



## Agenda

Jefferson County Planning Commission

Tuesday, October 11, 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: 827 7870 4210  
Meeting Link: <https://us02web.zoom.us/j/82778704210>  
Call-In Option: 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/kcrQilI7C>

If you wish to participate virtually in public comment for one of the agenda items, please type your name and agenda item # in the chat function at the start of the meeting. Please mute yourself when you are not talking. When participating, please be mindful that your video is streaming to others.

1. Approval of Meeting Minutes: September 13, 2022
2. Request for postponement: Public Hearing: Country Club Commons Preliminary Plat (Item #3).
3. **Public Hearing Postponed:** Country Club Commons Preliminary Plat to create 4 non-residential lots and a public street for future commercial pad-users. Property Owner: B.C. Partners, Inc. Property Location: Vacant NE Corner of Route 24 and Route 340; Parcel ID: 04001100110000; Size: 9.54 acres; Zone: Residential-Light Industrial-Commercial; File: #19-17-SD.
4. **Public Hearing:** Final Plat Amendment to lift the single family restriction (Note #1 on Final Plat DB 721/PG310) to allow for the construction of a detached accessory dwelling unit for a family member. Property Owner/Applicant: Bobby and Nancy Jones; Property Location: 208 Turn One Drive, Summit Point, WV; Parcel ID: 06001700060006; Size: 16.26 ac; Zoning District: Rural; File: #22-5-FPA.
5. **Reconsideration of Waiver Request** (based on a redesign provided by the applicant):  
**Public Hearing:** Waiver request from Section 20.203.B.2 to waive the requirement of a site plan to allow the construction of a 1,274 square foot apartment building with a 145' +/- gravel driveway and a 10-space parking area. Property Owner/Applicant: Susquehanna Properties/Doug Porter; Property Location: 14956 Charles Town Rd, Charles Town; Parcel ID: 02001700190000; Size: 0.94 ac; Zoning District: Residential-Light Industrial-Commercial; File: #22-18-PCW.
6. **Public Hearing:** Waiver request from Section 20.102.B to allow site grading to commence prior to site plan approval for the River Riders Snow Tube project. Property Owner/Applicant: Harpers Ferry Holdings, LLC; Property Location: 408 Alstadts Hill Rd., Harpers Ferry, WV; Tax District: Charles Town (04), Map: 9, Parcels: 62, 63, 61, 61, 70, 72, 75, 63; Total Project Size: 15+- acres; Zoning District: Residential-Light Industrial-Commercial; File: #22-19-PCW.
7. **Public Hearing:** Request for the following waivers:
  - a. Waiver request from Appendix B, Sec. 2.3.B.3 to increase the maximum two-way entrance width from 35' to 37' to accommodate tractor trailer movements for a proposed retail store (Dollar General).

- b. Waiver request from Appendix B, Sec. 2.5.N to increase the maximum drive aisle width from 24' to 42' to accommodate tractor trailer movements for a proposed retail store (Dollar General).

Property Owner: Iris Wood. Applicant: A&R Development (Dollar General); Property Location: Mark Kramer Subdivision, Lot 2, Southwest corner of Amanda Ct. and Shepherdstown Pk., Harpers Ferry, WV; Parcel ID: 04001000110005; Size: 2.26 acres; Zoning District: Residential-Light Industrial-Commercial (22-20-PCW).

8. **Public Hearing:** Waiver request from Section 21.101.A, which requires blocks to not exceed six lots in length on one side of the street, to allow a mixture of lot numbers along both sides of the streets for the proposed Stonecrest Subdivision (22-11-SD). Property Owner: Flowing Springs Road, LLC; Applicant: DR Horton; Property Location: Flowing Springs Road, Charles Town, WV; Parcel ID: 02000300090000; Size: 104.98 acres; Zoning District: Residential Growth; File #22-21-PCW.
9. **Public Hearing:** Waiver request from Section 21.104.A of the Subdivision Regulations to reduce the minimum lot width from 80' to 65' for the proposed Stonecrest Subdivision (22-11-SD). Property Owner: Flowing Springs Road, LLC; Applicant: DR Horton; Property Location: Flowing Springs Road, Charles Town, WV; Parcel ID: 02000300090000; Size: 104.98 acres; Zoning District: Residential Growth; File #22-22-PCW.
10. **Public Hearing:** Waiver request from Section 24.113.B.10, which requires Phase I archaeological study and a historic resources impact study to be included with the Preliminary Plat for the proposed Stonecrest Subdivision (22-11-SD). Property Owner: Flowing Springs Road, LLC; Applicant: DR Horton; Property Location: Flowing Springs Road, Charles Town, WV; Parcel ID: 02000300090000; Size: 104.98 acres; Zoning District: Residential Growth; File #22-23-PCW.

There is no public comment for the following items.

11. **Review and Approval:** Planning Commission Calendar Year 2023 Meeting and Submission Dates
  12. **Review and Approval:** 1<sup>st</sup> Quarter FY 2022-2023 Quarterly Report (*to be distributed at the meeting*).
  13. **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.
  12. **Planner's Memo**
  13. **President's Report**
    - Discussion regarding on zoom participation.
  14. **Actionable Correspondence**
  15. **Non-Actionable Correspondence**
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Meeting Minutes  
Jefferson County Planning Commission  
September 13, 2022

The Jefferson County Planning Commission met on September 13, 2022 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Steve Stolipher County Commission Liaison; Jack Hefestay; Donnie Fisher; Ron Thomas (via ZOOM) and Shane Roper (via ZOOM). Matt Knott, Vice President, was absent with notice; J. Ware was absent without 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. Shepp called the meeting to order at 7:00 pm. and confirmed that a quorum was present. Mr. Roper noted that he would be recusing himself from items 5, 6, and 7.

**1. Approval of Meeting Minutes: August 09, 2022**

Due to Audio Issue during last month's meeting, it was noted that Ron Thomas had voted "no" on the sidewalk waiver on Item # 4 Miller Station apartments which needs to be reflected in the amended minutes.

Mr. Shepp stated that the minutes stand approved as amended.

**2. Request for postponement. Item #4 has been postponed by the applicant until 10/11/22.**

**3. Public Hearing: Request for waiver from Section 20.203B2 to waive a site plan requirement to allow a construction of a 1,274 square foot apartment building and a 300'+/- gravel driveway. Applicant/Property Owner: Susquehanna Properties LLC/Doug Porter ; Property Location: 14956 Charles Town Rd, Charles Town; Tax District: Charles Town (02), Map: 0017, Parcel: 19; Size: 0.94 acres; Zoning District: Residential/Light Industrial/Commercial; File: #22-18-PCW.**

Ms. Brockman provided an overview of the staff report and presented staff recommendations.

The applicant, Mr. Doug Porter, described his proposed 3-unit 2 bedroom townhouse structure and why he chose to locate it on the rear of the property.

Mr. Shepp opened the Public Hearing. There was no public comment.

Mr. Shepp closed the Public Hearing

Mr. Saunders responded to Planning Commissioner questions related to the potential stormwater management impact that approval of this waiver would have on the neighboring properties. Mr. Saunders noted that the Engineering staff recommends an evaluation of the potential stormwater impact by an engineer.

Mr. Shepp discussed with Mr. Saunders if he would be comfortable reviewing the stormwater analysis if the waiver is approved with that condition.

Mr. Shepp made a motion to approve the waiver of the Site Plan provided that an engineering evaluation of the stormwater impact was completed and submitted to Mr. Saunders for approval, Mr. Hefestay seconded the motion, which was approved unanimously

**4. POSTPONED to October 11, 2022 Planning Commission Meeting: Public Hearing:**

Country Club Commons Preliminary Plat to create 4 non-residential lots and a public street for future commercial pad-users. Property Owner: B.C. Partners, INC. Property Location: Vacant NE Corner of Route 24 and Route 340; Parcel ID: 04001100110000; Size: 9.54 acres; Zone: Residential/Light Industrial/Commercial (RLIC). File: #19-17-SD

- 5. Public Workshop:** Concept Plan for the Wild Hill Solar Energy Facility. The applicant, Wild Hill, LLC, is proposing a 92.5 megawatt solar electric generating facility to be located on approximately 841 acres. The project will consist of rows of solar modules which are installed in arrays dispersed throughout the leased land. The project will also include construction of a new substation that will connect the solar energy facility with the existing 138-kilovolt overhead electrical transmission line passing through the southeast corner of the project area. (PC File #22-9-SP).

Property Owners/Location/ID/Size/Zoning District:

- Clarence & Donna Hough; Vacant parcel east of the property located at 1343 Roper North Fork Rd, Charles Town; Parcel ID: 06001100070001; Lot Size: 107.38 ac / Project Size: 107.38 ac; Zone: Rural
- Zigler, Inc.; 1079 Roper North Fork Rd., Charles Town; Parcel ID: 06000400090000; Lot Size: 350.95 /Project Size: 350.95; Zone: Rural
- John Samuel & Alice Rissler Estate; 616 Uinta Farm Ln., Charles Town; Parcel ID: 02001600060000; Lot Size: 293.33 / Project Size: 120.56 ac; Zone: Rural
- Clarence & Donna Hough; Vacant parcel north of the property located at 340 Old Shennandale Rd., Charles Town; Parcel ID: 06000500060000; Lot Size: 49.04 ac / Project Size: 49.04 ac; Zone: Rural
- T. Todd & Susan Hough, Trustees; 340 Old Shennandale Rd, Charles Town; Parcel ID: 06000500010000; Lot Size: 206.84 ac / Project Size: 181.70 ac; Zone: Rural
- Charles & Marie Hough, Life; 620 Old Shennandale Rd, Charles Town; Parcel ID: 06001100080000; Lot Size: 118.05 ac / Project Size: 32.11 ac; Zone: Rural

A Conditional Use Permit for the 262.85 acre portion of the project located outside of the Charles Town Urban Growth Boundary was approved by the Board of Zoning Appeals 8/25/22 (File: #22-5-CUP).

Ms. Brockman provided an overview of the staff report and reminded the Planning Commission that this project was also the subject of a Public Workshop in 2020.

Mr. Paul Raco, consultant for the applicant, and Mr. Chris Sternhagen, with EDF Renewables from Minnesota, presented the proposed site layout for the Wild Hill Solar Energy Facility. Mr. Raco presented a power point presentation of the overall procedures and the previous approvals including approval from the WV Division of Highways (WVDOH). The applicants are proposing a contract to use these properties for 30 years, with the contract beginning in 2024. After the thirty years, the project is proposed to be decommissioned and the land will return to farmland.

Mr. Shepp opened the Public Workshop.

Mr. Shepp asked Ms. Brockman to review the purpose and process for a Public Workshop. The following members of the public spoke:

- Matt Ridgeway (Remax Group), 109 David Ct, Kearneysville: As a real estate agent he supports the proposed solar energy facility and sees it as a way to maintain the land as “open space” for the 30 year period. He considers it a good temporary use of the land.
- Debbie Wilson, 1050 Avon Bend Rd: Questions related to whether this proposed facility plans to expand; what the panel installation process is; if there is impact on local wells; who would be employed; and whether the energy will be used locally?
- Travis and Monica Rider, 229 Birch Drive: Questions related to the hazardous waste disposal plan and where the panels will be disposed of.
- Steven Welch, 928 King Lear Dr, Avon Bend: Stated that the rural character and appearance of the County is important and that solar panels impact the look of the area which will also impact property values.
- Robin Huyett Thomas, property in Charles Town and on Old Cave Rd: Noted that she is not opposed to the solar facility and prefers it over residential development but had the following questions: whether the 138 kV would be upgraded and how that would impact property owners; concerns about impact on wildlife and Evitts Run water quality; and whether there is any continuity between solar projects.
- Joel Poortenga, 189 Treeline Dr.: Questions related to impact on wildlife and property values; how long installation is going to take; will the wires underground be disposed of when they are decommissioned?
- Mark Zimmerman, 343 Catherines Dr.: Noted that he moved here because of the rural character of the area and believes that this type of development is destroying the views of what people come here for; also concerned of impact on wildlife.
- Stacy Tabb (on Zoom), 248 Willowdale Drive, Shepherdstown: Expressed concern re: impact on water runoff, view shed, floodplain and wells.

Mr. Shepp closed the Public Workshop.

Chris Sternhagen, EDF, provided the following response to the public comments:

- EDF has no plans for expansion beyond the properties included in this application;
- No concrete will be used; they use 7'-8' steel I-beams, which are disposed of when the solar facility is decommissioned;
- The useful life of panels are 30-40 years; leases are limited to 30 years and will expire;
- SWM (water quality and quantity runoff) will be overseen by the state and the county provisions; the water quality should improve because agricultural uses do not require approved SWM plans;
- Local union labor will be used; there will be approximately 200 jobs which should last 10-12 months;

- The electric power being produced is using the existing 138 kV lines which can only serve a regional load and cannot travel far; EDF has an interconnection agreement that does not require a power upgrade;
- The project has been reviewed by state wildlife agencies; there are no threaten or endangered species on these properties; wildlife may improve as the grass/groundcover will be planted;
- The balance of the properties will be able to continue farming operations while providing the farmers with a steady income through the lease.

Mr. Raco, consultant for EDF, stated that local farmers have spoken in support of the opportunity for solar energy facilities in other meetings. He also noted that these properties could be rezoned for urban level development, which would result in more disturbance and traffic. Most of these farmers do not want to develop, they want to continue farming which this will allow.

Mr. Raco reviewed the various state agencies involved in the review of this project. He stated that the WVDNR had no comments on any historic or endangered species. The applicant will stay away from the floodplains and sink holes. Mr. Saunders will review the required SWM plans.

Mr. Shepp asked the Planning Commission members if they had any questions for staff or the applicant.

Mr. Louthan questioned the decommissioning and disposal of the panels. Mr. Raco said that the project will be bonded through the state DEP and noted that in 30 years there might be a better way of disposal of the panels.

Mr. Thomas (via Zoom) asked the applicant if they had seen the written comments provided by the Kurz's. There were two questions he would like addressed regarding the construction schedule (time of day) and is the impact of on-site lighting. Mr. Raco responded that construction would take 8 to 12 months and would occur during daylight hours. He stated that there is no proposed lighting other than the standard lighting required for the substation. He further stated that the local ordinances require all lighting to be oriented in a manner that cannot create offsite glare.

Mr. Hefestay asked about the general topography of this site and the whether the panels will be able to be viewed from the roads. Mr. Raco stated that the properties are typical of this vicinity and consist of rolling hills. Even with buffering and fencing, they will may still be visible from the roadways.

Mr. Hefestay made a motion to accept the Wild Hill Solar Energy Facility project Concept Plan as submitted and presented; Donnie Fisher seconded the motion; the vote carried unanimously.

**There is no public comment for the following items.**

## **6. Engineering Update**

- a. Solar Facility Stormwater Management memo (informational only/nonactionable)

Mr. Saunders stated that the memo included in the packet was written by Roger Goodwin, Chief County Engineer, for the County Commission and might be able to answer some of the questions the Planning Commission had previously asked. It was included in the packet for informational purposes only.

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

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109. Mr. Cochran-It is in the Supreme Court
- 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.

Mr. Cochran a lot of actions and there are many pieces that need to be worked out before finalization.

- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities). Mr. Cochran said that a citizen stated that there be additional language placed in the ordinance and we disagreed with.
- d. Discuss and review Jefferson County Circuit Court Civil Action No. 2022-C-85. Regarding Cell Tower. One cell tower did not invite the other tower so they are challenging.

Mr. Nathan Cochran gave a brief update to the Planning Commission regarding the outstanding legal cases. He stated that Circuit Court Civil Action No. 2021-C-109 (sub-item a) will be heard by the WV Supreme Court in early October. Mr. Cochran stated that he is working on the other items, which he could discuss further in Executive Session if the Planning Commission would like the information. He also stated that there is an additional pending lawsuit (22C103) related the action by the Board of Zoning Appeals related to the Blake Conditional Use Permit, which is not on the agenda so he cannot speak to that at this time.

Mr. Shepp has asked if the project stops when a lawsuit is filed. Mr. Cochran stated that it has not stopped at this point and he does not know if it will have to be.

## **8. Planner's Memo**

Ms. Brockman noted that there is registration information regarding the annual State Auditor training related to the WV Ethics Act and Open Meetings Act for local Board members to be held October 5, 2022 in Martinsburg in the packet.

## **9. President's Report**

Mr. Shepp indicated that he would like to discuss discontinuing the ZOOM option for the Planning Commission meetings. Mrs. Brockman stated that we will have to continue to use ZOOM for broadcasting and recording the meeting but could discuss whether the Planning Commission wanted to keep the participating option for members and the public. Mr. Shepp asked for this to be put on the next agenda for discussion purpose.

## **10. Actionable Correspondence- None**

**11. Non-Actionable Correspondence**

- a. Email correspondence from Alan Dattelbaum dated August 10, 2022

Mr. Stolipher made a motion to adjourn the meeting; Mr. Hefestay seconded the motion; which was carried unanimously.

