



## Agenda

Jefferson County Planning Commission

Tuesday, April 11, 2023 at 7:00 PM

**By order of the President of the Jefferson County Planning Commission,  
Public Participation is available in-person only.  
The meeting will be broadcast live via ZOOM for viewing purposes only.**

**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 Broadcast Information\***: Meeting ID: 848 9977 4097  
Meeting Link: <https://us02web.zoom.us/j/84899774097>

*\*If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

1. **Approval of Meeting Minutes:** March 14, 2023 and March 28, 2023
2. **Request for postponement.**
3. **Withdrawn. Public Hearing:** Request for a waiver from Section 20.201A.2 to reduce the width of the required access easement from 50' to 20' for a three lot minor subdivision. Property Owner: Susan Reichel Et Al. Property Location: 2195 Engle Molers Rd, Harpers Ferry, WV. Parcel ID: 04000100060005; Size: 10 acres; Zoning District: Rural (File:23-3-PCW).
4. **Public Hearing:** Request for a 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. The applicant is requesting to waive the requirement of a Site Plan to allow for the placement of one (1) 2,100 square foot office trailer and one (1) 460 square foot office trailer to be located on an existing impervious area. Property Owner: W A Chester LLC. Property Location: 3607 Berryville Pike, Charles Town WV; Parcel ID: 06001100010003 Size: ~11.26 acres; Zoning District: Industrial Commercial (File: 23-7-PCW).

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

5. **Discussion and Action:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Lutman Land Development LLC. Property Location: Vacant parcels located southeast of the intersection of Norfolk & Southern Railroad and Lewisville Road, Charles Town/Summit Point, WV. Located behind John's Family Restaurant- 847 Berryville Pike & 340 Defense Shooting Range and Firearms Training - 459 Berryville Pike, Summit Point. Tax District: Kabletown (06), Map: 29; Parcel 2 comprised of 66 acres and Parcel 6 comprised of 30.89 acres. Zoning District: Industrial-Commercial (File: 23-3-Z).
6. **Discussion and Action:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcel from Rural (R) to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Saif & Shahzad Rehman; Applicant: ILA Properties, Inc.

(Joshbeen Grewal); Property Location: Vacant Parcel; south of Route 115 West approximately ¼ mile southeast of the Berkeley/Jefferson County Line; Tax District: Middleway (07), Map: 2, Parcel: 2.2; Acreage: ~12.8 acres; Zoning District: Rural (File: 23-4-Z).

**7. Discussion and Approval:** Planning and Zoning 3rd Quarterly Report for FY 2022-2023 for the County Commission.

**8. Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).

**9. Planner's Memo**

**10. President's Report**

**11. Actionable Correspondence**

**12. Non-Actionable Correspondence**

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Draft Meeting Minutes  
Jefferson County Planning Commission  
March 14, 2023

The Jefferson County Planning Commission met on March 14, 2023 at 7:00 pm with the following Planning Commission members present: Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Ron Thomas, and Jack Hefestay were present in person. J. Ware and Shane Roper were present via ZOOM. Mike Shepp and Matt Knott were absent with notice; Donnie Fisher was absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Jonathan Saunders, County Engineer; and Nathan Cochran, Prosecuting Attorney.

Mr. Louthan called the meeting to order at 7:00 pm. and confirmed that a quorum was present.

1. **Approval of Meeting Minutes:** February 14, 2023

Mr. Louthan stated that the minutes stand approved without objection.

2. **Request for postponement.** Agenda Item #3 (File: 23-3-PCW) was postponed until 04/11/23. Mr. Thomas made a motion that if the applicant for File #23-3-PCW is not prepared to attend the 4/11/23 Planning Commission meeting, the application should be withdrawn and reapplied for at a later date. Mr. Hefestay seconded, which carried unanimously.

3. **Postponed until April 11, 2023.** Public Hearing: Request for a waiver from Section 20.201A.2 to reduce the width of the required access easement from 50' to 20' for a three lot minor subdivision. Property Owner: Susan Reichel Et Al. Property Location: 2195 Engle Molers Rd, Harpers Ferry, WV. Parcel ID: 04000100060005; Size: 10 acres; Zoning District: Rural (File: 23-3-PCW).

See Item #2 for discussion and action related to this Item.

4. **Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction to allow a detached Accessory Dwelling Unit for a family member. See PC File #05-23; Final Plat Note #1, PB 23 / PG 57. Property Owner: Michael and Johnna Oehlsen. Property Location: Ryans Glen Subdivision, Lot 10, 227 Ryans Glen Dr., Charles Town, WV. Parcel ID: 06020B00100000; Size: 2.16 ac; Zoning District: Rural (File: 23-2-FPA).

Ms. Brockman provided an overview of the staff report.

Michael and Johnna Oehlsen, property owners, explained the nature of the request noting that they intended to first establish a catering business/commercial kitchen as a Cottage Industry in an accessory structure. Eventually the accessory structure would be converted into a detached accessory dwelling unit, which requires the single-family restriction to be lifted.

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

Mr. Thomas made a motion to approve the Final Plat Amendment as presented. Mr. Hefestay seconded the motion, which carried unanimously.

5. **Discussion and Action:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial to Rural is consistent with the *Envision Jefferson*

*2035 Comprehensive Plan*. Property Owner: Lutman Land Development LLC. Property Location: Vacant parcels located southeast of the intersection of Norfolk & Southern Railroad and Lewisville Road, Charles Town/Summit Point, WV. Located behind John's Family Restaurant- 847 Berryville Pike & 340 Defense Shooting Range and Firearms Training - 459 Berryville Pike, Summit Point. Tax District: Kabletown (06), Map: 29; Parcel 2 comprised of 66 acres and Parcel 6 comprised of 30.89 acres. Zoning District: Industrial-Commercial (File: 23-1-Z).

Ms. Brockman provided an overview of the staff report regarding the Lutman Zoning Map Amendment (#23-1-Z) petition identifying relevant portions of the *Envision Jefferson 2035 Comprehensive Plan* for the Planning Commission's consideration and review. Staff presented a finding to the Planning Commission that while the request is not consistent with the *2035 Plan* because it is shown as future "Industrial or Commercial" on the Future Land Use Guide, the Rural (R) zoning request is reasonable for the location.

The Planning Commission invited the applicant's consultant, Paul Raco with P.J. Raco Consulting, to explain the proposed uses for the property and the choice of zoning category involved in the ZMA.

After reviewing the application, the staff report, and further discussion, the Planning Commission found, with a unanimous vote, that the proposed Zoning Map Amendment to Rural (R) is not consistent with the *Envision Jefferson 2035 Comprehensive Plan*. However, the Planning Commission recommended that the Residential-Light Industrial-Commercial (RLIC) zoning district is more consistent. They further recommended that the applicant withdraw the Rural ZMA application and resubmit a ZMA for RLIC, and recommended that the fee be waived.

- 6. Discussion and Action:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Residential Growth to Residential-Light Industrial-Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Federal Group, Inc. Property Location: 233 Lowe Drive, Shepherdstown, WV. Tax District: Shepherdstown (09), Map: 8; Parcel 24.3 comprised of 1.02 acres, which is designated as a right-of-way (Lowe Drive) and Parcel 10.9 comprised of 23.67 acres (formerly the Shepherdstown Clarion). Zoning District: Residential Growth (File: 23-2-Z).

Ms. Brockman provided an overview of the staff report regarding the Clarion Zoning Map Amendment (#23-2-Z) petition identifying relevant portions of the *Envision Jefferson 2035 Comprehensive Plan* for the Planning Commission's consideration and review. The property is currently zoned Residential Growth (RG) and has had a Conditional Use Permit (CUP), issued in 1996, to permit a federal training facility with hotel rooms, dining facility, training classrooms, offices, and gymnasium. The Zoning Map Amendment request is to rezone the properties from Residential Growth (RG) to Residential-Light Industrial-Commercial (RLIC) which would allow residential uses as well as the on-going commercial and office uses. Staff presented a finding that, although the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the RLIC zoning district for all zoning map amendments, the request and the proposed uses for the 23.6-acre parcel are consistent with the intent of the recommendations of the *2035 Plan*.

The Planning Commission invited the applicant's consultant, Paul Raco with P.J. Raco Consulting, to explain the proposed new uses for the property.

After reviewing the application, the staff report, and further discussion, the Planning Commission found, with a unanimous vote, that the proposed Zoning Map Amendment to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

7. **Discussion and Action:** To affirm the final language for the proposed Planning Commission Policy RE: Clarification of Vested Property Rights for Concept Plans and Preliminary Plats for Phased Projects.

Ms. Brockman explained that Mr. Shepp had signed the Policy Memo (included in the packet), which reflected the motion of the February 14, 2023 meeting, but requested the Planning Commission take action to affirm the language included in the memo to ensure that it reflected the Planning Commission members' intent.

Mr. Hefestay made a motion to affirm the Policy Memo as presented by staff. Mr. Thomas seconded the motion, which carried unanimously.

#### 8. **Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2022-C-85.

Mr. Cochran requested to move the legal update to the end of the agenda.

9. **Planner's Memo.** Ms. Brockman provided an overview of the Planner's Memo and reminded the members of the Special Called meeting scheduled for March 28, 2023.

10. **President's Report.** None.

11. **Actionable Correspondence.** None.

12. **Non-Actionable Correspondence.** None.

Mr. Louthan made a motion to go into executive session at 7:42 p.m. to discuss Agenda Item 8.a. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Hefestay made a motion to come back in regular session at 8:00 p.m. Mr. Thomas seconded the motion, which carried unanimously.

Mr. Louthan declared the meeting adjourned at 8:01 pm.

These minutes were prepared by Jennifer Brockman, Chief County Planner.



Draft Meeting Minutes  
Jefferson County Planning Commission  
March 28, 2023

The Jefferson County Planning Commission met on March 28, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Matt Knott were present in person. Jack Hefestay and Shane Roper were present via ZOOM.

Ron Thomas, J. Ware, and Donnie Fisher were absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Prosecuting Attorney; Jennilee Hartman, Zoning Clerk; and Michelle Evers, Planning Clerk.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed that a quorum was present.

- 1. Public Hearing:** Preliminary Plat for the Stonecrest Subdivision, which consists of 177 single family detached and 227 single family attached (townhouses) residential lots totaling 404 lots. Applicant: DR Horton. Property Owner: Flowing Springs Road LLC. Property Location: Parcel ID: 02000300090000; Project Size: 102 acres; Zone: Residential Growth. File: 22-11-SD.

Ms. Brockman provided an overview of the staff report.

Mr. Jason Gerhart, a representative with Integrity Federal Services, further discussed design plans.

Mr. Shepp opened the public hearing.

Dr. Pat Masters, who resides in the nearby Breckenridge North Subdivision, expressed concerns related to interconnectivity, traffic safety on Flowing Springs Road and infrastructure. Dr. Masters suggested providing pedestrian connection from the proposed Stonecrest Subdivision through adjoining developments via trails to Driswood Elementary school.

Mr. Shepp closed the public hearing.

In rebuttal, Mr. Gerhart confirmed that the proposed development included proposed vehicular and pedestrian connections to both Aspen Green to the south and a potential future subdivision to the north. Driswood Elementary school does not directly adjoin the proposed Stonecrest Subdivision. He further stated that the applicants would complete any state road improvements required by WV Division of Highways (WVDOH).

Mr. Gerhart addressed the Planning Commission's concerns regarding water run off to the east of the development.

Mr. Stolipher moved to approve the preliminary plat with the following conditions:

- a. WV DOH approval of the issuance of the Highway Entrance Permit; and
- b. Charles Town Utility Board (CTUB) for sanitary sewer services and Jefferson Utility Inc. (JUI) for public water utility design and connections.
- c. Finalize addressing all outstanding technical comments for staff's approval.

Mr. Shepp clarified that item B was intended to include the WV Health Department permit approval. Mr. Stolipher agreed.

Mr. Shepp seconded the motion as modified, which carried unanimously.

## **2. 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 for possible action Jefferson County Circuit Court Civil Action No. 2022-C-85.

Mr. Cochran requested to go into executive session to discuss items A and D.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on items A and D under 'Reports from Legal Counsel' at 7:15 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Louthan moved to go back into regular session at 7:30 pm. Mr. Stolipher seconded the motion, which carried unanimously.

## **3. President's Report.** None.

Mr. Stolipher motioned to adjourn the meeting at 7:31 pm. Mr. Shepp seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.

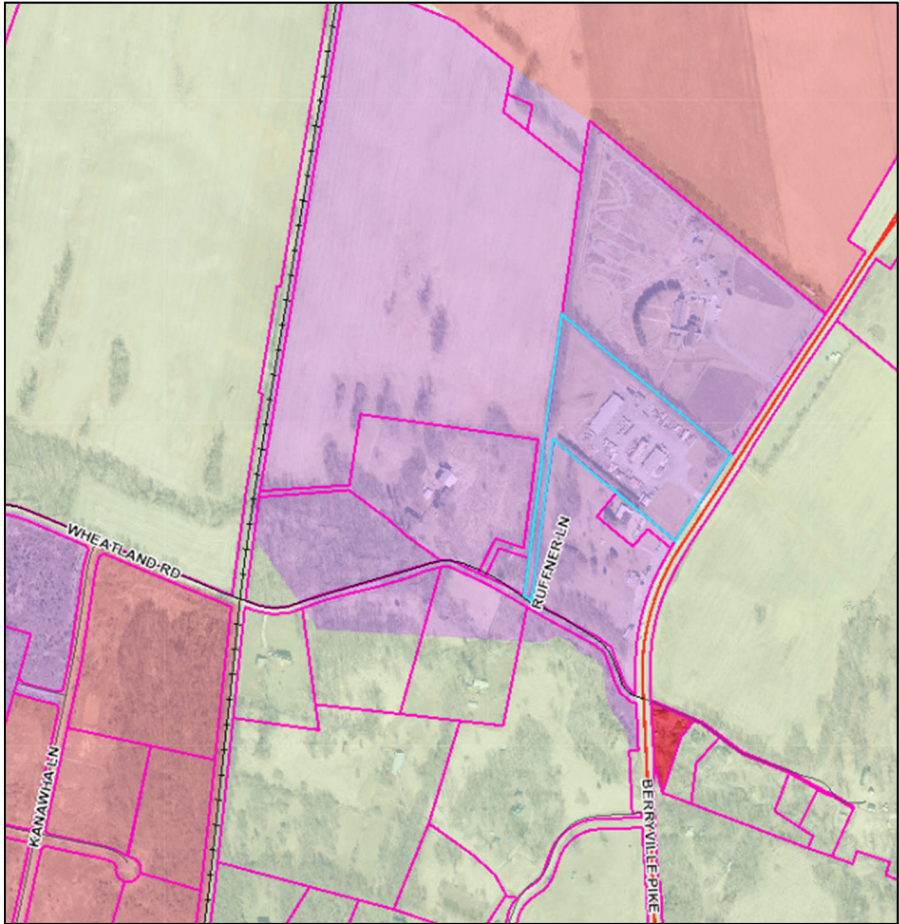
Item #3: **Withdrawn. Public Hearing:** Request for a waiver from Section 20.201A.2 to reduce the width of the required access easement from 50' to 20' for a three lot minor subdivision. Property Owner: Susan Reichel Et Al. Property Location: 2195 Engle Molders Rd, Harpers Ferry, WV. Parcel ID: 04000100060005; Size: 10 acres; Zoning District: Rural (File:23-3-PCW).



Staff Report  
 Jefferson County Planning Commission Meeting  
 April 11, 2023

**WA Chester Expansion Waiver Request (File #23-7-PCW)**

**Item # 8: Public Hearing:** 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. The applicant is requesting to waive the requirement of a Limited Site Plan to allow for the placement of one (1) 2,100 square foot office trailer and one (1) 460 square foot office trailer to be located on an existing impervious area.

