID: 02001900150002; Size: 46.24 acres; Zoning District: Rural
    - High Horizons Farm Inc.; Vacant parcel on both the north and south side of Charles Town Road, north of the intersection with Kabletown Road; Parcel ID: 02001900150002; Size (southern portion): ~ 185 acres; Zoning District: Residential Growth; Size (northern portion): ~65 acres Zoning District: RuralA Conditional Use Permit for the 270 acre portion of the project located outside of the Charles Town Urban Growth Boundary, on the east side of Kabletown Road, was approved by the Board of Zoning Appeals 7/28/22 (File: #22-4-CUP).
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There is no public comment for the following items.

6. **Withdrawn: Public Hearing:** Rock Ferry Station Lot 32 Final Plat Amendment. This proposal is to modify the 300' conservation buffer area on Lot 32. Applicant: Clint Curtis; Property Owner Clint Curtis & Cassaundra Maximin; Property Location: Vacant Parcel on Eagle Landing Rd Harpers Ferry, WV; Parcel ID: 06002200140032; Size: 3.26 acres; Zoning District: Rural; File: 22-4-FPA.
  7. **Discussion and Action:** For the Planning Commission to vote to approve or deny the Country Club Commons 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: B.C. Partners, Inc.; Property Location: Parcel ID: 04001100110000; Size: 9.54 acres; Zone: Residential/Light Industrial/Commercial. File: #19-17-SD.
  8. **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. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
    - d. Discuss and review Jefferson County Circuit Court Civil Action No. 2022-C-85.
  9. **Planner's Memo**
  10. **President's Report**
  11. **Actionable Correspondence**
  12. **Non-Actionable Correspondence**
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Meeting Minutes  
Jefferson County Planning Commission  
July 12, 2022

The Jefferson County Planning Commission met on July 12, 2022 at 7:00 pm with the following Planning Commission members present: Wade Louthan, Secretary Liaison and Jack Hefestay were present in person. Other commissioner attended via ZOOM Mike Shepp, President; Matt Knott, Vice President; Steve Stolipher, County Commissioner; Ron Thomas, and Shane Roper. Donnie Fisher and J Ware was absent with notice.

Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders County Engineer; Nathan Cochran, County Attorney; and Tanya Lyons Planning Clerk.

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

Mr. Louthan, Vice President, ran the meeting and called the meeting to order at 7:08 pm. and confirmed that a quorum was present.

The recording for the first part of the meeting was not successful.

**1. Approval of the meeting minutes:**

Hearing no objection, Mr. Louthan approved the June 14, 2022 minutes as presented.

- 2. Request for postponement.** Item # 6 Public Hearing Rock Ferry Station Lot 32 Final Plat Amendment for a future meeting
- 3. POSTPONED - Public Hearing:** Rock Ferry Station Lot 32 Final Plat Amendment. This proposal is to modify the 300' conservation buffer area on Lot 32. Applicant: Clint Curtis; Property Owner Clint Curtis & Cassandra Maximin; Property Location: Vacant Parcel on Eagle Landing Rd Harpers Ferry, WV; Parcel ID: 06002200140032; Size: 3.26 acres; Zoning District: Rural; File: 22-4-FPA.
- 4. Public Hearing:** Augustine Avenue Sheetz Major Site Plan for a Gas Station, Large, including a 6,077 sq. ft. convenience store with drive-thru, 5 fueling islands with canopy, roadway, stormwater management areas and associated infrastructure. Applicant: Bob Franks, Sheetz, Inc. Property Owner: Guy Chicchirichi; Property Location: NE of US 340 & Augustine Ave. Intersection, Charles Town, WV Parcel ID: 02001600010000; Size: 3.02 ac; Zoning District: Highway Commercial. File: 21-4-SP.

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

Ms. Brockman provided an overview of the staff report, reminding the Planning Commission that it was determined at the July 2022 Planning Commission meeting to process this as a Major Site Plan and the subdivision as a Minor Subdivision. The new Augustine Avenue Sheetz meets the definition for a Gas Station, Large, and includes a 6,077 sq. ft. convenience store with a drive-thru, 5 fueling islands with canopy, roadway, stormwater management areas and associated infrastructure.

Mr. Jason Gerhart, IFS, represented the applicant, and provided an overview of the proposed project.

Mr. Louthan opened the public hearing. No members of the public spoke.

Mr. Louthan closed the public hearing.

Mr. Hefestay made a motion to approve the Major Site Plan conditioned on addressing any outstanding staff comments on the 4th review of the plan and the placement of the approved permit numbers from the WVDOH and CTUB; Mr. Knott seconded the motion; and it was approved unanimously.

There is no public comment for the following items.

5. **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 properties, which are a part of the Summit Point Motorsports Park and Summit Point Training Campus, from Rural (R) to General Commercial (GC) is consistent with the Envision Jefferson 2035 Comprehensive Plan. Owner/Applicant: Summit Point Automotive Research Center, LLC. Property Location: Multiple properties southwest of the Village of Summit Point, WV, south of Summit Point Road, including, but not limited to, properties located on Motorsports Park Circle, Shenandoah Circuit Road, Summit Point Circuit Road, Jefferson Circuit Road, Skid Pad Road, and Training Campus Road. Tax District: Kabletown (06), Map: 16, Parcels 11, 11.1, 11.2, 11.11, OSA and Map 17, Parcels: 2, 2.1, 2.2, 3.1, 5, 9. Acreage: approximately 717 acres of the total 772.45 acres. Zoning District: Rural. File: 22-3-Z.

Ms. Jennifer Brockman described the location of the property in question and provided an overview of the staff report related to the applicant's request to rezone approximately 717 acres of the total 772.45 acres from Rural (R) to General Commercial (GC). Ms. Brockman described the recommendations of the Land Use and Growth Management Element and the Future Land Use Guide of the *Envision Jefferson 2035 Comprehensive Plan* as it relates to this property. The staff recommendation was that the ZMA request is not consistent with the *2035 Plan* because it is outside all Urban Growth Boundaries and Preferred Growth Areas and is shown as future "Rural" on the Future Land Use Guide. She reminded the Planning Commission that their only role to provide a recommendation to the County Commission related to consistency with the *2035 Comprehensive Plan*. The County Commission has the required Public Hearing scheduled for July 21, 2022.

Mr. Mark Dyck with IFS, consultant for the applicant, and Mr. Jeff Johnson, President of SPARC Raceway Associates, provided an overview of the existing SPARC facility focusing on the number of employees, how their motorsports, training and tourism activities support local businesses and why they believed that the proposed zoning category would allow them to expand and adapt more effectively than utilizing the non-conforming use and conditional use processes. Mr. Dyck presented their argument related to why their request could be supported by the *2035 Plan*.

The Planning Commission discussed the request and the *2035 Plan*. Mr. Shepp noted that SPARC is an outstanding facility and an asset to the community, but that he believes that the request is not consistent with the *2035 Plan*.

Mr. Ron Thomas recommended that the Planning Commission go into Executive Session for the purpose of receiving legal advice on the proposed zoning map amendment. Mr. Wade Louthan made the motion to go into Executive Session for the purpose of receiving legal advice related to the proposed amendment; Jack Hefestay seconded the motion, which carried unanimously.

The recording begins at this point in the meeting.

At 8:08 p.m. Mr. Wade Louthan made a motion to come out of Executive Session; Jack Hefestay seconded; which passed unanimously.

Ms. Brockman reminded the Planning Commission members that they are required to make a recommendation to the County Commission regarding whether the request is in conformance with the *2035 Comprehensive Plan*, or if it is not, whether the other language of WV Code §8A-7-9 can be applied to the recommendation.

Mr. Ron Thomas made a motion to recommend to the County Commission that the requested Zoning Map Amendment from Rural to General Commercial is not in conformance with the adopted *2035*

*Comprehensive Plan*. Mr. Mike Shepp seconded the motion.

Mr. Louthan asked for discussion. Mr. Jack Hefestay asked for some clarification on the motion before the vote is taken. He agreed that the request is not consistent with the *2035 Comprehensive Plan* and wanted to amend the motion. Ms. Brockman explained that the Planning Commission can agree that the request is not consistent and just send that recommendation to the County Commission, because the County Commission makes the final decision after the Public Hearing.

Mr. Jack Hefestay proposed an amendment to the motion to state that, per WV Code §8A-7-9, if the amendment is found to be inconsistent, then planning commission, must recommend to the County Commission to find that “there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted, and those changes have substantially altered the basic characteristics of the area”.

Mr. Thomas and Mr. Shepp accepted the amendment to the motion.

The motion passed unanimously.

- 6. Review and Approval:** Planning Commission’s 4th Quarterly Report/FY 2022 Annual Report to the County Commission per WV Code §8A-2-11. The Planning Commission is required by State Code to make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction.

Ms. Brockman noted that the Annual Report was distributed to the Planning Commission at the meeting. She stated that staff would like to edit the formatting of the report before it is sent to the County Commission. She asked for the Planning Commission to approve the Report that is presented but allow staff to reformat the report before it goes to the County Commission.

Mr. Hefestay motioned to approve the request as Ms. Brockman presented. Mr. Stolipher seconded the motion and was carried unanimously

## **7. Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (also related Writ of Prohibition Supreme Court of Appeals No. 22-0469).
- 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.

Shane Roper asked to recuse himself from 7.B. but Mr. Cochran said that would not be discussed.

Mr. Cochran said he would like to discuss Item #7a with the Planning Commission in Executive Session but recommended finishing the balance of the agenda first.

## **8. Planner’s Memo**

Ms. Brockman reported that the County has received two applications for Solar Facilities that are located both within and outside the Charles Town Urban Growth Boundary, which will require action by both the Board of Zoning appeals and the Planning Commission during the July, August and September meetings. She also noted that the Miller Station Apartments Concept Plan (across from Walmart) Public Workshop will be held in August.

Mr. Louthan motioned to go into Executive Session for Legal Advice related to Agenda Item # 7.a.; Jack Hefestay seconded the motion, which carried unanimously (8:20 pm).

Mr. Louthan moved to come out of Executive Session; Jack Hefestay seconded (8:35 pm)

**9. President's Report**

**10. Actionable Correspondence:** None


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

Mr. Hefestay motioned to adjourn the meeting; Mr. Louthan seconded the motion ,which carried unanimously. The meeting was adjourned at 8:37pm.

These minutes were prepared by Tanya Lyons, Planning Clerk.

**Staff Report**  
Jefferson County Planning Commission  
August 09, 2022  
**Miller Station Apartments Concept Plan Workshop**

**Item # 3: Public Workshop:** Miller Station Apartments Concept Plan: 7 Multi-Family Garden Style Apartments with 218 units, associated parking, SWM facilities, and signage. (PC File: 22-6-SP)

Property Owner	Gerald A Miller Estate c/o Paul Schleifman
Applicant	Keane Enterprise / Contact: Andy Shuckra
Consultant	Morris & Ritchie Associates, Inc. / Contact: Todd Heck, Principal
Parcel Information & Zoning District	<p>Miller Station Subdivision, Lots 1 – 8, Captain Chews Trace, Charles Town, WV  Tax District: Charles Town (02), Map: 8C, Parcels: 1-8; Combined Lot Size: 10 acres  Zoning District: Residential-Light Industrial-Commercial</p>  <p>*Areas with no colors are located within the City of Ranson</p>
Adjacent Zoning	<p><u>North:</u> Residential Growth;  <u>East:</u> Residential-Light Industrial-Commercial (RLIC)  <u>South:</u> RLIC &amp; City of Ranson; <u>West:</u> City of Ranson</p>
Proposed Activity	Miller Station Apartments: 7 Multi-Family Garden Style Apartments with 218 units, associated parking, SWM facilities, and signage.
Previous Approvals	<p>7/28/22: BZA Approved Variance from Section 4.12B to increase the maximum impervious surface limit from 50% to 60% (22-23-ZV)  7/28/22: BZA Approved Variance from Section 4.11C to eliminate a portion of the required landscape buffer along the southern property line (22-24-ZV)  Previous Subdivision to be merged:  7/28/03: Miller Station Commercial Subdivision; 8 Commercial Lots (01-31-SD) PB20/PG23</p>

**Introduction and Summary of Request**

The applicant is proposing the construction an apartment complex consisting of seven (7) apartment buildings with a maximum of 218 apartment units on the combined 10.02 acres. The proposed development



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will consist of a combination of unit sizes proposed to consist of 50 1-bedroom units, 108 2-bedroom units and 60 3-bedroom units. The property is zoned Residential-Light Industrial Commercial.

The property is currently divided into eight (8) commercial lots, approved in 2003, with required road, stormwater, and utility infrastructure constructed, but no commercial development on any of the lots (recorded PB20/PG23). These 8 lots will need to be merged before this Site Plan can be approved. The proposed use falls under “Dwelling, Multi-Family” as defined in Article 2 of the Zoning Ordinance. Per Appendix C, a Multi-Family Dwelling is a Principal Permitted Use in the Residential-Light Industrial-Commercial zoning district.



The property (blue dots) is located west of Patrick Henry Way, across from Patrick Henry Apartments and Charles Town Walmart and just north of Spring Run Apartments. The property is generally flat and includes infrastructure that will need to be redeveloped for the purpose of constructing the proposed apartment complex. The Board of Zoning Appeals approved two variance requests at their July meeting: to increase the maximum impervious from 50% to 60% and to eliminate landscaping along the top of an existing stormwater pond on the south side of the property.

### **Site Plan Category**

The site development associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.203A(4) of the Subdivision Regulations states that apartment or multi-family development projects which propose 10 units or more require the applicant to process a Concept Plan with a public workshop and then finish processing as a Minor Site Plan which is administratively approved. It has been determined that this development shall process as a Minor Site Development, with a Concept Plan.

### **Staff Determination of Application Sufficiency and Concept Plan Completeness Review**

In accordance with the current Subdivision Regulations, the Minor Site Plan Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of



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the applicant's Concept Plan, Staff found the submitted plan "sufficient" (i.e. meeting all requirements of Section 24.106 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed retail building application, are provided below:

	<b>Description</b>	<b>Status</b>
<b>1. General Location</b>	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2. Concept Plan</b>	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
<b>3. Zoning Information</b>	a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map d) Use designation for all adjoin and confronting parcels	Provided
<b>4. Proposal Description</b>	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided on the Concept Plan
<b>5. Traffic Impact Data</b>	a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project.	Provided on Concept Plan: <u>ADT US 340: 30,001</u> <u>Trip Generation for 218 Apts:</u> ADT: 1,186 trips Peak Hour Trips: 175 VH
<b>6. Traffic Study</b>	A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.	A Traffic Analysis has been prepared; WV DOH has determined that a Traffic Impact Study is required.
<b>7. Agency Reviews</b>	The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.	Letters to required agencies provided. Responses received are below.

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<b>D. Department</b>	The Department review shall include the following: 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan.	Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Minor Site Development.
<b>E./F. WVDOH</b>	WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5.	WV DOH has determined that a TIS is required.
<b>G. Public Service</b>	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	This project is proposed to be served by Charles Town Utility Board (water and sanitary sewer). Final design will occur with the Site Plan.
<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below

**Concept Plan Review**

1. External Agency Reviews (attached)

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

- a. Jefferson County Health Department sent an email stating that the proposed development will be connected to the City of Charles Town's public water and sewer and will not require any permits from the Health Department.
- b. The Charles Town Utility Board sent a letter documenting that they can provide water and sanitary sewer service to this property.
- c. The WV Division of Highways (WVDOH) sent an e-mail indicating that a Traffic Impact Study (TIS) is required.