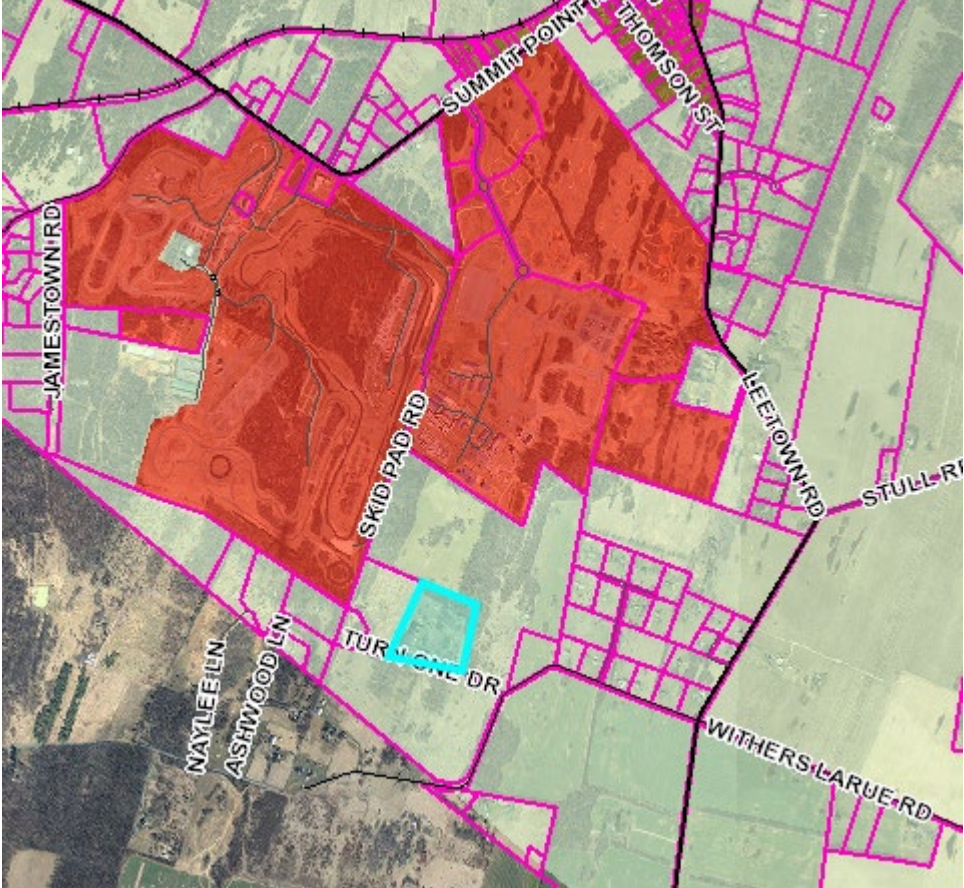
The meeting was adjourned at 8:27 pm.

These minutes were prepared by Tanya Lyons Planning Clerk.

Staff Report  
 Jefferson County Planning Commission Meeting  
 October 11, 2022

**Bobby & Nancy Jones Final Plat Amendment (22-5-FPA)**

**Item #4: Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction (Note #1 on Final Plat DB 721/PG310) to allow for the construction of a detached accessory dwelling unit for a family member. File: 22-5-FPA.

Applicant/Developer:	Bobby and Nancy Jones		
Property Location and Legal Information	<p style="text-align: center;">208 Turn One Drive .Summit Point, WV. Parcel ID: 06001700060006;          Size: 16.26 ac; Zoning District: Rural</p> 		
Surrounding Properties:	North: Rural South: Rural	East: Rural West: Rural	
Approved Activity:	Single Family Residence		
Approvals:	Lot 1 of E.H. and Julianna Lane Minor Subdivision, approved 8/6/92; DB721/PG310; located on a 40' access easement (Turn One Drive)		

**Overview of Request**

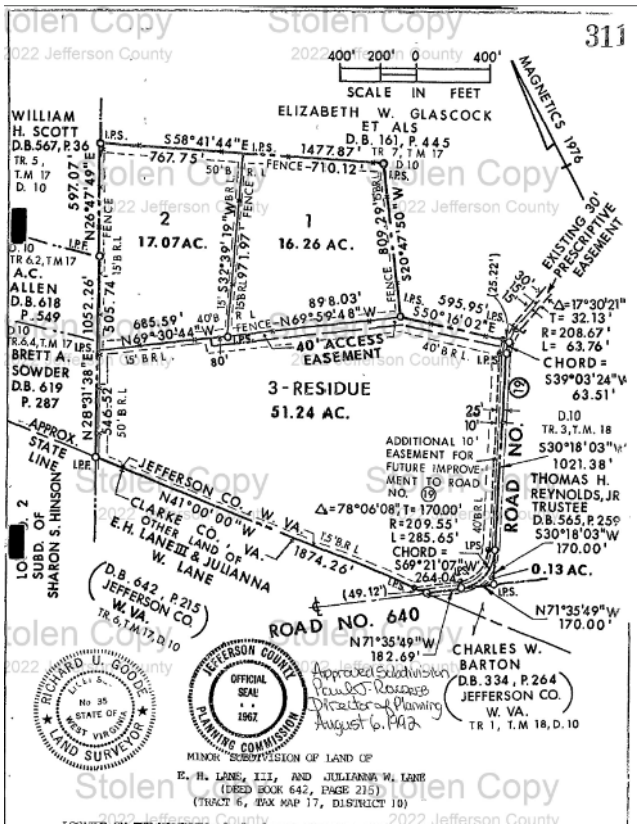
The subject parcel is designated as Lot 1 in the E.H. and Julianna Lane Minor Subdivision, which was recorded on August 17, 1992 in Deed Book 721/Page 310. This subdivision is in the Rural Zoning District, located south of Summit Point Raceway near the Virginia state line. At the time the plat was

Staff Report  
Jefferson County Planning Commission Meeting  
October 11, 2022

**Bobby & Nancy Jones Final Plat Amendment (22-5-FPA)**

approved, the Subdivision Ordinance required all subdivisions to include a note that restricted each lot to a single-family residence only. This note is no longer required for subdivisions. This note (Note # 1) is the subject of this Final Plat Amendment request.

The applicant would like to lift the single-family residence restriction (Note #1 on Final Plat DB 721/PG310) to allow for the construction of a detached accessory dwelling unit for a family member. A dwelling unit is for a family member (blood relative) and is considered an “in-law suite” in the Zoning Ordinance. Detached in-law suites are permitted in the Rural Zoning District in accordance with Section 8.15A of the current Zoning Ordinance on properties of at least 2 acres in size.



**Zoning Ordinance Requirements**

If the Planning Commission approves this Final Plat Amendment to lift the single-family restriction for Lot 1 in the E.H. and Julianna Lane Minor Subdivision, the applicant may apply for a Zoning Certificate to process under the zoning requirements for In-Law Suites/Accessory Dwelling Units in the Rural Zoning District. Section 8.15A of the Zoning Ordinance has various provisions that must be complied with, including, but not limited to, the requirement that the accessory unit must be secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area.

Staff Report  
Jefferson County Planning Commission Meeting  
October 11, 2022

**Bobby & Nancy Jones Final Plat Amendment (22-5-FPA)**

**Plat Amendment Requirements**

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations, “Amendment, Modification, and the Vacating of Subdivision Plats”, states that the Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

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

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment was required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the September 7, 2022 edition of the Spirit of Jefferson newspaper for the October 11, 2022 Planning Commission meeting.

**Recommendation**

Staff recommends approving the requested Final Plat Amendment to lift the single-family restriction (Note #1) for the sole purpose of constructing an accessory dwelling unit on Lot 1 in the E.H. and Julianna Lane Minor Subdivision. If approved, the applicant will need to apply for a Zoning Certificate for the Accessory Dwelling Unit prior to applying for a Building Permit.





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

File #: 22-5-FPA  
 Date Rec'd: 8-30-22  
 Mtg Date: 10-11-22

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

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

**Final Plat Amendment Application**

A request to amend, modify and/or vacate an approved plat must comply with Section 24.202 of the Jefferson County 2008 Subdivision Regulations, as amended.

**Property Owner Information**

Owner Name: Bobby G & Nancy E Jones  
 Business Name: \_\_\_\_\_  
 Mailing Address: 208 Turn One Dr Summit Point WV 25446  
 Phone Number: 703-203-9918 Email: tauntabor@aol.com  
lawnlabor101@gmail.com

**Applicant Information**

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

**Consultant Information**

Consultant Name: \_\_\_\_\_  
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address 208 Turn One Dr Summit Point WV 25446  
 Parcel ID: 06001700060006 Parcel Size 16.26 AC  
 Zoning District: Kabletown Deed Book: 997 01721 Page No: 396 of 310

**Plat Information**

Plat Title: \_\_\_\_\_ Note No: \_\_\_\_\_  
 Recordation Date \_\_\_\_\_ Plat Book: \_\_\_\_\_ Page No: \_\_\_\_\_

**Describe the nature of your proposed amendment.**

would like to build a second home on our property for us. A one level home for when we get older, as an accessory dwelling unit.

Sketch the shape and location of the lot. Show the location of the proposed construction/land use. Include building setbacks, size, and height. Identify existing easements, roads, buildings/structures, or land uses on the property. Note: septic or well relocations require a survey plat and approval by the Health Department.

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

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.

Nancy & Bobby Jones 8/28/22 Bobby E Jones Jr. 8/28/22  
 Property Owner/Applicant Signature Date Property Owner/Applicant Signature Date

Parcel: 06001700060006

TD: 06 / Map: 17 / Pcl: 0006.0006

Deeded Owner: JONES NANCY E & BOBBY G

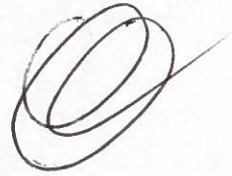
Owner Address: 208 TURN ONE LN, SUMMIT POINT, WV 25446

Deed Book/Page: 997/396

Description: LT #1 (16.26 AC) LANE

Lot Size: 16.49

Year Built: 1993



DB/Page 721/310 <http://documents.jeffersoncountywv.org/Image.aspx?control=259753>

DB/Page 642/215 <http://documents.jeffersoncountywv.org/Image.aspx?control=233568>



House at the X

**AREA TABULATION:**

AREA IN LOT(S)	84.57 ACRES (LOT 1=16.26 ACRES, LOT 2=17.07 ACRES &
AREA REMAINING/PARENT TRACT	0.13 ACRES/W.VA. LOT 3=51.27 ACRES, RESIDUE)
AREA IN SUBDIVISION	84.70 ACRES

**RESTRICTIONS:** (1) EACH PARCEL SHOWN ON THE ATTACHED PLAT SHALL BE RESTRICTED TO A SINGLE FAMILY RESIDENCE ONLY, UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION IN CONFORMANCE WITH THE PREVAILING COUNTY LAND DEVELOPMENT LAWS.

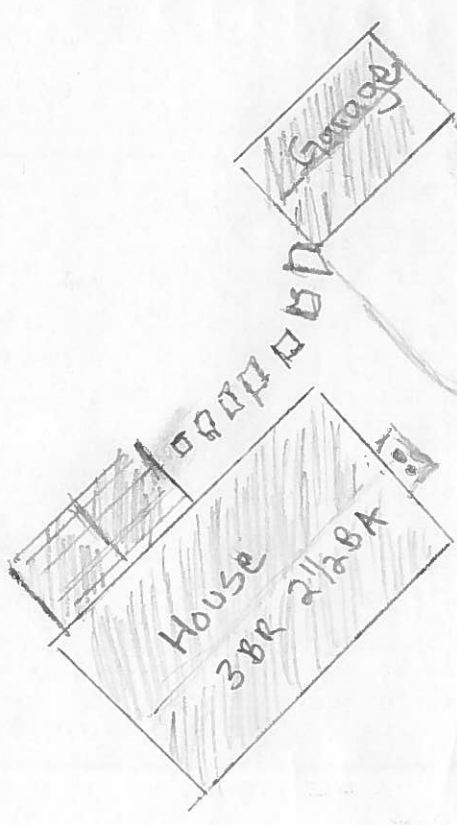
(2) THE SELLER OF ANY LOT IN THIS SUBDIVISION SHALL PROVIDE THE BUYER WITH A REASONABLE OPPORTUNITY, BEFORE SETTLEMENT TO DETERMINE THAT THE LOT IS SUITABLE OF A SEPTIC DISPOSAL SYSTEM. IF BEFORE SETTLEMENT, THE BUYER IS DENIED A SEPTIC SYSTEM CONSTRUCTION PERMIT BY THE JEFFERSON COUNTY HEALTH DEPARTMENT, THE BUYER MAY REFUSE TO PURCHASE THE PROPERTY WITHOUT PENALTY.

Jefferson County 2022 Jefferson County

woods

swamp

swamp



not sure of measurements yet

woods

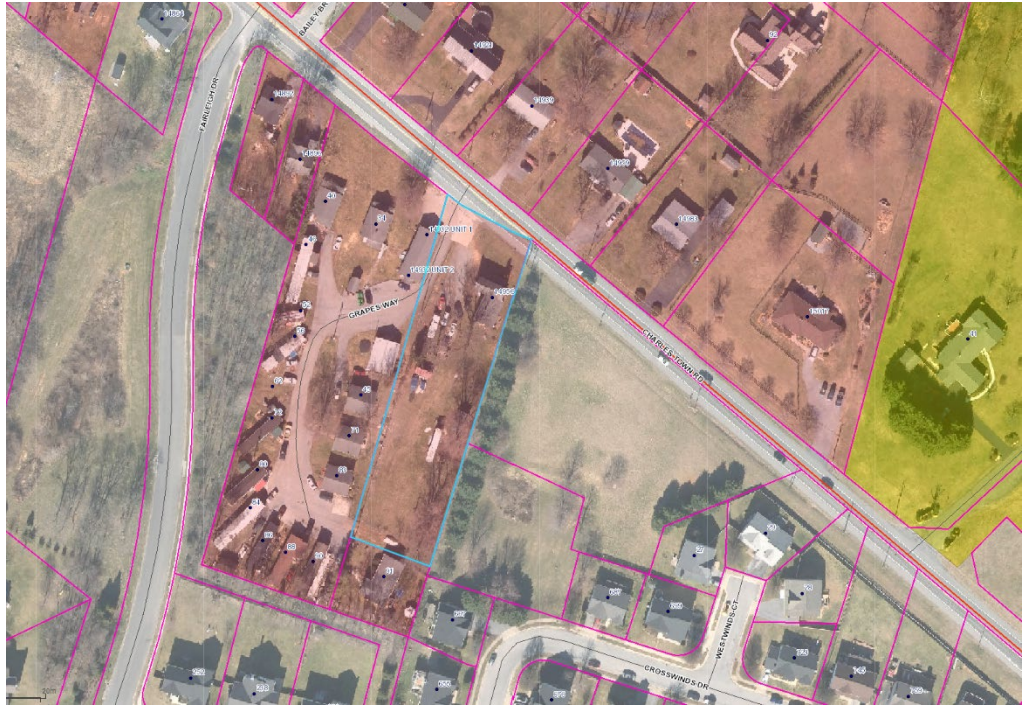
wet pond



Staff Report  
 Jefferson County Planning Commission Meeting  
 October 11, 2022 Reconsideration of Waiver Request  
**Doug Porter Waiver (File #: 22-18-PCW)**

**Item # 5: Public Hearing: Reconsideration of Waiver Request 22-18-PCW based on redesign provided by the applicant.**

Waiver from Section 20.203B.2 of the Subdivision Regulations, which requires a Limited Site Plan when the footprint of an addition or a new structure is greater than 1,200 square feet and less than 3,000 square feet, and the disturbed area is greater than 5,000 square feet.

Applicant/ Owner	Doug Porter- Susquehanna Properties LLC
Property Location & Information	<p style="text-align: center;">14956 Charles Town Rd, Charles Town, WV          Parcel ID: 02001700190000; Size: 0.88 ac;          Zoning District: Residential-Light Industrial-Commercial</p> 
Surrounding Zoning:	<p style="text-align: center;">North and West: Residential-Light Industrial-Commercial (RLIC);          South: RLIC and Rural; East: Rural</p>
Proposed Activity	<p>The applicant is requesting to waive the requirement of a Limited Site Plan to allow for the construction of a 1,274 square foot 2-story apartment structure and to allow a 145'+/- gravel driveway and a 10-space parking area.</p>
Property History	<p>Occupied by an existing single family house</p>

**Summary of the Request:**

The applicant has redesigned the previous layout for the proposed two-story, 3-unit apartment building with a 1,274 square foot footprint on the lot with the existing single family home to address the Planning Commission stormwater impact concerns. In order to minimize the impervious area, the applicant has modified the location of the proposed apartment building so that the driveway is 145' long instead of over 300'+/- long and rotated the building to reduce the drive aisle. This has resulted in a reduction in

Staff Report  
Jefferson County Planning Commission Meeting  
October 11, 2022 Reconsideration of Waiver Request

**Doug Porter Waiver (File #: 22-18-PCW)**

the anticipated disturbed area from approximately 9,400 square feet to around 4,800 square feet. While any structure over 1,200 sq ft would require the processing of a Limited Site Plan, for which this waiver is requested, the reduced site disturbance no longer meets the Limited Site Plan requirement.