Owner	W A Chester LLC
Consultant	Montgomery Engineering Group / Ben Montgomery
Parcel Information and Zoning District:	<p style="text-align: center;">3607 Berryville Pike, Charles Town WV; Parcel ID: 06001100010003          Size: ~11.26 acres; Zoning District: Industrial Commercial</p> 
Surrounding Zoning:	North, South, and West: Industrial-Commercial and East: Rural
History:	1984 Outsale Parcel (DB 534/PG 96) Annandale Millworks Corp. (1999) 02/26/02: Boundary line adjustment approved (DB 957/PG 559) S09-02 W.A. Chester LLC Site Plan (approved 11-09-09) Red-line Revision (approved 07-22-10)
Waivers/Variiances:	None
Approved Activity:	Contractor Yard

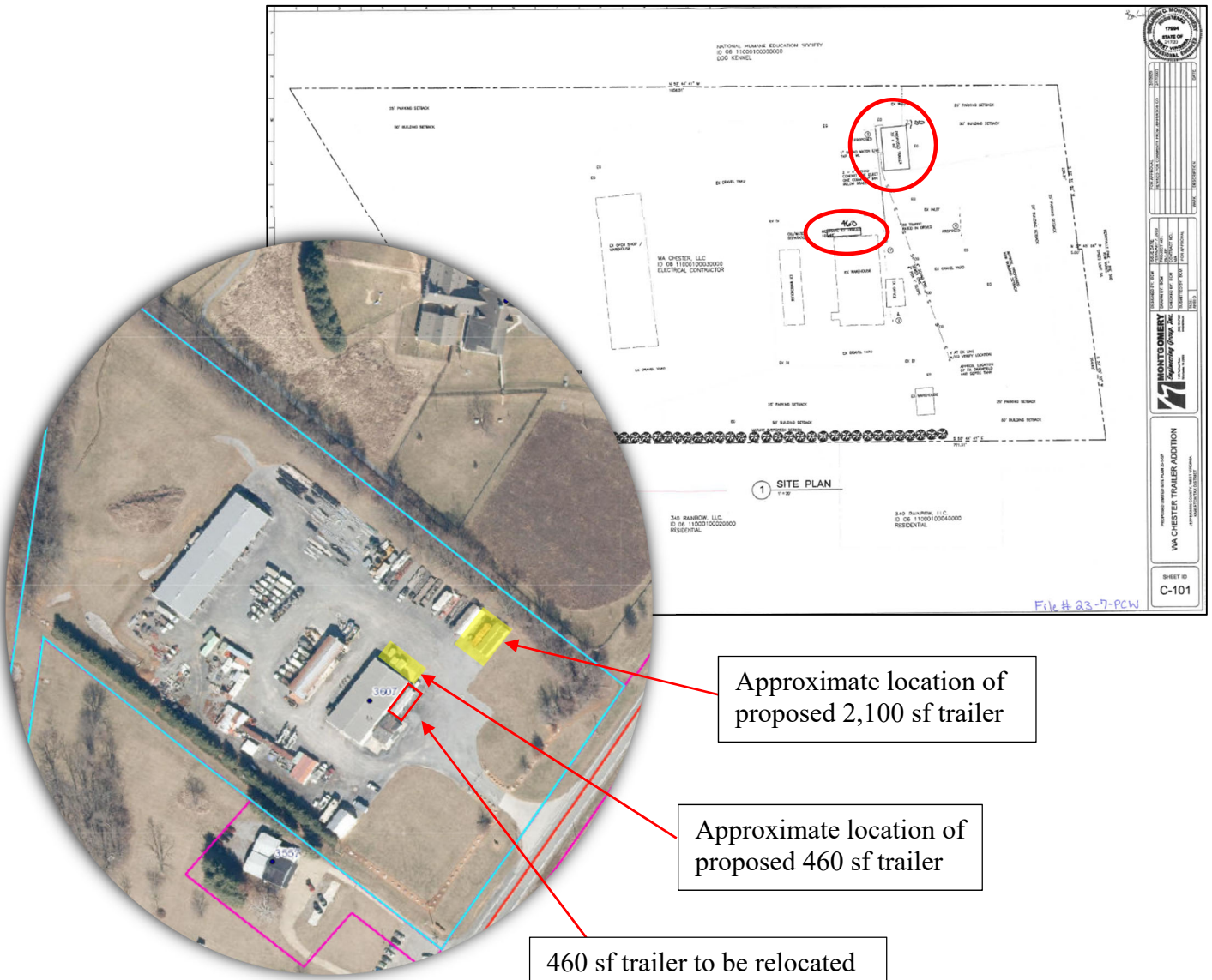
Staff Report  
Jefferson County Planning Commission Meeting  
April 11, 2023

**WA Chester Expansion Waiver Request (File #23-7-PCW)**

**Summary of the Request**

The subject property is occupied by W.A. Chester, an electrical contractor which installs and maintains underground high voltage transmission cable and distribution infrastructure for electric utilities and provides services for engineering, construction, procurement, maintenance, installation, and emergency restoration. The property is occupied by various buildings and conex boxes used for office space, storage and transporting equipment to various work sites.

The applicant is currently interested in the placing a 2,100 square foot office trailer and moving a 460 square foot office trailer on existing impervious areas on the site as depicted on the application. The applicant is requesting to waive the requirement of a Site Plan to allow for the construction of the above described two structures totaling 2,560 square foot to be located over the existing parking lot and other paved areas.



Future plans for construction of a new buildings on an unpaved area will require a full site plan and stormwater calculations at that time.

**WA Chester Expansion Waiver Request (File #23-7-PCW)**

**Subdivision Requirements**

Section 20.203 “Minor Site Development” of the Subdivision Regulations (excerpt below), requires projects to process a Limited Site Plan if it meets the following criteria:

“2. Limited Site Plan

- 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. ”

The applicant is proposing to construct two structures totaling 2,560 square foot to be located over the existing parking lot and other paved. The proposed structure falls into the Limit Site Plan criteria. The applicant is requesting to be permitted to process without a Site Plan being required.

**Staff Discussion and 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. The proposed 2,560 sq ft of new buildings would require processing a Limited Site Plan per Section 20.203 of the Subdivision Regulations.

Staff believes that the subject waiver of the Limited Site Plan appears to be a reasonable request based on the fact that the additional square footage is proposed to be placed the existing impervious area, that stormwater management does not appear to be a concern, and that the existing parking is not negatively impacted. Therefore, Staff recommend approval of the waiver request.

If this waiver is approved by the Planning Commission, no additional documentation is required; however, staff would recommend that since there is an approved site plan, that the proposed improvements be shown on the existing site plan to reflect the locations of the new structures to document the approval for the Building Department. The closest process to this suggestion is a redline revision to the approved Site Plan (Site Plan File #S09-02) which shows the proposed improvements in the proposed location. If the waiver is approved, this can be done by the applicant and does not require a professional engineer. A redline revision is processed administratively and requires approval from the County Engineer. Additionally, the applicant will still have to obtain a building permit, which may necessitate approval from the WVDOH (access).

**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.

**WA Chester Expansion Waiver Request (File #23-7-PCW)**

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

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

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.



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 #: 23-7-PCW  
 Mtg Date: 4-11-23  
 Date Rec'd: 3-16-23  
 Fees Paid: \$100  
 Staff Int: JMB  
 List of Adjoiners:  Not Provided  
 Phone: (304) 728-3228  
 Fax: (304) 728-8126

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: W.A. Chester LLC  
 Business Name: W.A. Chester LLC  
 Mailing Address: 3607 Berryville Pike, Charles Town, WV 25414  
 Phone Number: 202-360-9854 Email: nmitchell@wachester.com

**Applicant Contact Information**

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

**Consultant Information**

Name: Ben C. Montgomery, PE  
 Business Name: Montgomery Engineering Group, Inc.  
 Mailing Address: 1105 Redbud Road, Winchester, VA 22603  
 Phone Number: 540-974-7382 Email: ben@MEGinc.biz

**Physical Property Details**

Physical Address: 3607 Berryville Pike, Charles Town, WV 25414 Vacant Lot:   
 Tax District: Kableton Map No: 06 Parcel No: 0611000100030000  
 Parcel Size: 11.26 ac Deed Book: 1062 Page No: 369  
 Zoning District: Industrial / Commercial JC Zoning

**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?**  
 Sec. 24.106-109 Minor Site Plan submission.

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

Owner currently has a 11.26 ac. developed commercial property and wishes to add a 2,100 sq. ft. office trailer. (35'x60' triple-wide modular office) To be placed on existing impermeable surface and only adding utilities to service trailer. See attached drawings for existing development and addition of this office space.

\*The applicant is also requesting to add one (1) 460 square foot office trailer, which will be located on the existing impervious area. (revised 03-23-23 per consultant email jth)

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

The development will not reduce open space.

**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.**

Proposed office meets all current zoning and setback requirements and is adjacent to National Humane Education Society Dog Kennel.

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

The proposed office is 2,100 sq. ft. and does not require additional stormwater management.

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

The office trailer will act as a visual screen for specific construction equipment from road.

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.

*Nicholas Mitchell*  
Property Owner Signature

3-15-23  
Date

Property Owner 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.

April 11, 2023  
Public Hearing Date

March 28, 2023  
Date Placard Posted

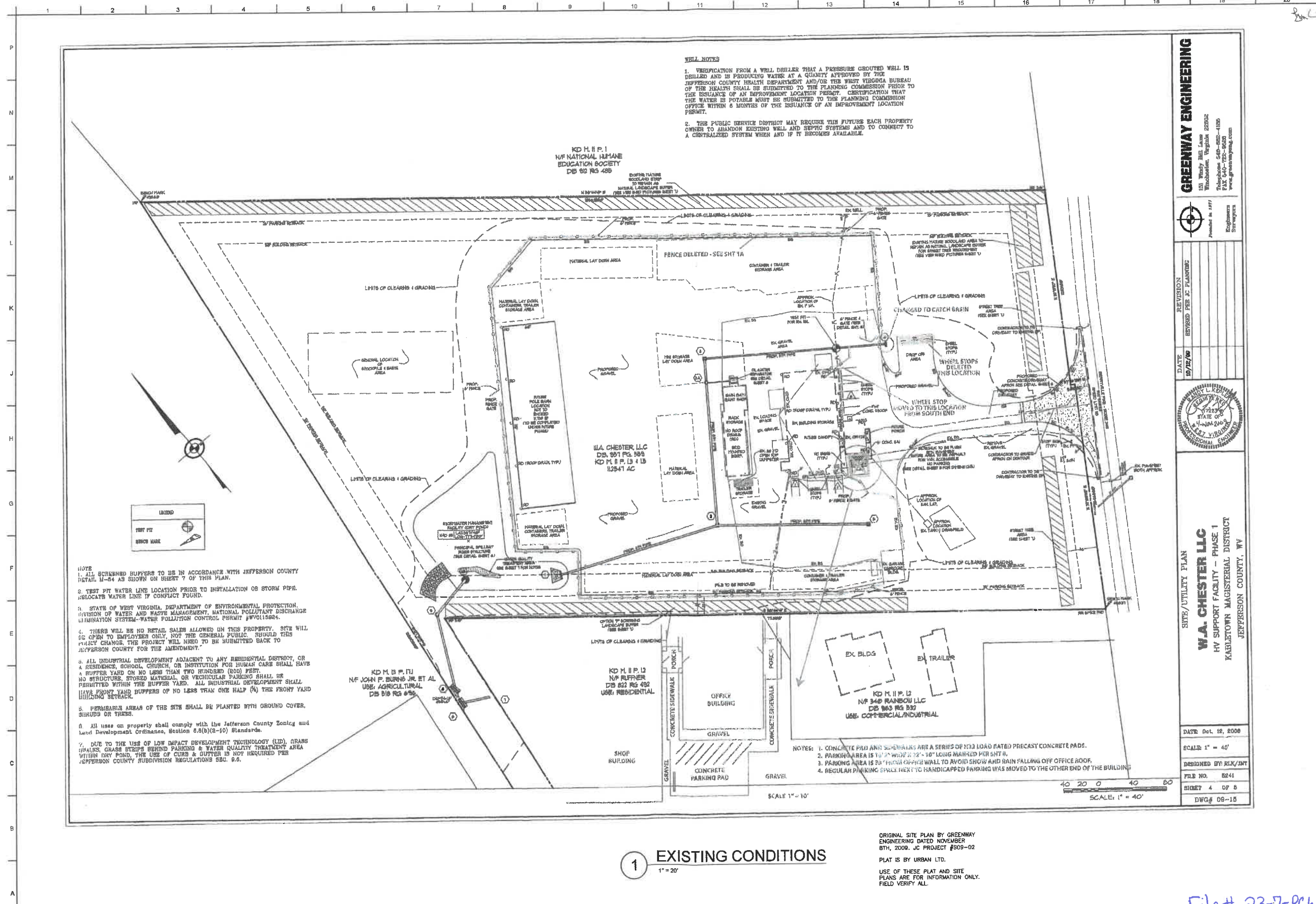
March 28, 2023  
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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



**WELL NOTES**

1. VERIFICATION FROM A WELL DRILLER THAT A PRESSURE GROUTED WELL IS DRILLED AND IS PRODUCING WATER AT A QUANTITY APPROVED BY THE JEFFERSON COUNTY HEALTH DEPARTMENT AND/OR THE WEST VIRGINIA BUREAU OF THE HEALTH SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT. CERTIFICATION THAT THE WATER IS POTABLE MUST BE SUBMITTED TO THE PLANNING COMMISSION OFFICE WITHIN 6 MONTHS OF THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT.
2. THE PUBLIC SERVICE DISTRICT MAY REQUIRE WITH FUTURE EACH PROPERTY OWNER TO ABANDON EXISTING WELL AND SEPTIC SYSTEMS AND TO CONNECT TO A CENTRALIZED SYSTEM WHEN AND IF IT BECOMES AVAILABLE.

KD H II P I  
N/F NATIONAL HUMANE  
EDUCATION SOCIETY  
DB 82 RG 488

WA CHESTER, LLC  
DB 851 RG 509  
KD H II P, LS 4 LB  
12841 AC

KD H II P II  
N/F RUFNER  
DB 822 RG 492  
USE: RESIDENTIAL

KD H II P II  
N/F 340 RAINBOW LLC  
DB 863 RG 537  
USE: COMMERCIAL/INDUSTRIAL

- NOTE**
1. ALL SCREENED BUFFERS TO BE IN ACCORDANCE WITH JEFFERSON COUNTY DETAIL M-84 AS SHOWN ON SHEET 7 OF THIS PLAN.
  2. TEST PIT WATER LINE LOCATION PRIOR TO INSTALLATION OF STORM PIPE. RELOCATE WATER LINE IF CONFLICT FOUND.
  3. STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF WATER AND WASTE MANAGEMENT, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM-WATER POLLUTION CONTROL PERMIT #WV011894.
  4. THERE WILL BE NO RETAIL SALES ALLOWED ON THIS PROPERTY. SITE WILL BE OPEN TO EMPLOYEES ONLY, NOT THE GENERAL PUBLIC. SHOULD THIS POLICY CHANGE, THE PROJECT WILL NEED TO BE SUBMITTED BACK TO JEFFERSON COUNTY FOR THE AMENDMENT.
  5. ALL INDUSTRIAL DEVELOPMENT ADJACENT TO ANY RESIDENTIAL DISTRICT, OR A RESIDENCE, SCHOOL, CHURCH, OR INSTITUTION FOR HUMAN CARE SHALL HAVE A BUFFER YARD ON NO LESS THAN TWO HUNDRED (200) FEET. NO STRUCTURE, STORED MATERIAL, OR VEHICULAR PARKING SHALL BE PERMITTED WITHIN THE BUFFER YARD. ALL INDUSTRIAL DEVELOPMENT SHALL HAVE FRONT YARD BUFFERS OF NO LESS THAN ONE HALF (1/2) THE FRONT YARD BUILDING SETBACK.
  6. PERMEABLE AREAS OF THE SITES SHALL BE PLANTED WITH GROUND COVER, SHRUBS OR TREES.
  7. DUE TO THE USE OF LOW IMPACT DEVELOPMENT TECHNOLOGY (LID), GRASS STRIPS, GRASS STRIPS BEHIND PARKING & WATER QUALITY TREATMENT AREA WITHIN DRY POND, THE USE OF CURB & GUTTER IS NOT REQUIRED PER JEFFERSON COUNTY SUBDIVISION REGULATIONS SEC. 6.6.

- NOTES:**
1. CONCRETE PAD AND SIDEWALKS ARE A SERIES OF 12x12 LOAD RATED PRECAST CONCRETE PADS.
  2. PARKING AREA IS 10' WIDE & 22'-10" LONG MARKED PER SHT 6.
  3. PARKING AREA IS 20' HIGH OFFICE WALL TO AVOID SNOW AND RAIN FALLING OFF OFFICE ROOF.
  4. REGULAR PARKING SPACE NEXT TO HANDICAPPED PARKING WAS MOVED TO THE OTHER END OF THE BUILDING.

**GREENWAY ENGINEERING**  
121 Sandy Hill Lane  
Martinsburg, Virginia 22002  
Phone: 540-772-4100  
Fax: 540-772-4105  
www.greenwayeng.com



DATE	REVISION
10/22/08	REVISED PER J.C. PLUMMER



**W.A. CHESTER LLC**  
HV SUPPORT FACILITY - PHASE 1  
KABLETOWN MAGISTERIAL DISTRICT  
JEFFERSON COUNTY, WY

DATE: Oct. 18, 2008  
SCALE: 1" = 40'  
DESIGNED BY: RLK/DWT  
FILE NO.: 8241  
SHEET 4 OF 8  
DWG# 08-15

**1 EXISTING CONDITIONS**  
1" = 20'

ORIGINAL SITE PLAN BY GREENWAY ENGINEERING DATED NOVEMBER 8TH, 2008. JC PROJECT #S09-02  
PLAT IS BY URBAN LTD.  
USE OF THESE PLAT AND SITE PLANS ARE FOR INFORMATION ONLY. FIELD VERIFY ALL.