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

2. Staff Recommendation related to Concept Plan

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

**Staff Report**  
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The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Miller Station Apartment Complex, to be located on the west side of Patrick Henry Way to be “complete” based on the information provided related to the criteria above; however, the following standards will need to be addressed prior to approval of the Site Plan:

- a. The previously approved eight commercial lots will have to be merged prior to approval of the Site Plan.
- b. Based on the Subdivision Regulations, as noted above, the site plan will process as a Minor Site Development. As a part of a Minor Site Plan, the following design requirements shall be addressed on the site plan:

- i. Sidewalks/Bike paths

Sec. 21.204 of the Subdivision Regulations requires all proposed site plans to provide a safe, efficient, and attractive pedestrian environment including access to adjoining properties, providing for continued pedestrian access to adjoining commercial properties. Where the adjoining use is residential, the connections shall be to any street's or stub street's sidewalks. This Section further requires crossings of roads or drives shall be clearly identified and signed to provide safe pedestrian crossings with traffic calming measures encouraged in any locations where pedestrian crossings are proposed.

Sec. 22.208 of the Subdivision Regulations requires that sidewalks shall be provided along at least one side of streets in all zone districts. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential subdivisions and/or site plans. Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. It also states that walks shall be installed in pedestrian easements as may be required by the Planning Commission.

The applicant for Miller Station Apartments plans to provide sidewalks within the apartment complex, but are requesting a waiver of the required sidewalk along the frontage on Patrick Henry Way. The location of this proposed complex between residential and commercial development in the area would be a prime area for pedestrian interconnectivity. This waiver is also on tonight's agenda and is discussed further there.

- c. WV DOH approval for the proposed entrance and any TIS recommendations will be required in conjunction with the Site Plan.
    - d. Water and sanitary sewer utility permits from the Charles Town Utility Board will be required in conjunction with the Site Plan.

3. Planning Commission Direction

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

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

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

Section 24.108 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Minor Site Plan Concept Plan review:

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

It should be noted that the direction provided to the applicant in the Minor Site Plan Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.

**ATTACHMENTS:**

- Jefferson County Health Department e-mail (7-19-22)
- Charles Town Utility Board letter (dated 4-26-21)
- WV DOH e-mail (dated 8-4-22)

## Planning Department

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**From:** Demastes, Alexandra N <alexandra.n.demastes@wv.gov>  
**Sent:** Tuesday, July 19, 2022 9:56 AM  
**To:** Planning Department; cstephenson@mrakta.com  
**Subject:** Miller Station Concept Plan

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

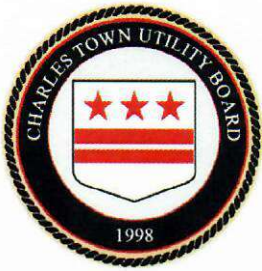
Good morning,

We received the Concept Plan for Miller Station. The proposed development will be connected to the City of Charles Town's public water and sewer. Therefore, they will not require any permits through our office.

Please let me know if you have any questions or concerns.

Thank you,  
Lexi Demastes  
Sanitarian 1  
Jefferson County Health Department  
304-728-8416 ext. 3036  
1948 Wiltshire Rd. Suite 1  
Kearneysville, WV 25430





# Charles Town Utility Board

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

April 26, 2021

Re: Miller Station  
Water/Sewer Availability  
Delivered via email to [jerickson@mrakta.com](mailto:jerickson@mrakta.com)

## UTILITY BOARD

Dear Mr. Erickson:

CHAIRMAN  
*Daryl  
Hennessy*

The Charles Town Utility Board (CTUB) has received your request for water and sewer availability for the Miller Station Development for which the utilities and infrastructure exist.

### Water Service:

VICE  
CHAIRMAN  
*Pete  
Kubic*

CTUB can furnish water service for the future build-out of the pad sites. The Water Capacity Improvement Fees of \$2,576.00 per equivalent residential unit (EDU) will apply. Once a use is determined, please provide the EDU usage per Schedule II of the CTUB Water Tariff.

TREASURER  
*Thomas  
Stocks*

A copy of the CTUB Rates, Rules and Regulations can be found at: [www.ctubwv.com](http://www.ctubwv.com).

### Sewer Service:

INTERIM  
SECRETARY  
*Ashley  
Stottlemeyer*

CTUB can furnish sewer service for the future build-out of the pad sites. Based on our evaluation of the current conditions in this area, there will need to be an accommodation made to accept the flows as there is an elevation difference of approximately four feet between the capped sewer in the subject development and the gravity sewer line along Patrick Henry Way.

*City of Ranson  
Mayor  
Duke  
Pierson*

The Sewer Capacity Improvement Fees of \$1,127.00 per equivalent residential unit (EDU) will apply. Once a use is determined, please provide the EDU usage per the Schedule in the CTUB Sewer Tariff.

A copy of the CTUB Rates, Rules and Regulations can be found at: [www.ctubwv.com](http://www.ctubwv.com).

*Jacquelyn  
Milliron*

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

Sincerely,

UTILITY  
MANAGER  
*Kristen  
Stolipher*

Kristen Stolipher  
Utility Manager



**From:** [Willis, Trixie A](#)  
**To:** [cstephenson@mrakta.com](mailto:cstephenson@mrakta.com)  
**Cc:** [Planning Department](#); [David E Cramer](#)  
**Subject:** Miller Station - Jefferson County  
**Date:** Thursday, August 4, 2022 8:00:36 AM

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**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

WVDOH has received a concept plan for the subject project.

The proposed development of 218 apartment units off HA 902/58 (Patrick Henry Way) using Captain Chews Trace as the entrance will require a Traffic Impact Study.

Please contact David Cramer (copied on this email) for more information.

Thanks,

--

*Trixie Willis*

Entrance Permit Reviewer

(Mineral & Jefferson counties)

2120 Northwestern Turnpike

P.O. Box 99

Burlington, WV 26710

681-320-2039



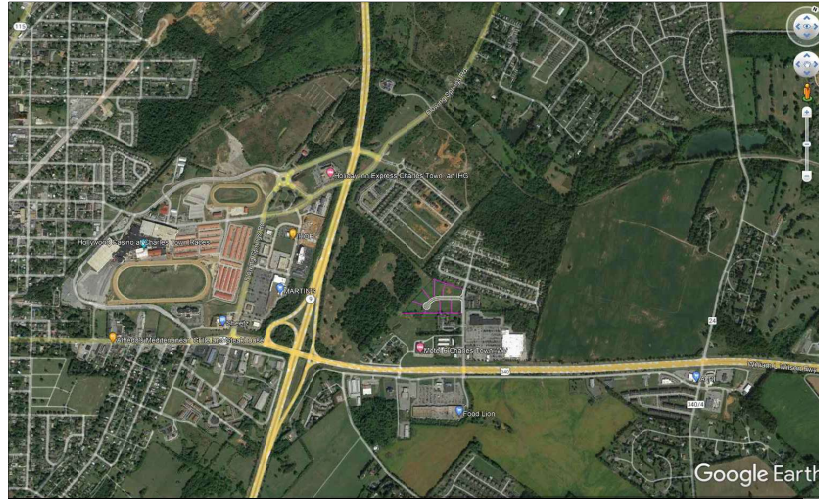
# MILLER STATION

## CONCEPT PLAN

### JEFFERSON COUNTY, WV

#### CONCEPT PLAN NOTES:

- SEE GENERAL LOCATION MAP THIS SHEET FOR ZONING DISTRICTS WITHIN 500' OF THE SUBJECT PROPERTY.
- A CONCEPT PLAN ON 24x36 WHITE PAPER CAN BE FOUND ON SHEET 2.
- SEE SHEET 2 FOR THE LAYOUT OF LOTS, RECREATION AREAS AND ROADS.
- BUILDING AREAS WILL BE CONFINED TO SETBACK LINES.
- ACTUAL BUILDING FOOTPRINTS MAY VARY WITH FINAL ARCHITECTURAL DESIGN.
- ZONING INFORMATION: SEE TABS THIS SHEET
- SEE SHEET 2 FOR THE PROPERTY'S 'SITE RESOURCES'.
- ALL STATE, FEDERAL AND LOCAL REGULATIONS WILL BE OBSERVED IF ANY UNKNOWN SITE RESOURCES ARE DISCOVERED DURING CONSTRUCTION.
- THERE ARE NO FLOODPLAINS ON THE SUBJECT PROPERTY PER FEMA MAPS.
- SEE SHEET 2 FOR ADJACENT PROPERTY INFORMATION.
- PROPOSAL DESCRIPTION: THE REQUESTED CONCEPT PLAN INCLUDES 218 MULTIFAMILY UNITS, OPEN SPACE, STORMWATER MANAGEMENT AREAS AND THE CONSTRUCTION OF ASSOCIATED UTILITIES. SIDEWALKS SHALL BE PROVIDED, NO RESTRICTIVE COVENANTS/CONDITIONS RESTRICTIONS ARE PROPOSED AT THIS TIME BUT MAY BE PROVIDED AT TIME OF FINAL PLAT.
- TRAFFIC IMPACT DATA
- SEE TRAFFIC ANALYSIS MEMO PREPARED BY AMT DATED 6/7/2022 AND REVISED THROUGH 7/7/2022
- THE WV DOT ONLINE TRAFFIC COUNTS PROZOVIDE AVERAGE DAILY TRAFFIC COUNTS FOR THE FOLLOWING LOCATIONS: ROUTE 340 = 30,001
- PROPOSED TRIP GENERATION FOR MULTIFAMILY UNITS BASED ITP TRIP GENERATION MANUAL AND SECTION 24.110(B)(3) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS ARE AS FOLLOWS:  
PEAK HOUR TRIPS: 218 (MULTIFAMILY UNITS) x 0.80 = 175  
AVERAGE DAILY TRIPS: 218 (MULTIFAMILY UNITS) x 1.188
- THE NEAREST KEY INTERSECTION AS DEFINED IN THE CONCEPT PLAN CHECKLIST IS ROUTE 340 AND PATRICK HENRY WAY
- AS DEFINED BY THE ENVIRONMENTAL JEFFERSON 2035 COMPREHENSIVE PLAN, HIGHWAY PROBLEM AREA NUMBER 15 IS WITHIN ONE (1) MILE RADIUS OF THE PROPERTY. THE PROBLEM AREA IS AT THE INTERSECT OF FLOWING SPRINGS CONNECTOR RT 177 B AND RT 6. NO HIGHWAY LANE CHANGES.
- A LIST OF ALL ADJACING PROPERTIES AND OWNERS' ADDRESSES ARE INCLUDED AS PART OF THIS SUBMISSION. PROPERTY OWNERS' INFORMATION IS PROVIDED PURSUANT TO JEFFERSON COUNTY ASSESSOR'S RECORDS.
- WATER AND SANITARY SEWER SERVICE WILL BE PROVIDED BY THE CITY OF CHARLES TOWN. PRELIMINARY DISCUSSION WITH THE CITY OF CHARLES TOWN INDICATES THERE IS CAPACITY TO SERVE THE PROPOSED DEVELOPMENT. EXACT CONNECTIONS WILL BE DETERMINED THROUGH COORDINATION WITH THE CITY OF CHARLES TOWN DURING SITE PLAN DEVELOPMENT
- SEE SHEET 2 FOR EXISTING CONDITIONS WHICH HAS BEEN BASED ON A COMPARISON OF GIS INFORMATION, FIELD SURVEY DATA AND PLANS OF RECORD. THE TOPOGRAPHIC CONTOUR INTERVAL IS (2) FOOT. HORIZONTAL DATUM IS NAD83 WEST VIRGINIA STATE PLANE. NORTH ZONE. VERTICAL DATUM IS NAVD83.



GENERAL LOCATION MAP

OWNER  
MILLER GERALD A ESTATE  
C/O PAUL S. SCHLEIFMAN  
4202 BLUE BARROW RD.  
ELICOTT CITY, MD 21042  
410-461-7382

APPLICANT  
KEANE ENTERPRISE, INC.  
C/O ANDY SHUCKRA  
P.O. BOX 1573  
ASHBURN, VA 20148  
ASHUCKRA@KEANEENTERPRISES.COM

PREPARED BY  
MORRIS & RITCHIE ASSOCIATES, INC.  
604 SOUTH KING STREET, SUITE 200  
LEESBURG, VIRGINIA 20175  
CONTACT: TODD HECK  
703-994-4047  
THECK@MRAGTA.COM

Sheet List Table	
Sheet Number	Sheet Title
1	COVER SHEET & NOTES
2	EXISTING CONDITIONS
3	CONCEPT PLAN

ZONING SUMMARY		
ZONING DISTRICT	RESIDENTIAL LIGHT INDUSTRIAL COMMERCIAL (RLIC) (ADMINISTERED UNDER RESIDENTIAL GROWTH (RG) DISTRICT)	
LAND USE	MULTI-FAMILY (SUBJECT TO SECTION 4.12)	
LAND USE SUBTYPE	PUBLIC/CELTAL WATER AND JEWEL	
MIN LOT AREA	20,000 SF	
EXISTING LOT AREA	436,259 SF	100.2 AC
AREA PER DWELLING UNIT	2,000 SF	
MAX UNITS	218	(436,259 / 2,000 = 218.12)
PROPOSED UNITS	218	
MAX BUILDING HEIGHT	40 FT	(SUBJECT TO SECTION 9.2)
PROPOSED BUILDING HEIGHT	40 FT	PROPOSED BUILDINGS WILL BE (3) STORY
Section 9.2 Building Height Limitations Building height limitations shall not apply for public utilities, agricultural use, communication poles and towers, chimneys, steelies, water tanks, electric generating plants, electric transforming or switching equipment, flagpoles, fire observation towers, monuments, or to tanks, venting towers, air conditioning equipment or similar equipment required for operation and maintenance of the building, hospitals, schools, colleges and public buildings. Commercial wireless communications facilities shall comply with Article 46.7, 30, 21.		
SETBACKS	FRONT:	25 FT
	SIDE:	12 FT (FOR EXTERIOR ONLY)
	REAR:	30 FT
PARKING / DRIVE AISLE SETBACKS	FRONT:	15 FT
	SIDE:	12 FT
	REAR:	15 FT
SCREENED BUFFERS	FRONT:	15 FT (SUBJECT TO SECTION 4.11)
	SIDE:	12 FT
	REAR:	15 FT
SECTION 4.1: DESIGN STANDARDS FOR MULTIFAMILY DEVELOPMENTS		
Common open spaces shall be located to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year flood plain.		
A	Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed 50 percent of the gross land area. (SEE CALCULATIONS ON LAYOUT)	
B	Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least 25 feet from any street right-of-way.	
C		
SECTION 21.205 OF THE SUBDIVISION REGULATIONS 15% OF THE LAND IS REQUIRED TO BE RESERVED FOR OPEN SPACE (10 ACRES X 15% = APPROX. 1.5 ACRES) UP TO 50% MAY BE MET WITH PASSIVE OPEN SPACE AND THE REST HAS ACTIVE RECREATION AND WILL BE DETAILED ON FUTURE SITE PLAN.		