**Subdivision Requirements and Discussion**

Section 20.203 “Minor Site Development” of the Subdivision Regulations (excerpt below), requires all projects to process a Limited Site Plan if the footprint of the proposed addition or the new structure is greater than 1,200 square feet and less than 3,000 square feet (or 35% of the existing structure whichever is smaller), and the disturbed area is greater than 5,000 square feet. Additionally, Section 20.203A of the Subdivision Regulations states that a Concept Plan is required if the all new structures or new additions to structures located on the parcel total more than 5,000 square feet.

The applicant is requesting that the required Limited Site Plan for the proposed project be waived because the footprint of the new structure is just slightly greater than the 1,200 sq ft maximum for the “no site plan” classification; however, the disturbed area is less than the required 5,000 square feet. The proposed use is a Principal Permitted Use in the RLIC Zoning District. A single family or two-family structure of this size would not require a Site Plan; however, an apartment structure requires more parking than a single family or two-family home would require. The applicant would also prefer to use a gravel driveway and parking area for the apartment building. A site plan would require a paved access and parking.

Should the Planning Commission grant the waiver, the applicant will still need to process a Zoning Certificate, a Building Permit, WV Division of Highways approval for use of the existing entrance, and approval from the necessary utility providers prior to construction A letter from the Charles Town Utility Board stating that they have the capacity to serve these units has been received.

**Sections of Subdivision Regulations under Consideration:**

**Section 20.203 Minor Site Development**

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

**B. Site Plan Classifications**

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

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

Staff Report  
Jefferson County Planning Commission Meeting  
October 11, 2022 Reconsideration of Waiver Request  
**Doug Porter Waiver (File #: 22-18-PCW)**

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

**2. Limited Site Plan**

A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management (quantity and quality) for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:

- a. An addition to an existing structure, or, ancillary to an existing use; and
- b. The footprint does not exceed 3,000 square feet or 35% of the existing structure, whichever is smaller.
- c. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.

**Waiver Requirements**

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

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

Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

**Staff Recommendation**

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

Planning staff believes that because the proposed structure footprint is similar to a single or two-family residential structure that would be permitted in this zone without a site plan, it may be reasonable to allow this development to process without a Site Plan.

Originally, Engineering staff believed the increase in impervious surface should be addressed with a SWM facility. However, the applicant has reduced the disturbed area to below the requirement for a “No

Staff Report  
Jefferson County Planning Commission Meeting  
October 11, 2022 Reconsideration of Waiver Request

**Doug Porter Waiver (File #: 22-18-PCW)**

Site Plan.” Therefore, the only item not meeting the “No Site Plan” requirement is the structure being over the 1,200 square foot. Since there is only 47 square feet of impervious surface being proposed above the what would be required for a “No Site Plan”, Engineering recommends that the requirement for a professional engineer to evaluate the site and determine what type and size of SWM facility is needed to meet the Jefferson County Stormwater Management Ordinance for the increase in impervious surface would not be needed.

It should be noted that if the Planning Commission is inclined to grant the waiver from requiring a site plan, that the applicant will still have to provide approval from the WVDOH (access) and the Charles Town Utility Board before a Building Permit can be issued.

RECEIVED

SEP 19 2022

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Jefferson County Planning Commision,

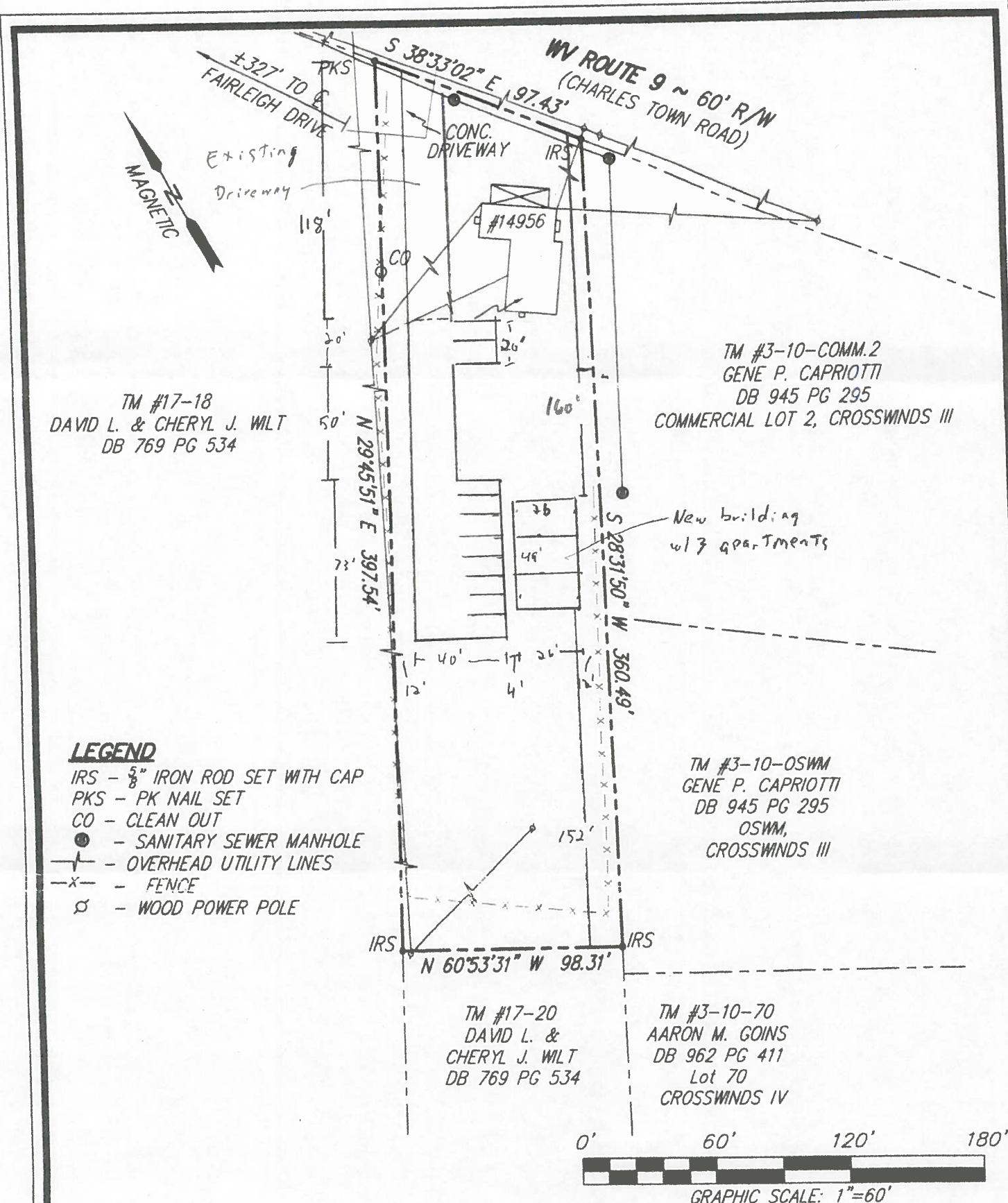
Please review the new drawing showing the new location of the 3 unit apartment building I would like to build at 14956 Charles Town Rd. This new configuration greatly reduces the amount of land that will be disturbed. This brings the total amount of new impervious area to under 5000 square feet. I am asking for the storm water evaluation requirement from my wavier of process that was previously approved to be removed.

Thank You,

Doug Porter

540-454-0002

PC File #22-18-PCW



TM #17-18  
DAVID L. & CHERYL J. WILT  
DB 769 PG 534

TM #3-10-COMM.2  
GENE P. CAPRIOTTI  
DB 945 PG 295  
COMMERCIAL LOT 2, CROSSWINDS III

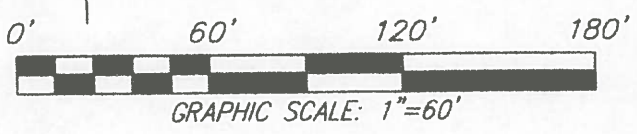
TM #3-10-OSWM  
GENE P. CAPRIOTTI  
DB 945 PG 295  
OSWM,  
CROSSWINDS III

TM #17-20  
DAVID L. &  
CHERYL J. WILT  
DB 769 PG 534

TM #3-10-70  
AARON M. GOINS  
DB 962 PG 411  
Lot 70  
CROSSWINDS IV

**LEGEND**

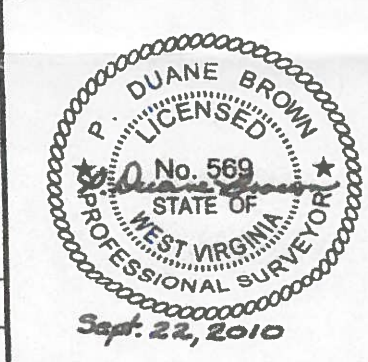
- IRS - 5/8" IRON ROD SET WITH CAP
- PKS - PK NAIL SET
- CO - CLEAN OUT
- ⊙ - SANITARY SEWER MANHOLE
- |— | - OVERHEAD UTILITY LINES
- x- - FENCE
- ⊕ - WOOD POWER POLE



**NOTES:**

1. NO TITLE REPORT WAS FURNISHED, THEREFORE ALL EASEMENTS AND ENCUMBRANCES MAY NOT BE SHOWN.
2. PROPERTY IDENTIFICATION NO. 17-19
3. BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON AN ACTUAL FIELD RUN SURVEY COMPLETED ON SEPTEMBER 20, 2010.

**BOUNDARY SURVEY**  
OF THE LAND OF  
**SUSQUEHANNA PROPERTIES, LLC**  
DEED BOOK 1080 PAGE 352  
CHARLES TOWN MAGISTERIAL DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA



DATE: 09/22/10      SCALE: 1"=60'      SHEET: 1 OF 1

**Marsh & Legge Land Surveyors, P.L.C.**  
560 NORTH LOUDOUN STREET ~ WINCHESTER, VIRGINIA 22601  
PHONE (540) 667-0468 ~ FAX (540) 667-0469 ~ EMAIL office@marshandlegge.com

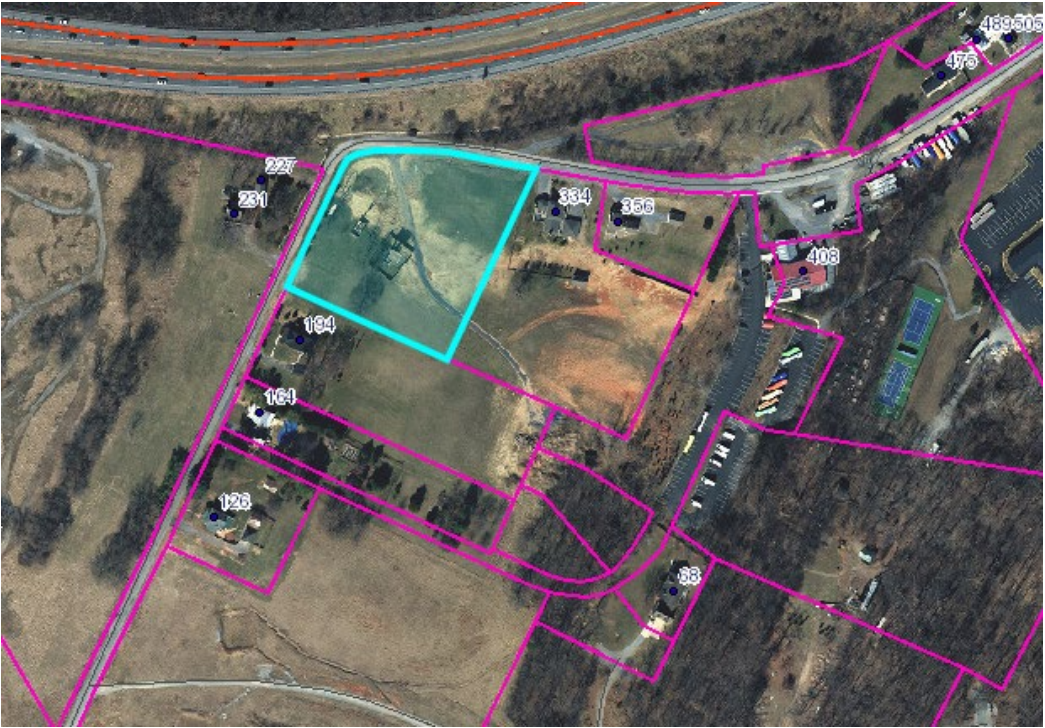
DRAWN BY: *HBK*  
DWG NAME: ID8834-BDS

PC File # 22-18-PCW  
Received: 09-19-22

**Staff Report**  
 Jefferson County Planning Commission  
 October 11, 2022

**River Riders Tubing Early Grading (File #: 22-19 -PCW)**

**Item #6: Public Hearing:** Applicant is requesting a waiver from Section 20.102B to allow for site grading to commence prior to site plan approval. The request is to allow initial construction to commence during seasons favorable for site work.

Owner/Developer:	Harpers Ferry Holdings LLC
Consultant:	P.J. Raco Consulting, LLC
Property Location:	408 Alstadts Hill RD Harpers Ferry, WV 25430
Parcel Information and Zoning District:	<p style="text-align: center;">Tax Dist. Harpers Ferry (04); Tax Map: 9; Parcels: 62, 63.1,61,70,72,75 63                  Total Project Size: 15+- acres;                  Zoning District: Residential-Light Industrial-Commercial</p> 
Surrounding Zoning:	North, East, South, West: Residential-Light Industrial-Commercial (RLIC)
Approvals:	<ul style="list-style-type: none"> <li>• Boundary Line Adjustment (DB1264/PG36 &amp; PB26/PG254) Approved 07/19/21</li> <li>• ZC17-07 Recreation and Commercial Tourism Operation comprised of various indoor and outdoor recreation areas, Issued 2/28/17</li> <li>• ZC17-03 Helipad as Commercial Use for existing approved recreational tourism site; Issued 2/28/17</li> <li>• S13-07 River Riders All-Inclusive Family Adventure Center Site Plan (for full 45 acres including multiple parcels); Concept Plan 2/25/14; Site Plan Approved 8/17/15</li> <li>• ZC 12-02 Aerial Adventure Park, Issued 3/14/12</li> </ul>
Waivers/Variances:	21-24-PCW: Waiver of Site Plan to convert existing tennis court into a Brewery (Approved 1/11/22)

**Staff Report**

Jefferson County Planning Commission

October 11, 2022

**River Riders Tubing Early Grading (File #: 22-19 -PCW)**

	<p>PCW 14-04: Waiver from Section 2.5.1; Table 2.2-1; Section 9.4.E; Section 9.3; and Section 9.4.A. regarding the grade of the internal drive aisles for the proposed All-Inclusive Family Adventure Center; Approved 12/9/14</p> <p>PCW 14-01: Waiver to permit a grass parking area with minimal earthwork and grading and with a paved center drive aisle as shown on previously approved the Concept Plan as the “Seasonal Parking” area. Waiver is from Sections Appendix B, Section 2.5, Multiple Subsections; Appendix B, Section 9.4 A and C; Appendix B, Section 9.5; Approved 4/8/14</p> <p>ZV 14-19: Elimination of the parking/drive aisle, building setbacks and landscape buffer requirements for internal lot lines only; Approved 11/13/14</p> <p>ZV 98-38: Variance from sign provisions (denied 01/21/99)</p>
--	--

**Summary of the Request**

Harpers Ferry Holdings is working on the next phase of the River Riders Adventure Resort, which includes the relocation of the proposed River Riders Snow Tube project and the proposed Maintenance Building. The redline revision for the these two applications is under review and awaiting the revised Division of Highways and Health Department approvals and some final technical revisions for final approval.

This request is to permit the applicant to be permitted to begin early grading prior to the final approval of the redline revision. The applicant has indicated that they intend to completely bond the full project with this request and that there will therefore be no risk to the County if they are permitted to begin grading.

**Subdivision Requirements and Discussion**

Section 20.102B of the Subdivision Regulations requires that before development of the land is commenced, subdivision plats and site plans must be approved by the Planning Commission, recorded, and surety posted for required improvements in accordance with these Regulations and the Comprehensive Plan. This request is to waive this requirement and to allow the grading to be initiated after the bond is posted, but prior to the final approval of the redline revision to the Site Plan.

**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.

## Staff Report

Jefferson County Planning Commission

October 11, 2022

### River Riders Tubing Early Grading (File #: 22-19 -PCW)

#### **Staff Comments/Recommendation:**

It should be noted this request does not related to waiving any design requirements of the Subdivision Regulations, but is limited to splitting the approval and bonding process for site grading from the rest of the Site Plan approval process. The applicant has indicated that they intend to post the full bond if this waiver is approved, which lessens the risk to the County. The project will follow all other standards and processes unless another waiver is processed.