DATE	REVISION
2/17/2023	REVISED FOR COMMENTS FROM JEFFERSON CO

DESIGNED BY:	ISSUE DATE:
BCM	FEBRUARY 7, 2023
DRAWN BY:	PROJECT NO.:
BCM	N/A
CHECKED BY:	CONTRACT NO.:
BCM	N/A
SUBMITTED BY:	FOR APPROVAL:
BCM	
SIZE:	MARK:
A3S1 D	



**WA CHESTER TRAILER ADDITION**  
JEFFERSON COUNTY, WEST VIRGINIA  
KABLETOWN TAX DISTRICT

SHEET ID  
**C-002**

File# 23-7-PCW

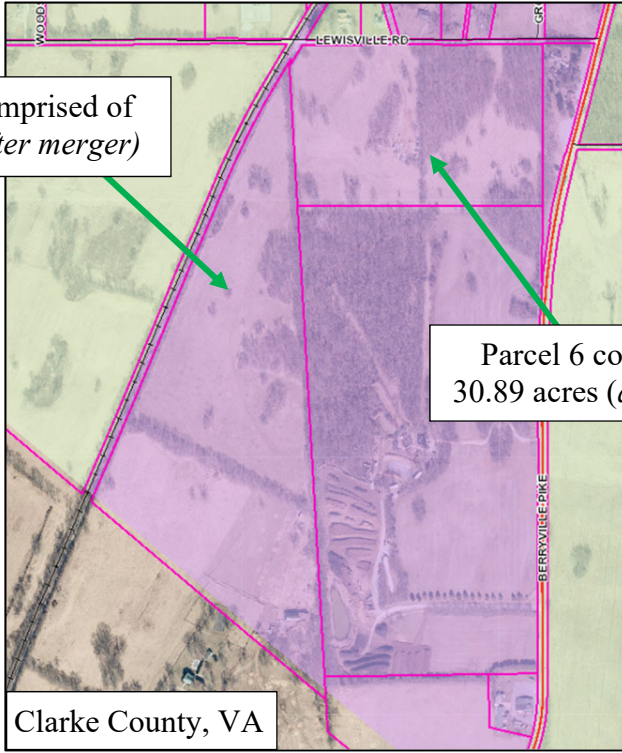
FOR APPROVAL



**Staff Report**  
 Jefferson County Planning Commission Meeting  
 April 11, 2023

**Lutman Land Development Rezoning Request (23-3-Z)**

**Item # 5** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial (IC) to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Property Owner:	Lutman Land Development LLC
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Parcel Information:	<p>Vacant parcels located southeast of the intersection of Norfolk &amp; Southern Railroad and Lewisville Road, Charles Town/Summit Point, WV                  Located behind John’s Family Restaurant- 847 Berryville Pike &amp; 340 Defense Shooting Range and Firearms Training - 459 Berryville Pike, Summit Point                  Tax District: Kabletown (06), Map: 29, Parcels 2 and 6. Combined acreage: ~96                  Zoning District: Industrial-Commercial</p>  <p>Parcel 2 comprised of 66 acres (after merger)</p> <p>Parcel 6 comprised of 30.89 acres (after merger)</p> <p>Clarke County, VA</p>
Surrounding Properties:	North: Rural & Industrial-Commercial      East: Industrial-Commercial, South: Industrial-Commercial & Clarke County, VA,      West: Rural
Current Use:	Vacant property / Farm Use
Proposed Request	To rezone from Industrial-Commercial (IC) to Residential-Light Industrial-Commercial (RLIC)
Planning Commission Responsibility:	To advise the County Commission whether the revised Zoning Map Amendment request is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that, although the <i>Envision Jefferson 2035 Comprehensive Plan</i> recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request is <b>reasonably consistent</b> with the <i>Envision Jefferson 2035 Comprehensive Plan</i> recommendations.

**Staff Report**  
Jefferson County Planning Commission Meeting  
April 11, 2023  
**Lutman Land Development Rezoning Request (23-3-Z)**

**Applicant’s Request**

The applicant’s revised request is to rezone two vacant parcels consisting of approximately 96 acres from Industrial Commercial (IC) to Residential-Light Industrial-Commercial (RLIC). The parcels are currently vacant and have historically been used as farmland. They have been zoned Industrial-Commercial since zoning was adopted in Jefferson County in 1988.

The applicant’s previous request to rezone to Rural was determined by the Planning Commission to be inconsistent with the *Envision Jefferson 2035 Comprehensive Plan* and the Planning Commission recommended pursuing a different zoning category.

Parcel 2 (●), which is comprised of approximately 66 acres, is located southeast of the intersection of Norfolk & Southern Railroad and Lewisville Road and is immediately behind 340 Defense Shooting Range and Firearms Training (459 Berryville Pike).

Parcel 6 (●), which is comprised of approximately 30 acres, is located along Lewisville Road and is immediately behind John’s Family Restaurant (847 Berryville Pike).

The subject parcels have recently been reconfigured via an approved Boundary Line Adjustment, which was recorded on February 15, 2023 in Plat Book 26/Page 526. The boundary line adjustment resulted in road frontage on Lewisville Road for Parcel 2.

**Neighboring Uses**

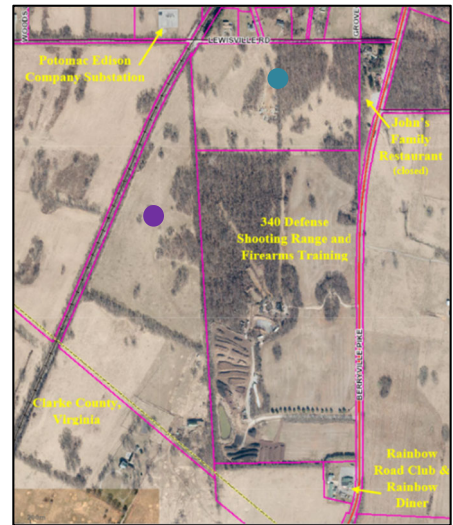
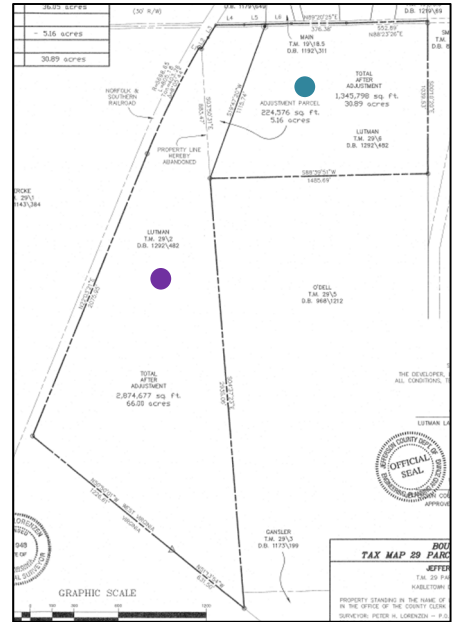
The surrounding properties contain a mix of agricultural, residential, and commercial land uses.

**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff’s professional recommendation is that, while the *2035 Plan* discourages the use of the existing R-LI-C District as a zoning category for zoning map amendment requests, the request is **reasonably consistent** with the *2035 Plan* because it is shown as future “Industrial or Commercial” on the Future Land Use Guide.

While the current zoning designation permits industrial and commercial uses, the owner-initiated downzoning to Residential-Light Industrial-Commercial (RLIC) would still allow commercial uses and some light industrial uses by right, while also allowing various densities of residential uses and the creation of live/work spaces.

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



**Staff Report**  
Jefferson County Planning Commission Meeting  
April 11, 2023

**Lutman Land Development Rezoning Request (23-3-Z)**

**Zoning Map Amendment Public Hearing Process**

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

**Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary**

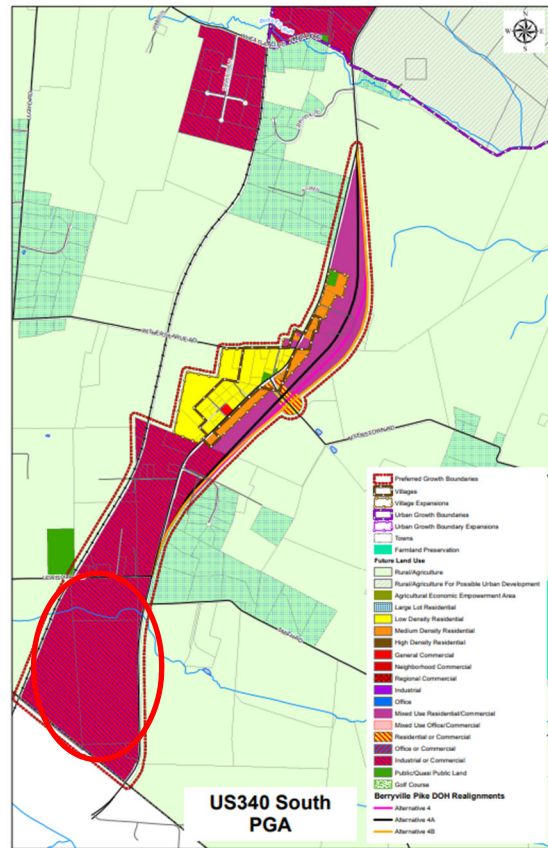
The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

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

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

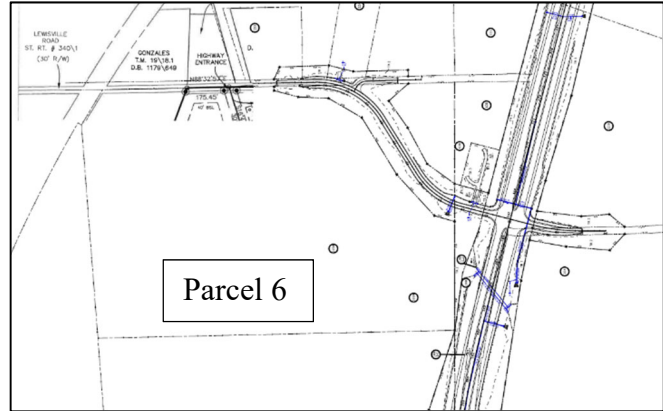
The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of the *2035 Plan*; and Rural/Agricultural Areas and Villages, where limited development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

The subject parcels are located within the US 340 South PGA. Most of the properties south of Rippon to the state line, west of the current US 340, and east of the RR tracks, are zoned Industrial Commercial and proposed for future Industrial or Commercial land uses. Most of the discussion in the *2035 Plan* regarding the US 340 South PGA is focused on the impact of the proposed highway widening and realignment on the future growth along this corridor. It also notes that local water and sewer service will be needed in order for higher intensity development to occur along this corridor. The requested zoning category of Residential-Light Industrial-Commercial (RLIC) allows the proposed future industrial and commercial land uses as well as potential future residential uses.



**Staff Report**  
Jefferson County Planning Commission Meeting  
April 11, 2023  
**Lutman Land Development Rezoning Request (23-3-Z)**

Since the *2035 Plan* was adopted, the WV Division of Highways has finalized the road alignment for US 340 South, published the Record of Decision, and is currently pursuing acquisition of the right-of-way and finalizing the design/build of the new road. The following graphic shows the impact of the proposed realignment of Lewisville Road and US 340 South on the subject Parcel 6.



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

The *2035 Plan* clearly discusses the retention of the existing zoning map classifications and states that no zoning map amendments (rezoning requests) or reductions in existing zoning rights were being proposed by the County. As these parcels have been zoned Industrial-Commercial for a number of decades, the Future Land Use Guide showed this area as “Industrial or Commercial”. The *Plan* doesn’t discuss the concept of owner-initiated downzoning requests. In this case, the owner-initiated down-zoning to RLIC broadens the uses that can occur in this area to include light industrial, commercial and residential uses. While the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request is reasonably consistent with the *Envision Jefferson 2035 Comprehensive Plan* recommendations as it still allows industrial and commercial uses as well as residential uses.

**B. Appendix G - Land Use Map Classifications**

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

Appendix G states that the “Industrial or Commercial” land use category (pp. 239) was used to depict “existing properties zoned Industrial/Commercial District (IC)”. Property zoned IC has the zoning entitlement rights to develop as either commercial or industrial. This Plan clarifies that the property shown on the Future Land Use Guide may develop as either commercial or industrial. The commercial uses in this category could be Neighborhood Commercial, General Commercial or Regional Commercial as appropriate for the site, based on the road network and available infrastructure.”

While this future land use category does not anticipate residential development, it is reasonable in this area, with the minimal utilities available, to permit residential opportunities along with light industrial and commercial uses through the rezoning process.

**Staff Report**  
Jefferson County Planning Commission Meeting  
April 11, 2023

**Lutman Land Development Rezoning Request (23-3-Z)**

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

The purpose of the Residential-Light Industrial-Commercial (RLIC) District (Section 5.8) is to “to guide high intensity growth into the designated growth area” (complete description attached). As these properties are located within the US 340 South Preferred Growth Area and are zoned Industrial-Commercial (IC), they are already zoned to allow intensive commercial and industrial uses. The proposed RLIC zone would permit a wide variety of residential, commercial, and light industrial uses, but does not provide the mandatory mix of uses that was recommended in the *Envision Jefferson 2035 Plan*.

**Staff Discussion and Recommendation**

While the *Envision Jefferson 2035 Plan* anticipated the development of a new zoning category or revisions to the RLIC zone to require a mandatory mix of the residential and commercial uses, this text amendment has not occurred. The applicants are requesting to broaden the permitted uses in an area that has not been successfully marketed for industrial and commercial uses due to location and the lack of utilities, to a zone that would allow a mixture of residential densities and a mixture of commercial and light industrial uses. The properties that are proposed for the rezoning have been reconfigured to allow them to have access to Lewisville Road, which is being reconfigured as a part of the WV Division of Highways realignment of US 340 South. Any subdivision of these properties into more than 3 residential lots will be required to process as a Major Subdivision.

While the proposed zoning district is not literally recommended by the *2035 Plan* for these properties, staff finds that the proposed RLIC rezoning for the lots included in this application to be **reasonably consistent** with the *Envision Jefferson 2035 Comprehensive Plan*.

**Planning Commission Action**

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

The petition was presented to the County Commission on April 6, 2023 and the required Public Hearing has been scheduled on May 4, 2023. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this hearing.

**Attachment:**

- Section 5.8 Residential-Light Industrial-Commercial (RLIC) District
- Appendix C



- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
- (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.<sup>23</sup>
3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.<sup>32</sup>
4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.<sup>32</sup>
5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.<sup>34</sup>

### **Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District<sup>1</sup>**

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.<sup>23</sup>

#### **A. Principal Permitted and Conditional Uses<sup>23, 27, 32</sup>**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>

## B. Standards<sup>23</sup>

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23, 27</sup>
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.<sup>27</sup>

## C. Site Development Standards<sup>23, 27, 40</sup>

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.<sup>27</sup>
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5, 7, 23, 27</sup>
3. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7, 27</sup>

## Section 5.9 Reserved<sup>23</sup>

## Section 5.10 Village (V) District<sup>8, 23, 32, 35</sup>

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27</sup>

### A. Principal Permitted Uses

1. Residential Land Uses
  - a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.
2. Non-Residential Land Uses in Existing Structures
  - a. Building setbacks, parking and drive aisle setbacks, distance requirements, and landscape buffers are not required when a proposed land use is to be located within an existing structure.
  - b. When additional parking for an existing structure is required, a Site Plan shall be submitted. Setbacks shall be as required in Section 5.10A.2(a) with the exception that a four (4) foot screened buffer shall be required along the side and rear property lines. The screening may be either vegetative (existing or planted) or opaque fencing and may be placed anywhere within the four (4) foot buffer. At the time of the planting, vegetation shall be at least six (6) feet in height. No structures, vehicular parking, or stored materials shall be permitted within the side and rear yard buffers.

**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37, 39, 43</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church <sup>38</sup>	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

\*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

<sup>2</sup> Approval process is per the Salvage Yard 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 #: 23-3-Z  
 Date Rec'd: 03/30/23  
 Fees Paid: n/a\*  
 Staff Int: jth  
 \*Fee waived  
 Phone: (304) 728-3228  
 Fax: (304) 728-8126

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

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

**Property Owner Information**

Owner Name: \_\_\_\_\_  
 Business Name: Lutman Land Development, LLC  
 Mailing Address: 67 Lutman's Lane, Kearneysville, WV 25430  
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

**Applicant Contact Information**

Applicant Name: Same as Owner Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 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: Route 340/1 Lewisville Road Just West of Route 340 Vacant Lot:   
 Tax District: Kabletown Map No: 29 Parcel No: 2 and 6  
 Parcel Size: 66 +- Acres & 30.89 +- Acres Deed Book: 1292 Page No: 482

**Current Zoning District**

Industrial/Commercial

**Proposed Zoning District**

Residential/Light Industrial/Commercial

**Substantiation for the Request**

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

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

N/A Planning Commission Found this property's change to the Mixed-Use Zone as being Consistent with the Comprehensive Plan. This property is located in the Preferred Growth District.

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


See Attached

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

See Attached

A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

The information given is correct to the best of my knowledge.

  
Property Owner Signature\*

3-29-2023  
Date

Property Owner Signature\*

Date

\*The **original** signature of the property owner is required. A copy of the signature will not be accepted.

A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.

Map Amendment Application  
Rezoning Request  
Article 12, Jefferson County Zoning Ordinance  
Lutman Land Development LLC  
March 30, 2023

**Owners/Applicants:**

Lutman Land Development, LLC  
67 Lutmans Lane  
Kearneysville, WV 25430

**Ordinance Citation:**

Article 12, Section 12.3 Jefferson County Zoning and Land  
Development Ordinance

**Map Amendment Definition:**

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

**Request:**

Amend the Zoning Map for these two parcels of approximately 66 and 30.89 acres in size. The amendment is from the current Industrial/Commercial District to the Rural District.

**Substantiation for the Request:**

1. The property is currently zoned for Heavy Industrial and Commercial Uses and the Applicants are seeking a map amendment to the Residential/Light Industrial/Commercial

District. As further explained in this package, the Applicants believe that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan. The Applicant sought a Rezoning to Rural, but the Staff and Planning Commission found that request not to be consistent with the Comprehensive Plan since the property is located in a Preferred Growth District. The Planning Commission already moved that Rezoning to this proposed Mixed-Use Zone was Consistent with the Plan and asked the Applicant to resubmit this Application requesting the Residential/Light Industrial/Commercial District;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. These changes include multiple rezonings north of this property which were approved by the County Commission after the Planning Commission declared them consistent with the Comprehensive Plan. This includes the rezoning of the Sunnyside Industrial Park from Industrial/Commercial to the Residential/Light Industry/Commercial District.
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Route 9 Preferred Growth Area in Jefferson County. As such, the plan calls for Urban Scale Growth. The Department of Transportation has also announced that the four lane near this site is in the final stage before construction. The four lane is one of the main reasons that this area was continued to be slated for development in the 2015 Comprehensive Plan; and,
4. The Applicants believe that the current Heavy Industrial/Commercial Zoning Classification is an error in the Jefferson County Zoning Map since the property is now shown located in one of the 6 primary growth areas of Jefferson County. When the original Zoning Ordinance, the main focus for all areas along a highway and a railroad was for the property to be developed into Heavy Industrial Uses. This was still the philosophy during the 2015 rewrite of the Comprehensive Plan. As the Commission knows now, heavy industrial uses are not

the major focus of Jefferson County and this trend shifted after the 2015 Plan was adopted. The property is also located just west of Principal Arterial Road (Route 340) in the County with near direct access to the proposed four lane Route 340. The properties are shown to have direct access to Route 340 under this plan. This rezoning will allow the area to focus on Commercial if needed after the highway is constructed and will also allow limited residential lots since public water and sewer has not been constructed as anticipated by the Comprehensive Plan.