Maximum Allowed Density		
Total Lot Area	436,259	SF
Permitted Area per dwelling unit	2,000	SF
TOTAL LOT AREA (436,259 SF) / (2,000 SF) = 218.13		
Max Dwelling Units	218.13	
Proposed Dwelling Units	218	Units

Miller Station Apartments Tabulations				
Apartment Unit / Type		Parking Per Unit	Parking Required	*Parking Provided
50 Units	1 bedroom (22.9%)	1.25	63	-
108 Units	2 bedroom (43.6%)	1.5	162	-
60 Units	3 bedroom (33.6%)	2	120	-
218 Total Units			345	371
Notes:				
*Proposed Parking subject to final design				
* (16) ADA Parking Spaces provided				

Land Coverage			
	SF	AC	%
*Max Land Coverage Allowed	218,129.50	5.01	50.0%
**Proposed Land Coverage	246,821.21	5.67	56.6%
*Per section 4.12.8 impervious surfaces coverage is based on residential structures, parking areas, and interior streets.			
**A variance has been requested to allow up to 50% impervious surfaces.			



**MORRIS & RITCHIE ASSOCIATES, INC.**  
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
604 SOUTH KING STREET, SUITE 200  
LEESBURG, VA 20175  
(703) 994-4047  
MRAGTA.COM  
Copyright 2020 Morris & Ritchie Associates

MILLER STATION - COVER SHEET & NOTES  
JEFFERSON COUNTY, WEST VIRGINIA  
DATE: 6/24/22  
REVISED: 7/7/22 & 7/27/22

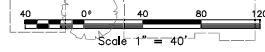
REFERENCE NUMBER	OWNER	TD	MAP	PARCEL ID	DED BOOK / PAGE	ADDRESS
1	PATRICK HENRY WAY LTD PTA	2	8	29.0007	923/643	15825 SHADY GROVE RD STE 25 ROCKVILLE, MD 20850
2	SISO 2 ALABAMA LP	2	8	29.0002	1170/471	400 SYMPHONY CIR S.E. 350 COCKEYSVILLE, MD 21030
3	DHA ASSOCIATES LIMITED PARTNERSHIP	2	8	29.0004	849/214	1875 PLEASANT DR STE 100 ROCKVILLE, MD 20850
4	MIEMULO II LARSEN	2	08	4.0000	1225/381	278 PATRICK HENRY WAY CHARLES TOWN, WV 25414
5	STRICKLER HELEN M	2	08	5.0000	1117/328	279 PATRICK HENRY WAY CHARLES TOWN, WV 25414
6	JOHNER SUSANA	2	08	6.0000	1230/471	70 BEAUREGARD BLVD CHARLES TOWN, WV 25414
7	HODGE ON CAROL K	2	08	7.0000	1087/490	14 BEAUREGARD BLVD CHARLES TOWN, WV 25414
8	TYLER MICHAEL E	2	08	8.0000	1062/497	10 BEAUREGARD BLVD CHARLES TOWN, WV 25414
9	BREEDEN LARRY D & GEORGIE L	2	08	9.0000	100/960	14 BEAUREGARD BLVD CHARLES TOWN, WV 25414
10	YATES MARY E & LELLY M WASHINGTON	2	08	10.0000	1057/562	14 BEAUREGARD BLVD CHARLES TOWN, WV 25414
11	MARSHALL C TONY	2	08	11.0000	788/613	1 BEAUREGARD BLVD CHARLES TOWN, WV 25414
12	TURBIN JOANN	2	08	12.0000	804/357	3 LEE WAY CHARLES TOWN, WV 25414
13	CHB BANK INC	8	8	27.0000	1225/153	1015 WASHINGTON ST BERKELEY SPRINGS, WV 25411
14	UNOPAESANO LLC	8	8	28.0000	1101/495	PQ BOX 335 HARRERS FERRY, WV 25425

- NOTES:
1. PROPOSED BUILDING FOOTPRINTS, LOCATIONS AND UNITS COUNTS ARE SUBJECT TO CHANGE WITH FINAL ARCHITECTURAL AND ENGINEERING DESIGN AND WILL NOT EXCEED THE MAXIMUM ALLOWED 218 UNITS.
  2. THE 15% OPEN SPACE FOR ACTIVE AND PASSIVE RECREATION AREAS WILL BE PROVIDED IN ACCORDANCE WITH SECTION 21.205 AND FURTHER DETAILED AT SITE PLAN.



**MORRIS & RITCHIE ASSOCIATES, INC.**  
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
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MRA@GMAIL.COM  
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MILLER STATION - EXISTING CONDITIONS  
JEFFERSON COUNTY, WEST VIRGINIA  
SCALE: 1"=40'  
DATE: 6/24/22  
REVISED: 7/7/22 & 7/27/22  
SHEET 2 OF 3












**Staff Report**  
Jefferson County Planning Commission  
August 09, 2022

**Miller Station Apartments Waiver (File #: 22-17-PCW)**

**Item #4: Public Hearing:** Applicant is requesting a waiver from Section 22.208 to eliminate the sidewalks from along Patrick Henry Way in front of the parcel (File #22-17-PCW).

Owner/Developer	Gerald A Miller Estate c/o Paul Schleifman/
Applicant	Keane Enterprise / Contact: Andy Shuckra
Surveyor/Engineer	Morris & Ritchie Associates, Inc. / Contact: Todd Heck, Principal
Property Location	Vacant lots located on Captain Chews Trace, Charles Town, WV
Parcel Information	<p>Miller Station Subdivision, Lots 1 – 8, Captain Chews Trace, Charles Town, WV Tax District: Charles Town (02), Map: 8C, Parcels: 1-8; Combined Lot Size: 10 acres Zoning District: Residential-Light Industrial-Commercial</p> 
Adjacent Zoning	North: Residential Growth; East: Residential-Light Industrial-Commercial (RLIC) South: RLIC & City of Ranson; West: City of Ranson
Proposed Activity	Miller Station Apartments Concept Plan: 7 Multi-Family Garden Style Apartments with 218 units, associated parking, SWM facilities, and signage. (PC File: 22-6-SP)
Previous Approvals	<p>7/28/22: BZA Approved Variance from Section 4.12B to increase the maximum impervious surface limit from 50% to 60% (22-23-ZV) 7/28/22: BZA Approved Variance from Section 4.11C to eliminate a portion of the required landscape buffer along the southern property line (22-24-ZV) Previous Subdivision to be merged: 7/28/03: Miller Station Commercial Subdivision; 8 Commercial Lots (01-31-SD) PB20/PG23</p>

**Staff Report**  
Jefferson County Planning Commission  
August 09, 2022  
**Miller Station Apartments Waiver (File #: 22-17-PCW)**

**Site Background**

The applicant is proposing the construction an apartment complex consisting of seven (7) apartment buildings with a maximum of 218 apartment units on the combined 10.02 acres. The proposed development will consist of a combination of unit sizes proposed to consist of 50 1-bedroom units, 108 2-bedroom units and 60 3-bedroom units. The property is located west of Patrick Henry Way, across from Patrick Henry Apartments and Charles Town Walmart and just north of Spring Run Apartments. The property is zoned Residential-Light Industrial Commercial.

Section 20.203A(4) of the Subdivision Regulations states that apartment or multi-family development projects which propose 10 units or more require the applicant to process a Concept Plan with a public workshop and then finish processing as a Minor Site Plan which is administratively approved. It has been determined that this development shall process as a Minor Site Development, with a Concept Plan. The Concept Plan Public Workshop was also on tonight's agenda.



**Summary of the Request**

The applicant is requesting a waiver from Section 22.208 of the Subdivision Regulations which requires sidewalks along the platted road right-of-way to support all site development. The applicant for Miller Station Apartments plans to provide sidewalks within the apartment complex, but are requesting a waiver of the required sidewalk along the frontage on Patrick Henry Way.

The applicant states that the waiver is being requested because the existing conditions create challenges to provide a segment of the sidewalk along Patrick Henry Way. The Subdivision Regulations require that sidewalks shall be located within one foot of the property line along street right of way. The applicant noted that approximately 210' LF along the street frontage is encumbered with utility poles, boxes and guys wire and that there is an adjacent SWM facility next to Patrick Henry Way that averages 6' - 10' in elevation.

**Staff Report**  
Jefferson County Planning Commission  
August 09, 2022

**Miller Station Apartments Waiver (File #: 22-17-PCW)**

They are proposing a crosswalk across Patrick Henry Way to access a sidewalk on the east side of the road, which will require the approval of the WV Division of Highways (WVDOH).

**Waiver Requirements**

The applicant addresses the following requirements found in “Division 24.300 Waivers” of the Subdivision Regulations in the attached 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.

**Recommendations of *Envision Jefferson 2035 Comprehensive Plan*:**

It should be noted that the interconnectivity of businesses and neighborhoods was identified as an important objective of the *Envision Jefferson 2035 Comprehensive Plan* and, as such, the waiver of the required sidewalk, needs to be carefully considered. While the following excerpts from the Comp Plan are not requirements, they should be taken into consideration when reviewing this waiver request and may indicate the need to clarify this provision of the Subdivision Regulations in the future.

Goal #13 states, “Provide a Variety of Options for Mobility and Accessibility for Jefferson County Residents and Visitors, including Public Transportation and Pedestrian/non-motorized Opportunities within the County” (p. 198). Under this Goal, Objective #4 recommends implementing a network of sidewalks, shared roadways, and trails are available to residents of Jefferson County and that connections along the trails/pathway are extended into adjoining neighborhoods . . . Additionally, Objective #5 recommends to “require that sidewalks are constructed (or that at a minimum, easements are provided) within and connecting to existing and new development within the UGBs, PGAs, or Villages.”

Under the Transportation Recommendations (p. 113), Recommendation #7 recommends to strengthening the provisions in the County’s Subdivision and Land Development Regulations to accomplish (among other things) providing for the incremental construction of sidewalks and bicycle and pedestrian paths in and between new and existing neighborhoods as development occurs, as well as striving to provide connectivity between bike and pedestrian paths that pass through or connect to adjacent new and existing residential developments.

**Staff Comments/Recommendation**

While Section 10.6A of the Subdivision Regulations does provide that on a case by case basis, the Office of Planning and Zoning may consider alternatives to traditional sidewalks and that Planning and Zoning Staff may allow a 10 foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, Staff does not administratively approve the use of an easement within commercially or industrially zoned property or in

**Staff Report**  
Jefferson County Planning Commission  
August 09, 2022

**Miller Station Apartments Waiver (File #: 22-17-PCW)**

an area with urban level density and therefore required the submittal of this waiver request. For this reason, Staff directed the applicant to apply for a waiver for consideration by the Planning Commission.

The location of this proposed complex between residential and commercial development in the area would be a prime area for pedestrian interconnectivity. Additionally, the Walmart parking lot is a bus stop location for the Eastern Panhandle Transit Authority (EPTA) and would be an ideal connection for residents of the proposed apartment complex. While there is no immediate connectivity for a sidewalk along the frontage of this property, it is an area that generates a fair amount of pedestrian traffic which will only increase with the new apartment complex.

This appears to be an area that requires planning for the future provision of pedestrian interconnectivity as the adjoining areas develop within the Corporation of Ranson and the County with both commercial and residential developments. The recommendations of the Comprehensive Plan regarding providing pedestrian interconnectivity makes this recommendation for existing as well as proposed development. The question always becomes how to begin to meet this goal in an area that is already partially developed without this feature. At a minimum, the provision of an easement along the frontage of this property allows for the potential for future pedestrian interconnectivity as other properties along this road develop or redevelop.





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

File #: 22-17-PCW  
Mtg Date: 08-09-2022  
Date Rec'd: 06-24-2022  
Fees Paid: 100.00  
Staff Int: TL  
List of Adjainers: ☐

Email: [planningdepartment@jeffersoncountyvzw.org](mailto:planningdepartment@jeffersoncountyvzw.org)  
[zoning@jeffersoncountyvzw.org](mailto:zoning@jeffersoncountyvzw.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: Miller Gerald A Estate c/o Paul S. Schleifman  
Business Name: \_\_\_\_\_  
Mailing Address: 4202 Blue Barrow Rd, Ellicott City, MD 21042  
Phone Number: 410-461-7382 Email: \_\_\_\_\_

#### Applicant Contact Information

Applicant Name: Andy Shuckra Same as owner: ☐  
Business Name: Keane Enterprise  
Mailing Address: 44031 Pipeline Plaza, Suite 100  
Phone Number: 571-223-0001 Email: ashuckra@keaneenterprises.com

#### Consultant Information

Name: Todd Heck, Principal  
Business Name: Morris & Ritchie Associates, Inc.  
Mailing Address: 604 South King Street, Suite 200 Leesburg, VA 20175  
Phone Number: 540-974-2976 Email: theck@mrakta.com

#### Physical Property Details

Physical Address: Captain Chews Trce. (See Attached for associated parcels which be subject to a merger plat) Vacant Lot: ☒  
Tax District: Charles Town District Map No: 8C Parcel No: Parcels 1-8  
Parcel Size: (Total = 10.04 AC) Deed Book: 613 Page No: 71  
Zoning District: R-LI-C

**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 22.208 of the Subdivision Regulation Amended through February 1, 2018

#### Briefly Describe the Nature of Your Waiver Request:

The purpose of this request is to address the existing conditions challenges to provide a segment of the sidewalk along Patrick Henry Way. The regulation require that sidewalks shall be located within one foot of the property lone along street right of way. Approximately 210' LF along the street frontage is encumbered with utility poles, boxes and guys wire. There is an adjacent SWM facility next to Patrick Henry Way that averages 6-10' in elevation. There is also not off-site walk to connect to which wou create a situation that lead pedestrian to unsafe situation and while slightly contributing to the increase site imperviousness.

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

As a byproduct of the waiver request, less impervious area will be required and hence reduced maintenance typically associated with public sidewalks. The area without the sidewalk would allow more room and opportunities for providing the street scape with street trees.

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

The public would benefit from having a safer pedestrian access route along the public roadway. One that is not subject to adjacent steep slopes and conflicts with utilities and a sidewalk leading pedestrian to incomplete walkways and potential for mic block crossings at an unmarked locations.

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

The sidewalk system proposed would still provide linkage while offering a safer pedestrian circulation to adjacent parcels. A crosswalk will be provided at entrance of the development crossing Patrick Henry Way and connecting to existing sidewalk on the opposite side of the road ultimately leading to the near by shopping center.

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

The project quality would ultimately be enhanced by pedestrians having a more direct and safe situation for crossing the Patrick Henry Way while providing vehicles with more advanced awareness of the surrounding conditions.