As staff has noted previously, many jurisdictions allow separate grading permits provided that all Erosion and Sediment Control and SWM plans have been approved by the County and are bonded. These plans will receive such approval for all Erosion and Sediment Control measures and will be inspected by the County prior to earth movement. The Jefferson County Planning Commission has allowed early grading plans in the past and staff recommends that this concept should be included as a provision in the Subdivision Regulations/Ordinance when it is amended.

The applicant has indicated that allowing this project to begin will be helpful in getting the Snow Tube site finished for this winter season. This request is for grading and work interior to the site.

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

- a. A grading permit is issued to allow the owner to perform site grading in preparation for the building pad and related improvements. A building permit can be issued for only the foundations of the proposed maintenance building. No additional work will be allowed on the building until the site plan is approved. This permit is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading plan and building permit application and a NPDES permit is obtained; and
- b. The owner/Developer assumes all risk for “jump-starting” the project and understands that the final site plan design approved by the Planning Commission might necessitate some changes and additional construction cost; and
- c. Provide bonding of all proposed site improvements related to sediment and erosion control/SWM pertaining to the permit.

As a reminder, this Site Plan and/or Redline Revision cannot be approved until the WV DOH entrance permit and Health Department permits are obtained.





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 #: \_\_\_\_\_  
 Mtg Date: \_\_\_\_\_  
 Date Rec'd: \_\_\_\_\_  
 Fees Paid: \_\_\_\_\_  
 Staff Int: \_\_\_\_\_  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: Harpers Ferry Holdings LLC  
 Business Name: \_\_\_\_\_  
 Mailing Address: 408 Alstadts Road, Harpers Ferry, WV 25430  
 Phone Number: 304/671-7199 Email: Matt@riverriders.com

**Applicant Contact Information**

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

**Consultant Information**

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

**Physical Property Details**

Physical Address: 408 Alstadts Road, Harpers Ferry, WV 25430 Vacant Lot:   
 Tax District: Harpers Ferry Map No: 9 Parcel No: 62,63.1,61,70,72,75 63  
 Parcel Size: 15 +- Acres Deed Book: 1099,1081,1275,1146 Page No: 732,423,386,226  
 Zoning District: Residential/Light Industrial/Commercial

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

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

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

Section 20.102B

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

See Attached

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

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

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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      Date

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

**Notification Requirements**

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

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

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

\_\_\_\_\_  
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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

River Riders, LLC  
Request for Waiver  
Section 20.102B  
Jefferson County Subdivision and Site Development Ordinance  
September 16, 2022

## **Brief Description**

The request is to allow early grading and building permit for the proposed River Riders Snow Tube project.

The Applications for the River Riders Snow Tube project and maintenance Building are in the Final Stage of Redline approval stage and are merely waiting for the revised Division of Highways Health Department approvals and maybe minor housekeeping items. Please note that these were already approved through the process at both the County and State Agencies and the Snow Tube and Maintenance Building are just being relocated on the same site in a different location. This process isn't even a site plan process since it is just the processing of a redline amendment to the approved site plan.

These plans have thoroughly processed through the State and County Processes (several times) and have submitted the revised plans to all involved. The project even has an approved bond estimate, and the Bank will be issuing a Letter of Credit for the entire project (not just the grading) shortly.

An early grading permit will allow the project to begin without any risk to the County. Many jurisdictions allow grading permits provided that all Erosion and Sediment Control and SWM plans have been approved by the County and are bonded. These plans have received such approval for all Erosion and Sediment Control measures and will be inspected by the County prior to earth movement.

Jefferson County has allowed early grading plans routinely and should be included as a provision in the Ordinance as it is amended.

Allowing this project to begin will be extremely helpful in getting the Snow Tube site finished for this winter season. The plans are essentially just waiting for the final approvals to come through even though the State has already approved the site in the past. Since this project will be completely bonded with this request, the requested approval for early grading and permit approval will have no impact on the Entrance Road or the improvements to the State Road. This request is for grading and work interior to the site.

The Applicant is prepared to provide bonding for the entire site and planned improvements and will install and have the Erosion and Sediment Controls inspected before any work is commenced.

Hopefully, by the time this waiver is heard, the request will be moot, but until that time, any relief while the applicant is waiting for any final approvals will be appreciated.

Based on the above, the Applicant respectfully requests the Planning Commission to grant the waiver to allow the early grading site work and building permit with the whole already approved bond estimate, prior to the final approval of the Redline since the plans are essentially completed and ready for approval. Thank you for your consideration of the request.

River Riders LLC  
Request for Waiver  
Section 20.102B  
Jefferson County Subdivision and Site Development Ordinance  
September 16, 2022

**Four Criteria:**

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

This project will have no Public costs since this is the private construction of a commercial project that will be maintained by the owner. There will be no public maintenance costs involved as the infrastructure will be built and maintained with private funds. In actuality, the project will be a net gain for the County since the Tax Benefit for Commercial projects is greater than the public cost to privately provide infrastructure. Furthermore, this project will benefit the County with a needed winter activity for both the local community and the tourists. The work will be at the applicant's expense and the entire project will be bonded to assure its completion.

The granting of the early grading and permit waiver will allow the project to get a start on construction so that it is ready to be utilized this winter. The projects' entrance permits are waiting for final design approval of the redline and the Bond Estimate is already approved.

There will be no cost to the public since the Applicant will provide Erosion and Sediment Control measures that will be inspected by the County and an entire construction bond in the event the projects don't move forward. The County will not incur any additional cost.

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

If the waiver is granted, it will have absolutely no adverse effect on public health, safety or welfare since the projects have complied with every standard and requirement of the ordinance and is working with the County and other agencies to obtain the final approval. Also, it is just a Redline approval since the original plan was already approved by the County and agencies. Additionally, the County will have a construction bond secured by proper surety that will make sure that the project will be constructed properly. The erosion and sediment control, SWM and all improvements will be inspected and approved by the County before the bond is released.

If the waiver is approved to begin the grading and permit, the public, the County, and the neighbors will be protected with the Erosion and Sediment Control devices in place, and the bond to make sure that the property is stabilized. Again, all the requirements of the ordinances have been met except for the final Entrance Permit being granted.

The waiver will not have any effect on the neighbors since the original site plan and this Redline changed set of plans have been thoroughly reviewed by the Staff. The Staff has essentially approved the two plans conditioned on the final approvals.

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

The Staff has previously approved the Site Plan for the improvements at the expansion of River Riders. Therefore, all the actual standards of the Ordinances have been met and this set of Redlines are for the County approval of the relocation of some of the components of the amenities. The purpose of the ordinance is to make sure that a proposed project is designed and constructed to ordinance standards and requirements. The granting of the waiver will not change that fact since the County and State DEP have reviewed the projects for design purposes and then the projects will be bonded to ensure proper construction.

The Planning Commission has approved other requests for early grading and permits contingent on a partial bond being secured and approved, and the proper Erosion and Sediment Control devices being in place. In this case, the Applicant will be bonding the entire project to the benefit of the County now, if approved.

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

Currently, all standards of the ordinances are being met. There is just a delay in plan review for the State Road improvements associated with the required entrance permits and some housekeeping item. Essentially, there is some final review of the plans for the relocation of the already approved site plan amenities. The Applicant is completing everything else that they can do for County and State regulations including a full bond. While the Applicant hopes that the final approvals are issued before this waiver is approved, they would still like everything in place to get an immediate start for this winter season. This could take several months. The Applicant needs to begin the grading while the weather is good, so that it is ready as soon as the final approvals are granted. Once the grading is started and completed, then Berkeley Medical Center can begin the construction of snow tube facility to hopefully be in operation before winter.

The granting of the waiver will not change the fact that both the original Site Plan was approved by all agencies and this Redline is nearing final approval of all required standards. This waiver will just allow the Applicant the ability to get a jump on the site work while the permits are being finalized.

The conditions of the waiver will also protect everyone involved with the full Construction Bond and the Erosion and Sediment Control measures in place.

Accordingly, the Applicant respectfully asks that the Planning Commission approve the waiver so that the earthwork that is already approved by Staff can begin. Thank you for your consideration.

## Staff Report

Jefferson County Planning Commission

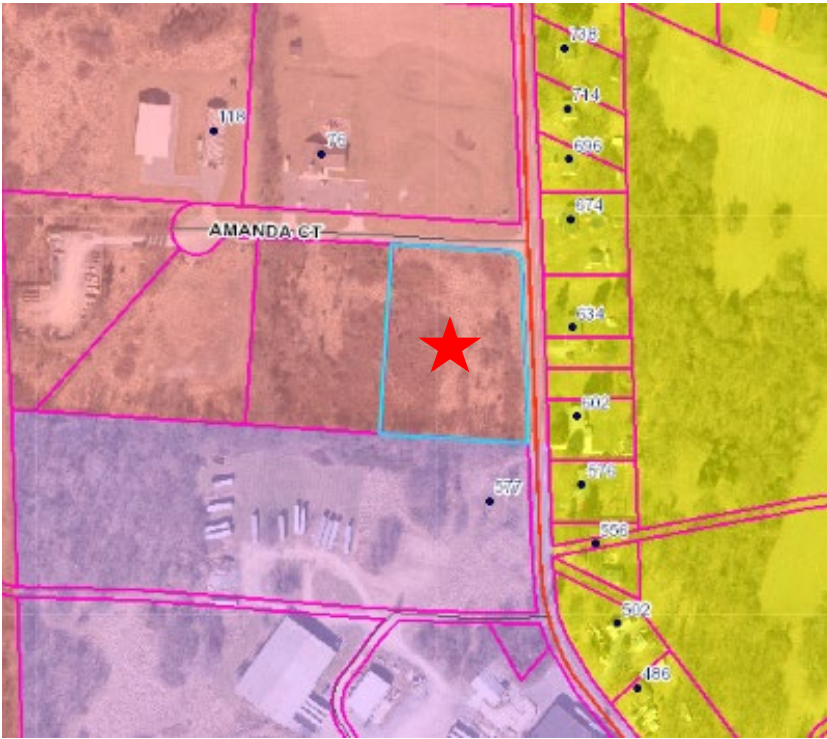
October 11, 2022

### Harpers Ferry Dollar General Waiver (File #: 22-20-PCW)

**Item #7: Public Hearing:**

**Request #1** Applicant is requesting a waiver from Section 2.3.B.3 of the Subdivision Regulations to modify the width of the entrance drive aisle from 35' to 37' to accommodate 3-12' lanes, one ingress, two egress to accommodate the movements of a tractor trailers (WB-67) for deliveries.

**Request #2** Applicant is requesting a waiver from Section 2.5.N of the Subdivision Regulations regarding the width of the drive aisle from 24' to 42' to accommodate tractor trailer movements.

Owner/Developer	Iris Wood
Applicant	AR Development, LLC / Contact: Andy Haymaker
Surveyor/Engineer	The Thrasher Group/ Robert Milne
Parcel Information	<p>Vacant Lot on the SW corner of Amanda Ct &amp; Shepherdstown Pike, Harpers Ferry  Tax District: Charles Town (04), Map: 10, Parcels: 11.5; Lot Size: 2.19 acres  Zoning District: Residential/Light Industrial/Commercial</p> 
Adjacent Zoning	North and West: Residential-Light Industrial-Commercial (RLIC); East: Residential Growth (RG); South: Industrial-Commercial (IC)
Proposed Activity	Dollar General Store
Previous Approvals	97-03-SD: Kramer Commercial Subdivision (PB 15, PG 14)
Pending Approvals:	22-14-SP: Site Plan for Lot 1 of the Kramer Nonresidential Subdivision (File #97-03). Proposed project for the construction of a 10,640 sf Dollar General Building, associated parking, and stormwater management.

**Staff Report**

Jefferson County Planning Commission

October 11, 2022

**Harpers Ferry Dollar General Waiver (File #: 22-20-PCW)**

	<p>22-32-ZV: Variance from Section 4.11 to eliminate a portion of the landscape buffer along portions of western and southern property lines and to eliminate the streets trees along Amanda Court and Shepherdstown Pike.</p> <p>22-33-ZV: Variance from Section 11.2 to reduce the number of required parking spaces; and, Appendix B to reduce the front parking setbacks from 15’ to 8’.</p> <p>22-34-ZV: Variance from Article 10 to reduce the front setback along Amanda Court from 25’ to 19’ and along Shepherdstown Pike from 25’ to 17’ for a pylon sign.</p>
--	--

**Site Plan Proposal**

The applicant is proposing the construction a 10,640 sq.ft. Dollar General Building on a vacant 2.19-acre lot that was created in 1997 as a part of the Kramer Commercial Subdivision. The property is located west of Shepherdstown Pike, south of Amanda Court. The property is zoned Residential-Light Industrial Commercial.

Section 20.203A(3) of the Subdivision Regulations states that a Minor Site Development includes “building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater.” It further states that such developments are not required to process a Concept Plan as referenced Section 20.203A.2.

Section 20.203B.3 of the Subdivision Regulations requires the submission of a Full Site Plan meeting all requirements of the Subdivision Regulations. This Site Plan is currently under review by staff.

**Summary of the Request**

The applicant is requesting the following two waivers:

- a waiver from Section 2.3.B.3 of Appendix B of the Subdivision Regulations to modify the width of the entrance drive aisle from 35' to 37' to accommodate 3-12' lanes, one for ingress, two for egress to accommodate the movements of a tractor trailers (WB-67) for deliveries; and
- a waiver from Section 2.5.N of Appendix B of the Subdivision Regulations regarding the width of the drive aisle from 24' to 42' to accommodate tractor trailer movements.

The applicants are also applying for variances related to landscaping, parking and signage setbacks, which will be heard by the Board of Zoning Appeals on October 27, 2022.

**Subdivision Regulation Requirements**

- A. Section 2.3.B.3 of Appendix B of the Subdivision Regulations requires the following entrance width limits for site development access to public roads:

Minimum one-way 13’

Maximum one-way 17’

Minimum two-way 24’

Maximum two-way 35’

Length of entrance shall be a minimum of 50’ long from the existing edge of pavement of the access road before beginning a 1 to 15 taper from the edge of pavement to desired width.

**Staff Report**  
 Jefferson County Planning Commission  
 October 11, 2022

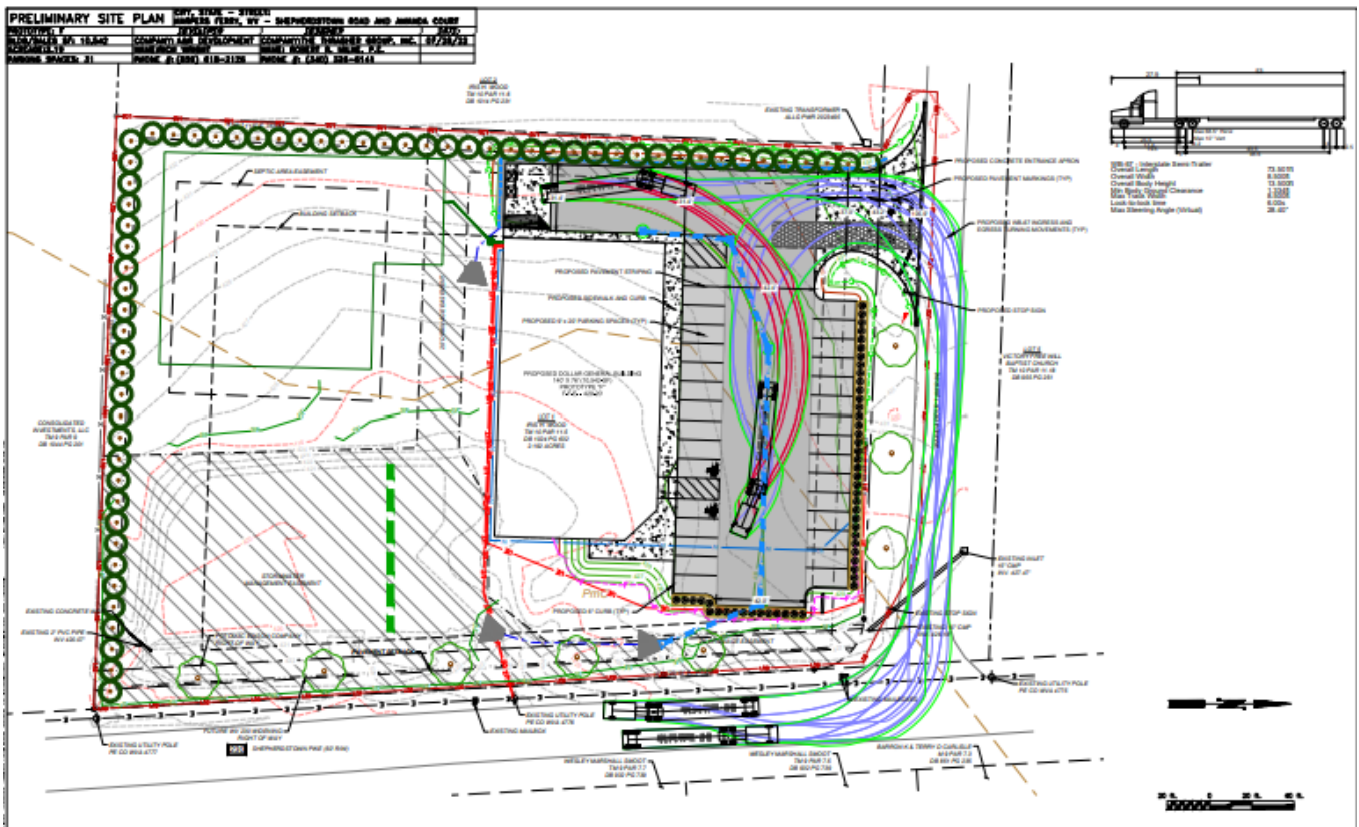
**Harpers Ferry Dollar General Waiver (File #: 22-20-PCW)**

The proposed 37-foot wide entrance drive aisle depicted in the application exhibit below exceeds the maximum 35' width for a two-way entrance in the Subdivision Regulations. The application indicates that this is necessary to accommodate three (3) 12' lanes which will allow one lane for ingress and two lanes for egress to accommodate the movements of a tractor trailers for deliveries.