**Tax District, Map and Parcel Number:**

Kabletown Tax District, Map 29, Parcels 2 and 6

**Deed Book Reference:**

Deed Book 1292 at Page 482

**Sketch Plat:**

Attached

**Tract Size:**

Total of approximately 96.89 Acres in two parcels (66 and 30.89 acres)

**Discussion on:**

Comprehensive Plan compatibility of the proposed change:  
Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

### A. Comprehensive Plan Compatibility

As found on page 13 through 21 of the 2015 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcels are within the Route 340 South PGA. The Comprehensive Plan was adopted in 2015 after several years of meetings throughout the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. It is typical for communities that have a new Comprehensive Plan to have requests for both text and map amendments for the map and ordinances to better reflect the Plan. In this case, the initial Zoning Ordinance, the 2004 Plan and the 2015 Plan show this property slated for growth around Route 340 and the railroad from Rippon to Virginia. The Envision Jefferson 2035 Plan is more specific in that it shows this property within the Rt 340 South Preferred Growth Area and identifies the property for Commercial Development.

Regarding the history of Land Use Regulations and Comprehensive Plans in Jefferson County, this area was slated for Commercial and Industrial development in the original ordinance because of Route 340 and the Railroad in this corridor. The area was also put into a PGA because of the expectation that Public Water and Sewer would be extended to this area from Charles Town when Route 340 was expanded to four lanes. After 35 years, the road expansion appears primed to happen. As expressed in the recent Rezoning of the Sunnyside Industrial Park north of this property, there is little to no interest from anyone for commercial or industrial development in this area. The market does not support commercial or industrial development in this area and the public does not support industrial development in the area. The interest for commercial may be enhanced with the improved road.

So, in fact for the last 35 years, these properties remain undeveloped, the road has not expanded, water and sewer has not become available, and the owners can't even convey a family transfer of land for a relative to build a house because it isn't permitted in the current zone. Essentially, the value of the property has not grown as in other Preferred

Growth Areas, because regardless of the size, neither commercial nor industrial users are interested and the owner cannot subdivide or put more than one house on the parcels. As such, these parcels remain vacant 66 and 30 acre parcels that are taxed, but not able to be utilized better for enhanced taxes.

The type of use that the 1988 County Commission envisioned when it was adopted has not come to fruition because of the shift in Heavy Industrial priorities. Furthermore, as stated in the following section of the Comprehensive Plan, this property will be west of the four lane preferred route if it does get built, so the area should most likely all be rezoned. From simply a professional planning standpoint on the original zoning of the area and the last Comprehensive Plan, this area should be reassessed based on the Highway and the shift away from Heavy Industrial uses.

Again, the Jefferson County Envision Comprehensive Plan indicates that this area is in the 340 South Preferred Growth Area and as such is an area that should develop into a mixture of uses.

**Page 17** of the Comprehensive Plan describes the various categories of land, including PGAs as follows:

#### “Land Use Activity Areas

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

#### Four Comprehensive Types of Land Use Activity within the Designated Areas

Urban Growth Boundaries  
**Preferred Growth Areas (PGAs)**  
Villages  
Rural/Agricultural Areas

The first two area types addressed below, Urban Growth Boundaries (UGB) and **Preferred Growth Areas (PGA) (including one**

residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035.” Emphasis Added.

In this case, the subject property is in a Preferred Growth Area (PGA), but certainly Urban Scale Growth or Heavy Industrial Uses are not what comes to mind in the area south of Rippon to the Virginia line. This area is better for commercial uses and rural type of housing that would be permitted with the rezoning.

A definitive section of the Envision Jefferson 2035 that supports this map amendment is found on Page 21 and 22 that describes this PGA:

“c. US 340 South PGA (portions of the corridor beginning north of Rippon continuing south to the Clarke County Line):

The proposed highway widening, and realignment is expected to create some additional growth pressures along this corridor.

Additionally, a percentage of the property along the western edge of US 340 South is currently zoned Industrial Commercial. Localized water and sewer service may need to be utilized for higher intensity development to occur along this corridor. It is recognized that the proposed US 340 alignment is not yet finalized and that land use decisions may need to move with the corridor, or a small area plan may be needed for this location if the final alignment is significantly different from the proposed configuration.

The West Virginia Division of Highways has identified a preferred alignment out of multiple alternatives and recently made minor adjustments to the preferred alignment choice. However, a Record of Decision, the legally binding conclusion, has been published at this time. The possibility for changes to the current preferred alignment is possible. In creating the land use recommendation for this area, the preferred alignment was used to make future land use decisions. The current preferred alignment is shown to the east of the existing US 340 right-of-way. This area does not have any public water and sewer infrastructure which future development will need for site development.”

It is clear that this section specifically recognizes that this area needs further work with the WVDOH on the highway expansion. This is finally happening. Furthermore, these two lots will have close access to the new widened highway. These parcels and the lack of access to public utilities, are more appropriately destined for a small minor or family subdivision and commercial development that can be sustained in the area. This is especially true since there are no major developments in the area. Many people from Jefferson County stop on the Virginia side of the border at the Convenience, Fuel, and Cigarette Outlet just south of the site.

Based on these portions of the Comprehensive Plan, this map amendment is consistent and compatible with the Plan. In this case, the Consistency with, and Compatibility to the existing Comprehensive Plan is more related to what didn't happen in this area and thus has rendered the properties nearly unusable for the past 35 years as Heavy Industrial.

The importance of the Future Land Use Guide when making Map Amendment decisions is outlined on Page 15 of the Plan:

“By creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”

This section of the Plan allows for predictability of future land uses in Jefferson County. This section is also consistent with the original Zoning Ordinance adopted in 1988 and several Comprehensive plans in between. While the plan is usually used for predictability of land use for the public purchasing in an area of the County, it is also used by owners and purchasers when planning for the future. In this case, the area was slated for development by the County but has not developed in that direction. No utilities were extended to the area and the DOH decision on the highway has been pending for over 20 years. Just now has the

DOH moved forward with the plans to make this a viable rezoning request, especially to lose the Heavy Industrial component.

To carry through what the County adopted in 2015 in this Preferred Growth Area, the requested rezoning would be consistent with the statements that indicate that the area should be studied again depending on the highway. In this case, the owner would like to have these properties downzoned from an Industrial standpoint and to allow a limited amount of Minor Subdivisions that are consistent with septic and well since Public Utilities are not foreseeable in the future.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. These parcels will finally have access to proper highway infrastructure and therefore should be supported in the applicant's request to be rezoned. The Residential/Light Industrial/Commercial Zone is a viable and useful zone that allows for limited mixed uses. Current Planning practices have moved in the direction of mixed uses that are consistent with urban centers and towns. It allows for neighborhoods to be able to serve themselves both residentially and commercially. Contrary to recent reports, the mixed use zone is not a prohibited zone in the Comprehensive Plan. The County Commission did not prohibit the zone to be used in rezonings. The plan merely makes a statement that this zone should be discouraged in lieu of other new zones that were being developed. A typical Zoning Ordinance in a traditionally zoned community sometimes has more than 50 zoning districts. Jefferson County's Ordinance only has 12 zones and two or three don't even have any land in the zone. In order for Jefferson to be able to totally do away with the currently permitted mixed-use zone, the ordinance would need to be expanded to include many more zones that allow for a much more variety of uses. The mixed use zone is the only zone in the Jefferson County Ordinance that allows a property owner some flexibility in using and marketing their property.

Based on the preceding recommendations from the Envision Jefferson 2035 Comprehensive Plan, this map amendment is consistent and compatible with the development goals of the Plans.

## B. Change of Neighborhood

This area of Jefferson County has changed a bit since the Zoning Ordinance was adopted in 1988 and the Comprehensive Plan in 2015. While Public Utilities have not been extended, the widening of Route 340 has finally been approved to move forward. Accordingly, the Envision Jefferson Plan suggests that this area be reevaluated, especially since this property has access to one of the new interchanges.

The following are changes in the neighborhood that would specifically support the requested change from Industrial and Commercial to the Mixed-Use District:

### 1. Availability of Public Utilities and Services:

Public Water and Public Sewer have not become available in this neighborhood. The lack of availability of utilities is a change for what was envisioned in this neighborhood in the 35 years since 1988. As such, the commercial and smaller, large lot residential would still be supported in the area, but the Heavy Industrial aspect of the current zone would not be:

‘This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.’ (Page 27)

Again, this would allow commercial/retail/residential, but not heavy industrial uses.

### 2. Lack of Industrial Growth in the Corridor and the PGA:

Since the adoption of the original Zoning Ordinance in 1988, this area has not developed as Industrial as envisioned in the original ordinance. Again, the original Zoning Ordinance and subsequent

(including current) Plans relied on the belief that the Railroad, along with the expansion of the highway and utilities, would support Industrial Growth in this area. That hasn't happened. The significant growth has occurred in the other Preferred Growth Areas and Urban Growth Boundary. The new plan should add PGAs in other areas of the County that are growing.

However, other uses and other zones are supported in this Preferred Growth Area such as limited residential and commercial uses. This is especially true now that the highway expansion is happening. The Plan shows this area as a PGA and is permitted to develop, just not industrially which this rezoning will address.

C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics north of this area since the time of the adoption of the Zoning Ordinance. Route 340 was expanded to 4 lanes north of Rippon over 25 years ago. The County has been waiting for the expansion of Route 340 to be completed to the Virginia line, and that is about to happen.

These changes and improvements to the transportation system near this site has not taken place since 1988 when the Zoning Ordinance was adopted. However, since the Comprehensive Plan was adopted in 2015, the potential of this road improvement has been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. Accordingly, the Comprehensive Plan already acknowledges the highway elements are key to this area developing as a major growth area. In the meantime (the past 35 years), the owners' hands have been tied with respect to doing even a minor subdivision of a Parent to Child transfer of land. These delays in upgrading the road does have an effect on the ability to develop in this PGA. This occurrence supports the rezoning of the property to continue to support commercial, while allowing residential and disallowing the heavy industrial uses.

D. Error or Change of Conditions From the Original Zoning and Subsequent Plans

One justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. But other justifications generally include a change of neighborhood, or a change in conditions since the Zoning Ordinance was adopted. This Application has discussed some of the reasons that this property should not have been zoned for Heavy Industry when the original ordinance was adopted and definitely not after the Envision Jefferson 2035 Plan was adopted.

In this case, the error in the original zoning ordinance is that all of the area south of Rippon could not feasibly develop into commercial and industrial uses simply because it was located between a railway and Route 340. That would be impractical without additional services and infrastructure. Furthermore, County Government and the County public's thoughts on the types of permitted Industry has changed since 1988. This doesn't appear to be the preferred location for heavy industry in Jefferson County anymore. Accordingly, the property should be allowed to develop into commercial and residential uses to take advantage of the PGA designation.

Finally, the change of conditions from the original Zoning Ordinance and the Comprehensive Plans that followed after 1988 is simply that all of these Plans anticipated infrastructure construction and the continued desire to have industry in this area which has changed. It is time to let the property owners have a say in what the zoning and use of their property should be. In this case, the Applicant is simply requesting a reversion to commercial with the ability to do some limited number of large lots or family transfers.

E. Conclusion:

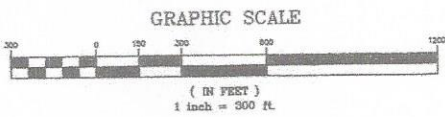
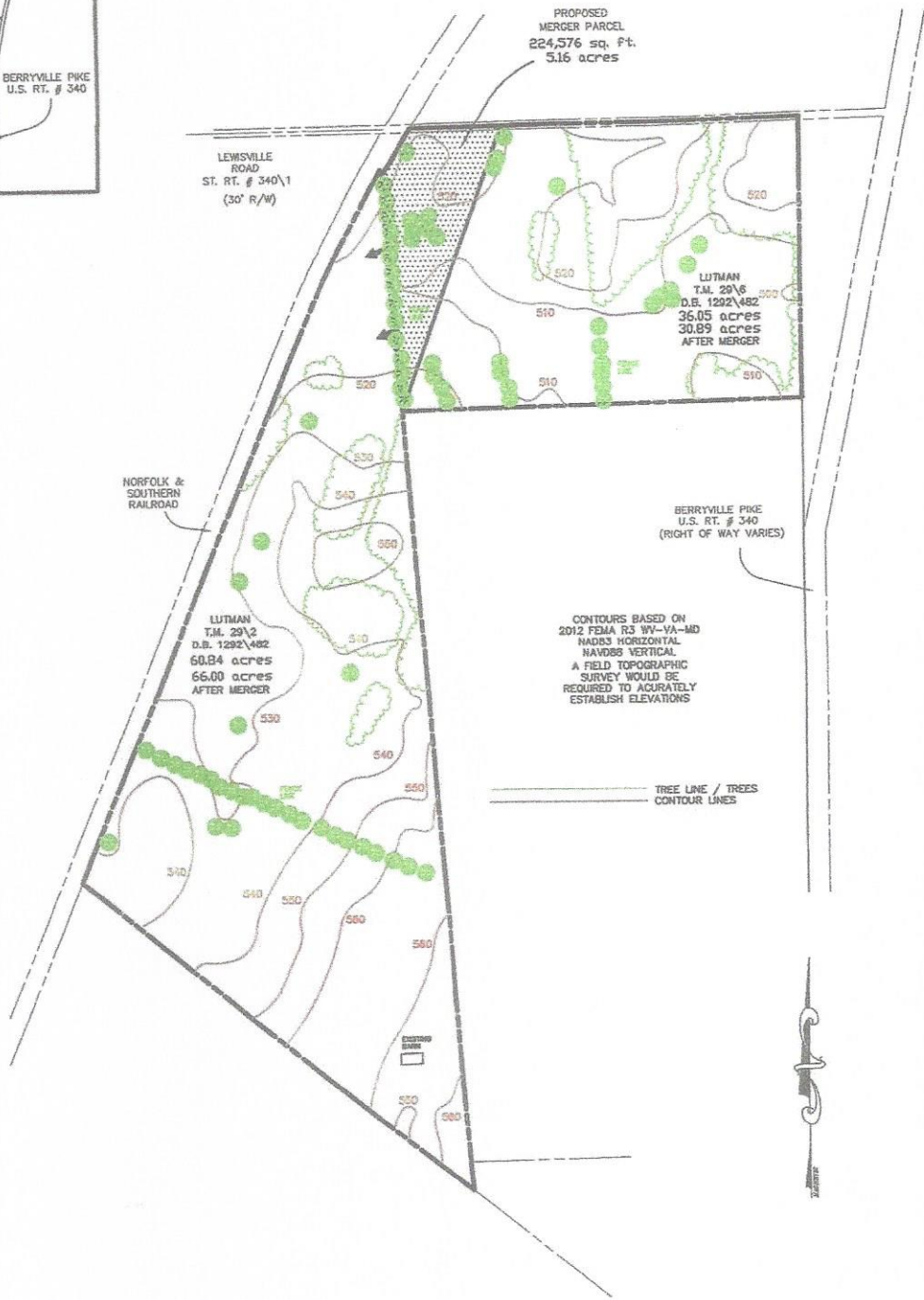
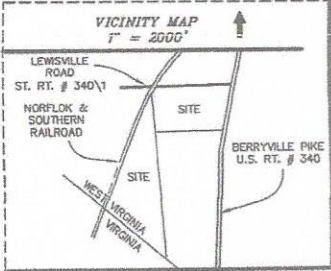
The Applicant respectfully requests that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the Envision Jefferson 2035 Comprehensive Plan and the original Zoning Ordinance in that the required elements envisioned to make this a Preferred Growth Area has not materialized for industrial growth; the changes in the neighborhood from when the original zoning ordinance was adopted including the recent rezoning of the Sunnyside Industrial Park from Industrial/Commercial to Residential/Light Industrial/Commercial District on Wheatland Road; the fact that the area is located in a Preferred Growth Area in the new Plan; the news that the Highway widening is on a direct path for construction; and, the Planning Commission and Staff have indicated in their reports and action that this area's change to the Mixed-Use zone is consistent with the Comprehensive Plan. This map amendment will change the zoning classification on the Applicant's property from the Industrial/Commercial District to the Residential/Light Industrial/Commercial District.