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      6/20/22      Date

\_\_\_\_\_  
Property Owner/Applicant Signature      Date

#### Notification Requirements

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

\_\_\_\_\_  
Public Hearing Date

\_\_\_\_\_  
Date Placard Posted

\_\_\_\_\_  
Date Adjainers Mailed

#### Planning Commission Determination

Approved ☐

Denied ☐

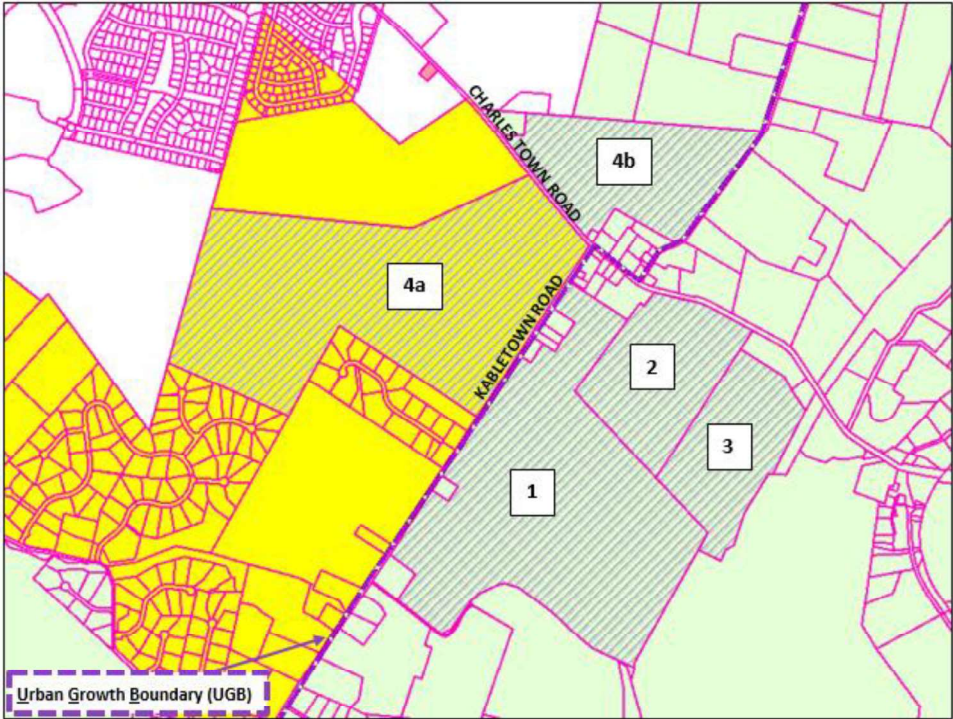
Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



Staff Report  
Jefferson County Planning Commission  
August 9, 2022

**22-7-SP Blake Solar Energy Project Concept Plan**

**Item #5: Public Workshop:** Concept Plan for the Blake Solar Project. The applicant is proposing an 80MW solar electric generating facility to be located on approximately 516 acres. The project consists of single-axis trackers, 535W modules, 3.38MW inverters, and new substation to connect the solar facility with the electric grid. A portion of the project site has existing high voltage power lines running through the property.

Applicant:	Horus West Virginia 1 / Contact: Braden Houston
Owners:	Multiple Owners / See Exhibit Below
Consultant:	Integrity Federal Services / Mark Dyck
Parcel Information / Zoning District:	<p style="text-align: center;">Intersection of Route 115 and Kabletown Road Multiple Vacant Parcels / See Exhibit Below</p> 
Surrounding Zoning:	<p style="text-align: center;">North: Residential Growth &amp; Rural; East: Rural South: Rural; West: Residential Growth</p>

Ref #	Owner	Physical Location	Parcel Information:
1.	Thorn Hill LLC	Vacant parcel on east side of Kabletown Road, south of Charles Town	Parcel ID: 02001900140000; Lot Size: 171.59 ac; Zoning District: Rural
2. & 3.	Peel Properties WVA LLC	Two vacant parcels on the south side of Charles Town Road, east of Kabletown Road	Parcel ID: 02001900150003; Lot Size: 51.19 ac Zoning District: Rural Parcel ID: 02001900150002; Lot Size: 46.24 ac; Zoning District: Rural
4a. & 4b.	High Horizons Farm Inc.	Vacant parcel on both the north and south side of Charles Town Road, north of intersection of Kabletown Road	Parcel ID: 02001900150002; Lot Size (southern portion): ~ 185 acres; Zoning District: Residential Growth Lot Size (northern portion): ~65 acres Zoning District: Rural

Staff Report  
Jefferson County Planning Commission  
August 9, 2022

**22-7-SP Blake Solar Energy Project Concept Plan**

Previous Approvals:	<u>Thorn Hill Subdivision (Parcel 14 – map reference #1)</u> File #Z01-04: Conditional Use Permit for 182 single family lots (03/26/02) File #02-17: Thorn Hill Subdivision (Lots 1-179) Final Plat (04/25/07 <a href="#">PB24/PG14</a> ) <u>K&amp;K Properties Minor Subdivision (Parcel 15.2 – map reference #4a &amp; 4b)</u> File #17-09: K&K Properties MSD, Lot 1 & Residue Final Plat (11/22/17 <a href="#">PB25/PG661</a> )
Current Applications (Blake Solar Project)	<ul style="list-style-type: none"><li>• Conditional Use Permit (File #22-4-CUP) Public Hearing: 07/28/22 Board of Zoning Appeal Meeting; APPROVED</li><li>• Concept Plan (File #22-7-SP) Workshop: 08/09/22 Planning Commission Meeting</li></ul>

### Overview of Project

The applicant is proposing an 80MW solar electric generating facility to be located on approximately 516 acres. The project consists of single-axis trackers, 535W modules, 3.38MW inverters, and new substation to connect the solar facility with the electric grid. A portion of the project site has existing high voltage power lines running through the property

The proposed use is identified as a Solar Energy Facility, defined in Article 2 of the Zoning Ordinance, as:

“A facility that generates electricity from sunlight by utilization of photovoltaic (PV) technology and distributes the generated electrical power. On-site components of the facility may include solar panels and other accessory components including, without limitation, Essential Utility Equipment, transformers, inverters, cabling, electrical lines, substations, and other improvements necessary to support generation, collection, storage, and transmission of electrical power.”

Solar Energy Facilities are Principal Permitted Uses in both the Rural and Residential Growth Zoning Districts in areas inside of the Urban Growth Boundary and the Preferred Growth Area as delineated on the Future Land Use Guide in the Comprehensive Plan. Solar Energy Facilities are required to process as Conditional Uses in zoning districts outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA). The provisions for large-scale solar energy facilities are found in Section 8.20 of the Zoning Ordinance.

The Blair Solar Energy Project is proposed to occur on a total of 516 acres, with 246 acres located within the Charles Town Urban Growth Boundary, where solar energy facilities are permitted by right. The project also includes 270 acres of the solar energy facility project to be located outside of the Charles Town Urban Growth Boundary, which requires approval of a Conditional Use Permit (CUP). The CUP (File #22-4-CUP) was approved by the Board of Zoning Appeals after a Public Hearing was held on July 28, 2022, with the following conditions:

- a. Applicants are bound by their testimony including the proposed supplemental landscape buffer for at least 150' from existing residences;
- b. All required licenses and permits are obtained from governing agencies; and
- c. That the Thornhill Residential Subdivision (File #02-17) is merged into one lot

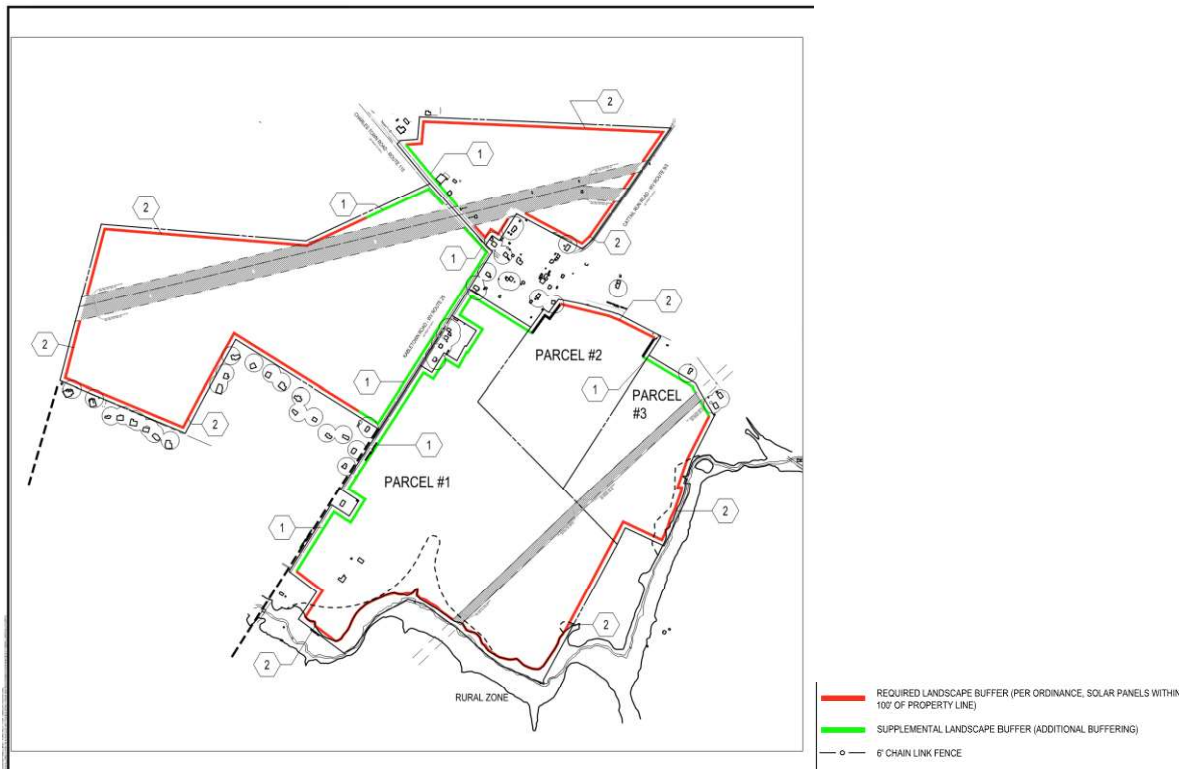
Tonight's Public Workshop relates to the Concept Plan for the full 516 acres. The subject properties, comprising the 516 acres, are currently vacant and/or used for agricultural purposes. The property labeled as #1 on the map above has an approved, but undeveloped, residential subdivision (179 single-family lots), which will be required to be consolidated into a single parcel as a condition of approval for the Conditional Use Permit. A portion of the property is located within the delineated floodplain area. No structures or

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**22-7-SP Blake Solar Energy Project Concept Plan**

grading are proposed for the areas within the floodplain.

The Concept Plan includes detailed information about the configuration and components of the proposed facility. It states that no solar panels, including the electrical yard and substation, are within 200' of a residence, a Category 1 historic resource, an institution of human care, church, or similar use or structure as determined by the zoning administrator. The applicants propose a 6' fence around the perimeter of the full solar facility and stated during the Conditional Use public hearing that there would not be any barbed wire on top of the fencing. The proposed landscape buffer (red line) is shown in any area in which solar panels are within 100' of the property line, irrespective of the location of adjoining residential structures. An additional proposed supplemental buffer shown around the rest of the boundary is proposed by the applicant (green line). The details related to the landscape buffer is found on Sheet 7 of 8 in the Concept Plan.



Primary entrances to the solar facility are proposed to be off Kabletown Road and Charles Town Road. Documentation that the proposed project meets all general requirements found in Section 8.20F can be found on Sheet 2 of 8.

**Site Plan Category**

Section 8.20 of the Zoning Ordinance requires that all projects meeting the definition of Solar Energy Facilities are required to process a Concept Plan, pursuant to the Minor Site Development Concept Plan standards established in the Jefferson County Subdivision Regulations. After the Concept Plan Public Workshop is held and Planning Commission direction is given, the next steps are Application for a Zoning Certificate and Building Permits, including submission of a report in conformance with the Jefferson County Stormwater Management Ordinance, if required. The Concept Plan includes the entire project, including the portion of the project that also required a Conditional Use Permit.

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In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Zoning Ordinance requires the Concept Plan for a solar energy facility to include all of the property locations; access points; anticipated locations of all proposed components of the Solar Energy Facility; and landscaping, buffering, ground cover plan, and fencing. A narrative outlining the decommissioning of the Solar Energy Facility is also required to be included with the Concept Plan (Sheet 2 of 8). The narrative is required to include a description of the timeline of the lease or operating plan, and a general plan for removal of the Solar Energy Facility. All of these Zoning Ordinance requirements have been addressed in the Concept Plan submitted.

The Concept Plan Public Workshop is the only opportunity for public input on the full project. The balance of the County's approval process is administrative.

**Staff Determination of Application Sufficiency and Concept Plan Completeness Review**

In accordance with the current Subdivision Regulations, the Minor Site Plan Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon first submission and review of the applicant's Concept Plan, Staff found the submitted plan "sufficient" pursuant to Section 24.106 of the Jefferson County Subdivision and Land Use Regulations. These requirements, as well as the current review status for each requirement for the subject application, are provided below:

	Description	Status
<b>1. General Location</b>	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2. Concept Plan</b>	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
<b>3. Zoning Information</b>	a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map d) Use designation for all adjoin and confronting parcels	Provided on Concept Plan includes approx.. 26,000 solar panel supports; 20 inverter pads; and 1 electric yard and substation
<b>4. Proposal Description</b>	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is multi-family residential.	Narrative provided on Sheet 2 of 8 on Concept Plan
<b>5. Traffic Impact Data</b>	a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project.	Provided on Plan (Sheet 2 of 8): WV 115: 5999 ADT; WV 25: 1438 ADT; WV 9/3: 533 ADT <u>Trip Generation</u> : 6 ADT

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<b>6. Traffic Study</b>	A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.	WV DOH is not anticipated to require a TIS.
<b>7. Agency Reviews</b>	The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.	Letters to required agencies provided. See responses below.
<b>D. Department</b>	The Department review shall include the following: 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan.	Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Minor Site Development <u>requiring a Concept Plan only.</u>
<b>E./F. WVDOH</b>	WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5.	WV DOH is not anticipated to require a TIS.
<b>G. Public Service</b>	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	No water or wastewater services will be required for this project. See Health Dept e-mail re impact on existing septic system.
<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below

**Concept Plan Review**

**1. External Agency Reviews**

The applicant submitted the required agency letters to the appropriate agencies. Comments have been received from the following agencies (see attached):

- a. Jefferson County Health Department sent an email requesting to be notified is the existing septic system is being abandoned or the impact of the proposed project.

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

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2. Staff Recommendation related to Concept Plan

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

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Blake Solar Energy Facility, to be developed on the 4 parcels containing 516 acres located generally at the intersection of Charles Town Road and Kabletown Road, south of Charles Town, to be “complete” based on the information provided related to the criteria above and to meet the standards detailed in the Zoning Ordinance, provided the final staff comments on Review Two are addressed. No Site Plan is required pursuant to Section 8.20 of the Zoning Ordinance.

3. Planning Commission Direction

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before the Zoning Certificate and Building Permit are obtained. The Subdivision Regulations outline the procedure:

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

Following the applicant’s presentation, staff’s explanation, and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Concept Plan Direction outlined in the Subdivision Regulations. Planning Commission action should include directing the applicant to address staff’s Review 2 comments prior to moving to the next step. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public workshop is closed.

While Section 24.108 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Minor Site Plan Concept Plan review as it relates to the preparation of a Site Plan (which is not required for Solar Energy Facilities), Section 8.20 of the Zoning Ordinance details the next steps after the Concept Plan Workshop for all Solar Energy Facilities are as follows:

- a. A Zoning Certificate based on an approved Concept Plan is required prior to initiating any use regarding Solar Energy Facilities.

“In addition to the standards found in Section 8.20, any Zoning Certificate regarding Solar Energy Facilities shall be issued conditioned on all other State Regulations and approvals being granted, including, but not limited to, the WV Public Service Commission, WVDEP applicable NPDES Permits and Decommissioning Bonds, Fire Marshal approval, Building Permits through the Department of Engineering, Planning,



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**22-7-SP Blake Solar Energy Project Concept Plan**

and Zoning, and approval of the Stormwater Management Report pursuant to the Jefferson County Stormwater Management Ordinance.”

b. Stormwater Management

“Stormwater Management shall be required in accordance with the Jefferson County Stormwater Management Ordinance. Solar Energy Facilities may be exempt from providing stormwater management if the conditions for granting exemption under Article I.D.2.h of the Stormwater Management Ordinance are satisfied.”