- B. Section 2.5.N of Appendix B of the Subdivision Regulations includes Table 2.5-1 which provides parking area dimensions, including the requirement for a two-way drive aisle in the parking lot, as follows:

Parking (Table 2.5-1)				
Parking Angle	Stall Width	Stall Depth	Drive Aisle One-Way	Drive Aisle Two-Way
90	9'	20'	24'	24'
60	9'	22'	18'	24'
45	9'	21'	14'	24'
Parallel	9'	22'	12'	24'

The proposed 42-foot wide drive aisle depicted in the application exhibit below exceeds the maximum 24' width for a two-way drive aisle in the Subdivision Regulations. This also is intended to accommodate tractor trailer movements within the parking lot area.



## **Staff Report**

Jefferson County Planning Commission

October 11, 2022

### **Harpers Ferry Dollar General Waiver (File #: 22-20-PCW)**

#### **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.

#### **Staff Comments/Recommendation**

The applicant is requesting to increase the entrance width from 35’ to 37’ for an entrance lane in; a left turn lane out; a right turn lane out for the parking lot and increasing the drive aisle width for perpendicular parking from 24’ to 42’ to accommodate for tractor and trailer turn around.

The subdivision has existing Stormwater Management (SWM) provided for each lot. The SWM report requires each lot to maintain a curve number of 75. The design of the site is restricted due to the stormwater management structure being located on this parcel as well as the septic area.

Typically, consultant/designer request a decrease in asphalt pavement width. The applicant is requesting an increase due to tractor trailer movements. An increase in the width appears to have no effect on automobile traffic movements.

SWM is a concern when increasing impervious area. However, the increase in runoff can be control by the existing SWM facility or the applicant can provide addition SWM structures.

Since the site is already designed with a SWM facility, engineering recommends approval of this waiver if the increase in impervious area does not exceed what the existing SWM facility was designed for. If there is increase in impervious area exceeding what was approved for subdivision lots, the applicant is to design for the additional impervious area in accordance with the current SWM Ordinance.



**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 #: 22-20-PCW  
 Mtg Date: 11-22-  
 Date Rec'd: 09-28-22  
 Fees Paid: 100  
 Staff Int: TL  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: Iris Wood  
 Business Name: N/A  
 Mailing Address: 12959 Sagel Road, Purcellville, VA 20132  
 Phone Number: (703)472-4076 Email: None

**Applicant Contact Information**

Applicant Name: Mr. Andy Haymaker Same as owner:   
 Business Name: A R Development, LLC  
 Mailing Address: 3120 Wall Street, Lexington, KY 40513  
 Phone Number: (859)326-6141 Email: [ahaymaker@haymkaercompnay.com](mailto:ahaymaker@haymkaercompnay.com)

**Consultant Information**

Name: Robert R. Milne, PE  
 Business Name: The Thrasher Group, Inc.  
 Mailing Address: 600 White Oaks Blvd., PO Box 940, Bridgeport, WV 26330  
 Phone Number: (304)326-6141 Email: [rmilne@thethrashergroup.com](mailto:rmilne@thethrashergroup.com)

**Physical Property Details**

Physical Address: Amanda Court Vacant Lot:   
 Tax District: Harpers Ferry Map No: 010 Parcel No: 11-005  
 Parcel Size: 2.19 Deed Book: 1024 Page No: 632  
 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 2.3.B.3 and Section 2.5.N  
 Entrance Width and drive aisle

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

Requesting a waiver for the width of the entrance drive aisle from 35' to 37' to accommodate 3-12' lanes, one ingress, two egress. This waiver is requested to accommodate the turning movements of a tractor trailers (WB-67) for deliveries. Requesting a waiver on the width of the drive aisle from 24' to 42' to accommodate tractor trailer movements.

**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.**

Benefits - local retail store. Provides convenience to shoppers for shorter commutes. County increased revenues.

**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.**

Granting the waiver will not adversely affect public health safety or welfare. Granting the waiver will increase safety for patrons using the store, by providing more room for turning movements for deliveries.

Proposed design meets the design standards for Dollar General.

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

Granting the waiver will keep the intent of the ordinance by providing safer traffic flow through the parking areas.

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

Granting the waiver will provide ample room for turning movements for deliveries, and also provide safety for patrons.

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.

Law H. Wong  
Property Owner/Applicant Signature

9/13/22  
Date

[Signature]  
Property Owner/Applicant Signature

9-9-22  
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.

10-11-22  
Public Hearing Date

9-27-22  
Date Placard Posted

\_\_\_\_\_  
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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

Project Name = Harpers Ferry Dollar General

Request for Waiver from Section 2.3.B.3 and Section 2.5N  
Entrance Width and Drive Aisle Modifications

## Description of the Physical Features of the Property:

The site is in the central portion of parcel number 19-04-0010-0011-0005 and is 2.19 acres. The parcel is currently owned by Iris H. Wood. Iris Wood purchased the property on June 23, 2006. The site is currently a vacant lot with overgrown brush.

The site consists of no structures. The site is bound to the north by open pasture and fields. The site is bound to the east by residential homes with some pastures and State Route 230. The site is bound to the south by a vacant lot with vegetation (south of this lot is a commercial factory). The site is bound to the west by a cleared open field with vegetation. The center of the site is located at Global Positioning System coordinates 39.316594 latitude and -77.799535 longitude. There is no real change in site elevation within the site and the site elevation is listed at 427 ft. above mean sea level.

The site is located in the Appalachian Plateau physiographic province and consists of primarily Pennsylvanian rocks. Approximately 20,000 ft of Paleozoic rock overlies Precambrian basement in the Appalachian Plateau. Rocks within the Appalachian Plateau are structurally complex due to compressional forces; older Paleozoic strata were thrust over the younger evaporates. The specific underlying geology relative to the site has not been observed by cores as a part of this Phase I ESA. However, the general subsurface geology likely consists of Conococheague Formation (deposited limestone with with interbeds of aphanitic limestone and dolomite), Elbrook Formation (thin-bedded blue-gray argillaceous limestone and platy shale), Stonehenge Limestone (gray, thin-bedded limestone), Rockdale Run Formation (bluish to light gray, thick-bedded dolomite and limestone), Harpers Formation (greenish-gray phyllite), Waynesboro Formation (variegated shale and sandstone), and Tomstown Dolomite (thick-bedded, blu-gray dolomite).

Data from the NRCS Web Soil Survey (NRCS, 2022) indicate there are two main soil types within the site: Poplimento silt loam, 3 to 8 percent slopes (silt loam, clay, very channery silt clay loam) and Poplimento silt loam, 8 to 15 percent slopes (silt loam, clay, very channery silty clay loam).

Based upon historical maps it appears that the Amanda Court Drive was constructed after the purchase of this lot. Construction of Amanda Court resulted in a storm water management facility being constructed in the southeast corner of this lot. There have been no significant changes to the lot since then.

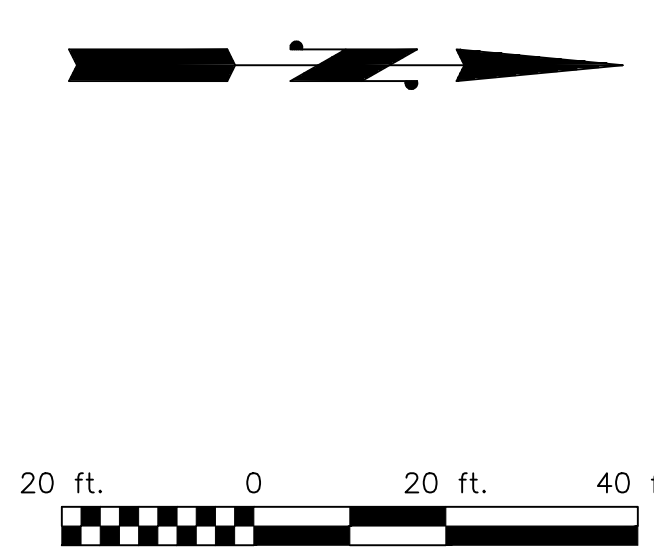
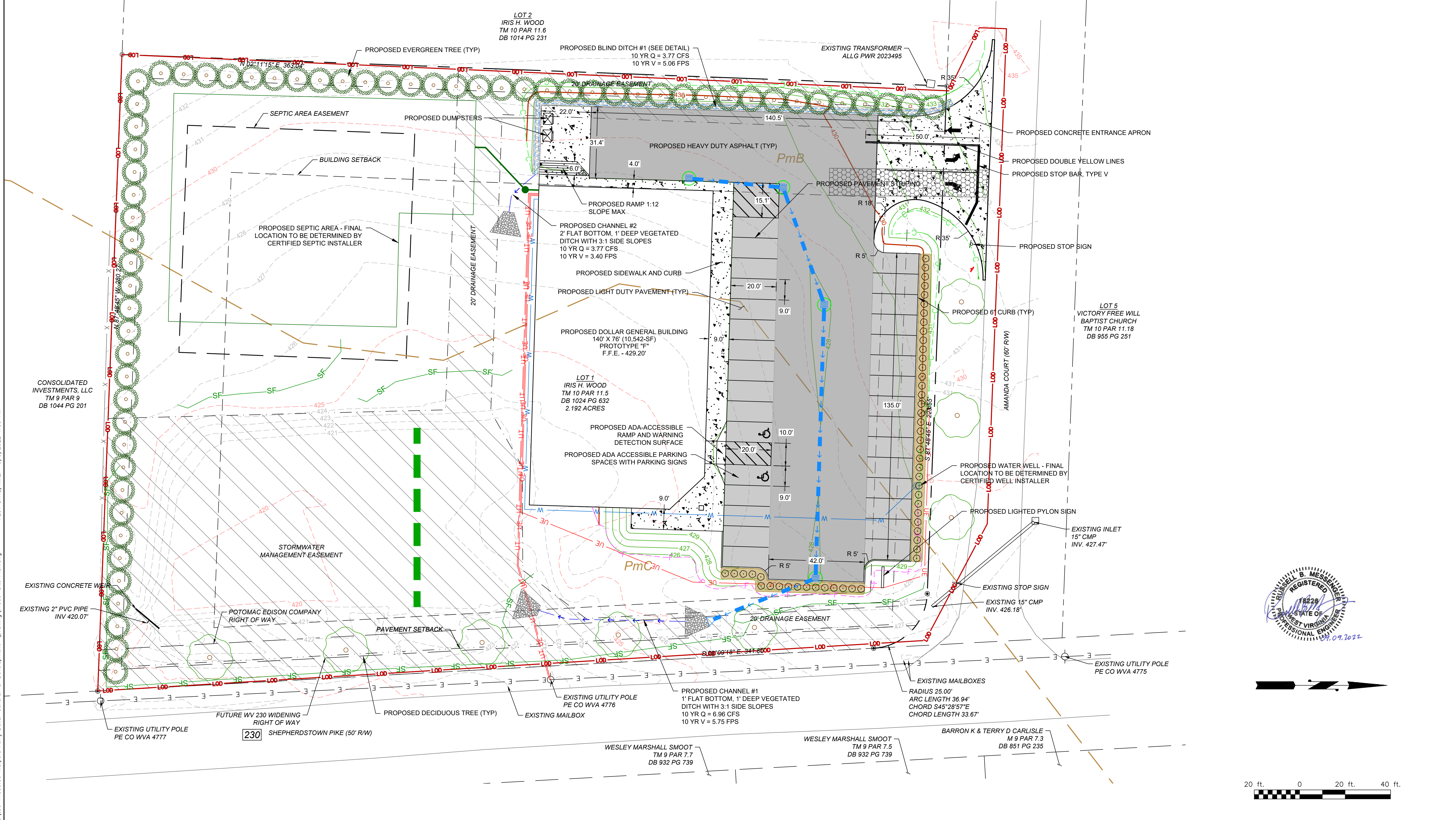
Description of the Regulations for which relief is being sought:

The applicant is requesting a waiver from Section 2.3.B.3. The applicant is requesting relief from the regulation of the entrance width being a maximum width of 35'. The applicant is requesting a waiver to increase the entrance width to 37' to accommodate two egress lanes and one ingress lane. The 37' entrance width is also required for the turning movements of tractor trailers entering and exiting the proposed facility.

The applicant is requesting a waiver from Section 2.5N. The applicant is requesting relief from the regulation of the internal drive aisle maximum width of 24'. The applicant is requesting a waiver to increase the internal drive aisle to 42'. Increasing the internal drive aisle to 42' enables the tractor trailers entering the loading area to safely maneuver without impacting any parking spaces.

The proposed waiver requests are in accordance with Dollar General's design standards. The waivers will not adversely affect public safety or welfare. Granting the waivers will help to improve safety for patrons using the store by providing safe parking spaces and ample room for patrons and deliveries.

<b>PRELIMINARY SITE PLAN</b> CITY, STATE - STREET: HARPERS FERRY, WV - SHEPHERDSTOWN ROAD AND AMANDA COURT			
PROTOTYPE: F	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF: 10,542	COMPANY: A&R DEVELOPMENT	COMPANY: THE THRASHER GROUP, INC.	07/28/22
ACREAGE: 2.19	NAME: RICH WRIGHT	NAME: ROBERT R. MILNE, P.E.	
PARKING SPACES: 31	PHONE #: (859) 618-2126	PHONE #: (340) 326-6141	



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NO.	BY	DATE	DESCRIPTION
JC 1	RBM	09.08.2022	REVISED TO ADDRESS JEFFERSON COUNTY COMMENTS
IFP	RBM	07.28.2022	ISSUED FOR PERMIT PLANS