\_\_\_\_\_  
David Lutman, Lutman Land Development LLC

3-29-2023

\_\_\_\_\_  
Date



**LUTMAN REZONING SKETCH PLAT**  
**TAX MAP 89 PARCELS 2 & 6 KABLETOWN DISTRICT**

JEFFERSON COUNTY, WEST VIRGINIA  
T.M. 29 PARCELS 2 & 6 DEED BOOK 1292 PAGE 482  
KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

PROPERTY STANDING IN THE NAME OF LUTMAN LAND DEVELOPMENT LLC, AS RECORDED  
IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1292 PAGE 482.  
SURVEYOR: PETER H. LORENZEN - P.O. BOX BOX 316, SUMMIT POINT, WV, 25448.  
(304) 728-6093

OWNER: LUTMAN LAND DEVELOPMENT LLC \ DEVELOPER: 67 LUTMANS LANE, KEARNEYSVILLE, WV, 25430  
(304) 702-2500

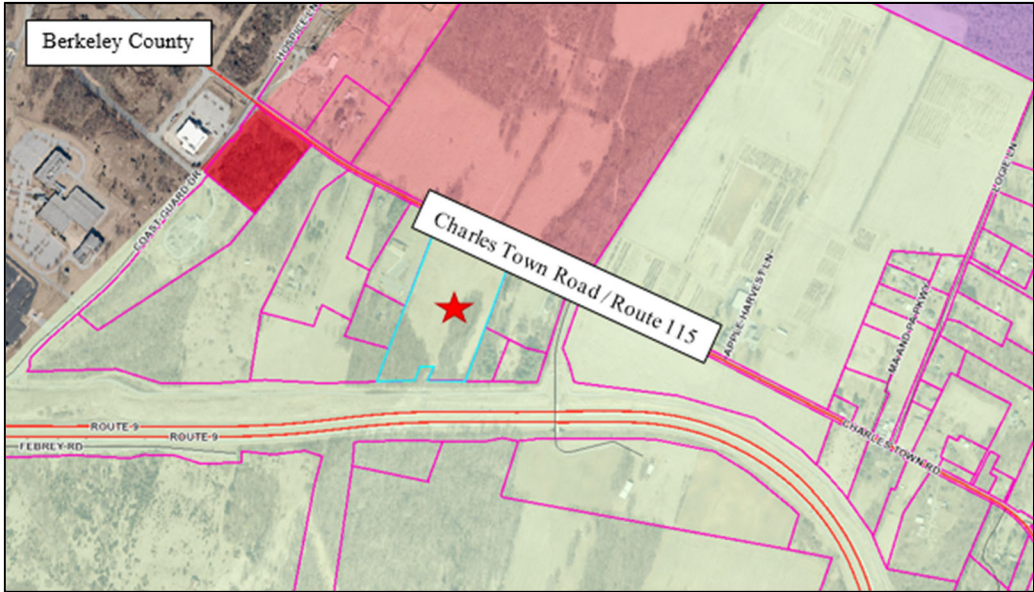
DWG # GANSLER DATE 12-12-22



**Staff Report**  
 Jefferson County Planning Commission Meeting  
 April 11, 2023

**Rehman (ILA Properties) Rezoning Request (23-4-Z)**

**Item # 6:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcel from Rural (R) to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Property Owner:	Saif & Shahzad Rehman
Applicant	ILA Properties, Inc. / Contact: Joshbeen Grewal
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Parcel Information:	<p style="text-align: center;">Vacant Parcel; south of Route 115 West                  approximately ¼ mile southeast of the Berkeley/Jefferson County Line                  Tax District: Middleway (07), Map: 2, Parcel: 2.2                  Acreage: ~12.8 acres; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">North: Residential-Light Industrial-Commercial                  South: Rural; East: Rural; West: Rural, General Commercial, Berkeley Co.</p>
Current Use:	Agricultural
Proposed Request	To rezone from Rural to Residential-Light Industrial-Commercial (RLIC)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that, although the <i>Envision Jefferson 2035 Comprehensive Plan</i> recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request is <b>reasonably consistent</b> with the <i>Envision Jefferson 2035 Comprehensive Plan</i> recommendations.

**Staff Report**  
Jefferson County Planning Commission Meeting  
April 11, 2023

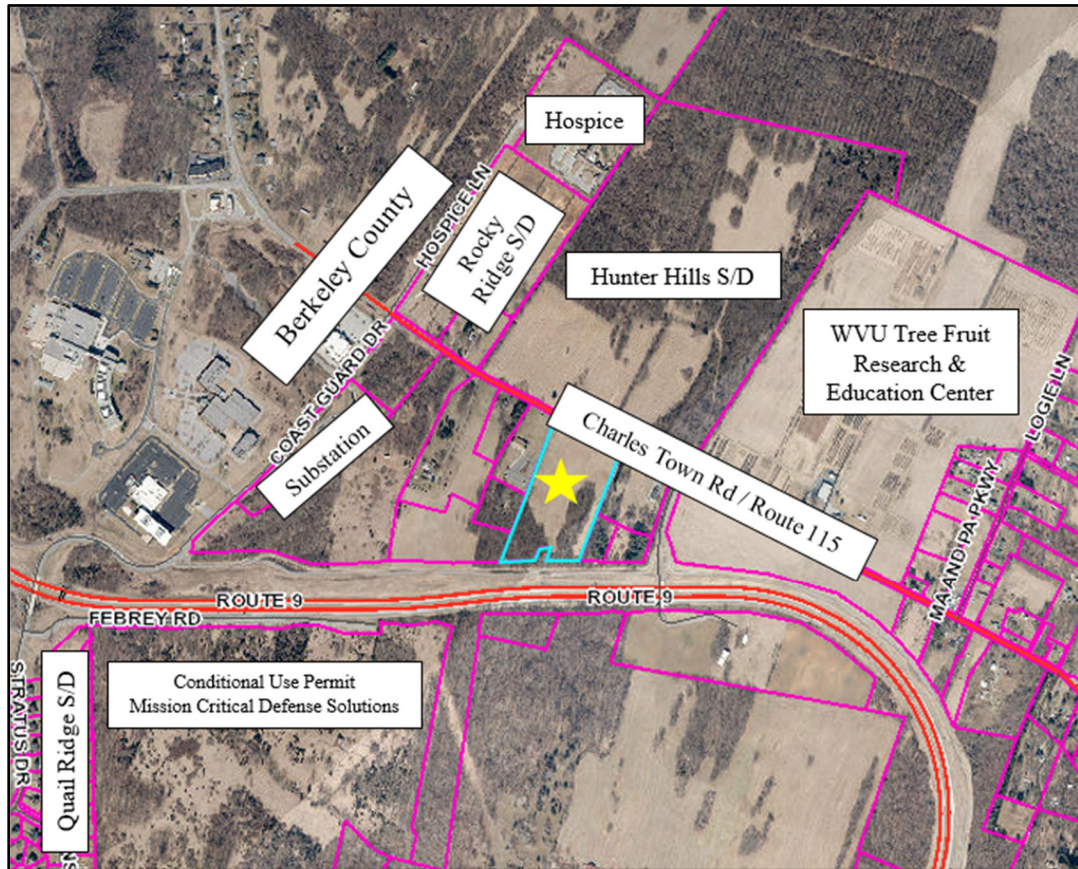
**Rehman (ILA Properties) Rezoning Request (23-4-Z)**

**Applicant's Request**

The applicant is requesting to rezone approximately 12.8 acres from Rural (R) to Residential-Light Industrial-Commercial (RLIC). The property is currently vacant.

**Neighboring Uses**

The property under consideration for this Zoning Map Amendment is surrounded by a combination of rural, residential and non-residential uses.



The property identified as Hunter Hills S/D, on the north side of Charles Town Rd (WV 115), was rezoned to RLIC in 2013 (Z13-01). This property is being developed as a Major Residential Subdivision (File 21-21-SD) for 471 small lot single-family homes and 171 townhouse lots, which will be served by public water and sanitary sewer from Berkeley County.

The property identified as Rocky Ridge S/D, located on the Berkeley County line, was rezoned to RLIC in 2014 (Z14-01). This property has been approved to be developed as a Major Residential Subdivision (File 19-7-SD) consisting of 132 Townhouse lots, which will be served by public water and sanitary sewer from Berkeley County, and a commercial lot for storage units at the corner of Hospice Lane and Charles Town Road (WV 115).

In 2017, the 3.9-acre property immediately to the west of the subject property was developed for the Grace Baptist Church.

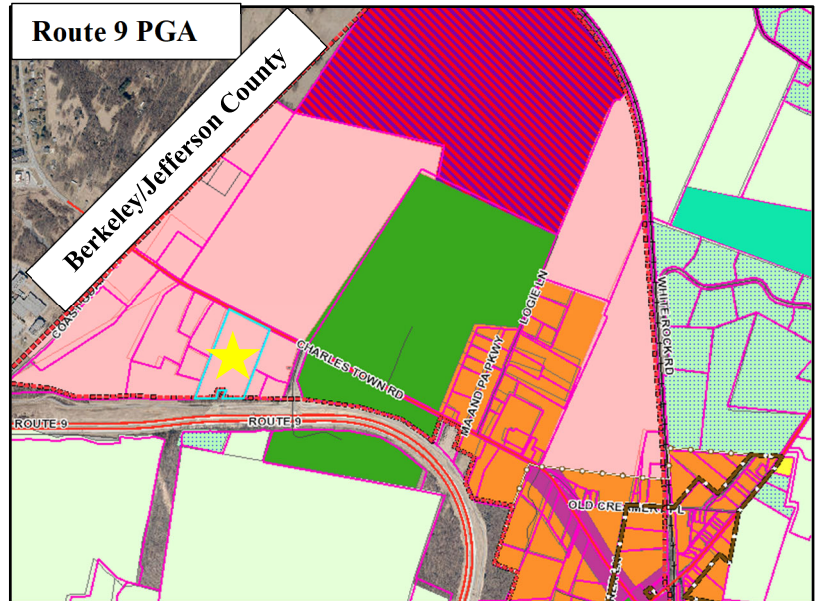
In 2019, a 5.68-acre property located at southeast corner of Coast Guard Road and Charles Town Road (WV 115) was rezoned from Rural (R) to General Commercial (GC) and has not yet been developed.

**Staff Report**  
Jefferson County Planning Commission Meeting  
April 11, 2023

**Rehman (ILA Properties) Rezoning Request (23-4-Z)**

**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan* and provides a staff recommendation for the Planning Commission’s consideration based on relevant sections and elements of the *Plan*. Staff’s professional recommendation is that, although the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the R-LI-C zoning district for zoning map amendments, the request is **reasonably consistent** with the *Plan* because of its location within the County-designated Route 9 Preferred Growth Area (PGA) and its designation on the Future Land Use Guide as future Mixed Use Office/Commercial.



It should be noted that Staff has no statutory authority to make decisions in this regard. The Planning Commission is required to provide the County Commission with their advice as to whether the request is consistent with the Comprehensive Plan prior to the County Commission’s Public Hearing. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

**Zoning Map Amendment Public Hearing Process**

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

**Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary**

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

**1. Land Use and Growth Management Element / Future Land Use Guide**

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

**Staff Report**  
Jefferson County Planning Commission Meeting  
April 11, 2023

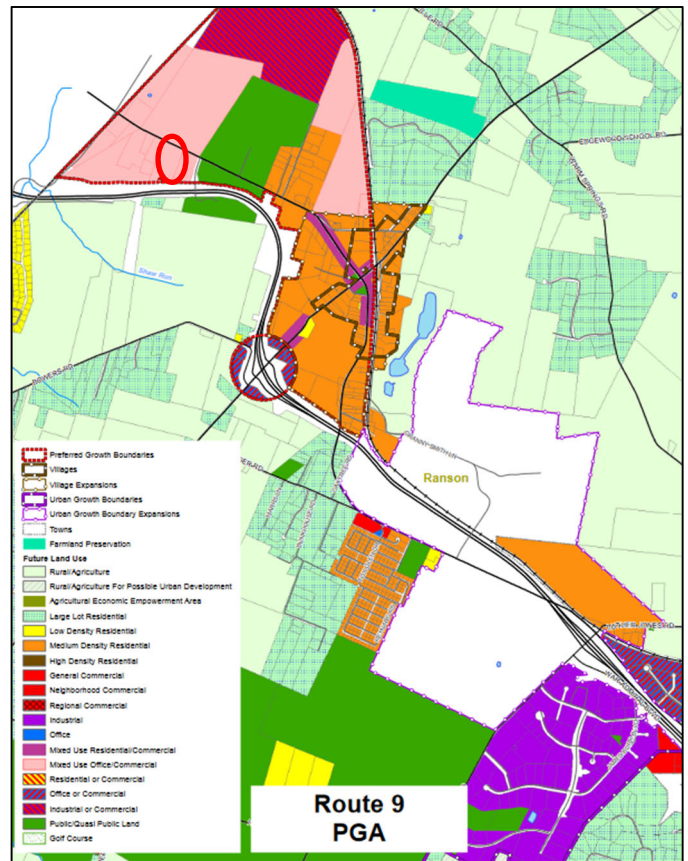
**Rehman (ILA Properties) Rezoning Request (23-4-Z)**

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

The subject parcel is located within the identified Route 9 Preferred Growth Area (PGA) and is shown on the Future Land Use Guide as Mixed Use Office/Commercial. Under the discussion of the PGAs (p. 22), the *Plan* states that because the properties within the Route 9 PGA (between Kearneysville and the Jefferson/ Berkeley County line) could be served by water, sewer, and natural gas services from Berkeley County, the *Plan* recommended more intense business park/commercial uses to develop near the County line. It also recommended that the village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district.

The property included in this petition is inside the boundaries of the *2035 Plan*'s Route 9 PGA and may be able to be served by public water and wastewater treatment once it is extended to the Hunter Hills development. It is therefore intended for eventual urban-level development intensity.

The criteria for evaluating zoning map amendments in a Preferred Growth Area are found within the Recommendations section under "Urban Level Development" (p. 30-33). It should be noted that under the "Urban Level Development Recommendations (Goal 1)", Recommendation #14 recommends that all commercial/industrial zoning map amendment requests should utilize the 2014 (or later) zoning categories and discourages the use of the existing R-LI-C District as a zoning category for zoning map amendment requests. It further recommends that any development in a zone that permits mixed use be developed according to the mixed land use ratios found in the land use categories recommended by this Plan, unless otherwise provided in the Zoning Ordinance (p.33, emphasis added).



The *2035 Plan* clearly discusses the retention of the existing zoning map classifications and states that no zoning map amendments (rezoning requests) or reductions in existing zoning rights were being proposed by the County. The *Plan* doesn't discuss the concept of owner-initiated downzoning requests. In this case, the owner-initiated zoning map amendment to RLIC broadens the uses that can occur in this area to include light industrial, commercial and residential uses. While the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request is reasonably consistent with the *Envision Jefferson 2035 Comprehensive Plan* recommendations as it still allows a mixture of the recommended office and commercial uses as well as potential residential uses.

**Staff Report**  
Jefferson County Planning Commission Meeting  
April 11, 2023

**Rehman (ILA Properties) Rezoning Request (23-4-Z)**

**2. Appendix G - Land Use Map Classifications (p. 235-239)**

The subject property is shown on the Future Land Use Guide and the Route 9 Preferred Growth Area map shown above (p. 223) as Mixed Use Office/Commercial.

Appendix G of the Envision Jefferson 2035 Comprehensive Plan provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide, which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts (p. 235).

Appendix G states that the intent of the Mixed Use Office/Commercial land use category is to create an employment district primarily consisting of office and technology uses, with limited amounts of commercial uses. This will require the development of a new zoning category, intended to provide an opportunity for professional services and business offices, research and development, medical, technology and financial services, which could be located where this category is shown on the Future Land Use Guide (p. 238).

The property that is included in this rezoning request is located within the Route 9 Preferred Growth Area (PGA) based on the relationship to Charles Town Road (WV 115), one of a limited number of roads identified as “Principal Arterial” routes in the County, and the potential extension of public water and wastewater service to the area. The recommended Office/Commercial land use category along this corridor reflected the fact that, with heavier truck track re-routed to the new 4-lane WV 9, along with the future extension of utilities in this area, Charles Town Road (WV 115) would be able to serve a mixture of future urban level land uses supported by the rezoning request. The requested zoning map amendment to Residential-Light Industrial-Commercial (RLIC) allows the uses anticipated with the future Office/Commercial zoning as well as residential uses that would not otherwise be permitted.

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

The purpose of the Residential-Light Industrial-Commercial (RLIC) District (Section 5.8) is “to guide high intensity growth into the designated growth area” (complete description attached). The Urban Level Development Recommendation (#14) “discourages the use of the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests.”

As noted previously, the subject parcel is inside the Route 9 Preferred Growth Area of the *2035 Plan*. While the requested RLIC zoning district is broader than the proposed Mixed Use Office/Commercial zoning district, it is reasonable in this area, to permit residential opportunities along with light industrial and commercial uses through the rezoning process.

**Staff Discussion and Recommendation**

Staff finds that, although the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request is **reasonably consistent** with the intent of the urban-level recommendations of the *2035 Plan*. The location of the property within the County-designated Route 9 Preferred Growth Area, the fact that it is capable of being served by public water and wastewater treatment, and the designation of Mixed Use Office/Commercial support the requested amendment.

**Staff Report**  
Jefferson County Planning Commission Meeting  
April 11, 2023

**Rehman (ILA Properties) Rezoning Request (23-4-Z)**

**Planning Commission Action Required**

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

The petition was presented to the County Commission on April 6, 2023 and the required Public Hearing has been scheduled on May 4, 2023. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this Hearing.