It should be noted that the direction provided to the applicant in the Minor Site Plan Concept Plan Public Workshop shall be applicable for a period of two years.

**ATTACHMENTS:**

- Jefferson County Health Department e-mail (7-13-22)

## Planning Department

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**From:** Demastes, Alexandra N <alexandra.n.demastes@wv.gov>  
**Sent:** Wednesday, July 13, 2022 11:08 AM  
**To:** mdyck@ifs-ae.com  
**Cc:** Planning Department  
**Subject:** Blake Solar Project Concept Plan

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Good morning,

We received the concept plan for the Blake Solar Project. Our records indicate that there is a septic system on Map 19 Parcel 15.3. Therefore, our office would need clarification if the septic system would be in use or if solar panels are being placed where the septic system is currently located. If solar panels are being placed where the septic system is currently located, you would be required to abandon the septic system. If your concept plans are approved, you must submit detailed proposals about the use or abandonment of the septic system.

If you have any questions or concerns please do not hesitate to contact us.

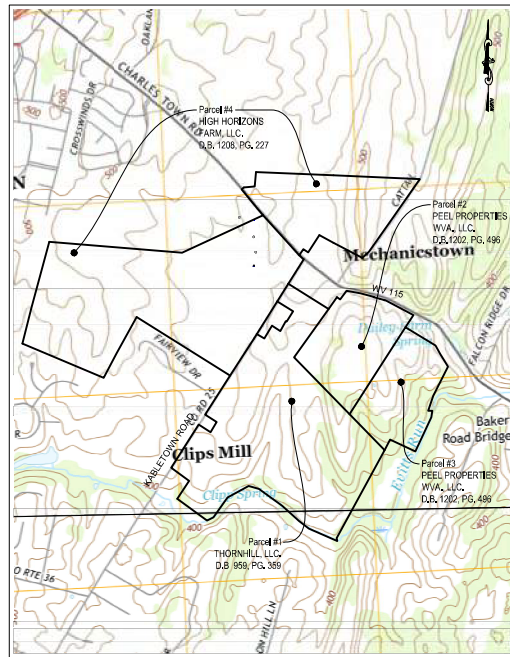
Thank you,  
Lexi Demastes  
Sanitarian 1  
Jefferson County Health Department  
304-728-8416 ext. 3036  
1948 Wiltshire Rd. Suite 1  
Kearneysville, WV 25430



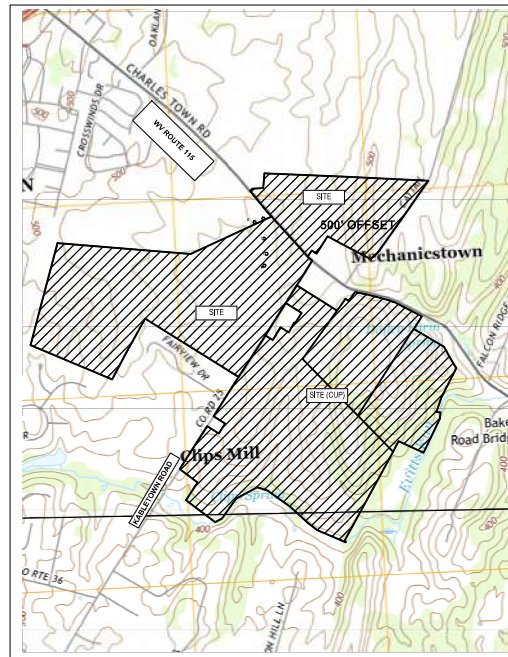
# CONCEPT PLAN BLAKE SOLAR PROJECT

JEFFERSON COUNTY, WEST VIRGINIA  
CHARLES TOWN (02) TAX DISTRICT

1. TAX MAP 19, PARCEL 01; D.B. 1208, PG. 227
2. TAX MAP 19, PARCEL 15.3; D.B. 1202, PG. 496
3. TAX MAP 19, PARCEL 15.2; D.B. 1202, PG. 496
4. TAX MAP 19, PARCEL 14; D.B. 959, PG. 359



**PARCEL MAP**  
SCALE: 1"=1,000'



**VICINITY MAP**  
SCALE: 1"=1,000'

APPLICANT/DEVELOPER  
HORUS WEST VIRGINIA I  
110 FRONT ST., SUITE 300  
JUPITER, FL 33477  
CONTACT: BRADEN HOUSTON  
PHONE: (617)-530-0029

JEFFERSON COUNTY PC FILE #22-5-SP

NOT FOR CONSTRUCTION  
INFORMATION ONLY

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COVER SHEET  
#  
**BLAKE SOLAR PROJECT**  
CONCEPT PLAN  
MULTIPLE PARCELS  
JEFFERSON COUNTY, WEST VIRGINIA  
J.C. FILE #22-5-SP

SCALE: HORIZ: AS NOTED  
VERT: AS NOTED  
DATE: 06/24/2022  
JOB: 3514-0101  
DRAWN: DAS CHECK: PJC  
CADD:  
NCS: N/A  
SHEET:  
**01 OF 8**

## SITE INFORMATION:

### SOLAR PANEL SETBACKS

- FRONT 100' (50' WITH LANDSCAPE BUFFER)
- SIDE 100' (50' WITH LANDSCAPE BUFFER)
- REAR 100' (50' WITH LANDSCAPE BUFFER)

### ACCESSORY COMPONENTS SETBACKS

- FRONT 25'
- SIDE 25'
- REAR 25'

### LANDSCAPE BUFFERS

SEE SHEET 7 - LANDSCAPE BUFFERS

### PARKING

NO PARKING PROPOSED

### FENCING:

A 6' CHAIN LINK FENCE WITH SECURED GATES SHALL BE ERECTED AROUND THE OPERATING AREAS OF THE SOLAR ENERGY FACILITY.

### LIGHTING:

ONSITE LIGHTING SHALL BE MINIMUM NECESSARY FOR SECURITY, ONSITE MANAGEMENT AND MAINTENANCE. LIGHTING SHALL COMPLY WITH THE STANDARDS OUTLINED IN THE SUBDIVISION REGULATIONS.

### CONCEPT PLAN NOTES:

#### CONCEPT PLAN

1. THE CONCEPT PLAN INCLUDES SECTIONS OF THE PROJECT WHICH ARE PRINCIPAL PERMITTED USES AND CONDITIONAL USES.

#### SOLAR AS A PRINCIPAL PERMITTED USE

1. THE PROPOSED SOLAR ENERGY FACILITY WITHIN THE CHARLES TOWN URBAN GROWTH BOUNDARY IS PERMITTED AS A PRINCIPAL PERMITTED USE AND MUST COMPLY WITH ALL REGULATIONS RELATED SOLAR FACILITIES IN JEFFERSON COUNTY.
2. DEVELOPMENT OF THE SOLAR FACILITY WILL BE PERMITTED ONCE THE FOLLOWING HAVE OCCURRED:
- 2.1. APPROVAL OF A CONCEPT PLAN.
- 2.2. APPLICANT HAS COMPLIED WITH JEFFERSON COUNTY STORMWATER MANAGEMENT REQUIREMENTS.
- 2.3. WV DEPARTMENT OF TRANSPORTATION HAS APPROVED ENTRY PERMITS.
- 2.4. WV DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS APPROVED THE NPDES PERMIT.
- 2.5. APPLICANT HAS SATISFIED ALL WV STATE REQUIREMENTS AS THEY RELATE TO BONDING AND DECOMMISSIONING.
- 2.6. JEFFERSON COUNTY HAS ISSUED A BUILDING PERMIT FOR THE PROJECT.

#### SOLAR AS A CONDITIONAL USE PERMIT

1. THE PROPOSED SOLAR ENERGY FACILITY OUTSIDE THE CHARLES TOWN URBAN GROWTH BOUNDARY IS PERMITTED AS A CONDITIONAL USE AND MUST COMPLY WITH ALL REGULATIONS RELATED SOLAR FACILITIES IN JEFFERSON COUNTY.
2. DEVELOPMENT OF THE SOLAR FACILITY WILL BE PERMITTED ONCE THE FOLLOWING HAVE OCCURRED:
- 2.1. APPROVAL OF THE CONDITIONAL USE PERMIT BY THE BOARD OF ZONING APPEALS.
- 2.2. COMPLIANCE WITH ALL CONDITIONS RELATED TO THE CONDITIONAL USE PERMIT APPROVAL.
- 2.3. APPROVAL OF A CONCEPT PLAN (PROCESSING CONCURRENTLY WITH THE PRINCIPAL PERMITTED USE PORTION OF THE PROJECT).
- 2.4. APPLICANT HAS COMPLIED WITH JEFFERSON COUNTY STORMWATER MANAGEMENT REQUIREMENTS.
- 2.5. WV DEPARTMENT OF TRANSPORTATION HAS APPROVED ENTRY PERMITS.
- 2.6. WV DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS APPROVED THE NPDES PERMIT.
- 2.7. APPLICANT HAS SATISFIED ALL WV STATE REQUIREMENTS AS THEY RELATE TO BONDING AND DECOMMISSIONING.
- 2.8. JEFFERSON COUNTY HAS ISSUED A BUILDING PERMIT FOR THE PROJECT.

### CONSTRUCTION AND DECOMMISSIONING NOTES:

1. The solar energy facility will be leased and operated by Horus West Virginia I, a subsidiary of OFP Energy.
2. Horus West Virginia I is responsible for the construction, operation and management of the facility. Construction of the facility will be started immediately after approval of the Concept Plan and receipt of required permits from West Virginia and Jefferson County.
3. Construction of the project will be completed in a single phase.
4. The expected useful life of the Project as initially constructed is 30 years. This can be extended by regular maintenance and replacement of equipment.
5. Upon decommissioning of the facility, the equipment will be removed down to a depth of 3 feet below grade and any disturbed ground will be restored and reseeded with an approved seed mix. Some maintenance slides may be left in place, to the extent their alignments predated the facility construction or if they provide utility to future land use.
6. Decommissioning and bonding is governed by WV State Code.
- 6.1. WV STATE CODE: §22-2-4. Bonding required.
- 6.2. "§22-2-4(d) is a plan, verified by a qualified independent licensed professional engineer, for decommissioning the facility to the DEP in compliance with DEP standards and technical specifications including a scope of work to be completed and cost estimates for completion and salvage estimates, taking into account local mining conditions."
- 6.3. "(g) The owner of a wind generation facility or solar generation facility shall submit to the DEP a bond payable to the State of West Virginia in a form acceptable to the DEP and in the sum determined by the DEP, conditioned on the faithful decommissioning of the wind generation facility or solar generation facility."

### GENERAL REQUIREMENTS

THE PROJECT WILL BE IN CONFORMANCE WITH THE GENERAL REQUIREMENTS FOUND IN SECTION 4.0.J.F. OF THE JEFFERSON COUNTY ZONING ORDINANCE.

#### F. General Requirements

1. Design, construction, and installation of the Solar Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM) or other similar certifying organizations and shall comply with the West Virginia Fire and Building Codes, including compliance with the Jefferson County Building Code.
2. Prior to commencing the transmission of electricity, the Solar Energy Facility shall provide documentation evidencing an interconnection agreement or similar agreement with the applicable public utility or approved entity in accordance with applicable law.
3. Generation of electrical power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
4. Solvents necessary for the cleaning of the Solar Panels shall be biodegradable.
5. Internal wiring, excluding that which is on or between the Solar Arrays, connected to substations or between Solar Panels, shall be located underground, except where necessary to mitigate impact to environmental and/or human features.
6. On-site lighting shall be the minimum necessary for security and on-site management and maintenance and shall comply with the standards outlined in the Subdivision Regulations.
7. Photovoltaic Panels shall use antireflective glass that is designed to absorb rather than reflect light.
8. Ground cover comprised of natural vegetation is required. Ground cover that uses native or naturalized perennial vegetation and that provides foraging habitat shall be beneficial for songbirds, gamebirds, and pollinators is encouraged but not required.
9. Collocation of other agricultural activities such as small market hand-picked crops, grazing, and equine activities are permitted and encouraged.
10. No signage or advertising is permitted on the Solar Energy Facility other than an identifying sign at the entrance of the Facility that shall be approved by the Zoning Administrator in accordance with Article 10. All other signage must be approved by Special Exception by the Board of Zoning Appeals.
11. Solar Energy Facilities shall comply with Article 8, Section 8.3 of this Ordinance.
12. The Solar Energy Facility Use is not considered abandoned until such time it is Decommissioned.
13. Damaged or unusable panels shall be repaired, replaced, or removed within 60 days from discovery of damage; provided, however, longer periods may be approved by the County Engineer due to extenuating circumstances.

## JEFFERSON COUNTY TAX MAP



PRINCIPAL PERMITTED USE

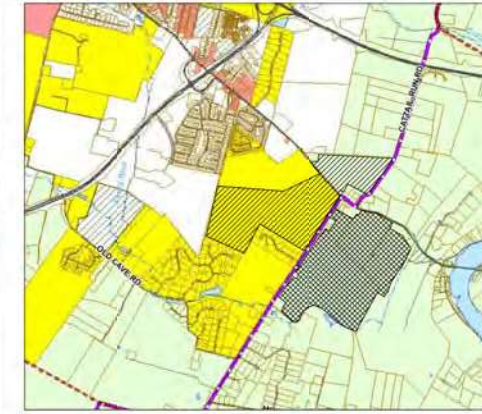
CONDITIONAL USE PERMIT

TRAFFIC ASSESSMENT	
ROAD	AVERAGE DAILY TRIPS
CHARLES TOWN ROAD - ROUTE 115	5999
KABUTOWN ROAD - ROUTE 25	1438
CATTAL RUN ROAD - ROUTE 913	133
NEW TRIP GENERATION	
USE	AVERAGE DAILY TRIPS
SOLAR ENERGY FACILITY	6

#### TRANSPORTATION NOTES:

1. THE NEAREST KEY INTERSECTIONS THAT WILL SERVE THE PROJECT ARE:
  - 1.1. ROUTE 115 AND ROUTE 340
  - 1.2. ROUTE 115 AND ROUTE 91
2. HIGHWAY PROBLEM AREAS THAT ARE WITHIN 1 MILE OF THE SUBJECT PROPERTIES:
  - 2.1. #17 CATTAL RUN ROAD - POOR RIGHT DISTANCE PULLING ON/OFF WV 115
  - 2.2. #18 BLOOMERY ROAD - WITHIN 100 YEAR FLOOD PLAIN
  - 2.3. #19 BELT ROAD - WITHIN 100 YEAR FLOOD PLAIN
  - 2.4. #20 JOHN RISSLER ROAD - WITHIN 100 YEAR FLOOD PLAIN