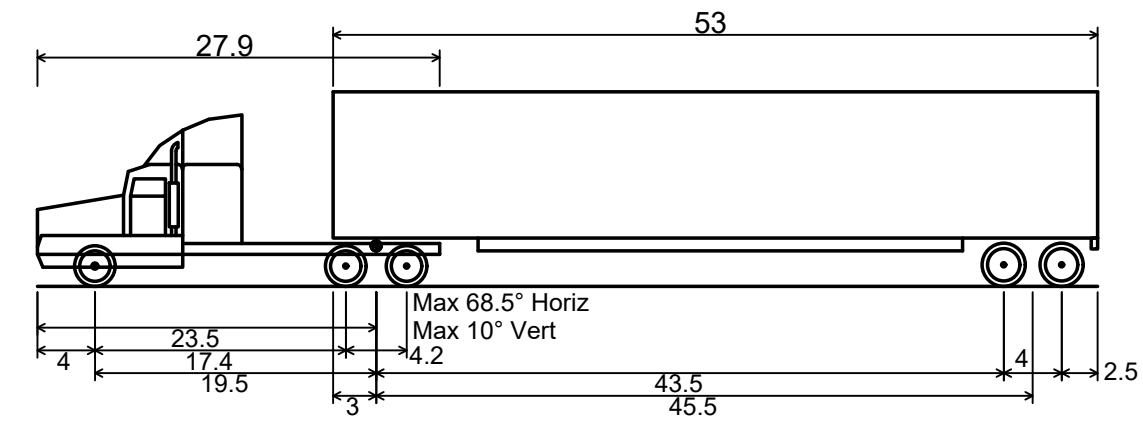
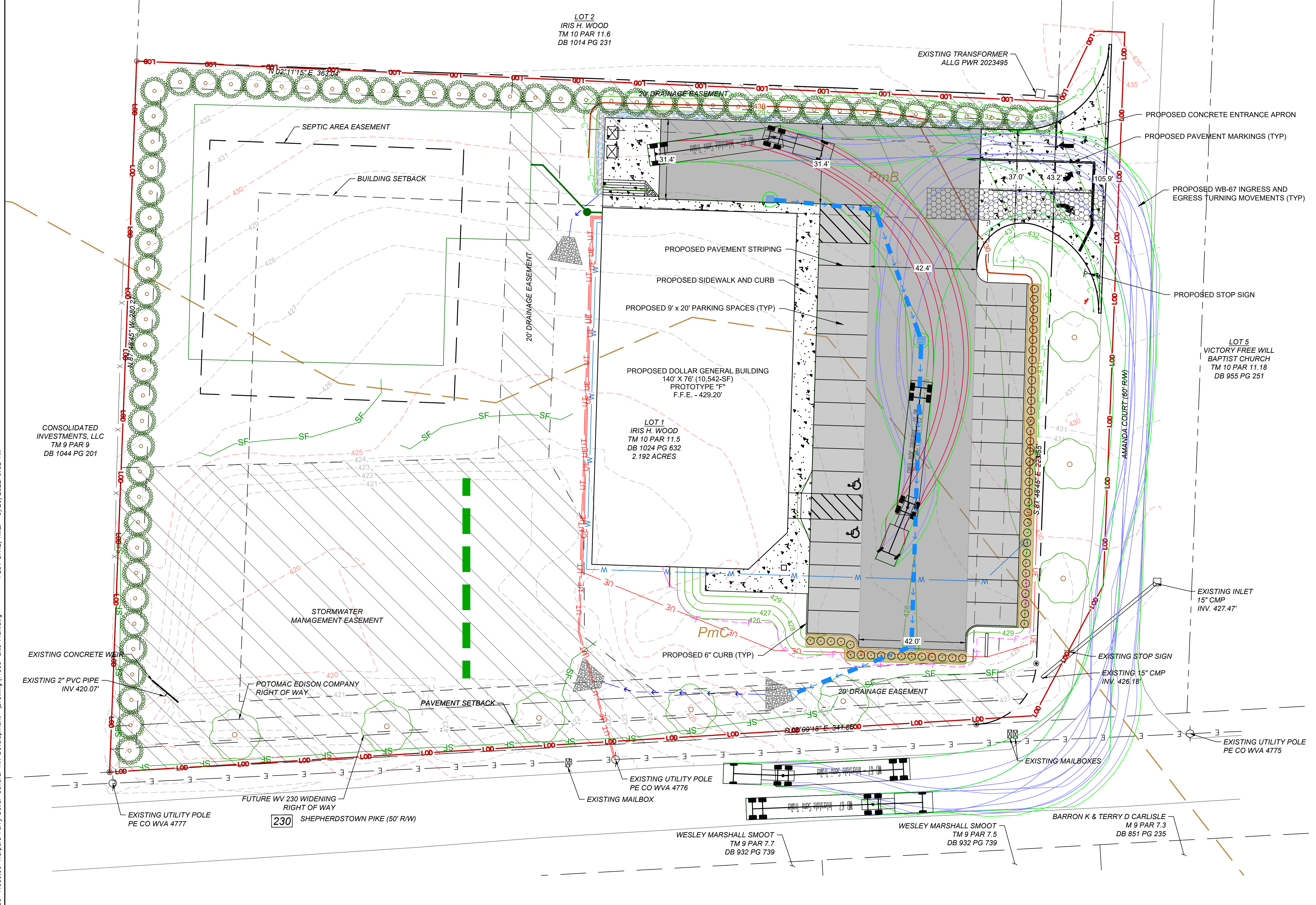


TTG PROJECT No.	<b>130-11009.00</b>
DOLLAR GENERAL PLAN SET No.	<b>10,542</b>
DOLLAR GENERAL PROTOTYPE VERSION	<b>PROTOTYPE "F"</b>

**SITE PLAN**  
HARPERS FERRY  
DOLLAR GENERAL  
JEFFERSON COUNTY, WEST VIRGINIA  
SITE PLAN

LAYOUT TAB: 4 SITE PLAN  
CAD FILE: R:\030\130-11009.00-harpers\_ferry\_dollar\_general-ar\_development-drawing\1009-Site\_Plan.dwg  
PLOT DATE/TIME: 9/19/2022 1:33 PM

<b>PRELIMINARY SITE PLAN</b>			
CITY, STATE - STREET: HARPERS FERRY, WV - SHEPHERDSTOWN ROAD AND AMANDA COURT			
PROTOTYPE: F	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF: 10,542	COMPANY: A&R DEVELOPMENT	COMPANY: THE THRASHER GROUP, INC.	07/28/22
ACREAGE: 2.19	NAME: RICH WRIGHT	NAME: ROBERT R. MILNE, P.E.	
PARKING SPACES: 31	PHONE #: (859) 618-2126	PHONE #: (340) 326-6141	



73.50ft  
8.500ft  
13.500ft  
1.334ft  
8.500ft  
6.00s  
28.40°

LAYOUT TAB: EX 2.1  
CAD FILE: R:\V030\130-11009.00-Harpers Ferry Dollar General-A&R Development-Drawings\11009-Site Plan.dwg  
PLOT DATE/TIME: 9/20/2022 6:32 AM

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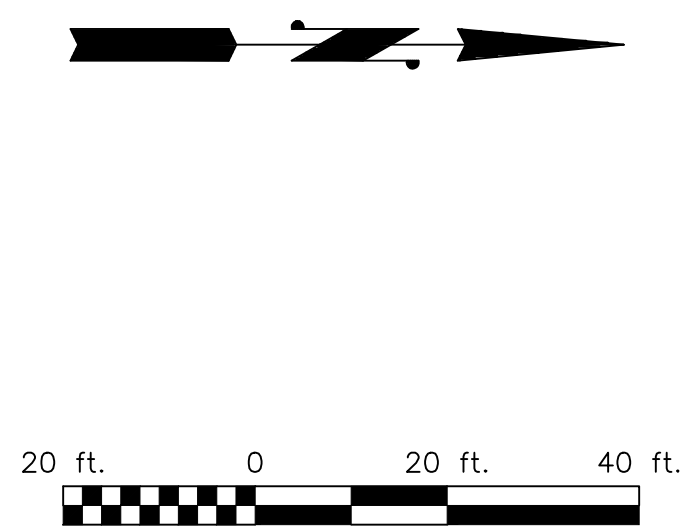
NO.	BY	DATE	DESCRIPTION
EX 2	RBM	09.20.2022	WAIVER REQUEST TURNING MOVEMENTS
JC 1	RBM	09.08.2022	REVISED TO ADDRESS JEFFERSON COUNTY COMMENTS
IFP	RBM	07.28.2022	ISSUED FOR PERMIT PLANS



TTG PROJECT No.	<b>T30-11009.00</b>
DOLLAR GENERAL PLAN SET No.	<b>10,542</b>
DOLLAR GENERAL PROTOTYPE VERSION	<b>PROTOTYPE "F"</b>

**SITE PLAN**  
HARPERS FERRY  
DOLLAR GENERAL  
JEFFERSON COUNTY, WEST VIRGINIA  
WB-67 TURNING MOVEMENTS

SHEET No.  
**EX 2.1**



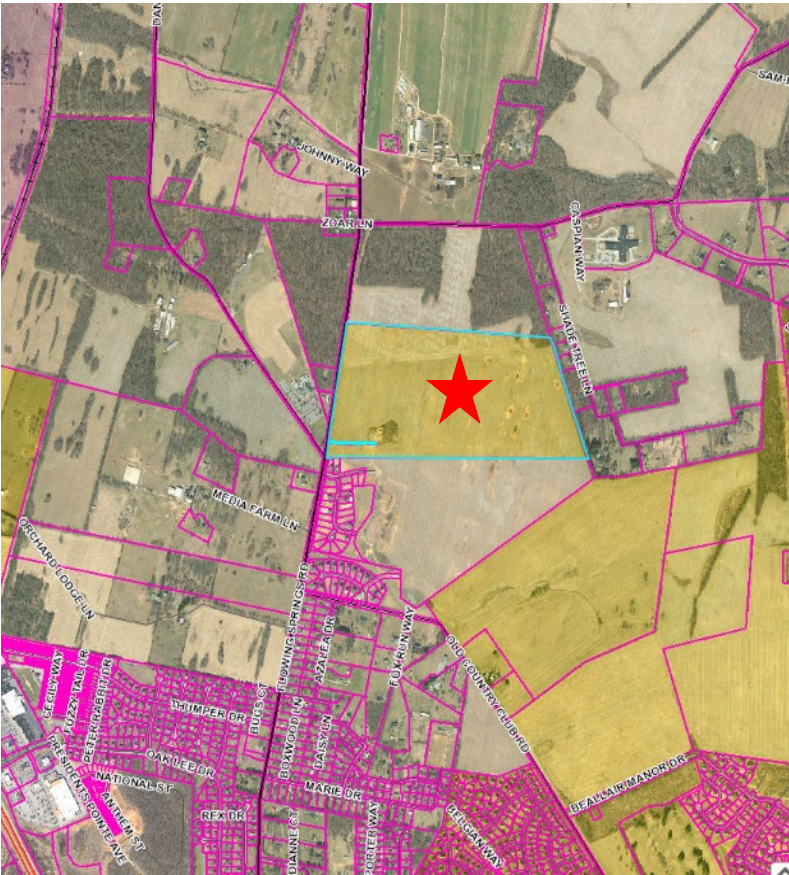
Staff Report  
 Jefferson County Planning Commission Meeting  
 October 11, 2022

**Stonecrest Block Length and Lot Width Waiver Requests (File #22-21-PCW and 22-22-PCW)**

**Item #'s 8&9: Public Hearings:**

**Request # 1:** (22-21-PCW) Request a waiver from Section 21.101.A of the Subdivision Regulations, which requires blocks to not exceed 6 lots in length on one side of the street, to allow block lengths with a variable number of lots on one side of the street.

**Request # 2:** (22-22-PCW) Waiver of Section 21.104A of the Subdivision Regulations, which requires that the minimum lot frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less, to allow a 65-foot minimum lot frontage/width.

Owner/ Applicant	Flowing Springs Road, LLC/ DR Horton
Consultant	Mark McDonald, Integrity Federal Services
Parcel Location and Information	<p style="text-align: center;">Flowing Springs Rd, east of Daniels Road Charles Town, WV          Parcel ID: 2000300090000; Size: 104.98 acres; Zoning District: Residential Growth</p> 
Adjacent Zoning	North, East, West: Rural; South: Rural and Residential Growth
Proposed Activity	Major Residential Subdivision proposed to consist of 320 single family detached lots, open space, stormwater management areas and the construction of associated utilities.
Previous Approvals:	6-14-22: Stonecrest (FKA Green Hill) Major Residential Subdivision Concept Plan Public Workshop (approved) 3-17-22: County Commission approved Zoning Map Amendment (22-1-Z) from Rural to Residential Growth.

Staff Report  
Jefferson County Planning Commission Meeting  
October 11, 2022

**Stonecrest Block Length and Lot Width Waiver Requests (File #22-21-PCW and 22-22-PCW)**

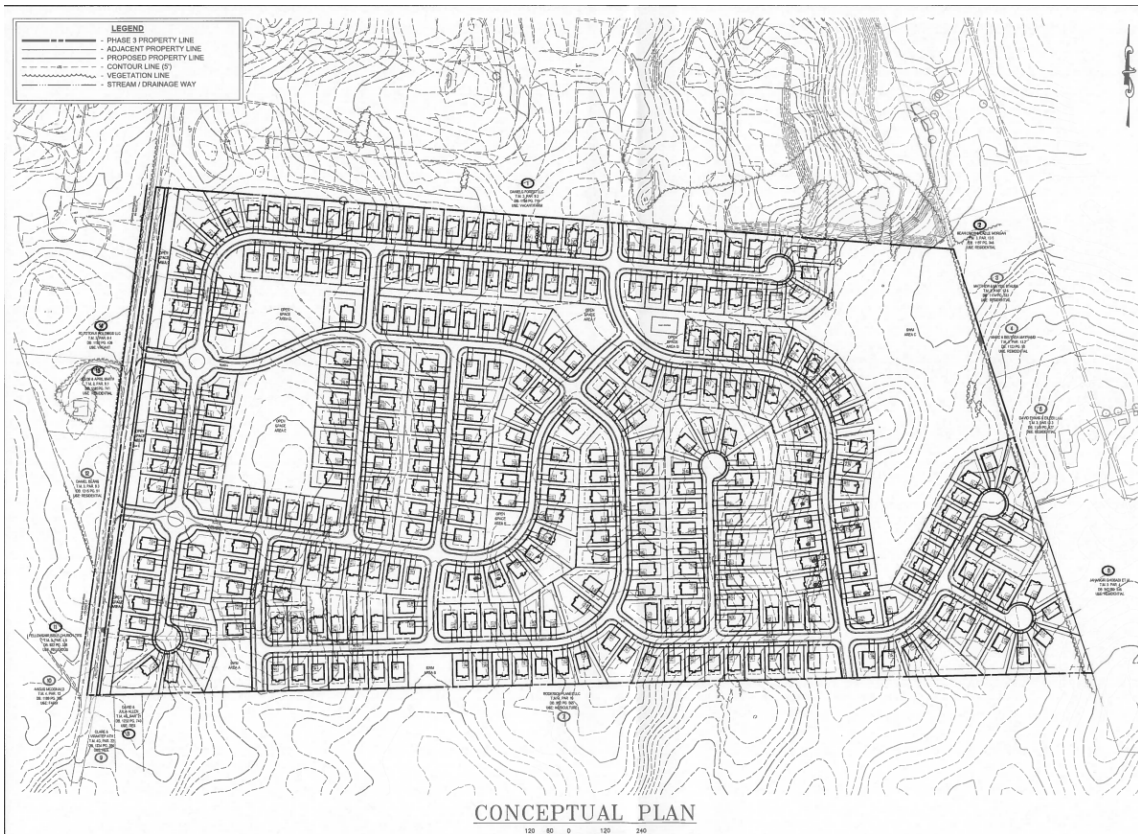
	This property had a previously approved Conditional Use Permit (CUP) and Preliminary Plat both of which expired in 2010.
--	--

**Summary of the Request:**

The applicant is proposing a Major Residential Subdivision consisting of 320 single family detached home lots on 105+/- acres to be served by public water and sewer by the Charles Town Utility Board. The proposed subdivision is located east of Flowing Springs Road across from the intersection with Daniels Road, just north of the Aspen Green Subdivision. The Concept Plan Public Workshop was held at the June 14, 2022 Planning Commission meeting. After the Concept Plan, a Major Residential Subdivision requires processing a Preliminary Plat and Final Plat. The Preliminary Plat is currently under review. As a part of the Preliminary Plat, the applicants are requesting the following two waivers which will influence the design of the overall development.

**Request # 1:** (22-21-PCW) Request a waiver from Section 21.101.A of the Subdivision Regulations, which requires blocks to not exceed 6 lots in length on one side of the street, to allow block lengths with a variable number of lots on one side of the street (see graphic below).

**Request # 2:** (22-22-PCW) Waiver of Section 21.104A of the Subdivision Regulations, which requires that the minimum lot frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less, to allow a 65-foot minimum lot frontage/width.



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

**Stonecrest Block Length and Lot Width Waiver Requests (File #22-21-PCW and 22-22-PCW)**

**22-21-PCW WAIVER REQUEST #1 FOR SECTION 21.101.A (BLOCK LENGTH)**

**Summary of the Request:**

The applicant is requesting a waiver of this section to allow block lengths with a variable number of lots on one side of the street. Section 21.101A of the Jefferson County Subdivision and Land Development Regulations states that blocks “shall not, in most instances, exceed *six lots in length on one side of the street*” (emphasis added). It further states that the length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. There is some provision for longer blocks in rural subdivisions if there are topographic constraints, but only if there are no more than nine total lots in the subdivision and the lots are over ¾ acre in land area each. This proposed development is zoned Residential Growth and these criteria do not apply.

There is an additional division in the Subdivision Regulations (21.300 Modification of Development Standards) which states that the maximum length of blocks is set to provide connectivity between adjoining parcels as they develop separately over time and that there are conditions that can exist that warrant longer lengths. In this case, the entire property is being developed and connectivity is being provided to adjoining properties to allow ease of access and reduced trip lengths. The criteria set forth in Sec. 21.305, which allows the modification of Block Length do not apply in this particular situation and therefore, this waiver is requested from Section 21.101.A.

**Waiver Requirements:**

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

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

**Staff Comments:**

Generally blocks are defined as areas of land bounded by streets, other transportation features and/or public open spaces. The length of blocks influence the interconnectivity of neighborhoods and the walkability of communities. The standard width of the lots found within the blocks can also impact the length of the blocks. Waiver #2 (22-22-PCW) below also requests narrower lot widths than required by the ordinance, which would result in a greater number of lots within a standard block. Blocks found in

Staff Report  
Jefferson County Planning Commission Meeting  
October 11, 2022

**Stonecrest Block Length and Lot Width Waiver Requests (File #22-21-PCW and 22-22-PCW)**

more urban environments with a rectilinear grid street pattern lend themselves to a smaller number of lots in a given block to allow for greater interconnectivity; however in rural subdivisions with curvilinear streets, it is reasonable to allow blocks to contain additional lots, particularly along open space areas or on one side of a proposed road. In areas where block lengths have more numerous lots, it is recommended that additional pedestrian connectivity be utilized to break up the length of the blocks and allow access to open space and common areas.