**Attachments:**

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

- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
  - (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.<sup>23</sup>
3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.<sup>32</sup>
  4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.<sup>32</sup>
  5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
  6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.<sup>34</sup>

### **Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District<sup>1</sup>**

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.<sup>23</sup>

#### **A. Principal Permitted and Conditional Uses<sup>23, 27, 32</sup>**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>

## B. Standards<sup>23</sup>

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23, 27</sup>
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.<sup>27</sup>

## C. Site Development Standards<sup>23, 27, 40</sup>

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.<sup>27</sup>
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5, 7, 23, 27</sup>
3. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7, 27</sup>

## Section 5.9 Reserved<sup>23</sup>

## Section 5.10 Village (V) District<sup>8, 23, 32, 35</sup>

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27</sup>

### A. Principal Permitted Uses

1. Residential Land Uses
  - a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.
2. Non-Residential Land Uses in Existing Structures
  - a. Building setbacks, parking and drive aisle setbacks, distance requirements, and landscape buffers are not required when a proposed land use is to be located within an existing structure.
  - b. When additional parking for an existing structure is required, a Site Plan shall be submitted. Setbacks shall be as required in Section 5.10A.2(a) with the exception that a four (4) foot screened buffer shall be required along the side and rear property lines. The screening may be either vegetative (existing or planted) or opaque fencing and may be placed anywhere within the four (4) foot buffer. At the time of the planting, vegetation shall be at least six (6) feet in height. No structures, vehicular parking, or stored materials shall be permitted within the side and rear yard buffers.

**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37, 39, 43</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church <sup>38</sup>	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

\*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

<sup>2</sup> Approval process is per the Salvage Yard 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 #: 23-4-Z  
Date Rec'd: 03/30/23  
Fees Paid: 1,650.00  
Staff Int: jth

Email: planningdepartment@jeffersoncountywv.org  
zoninw@jeffersoncountywv.org

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

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

**Property Owner Information**

Owner Name: Saif and Shahzad Rehman  
Business Name: \_\_\_\_\_  
Mailing Address: 874 Robinwood Hills Drive, Akron, OH 44333  
Phone Number: c/o Paul 304/676-8258 Email: c/o pjraco.consulting@gmail.com

**Applicant Contact Information**

Applicant Name: Joshbaen Grewal Same as owner:   
Business Name: ILA, LLC Property Inc  
Mailing Address: 4515 Charles Town Road, Kearneysville, WV 25430  
Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Consultant Information**

Name: Paul J Raco  
Business Name: P.J. Raco Consulting, LLC  
Mailing Address: P.O. Box 648, Charles Town, WV 25414  
Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: Charles Town Road, Route 115 West Side just South of Berkeley Line Vacant Lot:   
Tax District: Middleway Map No: 2 Parcel No: 2.2  
Parcel Size: 12.80 +- Acres Deed Book: 1059 Page No: 646

**Current Zoning District**

Rural District

**Proposed Zoning District**

Residential/Light Industrial/Commercial District

**Substantiation for the Request**

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

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

Property is located in a Preferred Growth Area in the Jefferson County Envision Jefferson Comprehensive Plan.

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

See Attached

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

A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

The information given is correct to the best of my knowledge.

[Signature] 3/29/2023 [Signature] 3/29/2023  
Property Owner Signature\* Date Property Owner Signature\* Date

\*The original signature of the property owner is required. A copy of the signature will not be accepted.

A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.

Map Amendment (Rezoning) Application  
Article 12, Jefferson County Zoning Ordinance  
Rehman Property  
ILA, LLC  
March 30, 2023

**Owners:**

Saif and Shahzad Rehman  
874 Robinwood Hills Drive  
Akron, OH 44333

**Applicants:**

ILA Properties, Inc  
4115 Charles Town Road  
Kearneysville, WV 25430

**Ordinance Citation:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance. Section 12.3

**Map Amendment Definition:**

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

**Request:**

Amend the Zoning Map for this 12.80 Acre Parcel to Residential/Light Industrial/Commercial, due to its Consistency with the Envision Jefferson 2035 Comprehensive Plan.

**Substantiation for the Request:**

1. The property is currently zoned Rural, and the Applicants are seeking a map amendment to the Residential/Light Industrial/Commercial District. The Applicant believes that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan. This area for development was also considered compatible with the

2004 Jefferson County Comprehensive Plan as evidenced by the County Commission's rezoning of three properties across Route 115 (Hunter Family and Perkins/Lindburg Families) in 2014 for commercial and residential uses and the Murall Limited Partnership property just several properties north of this site;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. The changes include the availability of Public Water and Sewer, the aforementioned rezonings north of this property and across the street in which all were approved by the County Commission, and the additional growth in the area. These changes are addressed in the application;
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Route 9 Preferred Growth Area in Jefferson County. This Map, Growth Area and Plan was approved in 2015 and so far, has developed as envisioned in the Plan. The reasons for rezoning that are cited in this Petition are the same reasons that led to this area to be in the Preferred Growth Area in the Envision Jefferson Plan; and,
4. The Applicants believe that the current Rural Zoning classification is an error in the current Jefferson County Zoning Map since the property has been a Preferred Growth Area since 2015. As such, this area is located in one of the 6 primary growth areas of Jefferson County and is intended for Urban Scale Growth instead of Rural. The property is also located on a Principal Arterial Road (Route 115) in the County. A Principal Arterial Road is the highest rated road in the County and only three roads are identified as Principal Arterial Roads: Route 340, Route 9, and this road, Route 115.

**Tax District, Map and Parcel Number:**

Middleway Tax District, Map 2, Parcel 2.2

**Deed Book Reference:**

Deed Book 1059 at Page 645

**Sketch Plat:**

Attached

**Tract Size:**

12.80 +- Acres

**Discussion on:**

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

**A. Comprehensive Plan Compatibility**

Among the many recommendations in the Envision Jefferson 2035 Comprehensive Plan, the following sections address items directly related to this map amendment.

As found on page 13 of the 2015 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcel is within the Route 9 PGA. The Comprehensive Plan was adopted in 2015 after several years of meetings throughout the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. It is typical for communities that have a Comprehensive Plan, to have requests for both text and map amendments for the map and ordinances to better reflect the Plan. In this case, both the 2004 Plan and the 2015 Plan show this property slated for growth around Route 9 and Kearneysville. The Envision Jefferson 2035 Plan is more specific in that it shows this property within the Rt 9 Preferred Growth Area and specifically identifies the property for Urban Scale/Level Development.

A main difference between the Envision Jefferson 2035 Comprehensive Plan and the previous Plans is that this Plan clearly identifies areas slated for urban growth and under what conditions that this growth should develop. In this area, the Plan targets this area for development due to the availability of Water and Sewer from Berkeley County along with the area's easy access to two interchanges for the four lane Route 9. This modal of transportation leads directly to Route 81. The property area also has direct access to a Principal Arterial Road, one of only three in Jefferson County. Finally, the area is within the Growth Area due to the immediate location of an Office Park (mostly government facilities) in the Liberty Business Park and it is within minutes of the Regional Veteran's Administration Hospital. This map amendment will allow the property to pursue commercial, office and multifamily opportunities. This property along with the other properties adjacent to this property that have already been rezoned should be able to provide support services and housing for the business and industries in the area including the Rockwool Development. The idea is to provide housing near the office and industrial centers so that the labor force does not have to travel long distances through the County to get to work.

The Comprehensive Plan's map show that this property is ready for future development, especially commercial, office, and multifamily development due to its location. This type of use is what the Commission intended when it was designated a Preferred Growth Area.

Page 17 of the Comprehensive Plan describes the various categories of land, including PGAs as follows:

#### "Land Use Activity Areas

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

#### Four Comprehensive Types of Land Use Activity within the Designated Areas

Urban Growth Boundaries  
**Preferred Growth Areas (PGAs)**  
Villages  
Rural/Agricultural Areas

The first two area types addressed below, Urban Growth Boundaries (UGB) and **Preferred Growth Areas (PGA)** (including one residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035." Emphasis Added.

A further explanation of PGAs is found on Page 20 of the Plan:

**"The PGAs** are not intended to be promoted in favor of the UGB for the municipalities. **Both areas are expected to be viable areas for development** and no policy decision is being made to favor one area over another. Each of the PGA Maps can be found in Appendix F – Maps" Emphasis Added.

In this case, the subject property is in a Preferred Growth Area (PGA). Therefore, pursuant to the Comprehensive Plan, this location is prime for development since it is in this designated area, along with the fact that the property is close to a major Electrical Substation, a Business Park, and a Federal Hospital and Outpatient Treatment Facility.

A section of the Envision Jefferson 2035 that supports this map amendment is found on Page 22:

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

It is clear that this section specifically recognizes the subject property as one of the primary properties that is slated for Urban Level Growth. It is ideal for a small professional office, commercial center, or multifamily (apartment) building that will serve the immediate office, institutional and business area. This type of project will provide for apartments and/or commercial uses, while keeping traffic to a minimum.

Finally, the following recommendation is found in the Urban Level Development Recommendations Table starting on **Page 30** of the Plan:

**“5. Create urban level land uses** within the municipalities, UGBs, PGAs, or Villages **through rezoning** that is consistent with the Plan recommendations.

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan:

**“Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas**

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and **Preferred Growth Areas**, where the infrastructure is expected to be available to support these uses.” (Page 69)

And on Page 70: Recommendations:

**“5. Create a business friendly environment in Jefferson County.**

**6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.”**

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, and the Route 9 PGA Map, this map amendment is consistent and compatible with the Plan. The Consistency with, and Compatibility to the existing Comprehensive Plan and the

Future Land Use Guide are the two most important criteria to be used for a Map Amendment.

The importance of the Future Land Use Guide when making Map Amendment decisions is outlined on Page 15 of the Plan:

“By creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”

This section of the Plan allows for predictability of future land uses in Jefferson County. Based on the Map that was created in 2015 (after years of developing the Plan), both the Applicant and the Public were made aware of the land use anticipated on this property and in the neighborhood.

To carry through what the County adopted in 2015 in this Preferred Growth Area, the requested rezoning would allow the Applicants the flexibility of building commercial, office, and/or residential. From an economic development standpoint, Jefferson County would certainly benefit from allowing commercial growth in this County, as opposed to Berkeley County. As a matter of fact, this applicant is the developer who extended water and sewer in the area as desired by the Comprehensive Plan. Since commercial and residential uses are being developed in the area, Jefferson County should continue to take advantage of it. This is especially true since the traffic generated will most likely disperse along the Primary Transportation routes including the four lane highway to other employment centers such as Martinsburg, Hagerstown and Winchester.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. In this case, the property has access to Berkeley County's Public Water and Wastewater Treatment Facilities. The property is also located within minutes of the Short Road and Shepherdstown interchanges onto the four lane Route 9. These qualities make the property an ideal candidate for a map amendment.

Finally, the Plan's goals also support commercial activities in the County; in addition to the protection of private property rights. Both in the current Comprehensive Plan and the proposed zoning ordinance in 2008, this area was proposed to be zoned as a business center and urban area. This shows that the County planners believed that this property was prime land for economic development for quite some time. This is a unique area of the County. Since the 2004 Comprehensive Plan was adopted, this area has consistently been targeted for growth. This is evidenced by the several rezonings in the neighborhood, the rezoning of the area into a business park in the 2008 Zoning Ordinance and now

by the inclusion of this area Route 9 Preferred Growth Area in the Envision 2035 Plan.

While the current Comprehensive Plan supports the map amendment request, the 2004 Comprehensive Plan includes several recommendations that support this rezoning request. This is important to note to show that the area being slated for growth hasn't changed from the old plan to the new plan.

2004 Comprehensive Plan Recommendations:

**Recommendation 3.01 on Page 24:**

“When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes...”

There is also a large Sheetz Store and a Business Park that were constructed in this neighborhood. These two commercial entities are just over the Berkeley border from the subject property. The County Line shouldn't be the limiting factor for commercial development on Jefferson County's side.

**Recommendation 3.18 on Page 64:**

“The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities in the workforce.”

Again, this area is promoted in the Plan to develop into residential subdivisions, apartments, offices and a small commercial center that is conveniently located to a federal government office park and the VA Center. Jefferson County is adjacent to this growth and should capitalize on the economic gains that Berkeley County has enjoyed in the same area. This property should work well with the mixed-use development that was recently processed across Route 115.

According to the County, there is a very small percentage of land that is zoned for just commercial/office use in Jefferson County. It is very difficult to achieve the goal of pursuing new commercial development if the County doesn't create new areas for commercial development as recommended in the Envision Jefferson Plan. Because of the adjacent zoning in Jefferson County and the development in this area of Berkeley County, this property would be an ideal parcel of land to include in a Commercial District which also allows apartments which are lacking in Jefferson County. Besides the proximity to the adjacent development, it

also has access to good infrastructure, including water, sewer, natural gas, and roads.

Based on the preceding recommendations from both the Envision Jefferson 2035 Comprehensive Plan and the previous 2004 Comprehensive Plan, this map amendment is consistent and compatible with the development goals of the Plans.

B. Change of Neighborhood

This area of Jefferson County and the adjacent area on Berkeley County have changed significantly since the Zoning Ordinance was adopted in 1988. Again, these changes will be similar to those that were cited in the Hunter and Perkins Rezoning Petitions. The following are examples of these changes:

1. The Liberty Business Park was developed on the Berkeley County side of the line and contains Coast Guard and IRS facilities. This park is minutes from this property. The adjacent Coast Guard Road serving this property and the Liberty Business Park is now a State Road.
2. With the development of the Liberty Business Park, Public Water and Sewer were extended into the area. The Berkeley County Water and Sewer lines were also extended down Route 115 to this property by this applicant to serve other compatible uses that are endorsed by the Comprehensive Plan Preferred Growth Area.
3. Several residential developments have been built in this area including Quail Ridge Subdivision (Final Section still under construction) and Chapel View Subdivision and the applicant has two more affordable projects under development in the immediate area.
4. Quad/Graphics, a very large industrial printing and distribution facility, was built in Baker Heights in the 90s.
5. In 2005, the County Commission rezoned the 191-acre F.O. Day property which is in the same neighborhood. The Day property was zoned Rural, and the County Commission approved a map amendment to Commercial/Industrial after finding that it was consistent with the Comprehensive Plan
6. The large Sheetz Store was just built in the neighborhood (less than 1/4 mile away). Ironically, this Sheetz was relocated from Jefferson County.

7. A Food Lion (within eyesight just across Coast Guard Drive) was built adjacent to this property just on the Berkeley side of the line. The grocery store was sold since it opened.
8. The Comfort Suites Hotel was built very close to the subject property.
9. Hospice of the Panhandle has built its headquarters and a multi-bed in-house care facility in the neighborhood. This facility was a project that was approved by both Jefferson and Berkeley Counties since it straddles the County line. The project includes over 25,000 square feet of office space and a very large inpatient center.
10. The new Route 9 was completed with direct four lane access to Route 81. This route is approximately one mile from the subject property and has two major interchanges that services this Preferred Growth Area. Old Route 9 (Route 115) still considered a Primary Road by the Comprehensive Plan, services this property and leads into Short Road that has direct access to the new interchange. The property is nearly in between two major interchanges (Shepherdstown Exit and Short Road Exit) to the new four lane Route 9. This makes the property ideal the plan supported development.
11. 2014, the County Commission unanimously approved two separate requested mixed-use rezonings for the three properties across the street owned by the Hunters and the Perkins Trust.
12. A 132 Unit Townhouse Residential Project with Mini-Storages was recently approved by the Planning Commission for the property in the vicinity of the subject property.

The following are changes in the neighborhood that would specifically support the requested change from Rural to the General Commercial District:

1. Availability of Public Utilities and Services:

Public Water and Sewer is now available in this neighborhood. The availability of this capacity is a change for this neighborhood since 1988. As stated earlier, one of the Comprehensive Plan's primary objectives is to funnel growth into areas already served by existing infrastructure such as sewer and water:

‘This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.’ (Page 27)

The allowance of growth in this area because of both the sewer and water and location within the PGA is also supported by Recommendation 5a found on Page 30:

“Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, **PGAs**, or Villages **where water and sewer services are available.**” (Emphasis added)

In this case, there is a need for commercial development and multifamily to offset the office and institutional development in this area and that are recommended in the UGBs and the PGAs. This property is ideal to provide those needed commercial and affordable housing for the existing office and hospitals/inpatient facilities.

## 2. Growth in the Corridor:

Since the adoption of the original Zoning Ordinance in 1988, this area has grown considerably. The significant growth includes Quail Ridge and Chapel View Subdivisions; Hospice Offices and Inpatient Campus; large Sheetz; Grocery Store; Quad/Graphics in Baker Heights, the Liberty Business Park and the approved (Concept Plan) townhouse development across the road. These types of developments along with the existing growth in the Kearneysville and Baker Heights area illustrate that commercial and office development and residential along old Route 9 is very much consistent with the Comprehensive Plan; especially since most of these came after the Zoning Ordinance was adopted. The map amendment for the subject property would ideally fit into this neighborhood's mixed use.

### C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics in this area since the time of the adoption of the Zoning Ordinance. Old Route 9 was enhanced just north of the property in Baker Heights. The road was widened and improved to accommodate the large volume of tractor trailer traffic associated with the industrial and commercial growth in the area.

However, the major change in transportation characteristics is the finished Route 9. It is the direct four lane link to Route 81 that Jefferson County supported. This road has opened both trade routes and commuter routes in and out of Jefferson County. As mentioned previously, this property has access via good roads (old Route 9 (Route 115)) to both the Short Road and Shepherdstown

interchanges onto new Route 9. The new Route 9 and Public Water and Sewer in this area make this property an ideal property for further development and is just as proposed by the Comprehensive Plan.

These changes and improvements to the transportation system have taken place since 1988 when the Zoning Ordinance was adopted. Since the Comprehensive Plan was newly adopted in 2015, these road improvements have already been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. All these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and neighborhood. The four lane Route 9 was recognized as a driving force for the creation of this Route 9 Preferred Growth Areas in the Plan. Accordingly, the Comprehensive Plan already acknowledges that these transportation changes have had a positive effect in this area, so much so, the County endorsed the creation of this area as an Urban Growth Center in an acknowledged Preferred Growth Area. These changes and improvements to both the Comprehensive Plan and the Transportation Characteristics support the rezoning of the subject property.