## JEFFERSON COUNTY ZONING MAP



CHARLES TOWN URBAN GROWTH BOUNDARY

District		Map	Parcel	Adjacent Property Information		Deed Book	Page
2	16	61		KELLERMAN CHARLES W & DIANNA S		961	525
2	16	60		MARTIN JOHN T & MARIANNE R		1094	621
2	16	59		FAUVER JAY H & HELEN R-EST		829	253
2	16	58		CARNAHAN CHARLES L & JOY A		1232	181
2	16	57		RAEDER LEWIS C & LYNN M		1038	73
2	16	56		LANE BRUCE D & AMANDA R		1231	49
2	16	55		REID DAVID H & JULIE R		1192	17
2	16	51		TABUENA PHILOMELA & ERNESTO R H STUART		1127	157
3	12	215		ARCADIA LAND INC.		1173	85
2	17	22		DR ACQUISITIONS LLC		994	667
2	19	1.1		CITY OF CHARLES TOWN		606	111
3	10	218.2		CITY OF CHARLES TOWN		1135	622
3	10	218.1		JAGUAR IV LC		1089	144
2	18	11.1		WIDMYER RONALD L		384	51
2	18	11.9		WIDMYER RONALD L		384	47
2	19	17		EARL JAY ET AL		1176	187
2	19	17.2		WOOD KEITH J		1105	213
2	19	17.4		WOOD KEITH J		1105	213
2	19	17.7		HUGH SCOTT FORTNEY		1218	66
2	19A	2.1		BURKE GEORGE & ANN S ROWE		1121	712
2	19A	2.4		CHAPMAN ALICE		1101	192
2	19A	2		WHITE RICHARD A SR & SHERYL L		634	423
2	19A	1		BROOKS MELODY		1143	737
2	19A	13		WEESE RENTALS LLC		1236	230
2	19A	14		WEESE RENTALS LLC		1131	345
2	19A	15		WEESE RENTALS LLC		1229	466
2	19A	16		ASBURY ARTHUR R JR		693	6
2	19A	18		ASBURY ARTHUR R JR		942	601
2	19A	19		THORNHILL LLC		929	345
2	19A	9		DERFLINGER RANDALL		1186	365
2	19A	7		GRAY JASON E		1214	434
2	19	17.5		BELL ERIC K		1097	207
2	19	17.3		LANCE ROBERTA L & DOUGLAS L		1182	583
2	19	15		STONE FRANCIS		1158	690
2	19	15.1		EVANS MARY L		939	173
2	19	40		STONE JUSTIN & ABIGAIL H		1173	144
2	19	41		HIGHLAND FARM HOLDINGS LLC		1122	71
2	22	2.5		MILTON JOHN P		499	14
2	22	2.9		MILTON RONALD		1142	357
2	19	10		BORDEN JOHN V & PRISCILLA C-TR		1041	338
2	19	14.1		CHAMBLEE JUDITH L		1097	223
2	19	13		FRIES GEORGE E & KERY A		1010	719
2	19	5		WALTERS ELLEN H		807	202
2	19	14.3		DINGES HERBERT P & CATHERINE A		387	751
2	19	5.1		WALTERS ELLEN H ET AL		928	234
2	19	5.4		CARPENTER KEVIN D & LEIGH ANN		928	541
2	19	5.5		EDWARDS MARY L & ROBERT F JR		1196	358
2	19	5.2		MARCUS RONALD E		516	707
2	19	4		CARTER DENISE D		1108	720
2	19	3.1		YATES DAVID L		W825	343
2	19	3		YATES DAVID LEE & ANGELA D		611	214
2	19	2		SIMONS MARK - TR		1196	70
2	19	5.1		HICKS GEORGE M & KIMBERLY A		1206	372
2	19	5.21		DREW JENNIFER L & MARK S SR		1215	666
2	19	5.2		KOCH GEOFFREY P & LINDSAY A		1180	730
2	19	5.19		ROBINSON JAY S & MARY E		1050	468
2	19	5.18		PRUITT R DWAYNE & MICHELE L		1106	618
2	19	5.17		VIENS PHILIP W		1065	47
2	19	5.16		SOUVANTHONG OTT		1206	590

NOT FOR CONSTRUCTION  
INFORMATION ONLY

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LEGEND AND NOTES

**BLAKE SOLAR PROJECT**  
CONCEPT PLAN  
MULTIPLE PARCELS  
JEFFERSON COUNTY, WEST VIRGINIA

J.C. FILE #23-53P

SCALE: HORIZ: AS NOTED  
VERT: AS NOTED

DATE: 06/24/2022

JOB: 3514/101

DRAWN: DAS CHECK: PJC

CADD:

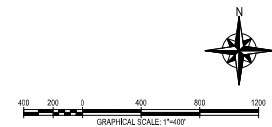
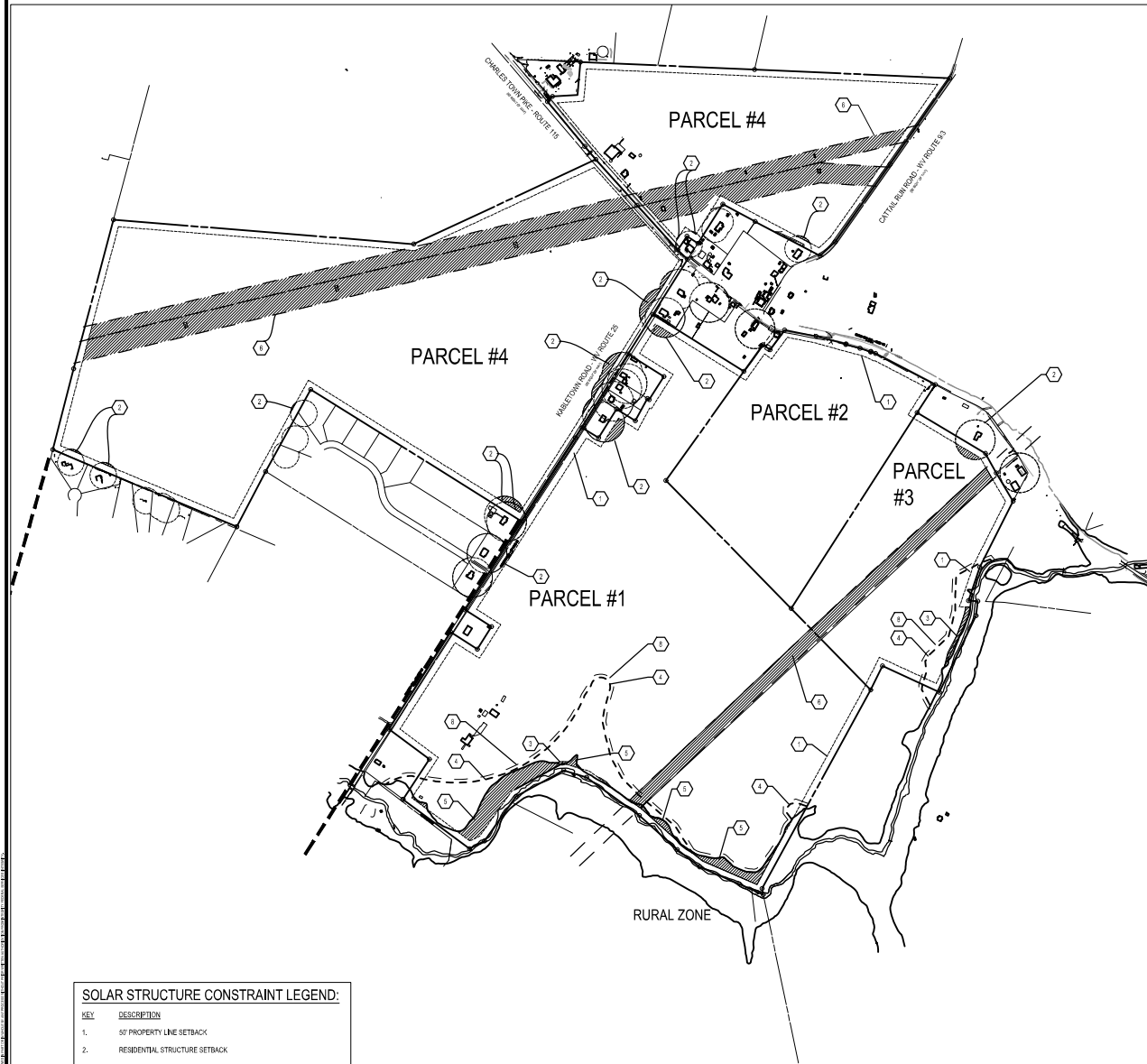
NCS: N/A

SHEET:

02 OF 8







NOT FOR CONSTRUCTION  
REFERENCE ONLY

SEAL:

REVISIONS

SOLAR STRUCTURE LOCATIONS

**BLAKE SOLAR PROJECT**  
CONCEPT PLAN  
MULTIPLE PARCELS  
JEFFERSON COUNTY, WEST VIRGINIA

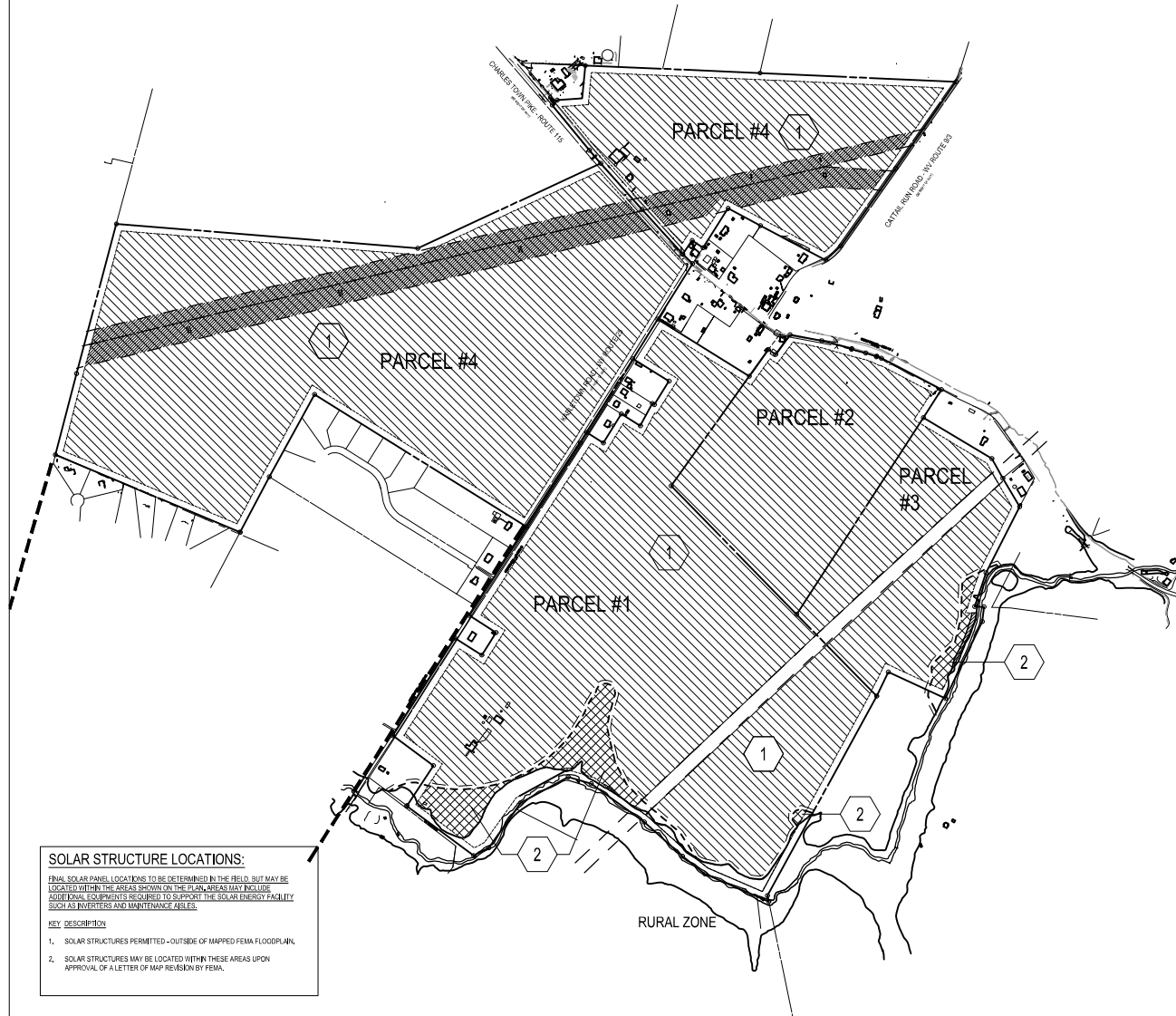
JCS FILE 0006-00

SCALE: HORIZ.: AS NOTED  
VERT.: AS NOTED  
DATE: JUNE 24, 2022  
JOB#: 3514-0101  
DRAWN: ACS CHECK: PJC  
CADD:  
NCS: N/A  
SHEET:  
4 OF 8



## NOTES.

1. SOLAR STRUCTURE LOCATIONS AREA REPRESENTS THE LOCATIONS IN WHICH SOLAR STRUCTURES ARE PERMITTED



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REFERENCE ONLY

SEAL:

REVISIONS

SOLAR STRUCTURE LOCATIONS

**BLAKE SOLAR PROJECT**  
CONCEPT PLAN  
MULTIPLE PARCELS  
JEFFERSON COUNTY, WEST VIRGINIA

J.C. FILE 0006-00

SCALE: HORIZ: AS NOTED  
VERT: AS NOTED

DATE: JUNE 24, 2022

JOB: 3514-0101

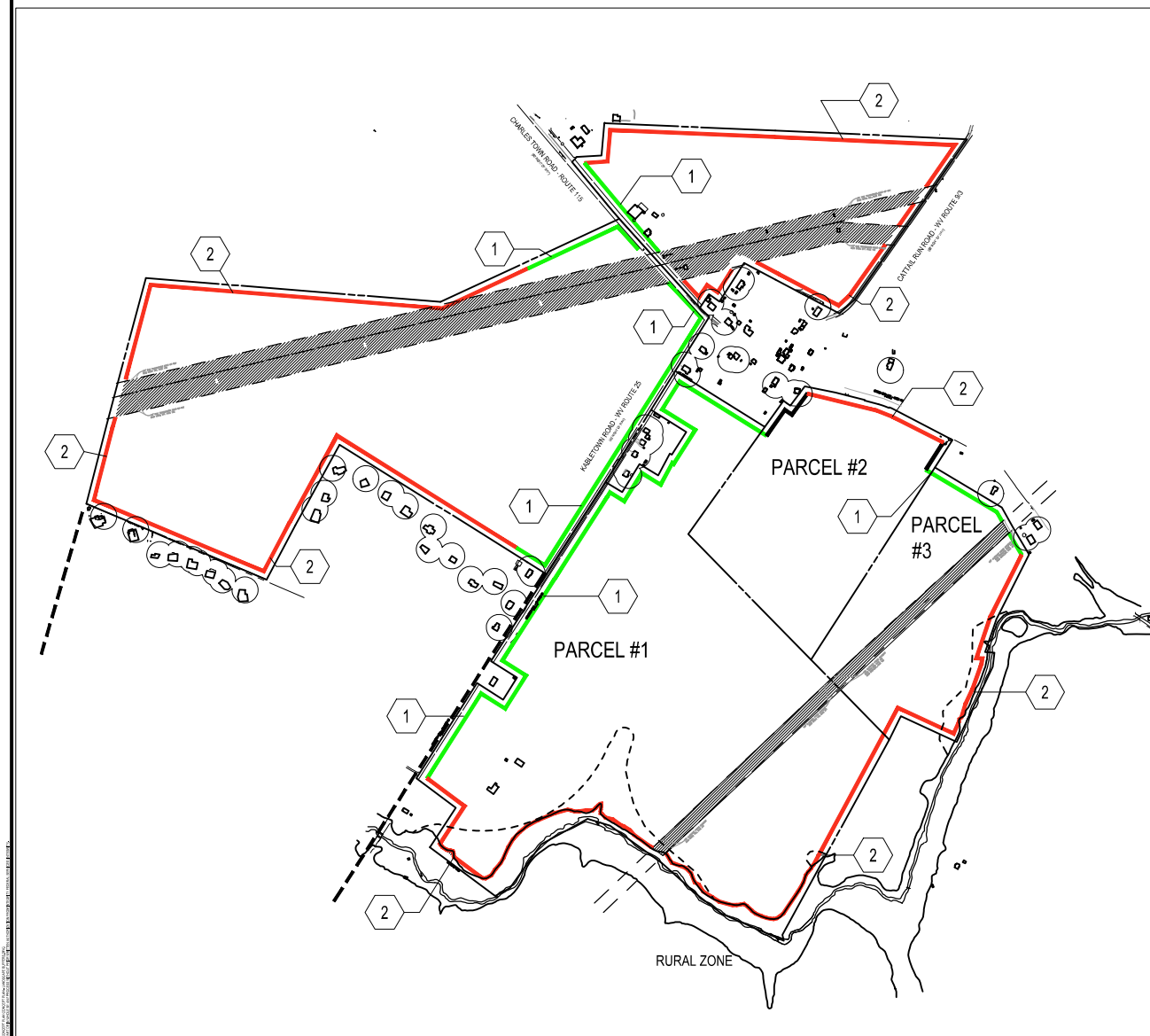
DRAWN: ACS CHECK: PJC

CADD:

NCS: N/A

SHEET: 5 OF 8





### KEYNOTE LEGEND:

1. SUPPLEMENTAL LANDSCAPE BUFFER PROVIDED. BUFFERS IN THESE AREAS WILL BE PROVIDED EVEN WHEN SOLAR PANELS ARE MORE THAN 100' FROM THE PROPERTY LINE.
2. LANDSCAPE BUFFER PROVIDED WHEN SOLAR PANELS ARE WITHIN 100' OF THE PROPERTY LINE.