**Staff Recommendation:**

Planning and Zoning staff recommends that the waiver be granted to allow block lengths with a variable number of lots on one side of the street, with the condition that pedestrian connectivity be provided to common open space areas, and road and pedestrian connectivity be provided to adjoining developments, as possible. The request results in a more flexible subdivision design that integrates open space and parkland into the development and results in open space areas that protect the natural terrain while still providing adequate interconnectivity to adjoining lots and developments.

**Stonecrest Block Length and Lot Width Waiver Requests (File #22-21-PCW and 22-22-PCW)**  
**22-22-PCW WAIVER REQUEST #2 FOR SECTION 21.104.A (LOT FRONTAGE)**

**Summary of the Request:**

The applicant is requesting a waiver of this section to allow the lots to have a minimum frontage of 65'. Section 21.104A of the Jefferson County Subdivision and Land Development Regulations, "Lot Width and Frontage", states that "the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less." As the Residential Growth Zoning District does not generally have a minimum lot width, the 80' would apply for this development. Lot widths are measured at the setback lines and lot frontage is measured along the street property line.

**Waiver Requirements:**

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

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

**Staff Comments:**

As the Residential Growth Zoning district does not have a minimum lot frontage other than for the small lots, the 80' minimum lot frontage has been determined to apply. The intent of the lot frontage guidelines is to establish uniform land subdivisions in Jefferson County. The 80' lot frontage requirement is intended to provide for a suburban or relatively large lot development. The proximity of this proposed subdivision to the urbanizing areas of the County and the nearby Ranson neighborhoods creates an opportunity for creating a development that integrates with the nearby suburban neighborhoods more effectively. The smaller lot widths result in smaller lot sizes, which also create higher density, and in turn, requires a greater percentage of open space/parkland. Therefore, the smaller lot widths and sizes allows the development of a neighborhood with greater open space integrated throughout the development and integrated with the adjacent land uses.

**Staff Recommendation:**

Planning and Zoning staff recommend that if the decrease in the lot frontage requirements for this subdivision provides greater open space, meets all other land development standards set forth by the County, and does not negatively impact the surrounding neighborhoods, the waiver request meets the criteria for approving such waivers.





# INTEGRITY FEDERAL SERVICES

## Letter of Transmittal

To Jefferson County Commission  
116 East Washington Street  
1st Floor  
Charles Town, WV 25414  
304-728-3953

Date September 20, 2022  
Shipped Via Hand Delivered  
Project Name Stonecrest Subdivision  
Project/Phase 2582-0103  
Subject Waivers  
From Mark A. McDonald

County No. /  Town No. 22-11-SD

We are sending you  Print(s)  Correspondence(s)  Electronic Media  Originals  
 Submission  1st  2nd  3rd  Other

Copies	Date	Description
1		3 - Checks for \$100.00 (Integrity Federal Services, Inc.)
1		Waiver Request Application
1		3 - Waiver Request Addendums
1		List of Adjacent Property Owners
1		Exhibit of Subdivision to Accompany Waiver Request

These are transmitted  For your use  As requested  For approval  For review and comment  
 Other

### Comments

Jefferson County Project #22-11-SD

RECEIVED

SEP 20 2022

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

*\* Owner signature required by 09/23/22 JH*

Signature *J. Hartman* Date 9/20/22

G:\project\Admin\3035 Kings Crossing\0401110-Submissions\Original Submission documents\2022-01-20 JCCI\FS Transmittal.docx



Civil Engineering | Landscape Architecture | Planning  
148 South Queen Street, Suite 201, Martinsburg, WV 25401 • 304-725-8456  
Service-Disabled Veteran-Owned Small Business



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

File Number: 22-21-PLW  
 Staff Initials: TL  
 Sketch Received: YES  
 List of Adjoiners: YES  
 Fees Paid: 100.00

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

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

**Waiver Request**

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

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

**Property Owner Information**

Name: Flowing Springs Road, LLC  
 Mailing Address: 21631 Ridgetop Circle, Sterling, VA 20133  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Name: DR Horton  
 Mailing Address: 181 Harry S. Truman Parkway, Suite 250, Annapolis, MD 21401  
 Phone Number: 443-223-2032 Email: WRSudeck@drhorton.com

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

Name: Mark A. McDonald  
 Mailing Address: 148 S. Queen Street, Suite 201, Martinsburg, WV 25401  
 Phone Number: 304-725-8456 Email: mmcdonald@ifs-ae.com

**Physical Property Details**

Physical Address: Heading North on Flowing Springs Rd. the parcel is across from Fellowship Bible Church  
 Tax District: Charles Town Map No: 3 Parcel No: 9  
 Parcel Size: 102 Acres Deed Book: 1255 Page No: 569

**Zoning District (please check one)**

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

Place Date Stamp Here

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

\_\_\_\_\_

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

Section 21.101.A. (Block Length): Allow block lengths longer than 6 lots.

Section 21.104.A. (Lot Frontage): Allow a 65 foot minimum lot frontage/width

Section 24.113.B.10 (Archaeological Study) Waive requirement for archaeological study

\_\_\_\_\_

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

See attached

\_\_\_\_\_

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

See attached

\_\_\_\_\_

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

See attached

\_\_\_\_\_

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

See attached

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_  
Signature of Property Owner                      Date

\_\_\_\_\_  
Signature of Property Owner                      Date

**To Be Completed By Office**

10-11-22 Date of Public Meeting/Public Hearing

9-27-22 Date Property to be Posted By

\_\_\_\_\_ Official/Administrative Body

9-23-22 Date Adjoiner Letters to be Mailed

**Approved/Denied by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_**

**Approved**       **Denied**

## **Stonecrest Subdivision**

### **Waiver Request Addendum (Block Length)**

September 20, 2022

#### **What Section of the Subdivision Regulations are you requesting to waive.**

Section 21.101.A. **Block Length.** The blocks shall not, in most instances, exceed six lots in length on one side of the street. For attached units, that shall not exceed 12 lots. The length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. Blocks may be longer in rural subdivisions due to topographic constraints and/or the total number of lots in the subdivision does not exceed 9 and the lots are over ¾ acre in land area each.

#### **Briefly describe the narrative of your waiver request:**

It is requested that blocks may include a mixture of lot numbers on one (1) side of the street for single-family detached units. Block length requirements are not applicable to lots located along the perimeter of the property or lots abutting open space. Block lengths shall only apply to blocks interior to the community. Blocks are defined as "An area of land surrounded on all sides by streets or other transportation right-of-ways or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots".

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

Parkland requirements are based upon the density of a proposed subdivision. A density of 2 to 4 units per acre require that 4% of the community shall be reserved for open space, A density of 4 to 6 units per acre require 7% open space. The reduced lot width creates an increased density which increases parkland requirements and reduces imperviousness and road right-of-way that doesn't serve any additional benefit.

The increased block length allows for flexibility in the design of the proposed community. This flexibility allows the integration of parkland into the developments design and into the existing terrain. A rigid block structure based on the number of lots as opposed to actual distances can create an excessive amount of roads when lots of reduced width are utilized. This excessive street structure limits the ability to integrate contiguous parkland into the community. There is also one area of topographic constraint due to a significant elevation difference in parallel streets.

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

The number of lots proposed in a block at Stonecrest will not impact the public's health, safety or welfare nor will it impact adjacent property owners and/or residents rights.

Public health, safety or welfare is not impacted by the number of lots provided within a single block. The Subdivision Ordinance states that *the length of a block shall be determined with due regard to the provision of adequate sites for buildings, fire access, emergency service, and polices protection.* Blocks located within a grid system provide interconnections within a community for these emergency responders and these interconnections are maintained in the design of Stonecrest. The lots will provide adequate sites for the proposed unit types and no modifications to required building setbacks are being requested.

Adjacent uses to Stonecrest include single-family residential, Flowing Springs Rd and vacant land. The proposed residential use is compatible with the adjacent residential properties and provides a block structure similar to that of other recent subdivisions such as Magnolia Springs, Kings Crossing and Crosswinds. The adjacent Aspen Green development does not utilize a typical block structure layout, but does contain block lengths of more than 6 lots.

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

The intent of the Ordinance is to control block length and provide more connectivity. The metric used by the Ordinance to control block length is number of lots. The variable in this method of measurement is that lot widths will vary and there are no maximum width requirements. So, a block of six-200 foot wide lots is the exact same length as a block of 18-65 foot lots. This allows the possibility for a block of six (6) lots could have greater length than a block of 20 lots.

As discussed in response to the public health & safety section of this document, proposed blocks will provide adequate building sites, fire access, emergency service, and police protection. The actual length of the block does not necessarily change, just the number of units allowed within that block.

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

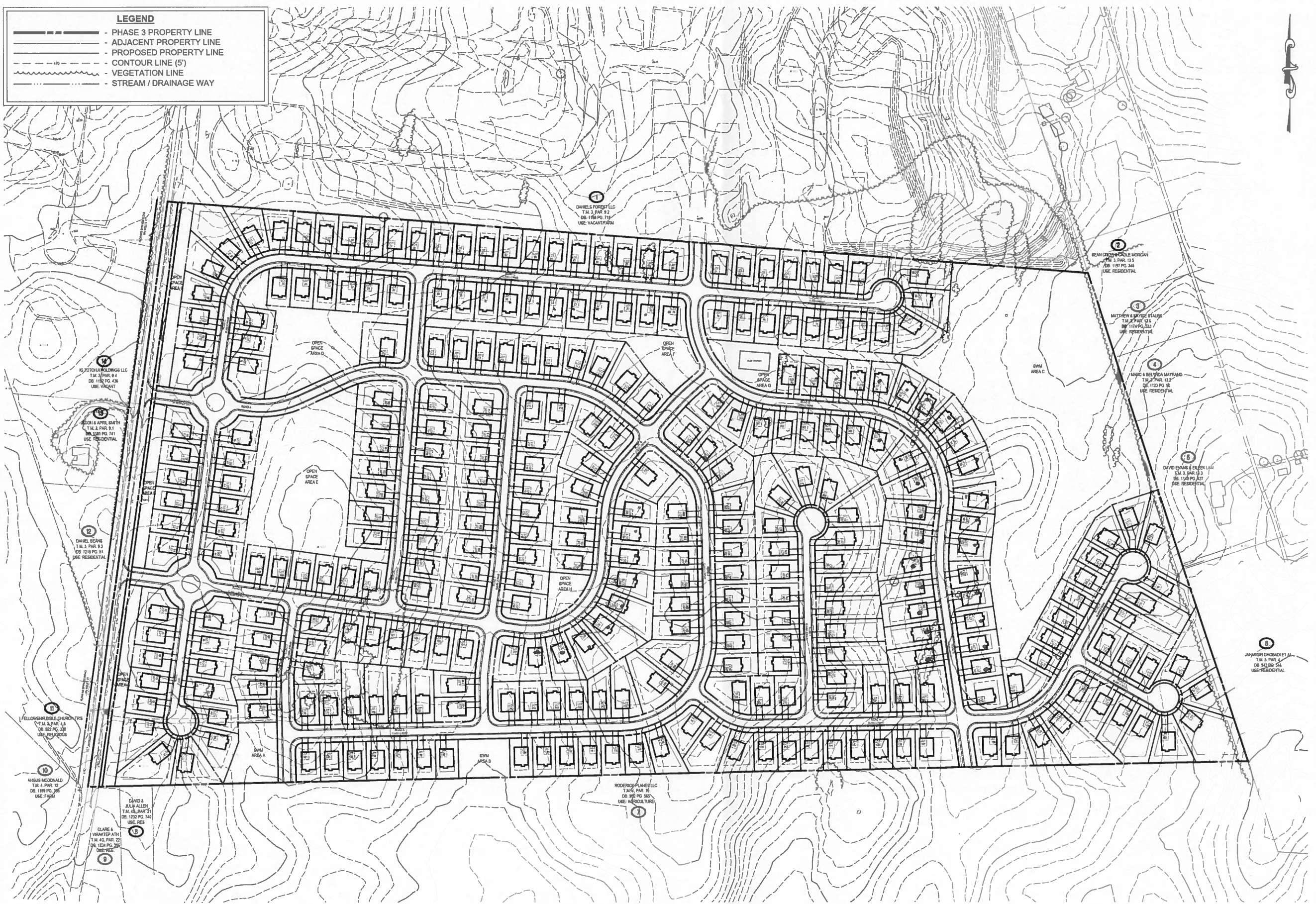
The proposed block structure and length allows for the protection of existing natural resources, reduces excessive streets/impervious areas and will create a community in harmony with surrounding neighborhoods.

Today's housing market includes a demand for smaller homes on smaller lots with less maintenance which have access to larger common open space areas. Granting this waiver request will allow this market sector to be recognized in Jefferson County and will blend the proposed development with adjacent neighborhoods.

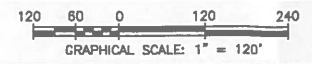


**LEGEND**

- PHASE 3 PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED PROPERTY LINE
- CONTOUR LINE (5')
- VEGETATION LINE
- STREAM / DRAINAGE WAY



**CONCEPTUAL PLAN**



**INTEGRITY**  
**FEDERAL SERVICES**

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 Martinsburg, WV 25401 • www.ifs-nc.com

**ADVANCED SURVEY**  
**CONSTRUCTION**

SEAL:

REVISIONS	

CONCEPTUAL PLAN

**STONECREST SUBDIVISION**  
**CONCEPT PLAN**

TAX MAP 3, PARCEL 9, D.B. 1235, PG. 569  
 02 CHARLES TOWNSHIP DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

J.C. FILE #00X-XX

SCALE: HORIZ: 1"=120'  
 VERT: NA

DATE: JUNE 2022

JOB: 2582-0103

DRAWN: MAM CHECK: JPG

CADD: 2582-0103\_C-SP01.DWG

NCS

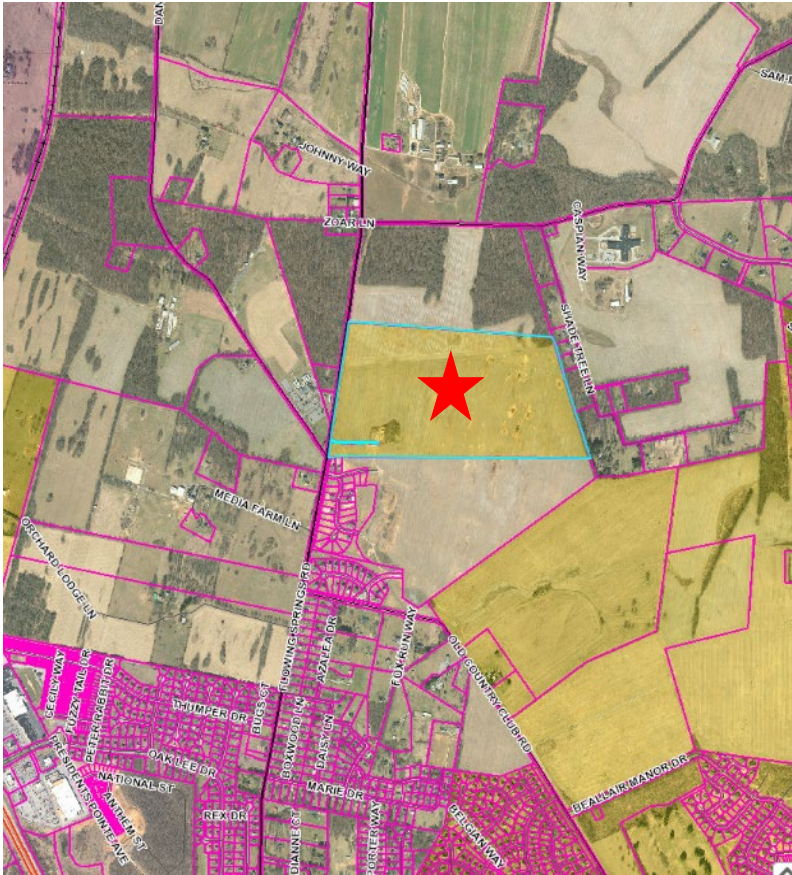
SHEET: 2 OF 2



Staff Report  
 Jefferson County Planning Commission Meeting  
 October 11, 2022

**Stonecrest (Archaeological) Waiver Requests (File #22-23-PCW)**

**Item # 10: Public Hearing:** Request by DR Horton Waiver from Section 24.113.B.10 of the Subdivision Regulations, which requires Phase I archaeological study and a historic resources impact study to be included with a Preliminary Plat.