#### D. Error in the Original Zoning Map

The only justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. This is the reason that the Comprehensive Plan is so thoroughly discussed in this Petition. However, in some states, an error in the original zoning map is also used as a good indicator for map amendments. Accordingly, this Petition will briefly touch on some of the reasons that this property should have been zoned for development when the original ordinance was adopted; and/or shortly after the Envision Jefferson 2035 Plan was adopted. These aren't errors in the traditional sense, just reasons that the area should be rezoned based on the circumstances that existed in 1988 when Zoning was adopted and after both the 2004 and 2015 Comprehensive Plans were adopted.

Listed below are several reasons why this property should have been zoned for development in 1988 when the original ordinance was adopted and after 2015 when the Envision Jefferson 2035 made it very clear that the property was ideal for growth. These reasons have already been discussed in detail in this Petition. These are some of the reasons that the Day property was rezoned in 2005, the Hunter and Perkins' properties were rezoned in 2014 and the Murall Property was rezoned in 2019 all in this neighborhood. These reasons alone would support the requested map amendment to the mixed-use classification:

1. The property is located on a Principal Arterial Road as defined by the Comprehensive Plan. There are only three roads defined as Principal Arterial Roads in Jefferson County (Route 340, Route 9, and Route 115);

2. The property has access to public water and public wastewater services;
3. The property is located between two unincorporated mixed-use communities (Baker Heights and Kearneysville); and,
4. The long anticipated major connection was made with Route 81 when the Route 9 Four Lane was completed.

Once you combine these facts with the other compelling factors including: the Liberty Business Park; Residential Subdivisions; the large Sheetz store, the grocery store, the VA Center, the Hospice of the Panhandle; the multiple rezonings; and, the new Route 9, it makes this property and ideal candidate for the requested map amendment. These arguments were only bolstered by the 2015 Comprehensive Plan's designation as a PGA.

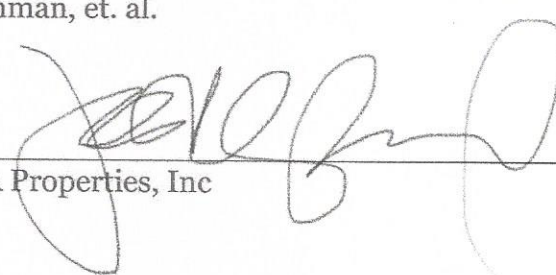
E. Conclusion:

The Owner and Applicants respectfully request that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Petition cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the Envision Jefferson 2035 Comprehensive Plan, the 2004 Comprehensive Plan; the 2005 action of the County Commission regarding rezoning the Day property; the recent rezonings of the adjacent Hunter, Perkins', and neighboring Murall Partnership properties; the fact that the property should have been classified as a mixed-use district in the original ordinance or at least during the 2004 and 2015 rewrites of the Comprehensive Plan; the positive changes in the transportation characteristics in the area, especially the construction of Route 9; the changes in the neighborhood from when the original zoning ordinance was adopted (including the development of a business/office park); the fact that the property and area is located in a Preferred Growth Area in the new Plan indicates this area as a major growth location; and, the fact that the property has access to Public Water and Sewer and other services. This map amendment will change the zoning classification on the Owner/Applicant's property from the Rural District to the Residential/Light Industrial/Commercial District.

*See Attached*

\_\_\_\_\_  
Rehman, et. al.

\_\_\_\_\_  
Date

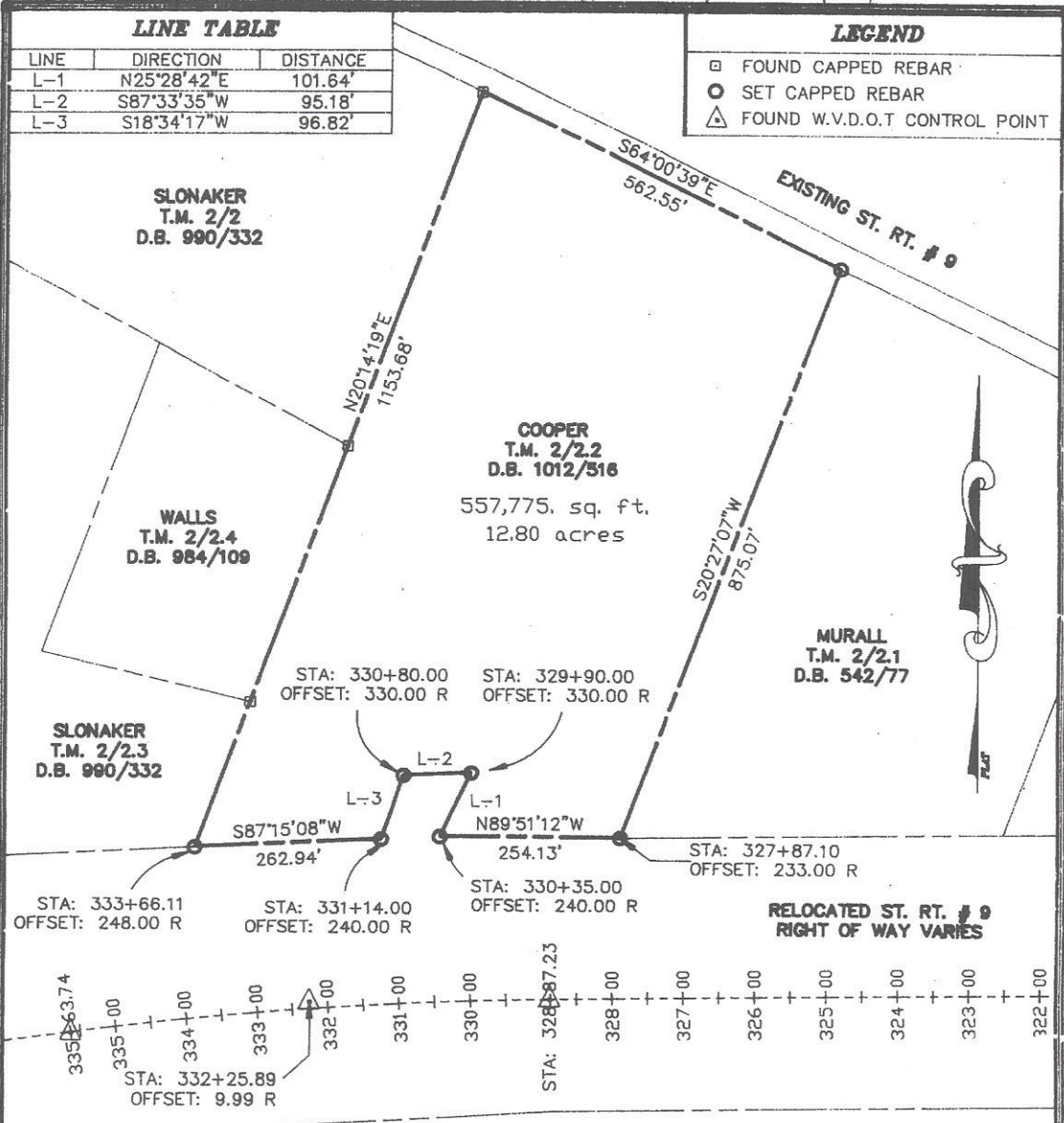
  
\_\_\_\_\_  
ILA Properties, Inc

\_\_\_\_\_  
3/29/23

\_\_\_\_\_  
Date



REYMAN REZONING



## PLAT OF RESURVEY

PLAT SHOWING RESURVEY OF TAX MAP PARCEL 2/2.2, STANDING IN THE NAME OF OTTOWAY & MONTCELLO COOPER, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1012/516 LOCATED IN MIDDLEWAY DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

DWG # 4588

DATE-10/26/05

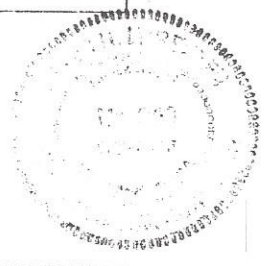
### GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft.

SURVEYED BY:

PETER H. LORENZEN P.S.  
SUMMIT POINT, W.V. 728-6093





# Jefferson County WV Public Research Map

Jefferson County GIS/Addressing Office

REYMAN Rejoice

Layers

- Addressing ✓
- Boundaries
- Parcels - Not Survey Accurate ✓
- Water Features ✓
- Historic ✓
- Recreation
- Geology ✓
- JC Planning & Zoning

Find

Identify Filter

Identify Results

1 features currently selected

**Parcel: 07000200020002**

TD: 07 / Map: 2 / Pcl: 0002.0002  
 Deeded Owner: REHMAN SAIF & SHAHZAD  
 Owner Address: 874 ROBINWOOD HILLS DR  
 City: AKRON  
 State: OH  
 Zip: 44333  
 Deed Book/Page: [1059/645](#)  
 Description: 12.80 AC S & W ENTERPRISES  
 Lot Size: 12.8  
 Tax Year: 2023  
 Map Card: [Map Card](#)  
 County Tax Information: [County Tax Info](#)





**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

**3<sup>rd</sup> Quarterly Report for Planning and Zoning**  
**FY 2023 (January 1, 2023 – March 31, 2023)**

Attached is an electronically generated report of all applications submitted and reviewed within the 3<sup>rd</sup> Quarter of FY2023. This data is being provided as a part of the 3<sup>rd</sup> Quarterly Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

**PLANNING COMMISSION ITEMS**

<b>Planning Commission Meetings:</b>	<b>4 Meetings</b>
<b>Subdivision Regulations Text Amendments</b>	<b>none this quarter</b>
<b>Zoning Ordinance Text Amendments</b>	<b>none this quarter</b>
<b><i>Envision Jefferson 2035 Comprehensive Plan Text Amendments</i></b>	<b>none this quarter</b>
<b>Zoning Map Amendments/Rezoning</b>	<b>2</b>

#23-1-Z      Petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial to Rural; Owner: Lutman Land Development LLC. Property Location: Vacant parcels located southeast of the intersection of Norfolk & Southern Railroad and Lewisville Road, Charles Town/Summit Point, WV. Located behind John’s Family Restaurant- 847 Berryville Pike & 340 Defense Shooting Range and Firearms Training - 459 Berryville Pike, Summit Point. Tax District: Kabletown (06), Map: 29; Parcel 2 comprised of 66 acres and Parcel 6 comprised of 30.89 acres. Zoning District: Industrial-Commercial (File: 23-1-Z).

*PC Discussion and Recommendation that Rural was not consistent with the Envision Jefferson 2035 Comprehensive Plan 3/14/23. Withdrawn before CC Public Hearing.*

#23-2-Z      Petition for a Zoning Map Amendment to rezone the subject parcels from Residential Growth to Residential-Light Industrial-Commercial. Property Owner: Federal Group, Inc. Property Location: 233 Lowe Drive, Shepherdstown, WV. Tax District: Shepherdstown (09), Map: 8; Parcel 24.3 comprised of 1.02 acres, which is designated as a right-of-way (Lowe Drive) and Parcel 10.9 comprised of 23.67 acres (formerly the Shepherdstown Clarion). Zoning District: Residential Growth (File: 23-2-Z).

*PC Discussion and Recommendation that this request is consistent with the Envision Jefferson 2035 Comprehensive Plan 3/14/23. CC Public Hearing 3/16/23; ZMA approved.*

**Concept Plan Public Workshops** **1**

#21-8-SP      Reconsideration of the Concept Plan for Berryville Pike Telecommunications Tower consisting of a 179' Monopole Telecommunications Tower. *Note that this is the remand of*

*the Berryville Pike Telecommunications Tower Concept Plan with discussion limited to “demonstration of need” under Jefferson County Circuit Court Civil Action No. 2022-C-85. Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC; Property Owner: 340 Rainbow LLC; Property Location: 3511 Berryville Pike, Charles Town, WV; Parcel ID: 06001100010002; Size: 9.31 acres; Zoning District: Industrial-Commercial Public Workshop 01/10/23; PC made a motion to approve the Concept Plan for the proposed tower and noted that after reviewing the evidence presented, the applicant met the burden of proof and have shown the demonstration the need as required by the Jefferson County Zoning Ordinance.*

**BOARD OF ZONING APPEALS (BZA) ITEMS**

**Board of Zoning Appeals Meetings:** **3 meetings**  
**Zoning Appeal of Administrative Application:** **1 appeal received to be heard 4/27/23**

**PLANNING & ZONING STAFF ITEMS**

**Pre-Proposal Conference (PPC) Meetings:** 15 Total (6 Subdivision & 9 Site Plan)  
**Information Request Forms (IRFs) -- general inquiries from the public:** 31 Total  
**Zoning and Land Development Fees Collected:** \$ 22,668.03

<b>Regional Transportation Planning Meetings (all remote)</b>	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	01/23/23; 03/20/23
Eastern Panhandle Transit Authority (EPTA) Safety Committee Meetings	03/30/23
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	01/18/23; 03/15/23
HEPMPO Regional Freight Plan	04/05/23
HEPMPO Regional Bike/Pedestrian Plan Stakeholders Meeting	03/16/23

<b>Local and Regional Planning Meetings (all remote)</b>	
Annual Eastern Panhandle Economic Outlook Luncheon	01/19/23
WV APA Legislative Committee Meetings (ZOOM);	01/06/23
WV APA Membership Committee (ZOOM)	02/16/23; 03/16/23
Elks Run Project Planning Meeting (WV Rivers)	01/20/23; 02/17/23

**Planning and Zoning Quarterly Report**  
**01/01/2023 - 03/31/2023 (Generated 4/3/2023)**

Type	Project Number	Creation Date	Owner Name	Location	Status	Description
Conditional Use Permit	23-1-CUP	1/3/2023	BONNELL ALEXIS D & KERIAN JC MCMANUS	144 QUARRY RUN RD, HARPERS FERRY, WV 25425	Closed	CUP to operate a Special Event Facility (Project Name: "The Quarry"); hosting an average of 15 events per year with a maximum capacity of 125 guests; maximum of 30 grass parking spaces; additional parking will be addressed by requiring small group transport services.
	23-2-CUP	2/27/2023	375 DORLAND LLC - Mark Lazar	1195 CHESTNUT HILL RD, HARPERS FERRY, WV 25425	Open	CUP to establish a federal firearms business that includes gunsmithing and retail sales on 10 acre portion of the 92 acre tract; initially to be conducted from the existing structures within the 10 acre area, with the option to construct new buildings/additions to existing buildings in the future
	23-3-CUP	3/23/2023	K5 INVESTMENT GROUP LLC - Keith and Kelly La Gala	350 BAKERTON RD, HARPERS FERRY, WV 25425	Open	Special Event Facility
	23-4-CUP	3/31/2023	KISER PATRICK G & WENDY M	135 BREEZE KNOLL WAY, CHARLES TOWN, WV 25414	Open	Retail sales, Limited; FFL transfers; producing woodworking projects
					<b>Category Total:</b>	<b>4</b>
Easements	23-1-E	1/25/2023	KIME FARM OWNER LLC	1321 BRUCETOWN RD, KEARNEYSVILLE, WV 25430	Open	A Farmland Preservation/Conservation Easement consisting of 178.358 acres, which includes the 2 acre residential dwelling area as well as the 10 acre retained development right area.
					<b>Category Total:</b>	<b>1</b>
Merger or Boundary Line Adjustment	23-1-M	1/3/2023	ACLY JAMES P & KATHLEEN J	Vacant Lot Macbeth Dive, Charles Town, WV 25414	Open	Boundary Line Adjustment between Parcels 54 & 57
	23-2-M	1/12/2023	TAYLOR JASON C & MELISSA L	2204 BOWERS RD, KEARNEYSVILLE, WV 25430	Open	A BLA of 0.17 acres from Parcel 5.1 to Parcel 5.11; and, a BLA of 0.27 acres from Parcel into Lot 1.
	23-3-M	1/31/2023	ASAM DAVID A	7449 MARTINSBURG PIKE, SHEPHERDSTOWN, WV	Open	BLA of .04676 ac from Parcel 16 to Parcel 20
	23-4-M	2/8/2023	STAUBS DENNIS W & TERESA A	4 GOODE LN, HARPERS FERRY, WV 25425	Open	BLA of .0080 acres from Parcel 71 (Lot 23) to Parcel 72 (Lot 24)
	23-5-M	2/10/2023	BETTY LLC	71 CHERRY LN, SHEPHERDSTOWN, WV	Open	BLA between Parcels 23.5 & 23.6 (Lowe) to Parcel 22 (Betty LLC)
	23-6-M	2/10/2023	STANLEY SCOTT D	55 CHERRY LN, SHEPHERDSTOWN, WV	Open	BLA between Parcels 23.6 (Lowe) to Parcel 22 (Stanley)
	23-7-M	3/1/2023	New Hope Farm - Raffy Ekhsigian	867 HINTON RD, KEARNEYSVILLE, WV 25430	Open	Boundary line adjustment between Lot 3, Lot 4, and Parcel 1
	23-8-M	3/23/2023	CLINE JOHN A-TR & KRISTA L EDWARDS-TR	904 ANN LEWIS RD, CHARLES TOWN, WV 25414	Open	A BLA of 9.987 from Parcel 7.5 to Parcel 7.5
	23-9-M	3/27/2023	BOATWRIGHT RHONDA & BENNIE FAMILY TRUST	15017 CHARLES TOWN RD, CHARLES TOWN, WV 25414	Open	Consolidation of Lots 1 and 2 (parcel 5). BLA of .164 acres from parcel 1.2 to Parcel 5.
					<b>Category Total:</b>	<b>9</b>
Planning Commission Waiver	23-1-PCW	1/17/2023	ASHBAUGH PAUL L & DONNA K	Lathem Drive, Harpers Ferry, WV 25425	Open	Waiver from Section 20.201A.2 to reduce the width of the required access easement from 50' to 34'; and, to allow for the creation of two additional lots to process as a minor subdivision.
	23-2-PCW	1/23/2023	Sheetz Inc. - Bob Franks	AUGUSTINE AVE, CHARLES TOWN, WV 25414	Open	Waiver from Section 20.102B to allow for site grading to commence prior to site plan approval.
	23-3-PCW	1/23/2023	REICHEL SUSAN ET AL	2195 ENGLE MOLERS RD, HARPERS FERRY, WV 25425	Open	Waiver from Section 20.201A.2 to reduce the width of the required access easement from 50' to 20' for a three lot minor subdivision.
	23-4-PCW	1/23/2023	Iris Wood	Amanda Court, Harpers Ferry, WV 25425	Open	Waiver from Section 20.204 to allow the proposed Harpers Ferry Dollar General to utilize the Minor Site Plan process as opposed to the Major Site Plan process due to the extension of offsite infrastructure.
	23-5-PCW	1/23/2023	Iris Wood	Amanda Court, Harpers Ferry, WV 25425	Open	Waiver from Section 20.102B to allow for site grading to commence prior to site plan approval.
	23-6-PCW	1/25/2023	SUSO 2 ALABAMA LP	96 PATRICK HENRY WAY, CHARLES TOWN, WV 25414	Open	Waiver from Section 20.203B.2 of the Subdivision Regulations to waive the requirement of a Site Plan to allow for the construction of a 2,420 square foot addition to be located over the existing parking lot.
	23-7-PCW	3/16/2023	W A CHESTER LLC	3607 BERRYVILLE PIKE, CHARLES TOWN, WV 25414	Open	Waiver from Section 20.203B.2 of the Subdivision Regulations to waive the requirement of a Site Plan to allow for the placement of one (1) 2,100 square foot office trailer and one (1) 460 square foot office trailer to be located on an existing impervious area.
					<b>Category Total:</b>	<b>7</b>
Early Grading Permit	23-1-EGP	3/1/2023	Guy Chicchirichi	Augustine Ave, Charles Town, WV 25414	Open	Early Grading Plans
					<b>Category Total:</b>	<b>1</b>