### BUFFER AND SCREENING NOTES

The Applicant has proposed two locations for the landscape buffers at the solar facility.

**REQUIRED BUFFER** - solar panels (and accessory structures) within 200' of a residence, category 1 historic resource, institution of human care, church, or similar use or structure as determined by the zoning administrator will require a landscape buffer. This includes solar panels that are more than 100' from the property line. The potential length of this buffer is 23,000' and would potentially require 2,300 trees.

**SUPPLEMENTAL BUFFER** - landscape buffers will be provided in designated areas on the site, irrespective of the location of the solar panels (or accessory structures). These buffers are provided to decrease the visual impact on homes and public roads. The buffers are provided voluntarily by the Applicant and are not required by ordinance. The length of this buffer is 12,000' and will require approximately 1,200 trees.

### LANDSCAPE AND BUFFER NOTES

1. ALL LANDSCAPE BUFFERS WILL INCLUDE A DOUBLE ROW OF TREES. ROWS WILL BE 10' APART AND TREES WILL BE SPACED AT 20' ON CENTER IN EACH ROW.
2. IT WILL BE THE RESPONSIBILITY OF THE SOLAR FACILITY TO REPLACE ANY TREES, SHRUBS OR VEGETATION THAT DIE. REPLACEMENT WILL BE LIMITED TO PLANTS AND VEGETATION INSTALLED AS PART OF THE BUFFERING PLAN.
3. A LANDSCAPE BUFFER WILL NOT BE REQUIRED IN THE FOLLOWING CONDITIONS:
  - a. WHERE EXISTING VEGETATION PROVIDES A DENSE SCREEN AND IS A MINIMUM OF 50' IN WIDTH.
  - b. WITHIN POWER LINE EASEMENTS
  - c. ACROSS SITE ACCESS LOCATIONS.
4. GROUND COVER WILL BE NATURAL VEGETATION COMPRISED OF A BLEND OF GRASS SPECIES SUITABLE FOR JEFFERSON COUNTY. NATIVE SPECIES MAY BE USED BUT ARE NOT REQUIRED.

### FENCING NOTES

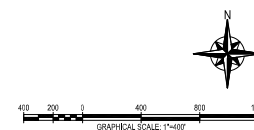
1. ALL SOLAR PANELS AND EQUIPMENT WILL BE FENCED FROM ADJACENT PROPERTIES BY A 6' CHAIN LINK FENCE.
2. ACCESS POINTS TO INCLUDE KEY BOX TO ALLOW ACCESS BY POLICE AND EMERGENCY PERSONAL.

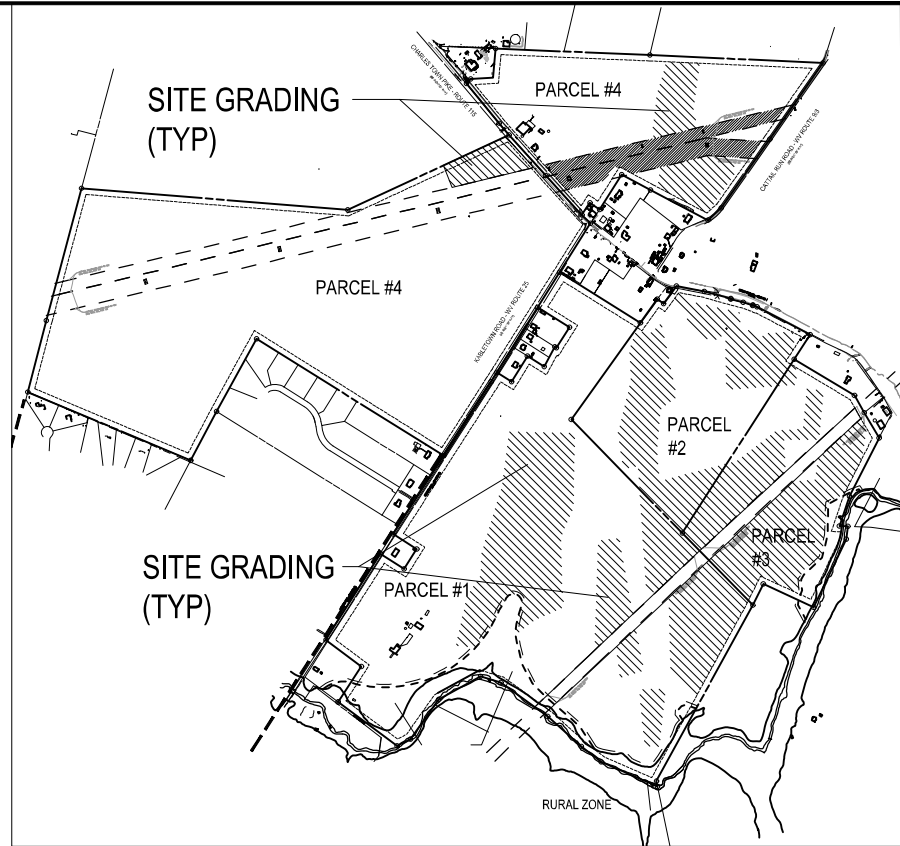
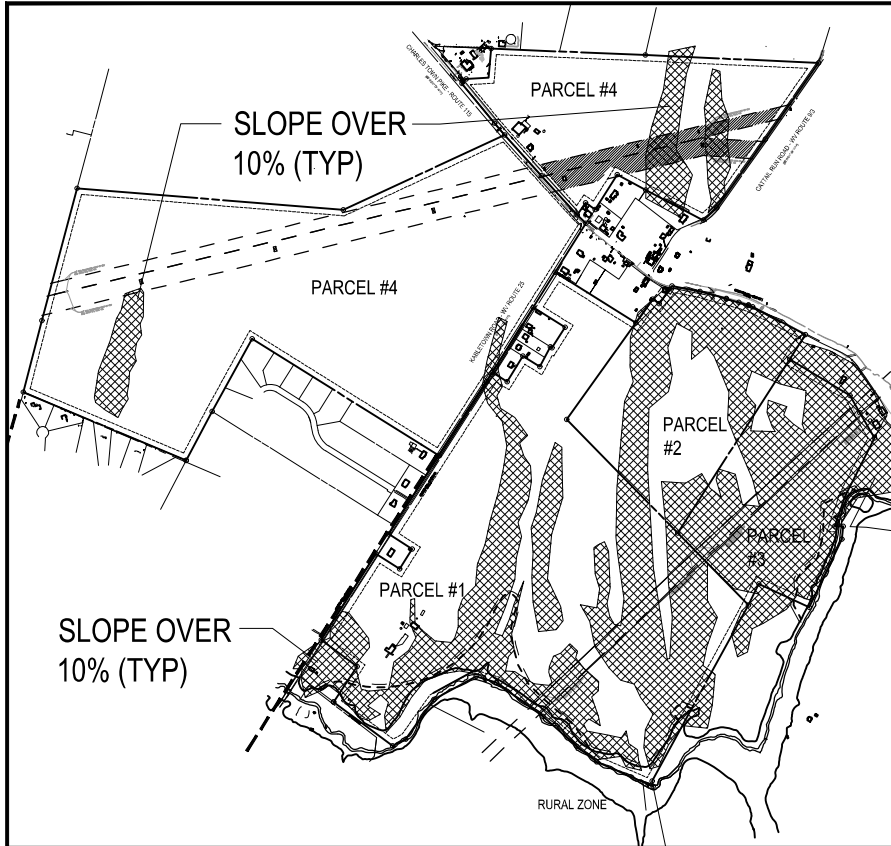
BUFFER TYPE	LANDSCAPE CALCULATIONS		NOTES
	LENGTH	TREES	
REQUIRED BUFFER	23,000	2,300	TREE COUNT WILL VARY BASED ON PLACEMENT OF SOLAR PANELS
SUPPLEMENTAL BUFFER	12,000	1,200	
	35,000	3,500	

TREE LEGEND			
SPECIES	HEIGHT	WIDTH	QUANTITY
LEYLAND CYPRESS	30-40	15	875
GREEN GUM/ALBANY PINE	30-50	15	875
EASTERN RED CEDAR	40-50	15	582
BLUE SPRUCE	50-75	20	583
EASTERN WHITE PINE	50-80	30	583

1. TREE SPECIES TO BE DETERMINED BY GROUND AVAILABILITY. MINIMUM OF 5 SPECIES.  
2. FINAL QUANTITY OF TREES WILL BE DETERMINED BY THE LENGTH OF REQUIRED BUFFER.  
3. TREES TO BE MINIMUM OF 6" IN HEIGHT WHEN PLANTED.





#### SLOPE MAP

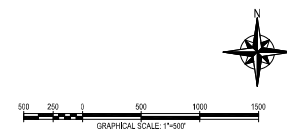
THE HATCHED AREAS IN THE MAP GENERALLY REPRESENT THOSE AREAS OF THE SITE IN WHICH THE GRADE EXCEEDS 10%. THESE AREAS WILL REQUIRE THE INSTALLATION OF A TRENCH DRAIN UNDER THE DRIP LINE OF THE SOLAR PANELS.

SMALLER AREAS WITH A SLOPE GREATER THAN 10% ARE LOCATED ON THE PROPERTY, WHILE THESE AREAS MAY NOT BE SHOWN IN THE MAP ABOVE THEY WILL REQUIRE STORM WATER MANAGEMENT MITIGATION AS NOTED ABOVE.

THE APPLICANT WILL BE REQUIRED TO SUBMIT A FULL SWM REPORT FOR THE PROJECT WHICH WILL DETAIL THESE FACILITIES.

#### GRADING NOTES

1. GRADING IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. THE GRADED AREAS SHOWN IN THE CONCEPT PLAN WILL BE FIELD VERIFIED AND MAY DECREASE OR BE ADJUSTED TO INCLUDE OTHER AREAS.
2. A DETAILED "MICRO" GRADING PLAN WILL BE PROVIDING TO THE ENGINEERING DEPARTMENT DEMONSTRATING THE APPLICANTS SOLUTION THAT MINIMIZES GRADING FOR THE INSTALLATION OF SOLAR PANELS.
3. THE SOLAR PANELS HAVE A TOLERANCE OF 15%, AREAS WHICH EXCEED THIS SLOPE MAY BE GRADED.



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SEAL:

REVISIONS

SWM AND GRADING

**BLAKE SOLAR PROJECT**  
CONCEPT PLAN  
MULTIPLE PARCELS  
JEFFERSON COUNTY, WEST VIRGINIA

J.C. FILE 00006-00

SCALE: HORIZ.: AS NOTED  
VERT.: AS NOTED  
DATE: JUNE 24, 2022  
JOB: 3514-0101  
DRAWN: ACS CHECK: PJC  
CADD:  
NCS: N/A  
SHEET: 8 OF 8

# PUBLIC COMMENT





## Planning Department

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**From:** Mary Edwards <marybeliever@gmail.com>  
**Sent:** Wednesday, July 20, 2022 1:06 PM  
**To:** Planning Department  
**Subject:** August 9, 2022 Meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

July 20, 2022

To: Jefferson County Planning Commission

My name is Mary Edwards. I live directly across the proposed site (Thorn Hill LLC) for a solar farm installation. We are in the front, off Kabletown Road, dead center. I am not able to attend meeting because of shoulder surgery.

Thank you for taking my comments and questions.

Questions:

1. Why are there proposals for all three sides of my subdivision (Fairview Place) for solar installation?
2. Are there lights and a droning sound at night?
3. How is EMF being addressed?
4. How is groundwater and waste being addressed?
5. What is the disposal plan?
6. What kind of construction noise, dust, lighting, trucks can be expected?
7. Is a ten foot wall with barbed wire in the buffer plan?
8. What are the taxes and benefits to Jefferson County?

Comments:

I am very disturbed about being surrounded by solar farms. In our quiet area of Jefferson County the residents now have to adjust to dirt, noise,

barbed wire fences and all around chaos. I bought my lot 28 years ago and was told the property known as Thorn Hill LLC was zoned rural and there would be nothing built. I would have never bought this lot if I knew what was possibly to come.

I am very unhappy about a 10 foot wall and barbed wire fence blocking my mountain view. I'm very concerned about answers to my questions being addressed.

Citizens have a right to peace and quiet. More important are the negative impacts from this project concerning contaminants, noise, disposal plans. I'm sure there are other things I haven't learned about yet.

Thank you for your time and assistance,  
Mary Edwards  
20 Fairview Drive  
Charles Town, WV 25414

## Planning Department

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**From:** PHILIP VIENS <mountainous@comcast.net>  
**Sent:** Sunday, July 31, 2022 8:08 AM  
**To:** Planning Department  
**Subject:** Blake Solar Energy Facility Concept Plan (File: 22-7-SP)  
**Attachments:** Solar Farm - 23JUL2022.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Planning Commission, Response Email Sent

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Dear Jefferson County Planning Department:

Pursuant to this notice and its directive for submission of comments, please find said comments attached.

Sincerely,

Philip Viens  
322 Fairview Drive  
Charles Town, WV 25414  
TEL: (304) 590-7176

23 July 2022

TO: Jefferson County, West Virginia  
Department of Engineering, Planning & Zoning  
Office of Planning and Zoning  
116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 716  
Charles Town, West Virginia, 25414  
Attn:

FM: Phil Viens  
322 Fairview Drive  
Charles Town, WV 25414

RE: Blake Solar Energy Facility Concept Plan (File: 22-7-SP) Parcels  
02001900140000\*  
02001900150003\*  
02001900150002\*  
02001900150002

Dear Planning Department...