Owner/ Applicant	Flowing Springs Road, LLC/ DR Horton
Consultant	Mark McDonald, Integrity Federal Services
Parcel Location and Information	<p style="text-align: center;">Flowing Springs Rd, east of Daniels Road Charles Town, WV          Parcel ID: 2000300090000; Size: 104.98 acres; Zoning District: Residential Growth</p> 
Adjacent Zoning	North, East, West: Rural; South: Rural and Residential Growth
Proposed Activity	Major Residential Subdivision proposed to consist of 320 single family detached lots, open space, stormwater management areas and the construction of associated utilities.
Previous Approvals:	6-14-22: Stonecrest (FKA Green Hill) Major Residential Subdivision Concept Plan Public Workshop (approved) 3-17-22: County Commission approved Zoning Map Amendment (22-1-Z) from Rural to Residential Growth. This property had a previously approved Conditional Use Permit (CUP) and Preliminary Plat both of which expired in 2010.

Staff Report  
Jefferson County Planning Commission Meeting  
October 11, 2022

**Stonecrest (Archaeological) Waiver Requests (File #22-23-PCW)**

**Site Background:**

The applicant has received approval for the Concept Plan for a Major Residential Subdivision consisting of 320 single family detached home lots on 105+/- acres to be served by public water and sewer by the Charles Town Utility Board. The proposed subdivision is located east of Flowing Springs Road across from the intersection with Daniels Road just north of the Aspen green Subdivision. After the Concept Plan, a Major Residential Subdivision requires processing a Preliminary Plat and Final Plat. The Preliminary Plat is currently under review.

Article 24, Section 24.113.B.10 of the Subdivision Regulations requires all Major Subdivisions to submit a Phase I Archeological Study with the submission of a Preliminary Plat. The property is zoned Residential Growth and is processing as a Major Residential Subdivision. A Public Hearing for the Preliminary Plat will also occur after staff review. The applicant is requesting a waiver from the required Phase I Archeological Study.

**Summary of the Request:**

The applicant has submitted a request to waive the Phase I Archeological Study, which is required with the submission of a Preliminary Plat by Section 24.113.B.10 the Subdivision Regulations. At the Concept Plan submission, applicants are required to reach out to various outside agencies, including the Jefferson County Historic Landmarks Commission (HLC). At that time, the Jefferson County HLC did not provide any feedback related to County Historic Resources on or near this site. The applicant is requesting that this requirement be waived in light of the fact that there are no known resources on the property.

**Staff Comments:**

Staff understands that the requirement for a Phase I Archeological Study in a County with as many historic resources as Jefferson County has the potential to identify previously unknown historic resources; however, lands which have historically been used for agricultural purposes have generally been so disturbed as to make it difficult to identify any new resources. The applicant has indicated in their application that that they will commit to notifying the County and DEP if, during construction, any historic resources are discovered.

**Staff Recommendation:**

Staff recommends that this waiver may be a reasonable request for this 105-acre agricultural property. This property was zoned Rural when zoning went into effect in 1988 and was in active farm use for many decades before receiving approval of a Conditional Use Permit for a residential development in 2003, which expired in 2010 and was never constructed.

The property was identified as a part of the “Residential Preferred Growth Area” in the *Envision Jefferson 2035 Comprehensive Plan* and recommended for future low density residential development. The property was rezoned to from Rural to Residential Growth by the County Commission in March 2022 (22-1-Z). If the Planning Commission is inclined to approve this waiver, approval should include the requirement that the applicant will notify the County if any resources are found on site during development.

[Staff also continues to recommend that the Planning Commission collaborate with the SHPO and Jefferson County HLC to amend this requirement to create a requirement that balances the cost of development with the anticipated results.]

**Stonecrest (Archaeological) Waiver Requests (File #22-23-PCW)**

**Section of Regulations under Consideration:**

**Sec. 24.113 Major Subdivision Preliminary Plat - Application Submission and Completeness Review**

- B. Submission Contents. The submission shall contain the following elements in the number of copies indicated.
10. Historic Resource Preservation. A Phase I Archaeological Study is required. A historic resources impact study shall also be included.

**Waiver Requirements:**

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

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





# INTEGRITY FEDERAL SERVICES

## Letter of Transmittal

To Jefferson County Commission  
116 East Washington Street  
1st Floor  
Charles Town, WV 25414  
304-728-3953

Date September 20, 2022  
Shipped Via Hand Delivered  
Project Name Stonecrest Subdivision  
Project/Phase 2582-0103  
Subject Waivers  
From Mark A. McDonald

County No. /  Town No. 22-11-SD

We are sending you  Print(s)  Correspondence(s)  Electronic Media  Originals  
 Submission  1st  2nd  3rd  Other

Copies	Date	Description
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1		Waiver Request Application
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1		List of Adjacent Property Owners
1		Exhibit of Subdivision to Accompany Waiver Request

These are transmitted  For your use  As requested  For approval  For review and comment  
 Other \_\_\_\_\_

### Comments

# RECEIVED

Jefferson County Project #22-11-SD

SEP 20 2022

\* Owner signature required by 09/23/22 *gjt*

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Signature *J. Hartman* Date 9/20/22

G:\project\Admin\3035 Kings Crossing\0401110-Submissions\Original Submission documents\2022-01-20 JCC\IFS Transmittal.docx



Civil Engineering | Landscape Architecture | Planning  
148 South Queen Street, Suite 201, Martinsburg, WV 25401 • 304-725-8456  
Service-Disabled Veteran-Owned Small Business



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

File Number: 22-23-PCW  
 Staff Initials: J.L.  
 Sketch Received: YES  
 List of Adjoiners: YES  
 Fees Paid: 100.00

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

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

**Waiver Request**

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

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Name: Mark A. McDonald  
 Mailing Address: 148 S. Queen Street, Suite 201, Martinsburg, WV 25401  
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 Parcel Size: 102 Acres Deed Book: 1255 Page No: 569

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Place Date Stamp Here

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

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

Section 21.101.A. (Block Length): Allow block lengths longer than 6 lots.  
Section 21.104.A. (Lot Frontage): Allow a 65 foot minimum lot frontage/width  
Section 24.113.B.10 (Archaeological Study) Waive requirement for archaeological study

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

See attached

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

See attached

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

See attached

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

See attached

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

\_\_\_\_\_  
Signature of Property Owner                      Date

\_\_\_\_\_  
Signature of Property Owner                      Date

**To Be Completed By Office**

10-11-22 Date of Public Meeting/Public Hearing  
\_\_\_\_\_  
Official/Administrative Body

9-27-22 Date Property to be Posted By  
9-23-22 Date Adjoiner Letters to be Mailed

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

Approved                       Denied

## **Stonecrest Subdivision**

### **Waiver Request Addendum (Archaeological Study)**

September 20, 2021

**What Section of the Subdivision Regulations are you requesting to waive.**

**Article 24, Section 24.113.B.10 Archeological Survey.** A Phase I archaeological study is required. A historic resources impact study shall also be included.

**Briefly describe the narrative of your waiver request:**

This provision has been waived consistently by the PC when requested since the requirement is not defined in the Ordinance. The provision requires an Archeological Study and Historic Resources Survey. The Jefferson County Staff, Planning Commission, and Design Community have all agreed that the provision should be removed or better defined during the next amendments to the Ordinance. The Concept Plan was provided to the Jefferson County Historic Landmarks Commission and they did not comment when the Concept Plan was approved by the Planning Commission. This shows that there are no significant historical resources on this site. Planning Staff and DEP will be notified if anything historic is discovered during construction.

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

This waiver will have no impact on County maintenance. The Concept Plan has been provided to the Parks and Recreation Commission and they had no comment. The houses constructed in the subdivision will provide Impact Fees for Taxes for the benefit of the Parks, Emergency Services, and Police Departments.

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

The waiver will have no negative impact on the Public Health, Safety, or Welfare of the neighbors. This subdivision will meet all the standards of the Ordinance. The provision that is being waived is a provision that is undefined and has no effect on the neighboring properties. The property has been farmed so if there were any remains they would have likely been uncovered. If anything is unearthed during the construction phase, the County or appropriate State/Federal Agencies will be notified.

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

Jefferson County Staff, Planning Commission, and Design Community all agree the “intent and purpose: of this provision is unclear and undefined. The provision has been routinely waived by all of the Major Subdivisions that have requested after the initial one processed. The Concept Plan was sent to DEP and Jefferson County Historic Landmarks Commission with no adverse comments from them. The applicant agrees to work with these agencies if, during construction, any archaeological finds are unearthed.

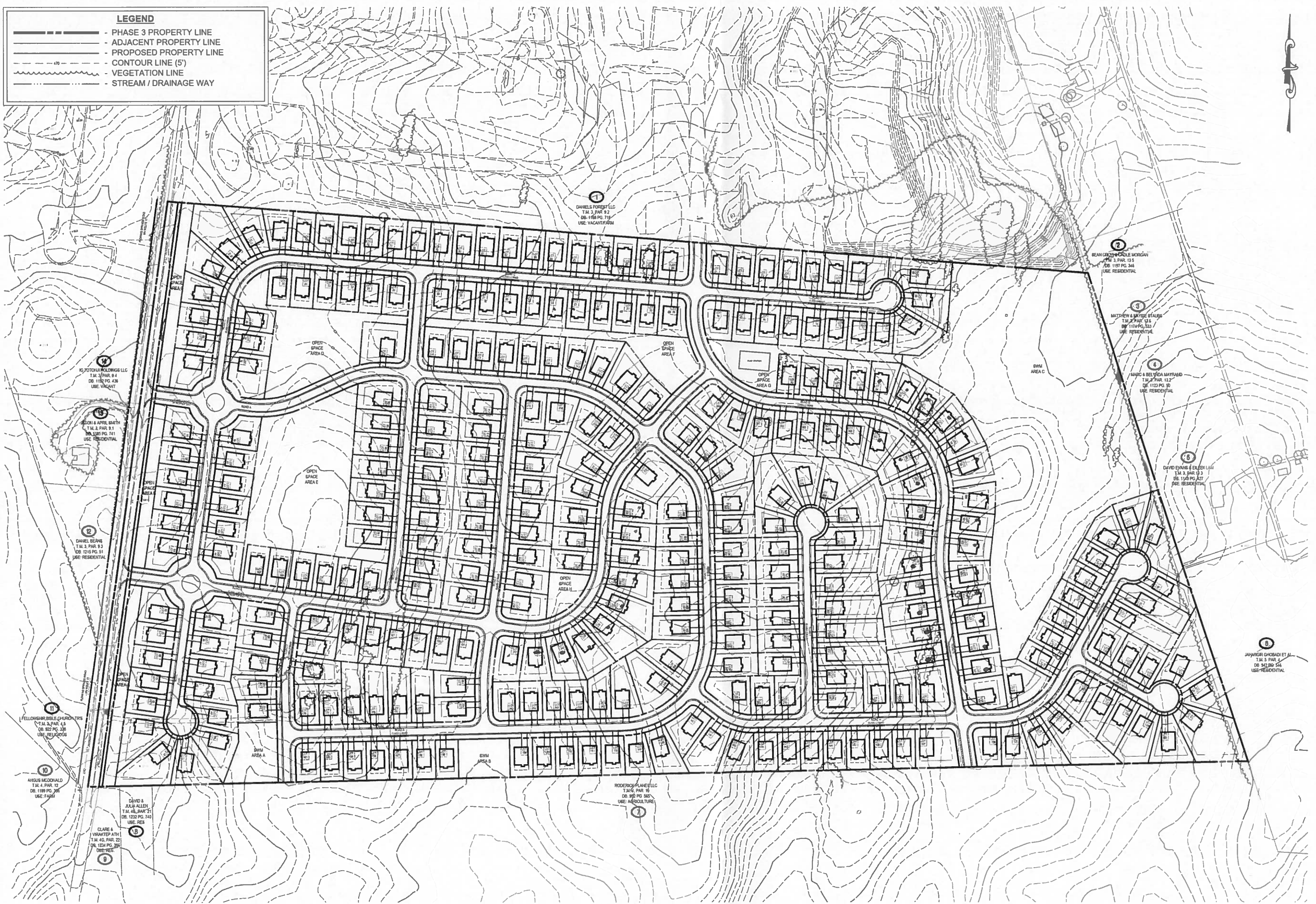
**Explain how the waiver, if granted, will result in a project of better quality or character.**

The provision as currently written doesn't appear to link any requirements in the Ordinance. There is no direction in the Ordinance on how a study is conducted, what is contained in the study or what will be required if something is found. So, without further clarity in the provision, its is a provision that is costly with no apparent end requirement. The project was designed and engineered by professionals with many and long time ties to Jefferson County.



**LEGEND**

- PHASE 3 PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED PROPERTY LINE
- CONTOUR LINE (5')
- VEGETATION LINE
- STREAM / DRAINAGE WAY



**INTEGRITY**  
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CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING  
148 S. Queen Street, Suite 201 • Phone: 304-725-8466  
Martinsburg, WV 25401 • www.ifs-nc.com

**ADVANCED SURVEYING & CONSTRUCTION**

SEAL:

REVISIONS	

CONCEPTUAL PLAN

**STONECREST SUBDIVISION**  
**CONCEPT PLAN**

TAX MAP 3, PARCEL 9, D.B. 1235, PG. 569  
02 CHARLES TOWNSHIP DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

J.C. FILE #00X-XX

SCALE: HORIZ: 1"=120'  
VERT: NA

DATE: JUNE 2022

JOB: 2582-0103

DRAWN: MAM CHECK: JPG

CADD: 2582-0103\_C-SP01.DWG

NCS

SHEET: 2 OF 2

**CONCEPTUAL PLAN**

120 60 0 120 240

GRAPHICAL SCALE: 1" = 120'





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

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

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

**DRAFT 2023 MEETING SCHEDULE**  
**JEFFERSON COUNTY PLANNING COMMISSION**

Unless otherwise posted, Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street at 7:00 p.m.

**Submission Deadlines**

**Waiver/Variance\***

**Concept Plan\*\***

**Regularly Scheduled Meeting<sup>^</sup>**

Tuesday, December 20, 2022	Wednesday, November 23, 2022	Tuesday, January 10, 2023
Tuesday, January 24, 2023	Friday, December 30, 2022	Tuesday, February 14, 2023
Tuesday, February 21, 2023	Friday, January 27, 2023	Tuesday, March 14, 2023
Tuesday, March 21, 2023	Friday, February 24, 2023	Tuesday, April 11, 2023
Tuesday, April 18, 2023	Friday, March 24, 2023	Tuesday, May 9, 2023
Tuesday, May 23, 2023	Friday, April 28, 2023	Tuesday, June 13, 2023
Monday, June 19, 2023	Friday, May 26, 2023	Tuesday, July 11, 2023
Tuesday, July 18, 2023	Friday, June 23, 2023	Tuesday, August 8, 2023
Tuesday, August 22, 2023	Friday, July 28, 2023	Tuesday, September 12, 2023
Tuesday, September 19, 2023	Friday, August 25, 2023	Tuesday, October 10, 2023
Tuesday, October 24, 2023	Friday, September 29, 2023	Tuesday, November 14, 2023
Tuesday, November 21, 2023	Friday, October 27, 2023	Tuesday, December 12, 2023

<sup>^</sup>Regularly scheduled Planning Commission Meetings are held on the second Tuesday of each month. The Planning Commission may choose to schedule a Tentative Meeting (as needed) on the fourth Tuesday of every month to conduct Commission business or to meet required deadlines that are in accordance with the Planning Commission's 4<sup>th</sup> Tuesday Meeting policy (approved 11/14/17). Please check with office Staff for a list of Tentative Meeting dates.

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

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

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

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

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





# 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 October 11, 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) 10 year update to *Envision Jefferson 2035 Comprehensive Plan*

- Comprehensive Plan Planner position
- Initial Tentative Timeline Discussion

### 3) American Planning Association National Community Planning Month

- Draft Resolution acknowledging October as National Community Planning Month to be forwarded to County Commission (attached)

### 4) Upcoming PC meeting

\*\* Note Election Day is scheduled for November 8, 2022\*\*

Next Regular meeting date: **November 15, 2022**

- Public Workshop: Sunnyside Major Residential Concept Plan (22-27-SD)
- Public Workshop: Rippon Energy Facility LLC Concept Plan (22-15-SP)  
(a portion of which also requires a Conditional Use Permit)



## COMMUNITY PLANNING MONTH PROCLAMATION

**WHEREAS**, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS**, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

**WHEREAS**, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

**WHEREAS**, American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient and long-lasting recovery; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of Jefferson County of the state of West Virginia; and

**WHEREAS**, we recognize the many valuable contributions made by professional community and regional planners of Jefferson County of the state of West Virginia and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE**, BE IT RESOLVED THAT, the month of October 2022 is hereby designated as **Community Planning Month** in Jefferson County of the state of West Virginia in conjunction with the celebration of National Community Planning Month.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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\_\_\_\_\_  
President, Jefferson County Commission