Site Plan	23-1-SP	2/2/2023	W A CHESTER LLC	3607 BERRYVILLE PIKE, CHARLES TOWN, WV 25414	Open	WA Chester Expansion: to relocate a 10' x 46' (460 sf) office trailer; and, to install a new 35' x 60' (2100 sf) office trailer.
	23-2-SP	3/13/2023	L & C HORNING LLC - Charlie Horning	MADDEX DR, SHEPHERDSTOWN, WV	Open	Aspen Hill Apartments: six (6) units in a single structure
	23-3-SP	3/22/2023	SHANNONDALE ENTERPRISES INC	1329 LAKESIDE DR, HARPERS FERRY, WV	Open	Proposed 100' Monopole telecommunications tower for Verizon Wireless
	23-4-SP	3/22/2023	BC PARTNERS INC	Old Country Club Road, Charles Town, WV 25414	Open	Concept Plan for the Flowing Springs Farm Solar project for a proposed 125 MWac solar electric generating facility on approximately 660-acres, consisting of solar modules, a new substation, and underground utilities. The project site has existing high voltage power lines running through the property.
					<b>Category Total:</b>	<b>4</b>
Special Exception Permit	23-1-SE	3/21/2023	Jackson Kiley	107 KERNS DR, HARPERS FERRY, WV 25425	Open	Request for a Special Exception Permit to install a 10' (length) x 10' (width) off-premises sign to remain affixed to the existing Leetown United Methodist Church Sign; also requesting a deviation from the following: A) Section 10.7H to reduce the distance requirement from 200' to 95' on the western property line; to 60' on the northwestern property line; and, to 172' on the northeastern property line. B) Section 10.7I to allow an electronic sign to be parallel to a residence.
					<b>Category Total:</b>	<b>1</b>
Minor Plat Change	23-1-MPC	1/10/2023	BEALLAIR HOMES LLC - Ed Wormald	Beallair Manor Dr., Charles Town, WV 25414	Closed	Minor Plat Change to modify the setbacks for Lots 214, 215, and 217 along the cul-de-sac.
	23-3-MPC	1/23/2023	D.R. HORTON - Devin Clark Urgo	Kearneysville Pike, Shepherdstown, WV 25443	Open	Minor Plat Change Final Plat to revise model home lot; remove pedestrian bridge; replace cobblestone surface with stone access/standard concrete sidewalk; add a 2' x 2' x 5' brick pier to the entrance feature along the west side of Lyon Ridge Road.
	23-4-MPC	1/30/2023	John Gibson	SHEPHERDSTOWN PIKE, Harpers Ferry, WV 25425	Open	Minor Plat Change for Lot 1: septic reserve relocation
	23-5-MPC	2/2/2023	BUEDE PAUL & JESSICA	187 REVOLUTIONARY RD, CHARLES TOWN, WV 25414	Closed	Barleywood Subdivision Lot 50 Relocation of the septic reserve area.
	23-2-MPC	2/6/2023	GODDARD LAURA	Falcon Ridge, Charles Town, WV 25414	Open	Falcon Ridge Minor Plat Change
					<b>Category Total:</b>	<b>5</b>
Final Plat Amendment	23-1-FPA	1/3/2023	Abby Hyams	Deer Mountain Dr, Harpers Ferry, WV 25425	Closed	Request for a Final Plat Amendment to lift the single family restriction (PB 8/PG 6C) to allow for the construction of a two family dwelling (attached garage with apartment) for a family member.
	23-2-FPA	1/31/2023	OEHLSEN MICHAEL E & JOHNNA	277 RYANS GLEN DR, CHARLES TOWN, WV 25414	Open	Final Plat Amendment to lift the single family restriction from Lot 10 of the Ryan's Glen Subdivision.
					<b>Category Total:</b>	<b>2</b>
Subdivision	23-1-SD	1/17/2023	DR Acquisitions	Charles Town Road, Charles Town, WV	Open	King's Crossing Phase 1B, Lots TH 49-72; Lots 15-32 and 167-173; Open Space Parcels P and Q; and, SWM Lot 3.
	23-2-SD	2/6/2023	Anthony Husted	Kidwiler Road, Harpers Ferry, WV 25425	Open	Lots 2 - 4 of a Cluster subdivision of Kidwiler Lot 2
	23-3-SD	3/6/2023	BML, LLC - Brant Lowe	Kearneysville Pike, Shepherdstown, WV 25443	Open	BLA from lot 1-Residue to Lot B; and, MSD of new Lot B into B1 - B5.
	23-4-SD	3/8/2023	Wilbert & Sharon Kidwiler	1044 KIDWILER RD, HARPERS FERRY, WV 25425	Open	Kidwiler MSD, Lot 1-Residue and Lot 6
	23-5-SD	3/8/2023	HAUGH GREGORY J & DIANE T	407 ENGLE MOLERS RD, HARPERS FERRY, WV 25425	Open	Gregory and Diane Haugh Minor Subdivision Lots C1 and C2
	23-6-SD	3/17/2023	CAHALIN JOHN K & HELEN J	134 HAWTHORNE DALE RD, CHARLES TOWN, WV 25414	Open	Minor Subdivision - Lots 1, 2, and 3-Residue
	23-7-SD	3/22/2023	BLUE JAMES T & SONS INC	Flowing Springs Road, Shenandoah Junction, WV	Open	Creation of one 5-acre lot as a family transfer.
	23-8-SD	3/30/2023	LUTMAN LAND DEVELOPMENT LLC	TROUGH ROAD, SHEPHERDSTOWN, WV	Open	4-lot minor subdivision
	23-9-SD	3/30/2023	Tracy J. Dove	428 Flowing Acres Rd, KEARNEYSVILLE, WV 25430	Open	3 lots and a residue Minor Subdivision
					<b>Category Total:</b>	<b>9</b>

<b>Zoning Appeal</b>	23-1-AP	3/29/2023	WHISPER RIDGE LLC	WILT RD, CHARLES TOWN, WV 25414	Open	Appeal of the Zoning Administrator's determination that any nonconforming use that has existing on the subject parcel has been abandoned.
					<b>Category Total:</b>	<b>1</b>
<b>ABC Letter</b>	23-1-ABC	3/1/2023	HARPERS FERRY HOLDINGS, LLC - MATTHEW KNOTT	408 ALLSTADTS HILL RD, HARPERS FERRY, WV 25425	Closed	ABC Letter for River Riders, Inc. dba Alstadts Ale House
						<b>1</b>
<b>Zoning Certificate</b>	23-1-ZC	1/3/2023	REXROAT RUSSEL & CYNDI - Cindy Rexroat	191 MYERSTOWN RD, CHARLES TOWN, WV 25414	Closed	weddings and group gatherings, farm vacation enterprise, lodging for guests, pick your own crop, bed and breakfast, possible future expansion
	23-2-ZC	1/9/2023	BIGGS ROBERT G JR & LISA	7067 FLOWING SPRINGS RD, SHENANDOAH JUNCTION, WV 25442	Closed	Cottage Industry: Body Restore Massage Therapy. Proposal consists of a new 14' x 24' detached accessory structure. Operation: 3-4 days/week; 10:00 am to 5:00 pm. No employees. One parking space.
	23-3-ZC	1/18/2023	Horus West Virginia I - Braden Houston	Route 115 and Kabletown Rd, Charles Town, WV 25414	Closed	Solar Energy Facility (multiple parcels) - Concept Plan
	23-4-ZC	1/17/2023	SAB REAL ESTATE 2 LLC	8310 MARTINSBURG PIKE, SHEPHERDSTOWN, WV 25443	Closed	Martinsburg ROCS Gas Station and Convenience Store Electronic Monument Sign.
	23-5-ZC	1/18/2023	JEFFERSON CROSSING OFFICES LLC - Norman Pozez	46 TRIFECTA PL STE 100, CHARLES TOWN, WV 25414	Closed	Shopping Center - Change in Tenant: WV Adventure Children's Dentistry
	23-6-ZC	2/1/2023	BANKS T NEILL & KENNA	3343 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION, WV 25442	Open	Tower and Ground modifications to an existing telecommunications facility site.
	23-7-ZC	2/1/2023	KAISER BRUCE A - BRUCE KAISER	12 STEPTOE ST, SUMMIT POINT, WV 25446	Closed	Professional Office, Small: Business Meeting Room (776 sf) to operate Monday - Friday, 9:00 am - 5:00 pm; Parking for up to 12 vehicles. No employees and no signage is proposed.
	23-8-ZC	2/6/2023	KROP PROPERTIES LLC	640 WAR ADMIRAL BLVD, CHARLES TOWN, WV 25414	Closed	Accessory Use (Axe Throwing Lanes)
	23-9-ZC	2/15/2023	JOHNSON TRAVIS R - Travis Johnson	553 ALTA VISTA DR, HARPERS FERRY, WV 25425	Closed	Short Term Rental
	23-10-ZC	2/16/2023	LAVIGNE JAMES A & CHERYL D	149 SAVANNAH DR, CHARLES TOWN, WV 25414	Open	Accessory Dwelling Unit: In-Law Suite
	23-11-ZC	2/22/2023	MAYER REED & MICHAELA VAN MECL	743 WINDWARD LN, SHEPHERDSTOWN, WV 25443	Closed	Windward by Lost Acre Special Event Facility
	23-12-ZC	2/24/2023	BEALES PENNY L	595 WILD ROSE LN, HARPERS FERRY, WV 25425	Closed	Wild Rose Bed and Breakfast: to rent one room of the existing home as a short term rental
	23-13-ZC	3/7/2023	MCGAUGHEY SHANNA & RYAN	2140 SMITH RD, CHARLES TOWN, WV 25414	Closed	ADU: Detached in-law suite (*see BP File #22-1)
	23-14-ZC	3/13/2023	YARBOROUGH JEFFERSON B & SONGYEE H	33 BEDFORD CT, CHARLES TOWN, WV 25414	Closed	Country House on the Shenandoah River (STR) Short term Rental
	23-15-ZC	3/16/2023	OEHLSEN MICHAEL E & JOHNNA	277 RYANS GLEN DR, CHARLES TOWN, WV 25414	Closed	Cottage Industry to operate a catering business in a 600 square foot detached structure.
	23-17-ZC	3/24/2023	K5 INVESTMENT GROUP LLC - Keith and Kelly La Gala	350 BAKERTON RD, HARPERS FERRY, WV 25425	Open	Special Event Facility
	23-18-ZC	3/24/2023	JEFFERSON UTILITIES - Lee Snyder	426 OAK LEE DR, RANSON, WV 25438	Closed	Modifications to the existing water tower for Verizon Wireless (see Sheet CS-1 for full description).
						<b>Category Total:</b>
<b>Zoning Map Amendment</b>	23-1-Z	2/9/2023	LUTMAN LAND DEVELOPMENT	LEWISVILLE RD, CHARLES TOWN, WV 25414	Open	Request for a rezoning from IC to R
	23-2-Z	2/9/2023	FEDERAL GROUP INC	233 LOWE DR, SHEPHERDSTOWN, WV	Open	Request for a rezoning from RG to RLIC
	23-3-Z	3/30/2023	LUTMAN LAND DEVELOPMENT	LEWISVILLE RD, CHARLES TOWN, WV 25414	Open	Request for a rezoning from IC to RLIC
	23-4-Z	3/30/2023	REHMAN SAIF & SHAHZAD	CHARLES TOWN ROAD, KEARNEYSVILLE, WV 25430	Open	Request for a rezoning from R to RLIC
					<b>Category Total:</b>	<b>4</b>
	23-3-ZV	1/6/2023	SUMMIT POINT LIBRARY COMMISSION	49 CHURCH ST, SUMMIT POINT, WV 25446	Closed	Variance from Appendix B to waive the requirement to install a planted landscape buffer along the rear (western) property line.
	23-4-ZV	1/25/2023	SUSO 2 ALABAMA LP	96 PATRICK HENRY WAY, CHARLES TOWN, WV 25414	Open	Variance from Section 8.9A.9 to eliminate the requirement to install a frontage road and Section 8.9A.10 to maintain landscape buffer standard that was approved in 1996 (File #ZV96-52); and to reduce the commercial setback from 25' to 24' from the edge of the existing landscape buffer for the proposed 2,420 sf addition.
	23-5-ZV	1/25/2023	SUSO 2 ALABAMA LP	96 PATRICK HENRY WAY, CHARLES TOWN, WV 25414	Open	Variance from Section 11.1A to waive the requirement to install an additional 13 parking spaces for the proposed expansion; to remove ten existing parking spaces where the addition will be constructed; and to reduce the number of required parking spaces from 1,204 to 1,154.

Zoning Variance	23-6-ZV	1/27/2023	CHARLES TOWN BURR PARK STATION LLC	60 WAR ADMIRAL BLVD, KEARNEYSVILLE, WV 25430	Open	Variance from Section 10.4B.2 to increase the maximum size of a freestanding sign face from 100 sq. ft. to 122 sq. ft. for a gas station and convenience store (Site Plan File #19-4-S).
	23-7-ZV	1/30/2023	STROOP DOUGLAS & LENORE	200 MCSHANES LANDING LN, SHEPHERDSTOWN, WV 25443	Open	Variance from Section 9.7 to reduce the front setback from 20' to 10' along a platted 30' wide right-of-way (McShanes Landing Ln) for a pavilion.
	23-8-ZV	2/21/2023	KERSHES BERNARD G & PAMELA R	294 SISTERS LN, SHEPHERDSTOWN, WV 25443	Open	Variance from Section 5.7B of the Zoning Ordinance (as amended 09/28/06) to reduce the rear setback from 50' to 10' for a 30' x 40' accessory structure (detached garage).
	23-9-ZV	2/23/2023	FRAIL GLENN & KAREN	124 FENWAY DR, CHARLES TOWN, WV 25414	Open	Variance from Section 9.7 to reduce the side setback from 12' to 5' for a 20' x 28' attached garage.
	23-10-ZV	2/24/2023	Travis and Emily Warner	58 BRANSON CIR, SHEPHERDSTOWN, WV 25443	Open	Variance from Appendix A to reduce the rear setback from 20' to 6' for a portion of a proposed deck and concrete patio.
	23-11-ZV	2/27/2023	Kanette Petry	245 SUMMERFIELD WAY, SHENANDOAH JUNCTION, WV 25442	Open	Variance from Appendix A to reduce the side setback from 15' to ' for concrete surrounding an inground pool along the eastern property line.
	23-12-ZV	2/27/2023	Kanette Petry	245 SUMMERFIELD WAY, SHENANDOAH JUNCTION, WV 25442	Open	Variance from Appendix A to reduce the side setback from 15' to ' for concrete surrounding an inground pool along the eastern property line.
	23-13-ZV	3/31/2023	WILLIAMSON TIMOTHY G	525 WREN LN, HARPERS FERRY, WV 25425	Open	Variance from Section 9.7 to reduce the side setback from 12' to 2' for an opaque fence varying in height from 20' to 30'.
	23-14-ZV	3/31/2023	KISER PATRICK G & WENDY M	135 BREEZE KNOLL WAY, CHARLES TOWN, WV 25414	Open	Setback Variance
					<b>Category Total:</b>	<b>12</b>
					<b>Grand Total:</b>	<b>78</b>





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

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## Planner's Memorandum Planning Commission Meeting April 11, 2023

### 1) 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)

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

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

### 2) Upcoming PC meeting

Next Regular meeting date: **May 9, 2023**