In response to the Notice of Concept Plan Public Workshop, subject: Blake Solar Energy Facility Concept Plan (File 22-7-SP) requesting written comments pertaining to the request to be received no later than one week prior (Tuesday 02AUG2022) to the meeting (set for Tuesday, 09AUG2022 @ 19:00HRS EDT) and noting that the online packet will not be available (as stated in the Notice) for review within the prescribed one week prior conditions for written comments restricts a comprehensive review and subsequent reply, I am providing the following:

1. How will the project be funded?
2. Will a bond be issued?
3. Who will underwrite the project and how are adjacent property owners protected against property damages due to the establishment of the facility?
4. Who is the manufacturer of the single-axis trackers, 535 modules, 3.3MW inverters and substation? Are any of the items sub-contracted by the manufacturer by foreign manufacturers? If so, who are those manufacturers?
5. Who benefits monetarily from the installation and on-going operation of the facility? What is the expected net revenue per annum?
6. What decommissioning provisions are established and how long is the facility designed to operate?
7. Is Blake Solar Energy a private or publically traded company?
8. What plans are in place to ensure the liquidity of Blake Solar Energy?
9. Who will operate the facility after installation? Will Blake Solar Energy be the sole owner throughout the life cycle of the facility?


10. Who owns the facility? Can the facility be assigned to another business entity and what protection do adjacent property owners have in the event the contract of site is assigned/acquired by a new owner?
11. How will Blake or the future owner manage the disassembly of the site in the event of insolvency?
12. What licenses are required to be held by the owner of the facility? What is the frequency of site audits, the items audited and how is the site managed in the event of license/permit revocation? (See items 10 and 11 above).
13. What hazards to life and property are identified and how will Blake and/or owners be held accountable for the health and safety of adjacent property owners for the life of the facility?
14. How will Jefferson County, Blake and/or owners maintain vigilance for upgrades, legal statutes for on-going operations?





August 9, 2022

**Item #7: Discussion and Action:** For the Planning Commission to vote to approve or deny the Country Club Commons 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.

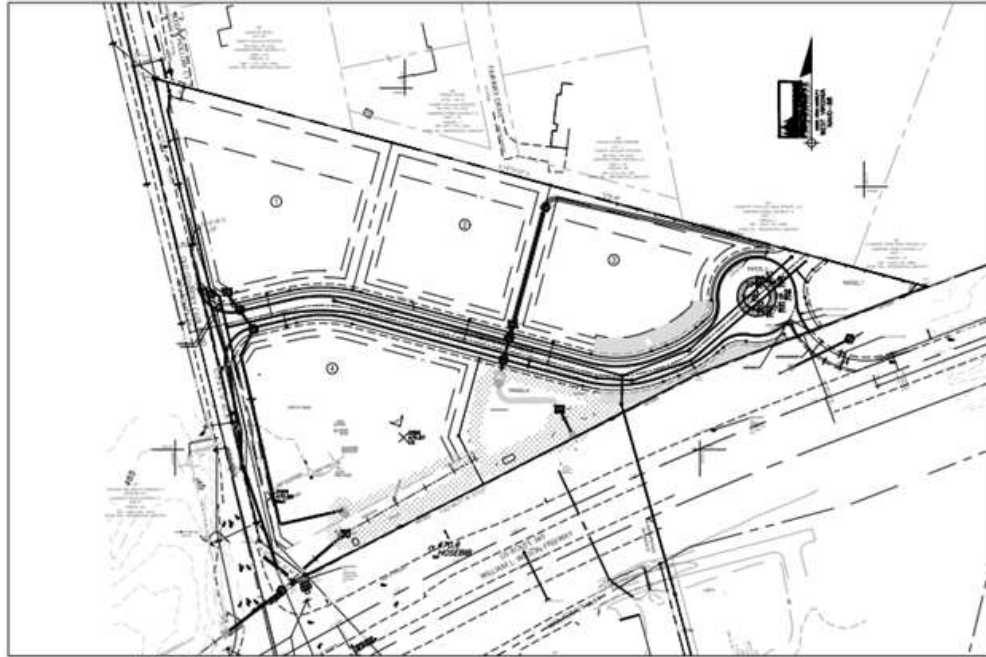
Owner	B.C. Partners, Inc.
Developer	Same as Owner
Consultant/Engineer	Paul J. Raco Consulting, LLC./ Piedmont Design Group
Property Location	Vacant NE Corner of Route 24 and Route 340
Legal Description & Zoning District	<p>Tax District: Harpers Ferry (04); Tax Map: 11; Parcel: 11; Size: 9.54 ac; Zone: Residential-Light-Industrial-Commercial</p> 
Adjacent Zoning	<i>North:</i> Residential Growth; <i>South:</i> Residential/Light Industrial/Commercial <i>East:</i> Residential/Light Industrial/Commercial; <i>West:</i> Residential Growth
Proposed activity	4 Non-Residential Lots and a public street for future commercial pad users
Approvals	2-11-2020      Concept Plan Public Workshop (19-17-SD) 3-8-22      Archaeological Survey Waiver (22-2-PCW) 3-8-22      Roadway Design Standards Waiver (22-3-PCW) 3-24-22      Landscape Buffer Variance (22-10-ZV)

## Site Background/Development Process

The 9.54-acre parcel located on the northeast corner of US 340 and Old Country Club Road is proposed to be subdivided into four (4) non-residential lots, a public street and stormwater area. The property is zoned

August 9, 2022

Residential–Light Industrial–Commercial (RLIC) and within the US 340 East Preferred Growth Area (PGA). The proposed Non-Residential Subdivision is required to process as a Major Non-Residential Subdivision, requiring a Concept Plan (approved 2-11-20), Preliminary Plat (in progress) and Final Plat.



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

## Preliminary Plat/Site Plan Staff Review

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 Jefferson County Board of Health or relevant water and sewer utility company. The Department is required to determine whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues and/or variances that can be identified at the Preliminary Plat submission. Additionally, the Department is required to 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.

The WVDOH approval/encroachment permit is required prior to final Preliminary Plat approval by the Planning Commission. The applicant has submitted the required Traffic Impact Study (TIS) and has applied for the WV DOH right-of-way encroachment permit. Approval of the Preliminary Plat should be conditioned upon receipt of the approved TIS and Encroachment Permit prior to being stamped and signed by the County Engineer.

The property will be served by the Charles Town Utility Board (CTUB) and has received a letter of water and sewer availability and an approved permit from the WV Office of Environmental Health Services regarding the extension of public water and sewer to these lots. A copy of the water and sewer extension plans and permits approved by CTUB shall be received by the Department of Engineering, Planning and Zoning prior to being stamped and signed by the County Engineer. Approval of the Preliminary Plat should

Staff Report  
Jefferson County Planning Commission Meeting  
August 9, 2022

be conditioned upon receipt of the final approved water and sewer plans and permits prior to being stamped and signed by the County Engineer.

The project is currently in the Preliminary Plat stage, which has been reviewed by staff two times (January 2022 and July 2022). The Plat has a number of minor technical comments outstanding which staff has determined that can be addressed prior to the required Public Hearing. Therefore, Staff has finalized its completeness review and consider the Preliminary Plat and/or Site Plan as “essentially complete”. This staff report serves as the “written opinion” that the Preliminary Plat and/or Site Plan conforms with the Zoning Ordinance requirements, and generally meets the site planning criteria specified in Articles 21 and 22 of the Subdivision and Land Development Regulations.

**Planning Commission Action Required**

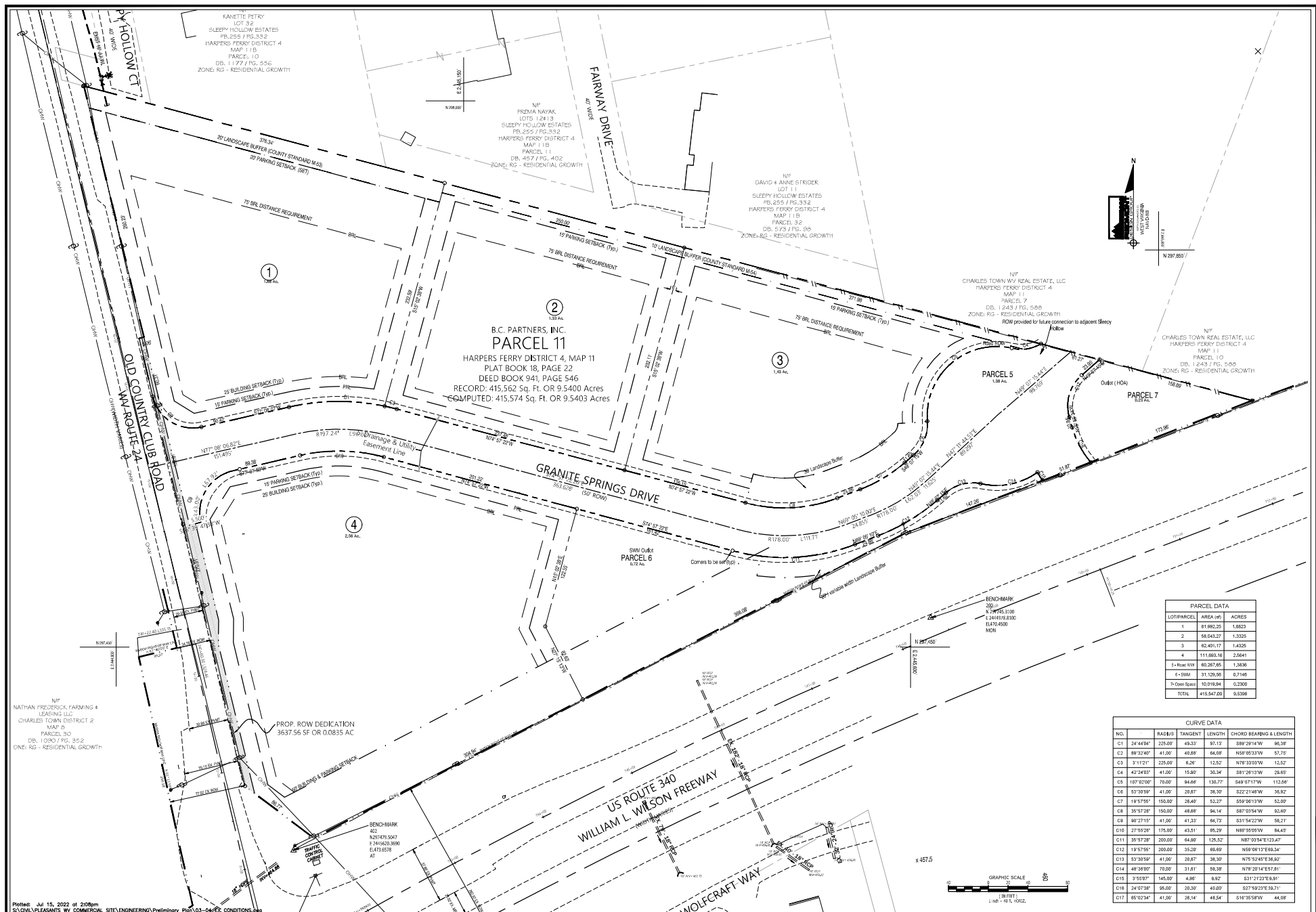
The Subdivision Regulations require that, after staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete,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

Section 24.113(H) further directs the Planning Commission review of Preliminary Plat and states that if the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.

Upon deeming the application complete, the Planning Commission shall schedule a Public Hearing to receive public comments, concerns, and inputs on the proposed preliminary subdivision plat within 45 days. The Commission’s next regular meeting on September 13, 2022 will satisfy this requirement and can meet the 21-day notice requirement. A reduced copy of the revised complete Preliminary Plat and application will be included in the Public Hearing packet.







Plotted: Jul 15, 2022 at 2:08pm  
S:\CIVIL\PLEASANTS WV COMMERCIAL SITE\ENGINEERING\Preliminary Plat\03-06-22\CONDITIONS.dwg

PARCEL DATA		
LOT/PARCEL	AREA (SQ. FT.)	ACRES
1	81,862.25	1.8623
2	58,543.27	1.3325
3	62,401.17	1.4325
4	111,885.18	2.5641
5+ Road R/W	60,287.85	1.3836
6+ R/W	31,126.56	0.7148
7+ Open Space	10,016.84	0.2300
TOTAL	415,547.00	9.5398

CURVE DATA					
NO.	RADIUS	TANGENT	LENGTH	CHORD BEARING & LENGTH	
C1	24'449.4'	225.00	49.33	S89°29'14"W	96.38
C2	89'32'40"	41.20	40.88	N58°05'33"W	57.75
C3	3'11'21"	225.00	6.26	N76°33'03"W	12.52
C4	42'24'53"	41.20	15.89	S81°28'13"W	28.65
C5	167'02'00"	70.00	94.66	S49°07'17"W	112.54
C6	57'39'59"	41.20	20.87	S22°21'48"W	36.82
C7	139'57'58"	150.00	28.46	S22°27'59"W	52.08
C8	35'57'28"	150.00	48.88	S44°14'387°03'54"W	52.85
C9	90'27'15"	41.20	41.33	S31°54'22"W	58.21
C10	27'55'28"	175.00	43.51	N88°55'05"W	84.45
C11	35'57'28"	200.00	64.80	N87°03'54"E123.47	
C12	19'57'55"	200.00	35.02	N59°08'13"E68.34	
C13	57'39'59"	41.20	20.87	N75°52'45"E38.82	
C14	48'38'00"	70.00	31.51	N78°28'14"E51.81	
C15	3'55'07"	145.00	4.86	S31°21'22"E6.81	
C16	24'07'38"	98.20	20.30	S27°59'25"E30.71	
C17	85'02'34"	41.20	25.14	S16°15'38"W	44.98

REVISIONS

US20 Courthouse Drive, Suite 202  
Farmingdale, NY 11737  
(631) 592-8674

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Preliminary Plat  
Country Club Commons  
Harpers Ferry District  
Jefferson County, WV

SCALE: 1"=40'

DESIGN: [initials] CHECK: [initials] APPROVED: [initials]  
3/1/22

4

DATE: Dec 3, 2021





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

Charles Town, WV 25414

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Fax: (304) 728-8126

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## Planner's Memorandum

### Planning Commission Meeting

August 9, 2022

#### 1) Status of Engineering, Planning and Zoning County Offices Contact Information

The Department of Engineering, Planning and Zoning Mason Building is open to the public.

BUILDING PERMITS & INSPECTIONS 304-725-2998 [permits@jeffersoncountywv.org](mailto:permits@jeffersoncountywv.org)

IMPACT FEES 304-728-3331 - [mmason@jeffersoncountywv.org](mailto:mmason@jeffersoncountywv.org)

ENGINEERING 304-728-3257 - [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

PLANNING & ZONING 304-728-3228 - [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org), [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

GIS & ADDRESSING 304-724-6759 - [gis@jeffersoncountywv.org](mailto:gis@jeffersoncountywv.org)

#### 2) Upcoming PC meetings

Next Regular meeting: **September 13, 2022**

- Public Workshop for Solar Energy Facility Concept Plan for the Wild Hill Solar Project (PC File #22-09-SP). This application pertains to the 841-acre Wild Hill Solar Energy Project, a 92.5MW solar electric generating facility. The project consists of solar modules and a new substation to connect the solar facility with the electric grid. The project site has existing high voltage power lines running through the property.

NOTE: approximately 262 acres of the 841-acres requires a CUP as well.