



Agenda
Jefferson County Planning Commission
Tuesday, August 8, 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 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: 899 9411 8943
Meeting Link: <https://us02web.zoom.us/j/89994118943>

**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:** July 25, 2023
2. **Request for postponement.**
3. **POSTPONED from 7/25/23 by request of the Applicant: Public Hearing:** Waiver from Section 20.201A.2 of the Subdivision Regulations to allow a sixth lot to access an existing 50' wide access easement (Sunnyside Lane) without upgrading it to meet county grade standards. Applicant/Property Owner: David Lutman; Property Location: Sunnyside Lane, Shenandoah Junction, WV; Parcel ID: 09001800050007; Size: 18.1 acres; Zoning District: Rural (File: 23-19-PCW).
4. **Public Hearing:** Hunter Hills Preliminary Plat. The proposal consists of 642 lots [471 Single Family Detached and 171 Townhomes (SFA)] and associated infrastructure. Owner/Applicant: Joshbeen Grewal, ILA Properties, Inc., 4115 Charles Town Rd., Kearneysville, WV. Property Location: 4469 Charles Town Rd, Kearneysville; Parcel ID: 0700010002); Parcel Size: +/- 107 Ac.; Zoning District: Residential-Light Industrial-Commercial (File #21-21-SD).
5. **Public Workshop:** Concept Plan for Valley Storage Shepherdstown Expansion for the expansion of the existing self-storage facility. Owner/Applicant: Todd Snook; Property Location: 1744 Shepherd Grade Road, Shepherdstown; Parcel ID: 09000300200001; Size: 10.07 acres; Zoning District: Rural (File #23-8-SP).
6. **Public Hearing:** Request for a Waiver from Sections 20.201C and 20.202 of the Subdivision Regulations, which requires Non-Residential Subdivisions of greater than two lots to process as a Major Subdivision, to allow a proposed 4-lot Non-Residential Subdivision to process as a Minor Subdivision. Owner/Applicant: Sidewinder Enterprises LLC / Sean Masterson; Property Location: 1 Grace Street, Kearneysville; Parcel ID: 07002200090000; Size: 259.54 acres; Zoning District: Industrial-Commercial (File #23-20-PCW).

7. **Public Hearing:** Request for Variance from Article 6; Section 6.3 of the 1979 Subdivision Ordinance, which requires a Final Plat Public Hearing every two years, for an extension to January 11, 2026; Owner/Applicant: Roderick Planes, LLC / Maurice Gladhill; Property Location: Northeast corner of Old Country Club Road and Flowing Springs Intersection, Charles Town, WV; Parcel ID: 02000400190000; Size: 55.03 acres; Zoning District: Rural (23-3-PCV).

There is no public comment for the following items.

8. **POSTPONED to TBD by request of the Applicant: 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 Rural to Residential Growth (RG) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Arcadia Land Inc.; Property Location: Vacant parcels, which are a part of the Harvest Hills Subdivision, located east of the intersection of Flowing Springs Rd and Brass Harness Drive. Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13; comprised of 94.63 acres (P12) and 257.62 acres (P13). Zoning District: Rural (File # 23-5-Z).

9. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (PC File #21-2-Z).
- b. Discuss and 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. Discuss and review of 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 (PC File #21-8-SP).
- e. Discuss and review of VB BTS, LLC v. Jefferson County, WV and the Jefferson County Planning Commission, U.S. N.D. W. Va. Case No. 3:23-CV-171 (PC File #23-3-SP).

10. Planner's Memo

11. President's Report

12. Actionable Correspondence

13. Non-Actionable Correspondence

Draft Meeting Minutes
Jefferson County Planning Commission
July 25, 2023

The Jefferson County Planning Commission met on July 25, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Steve Stolipher, County Commission Liaison; Wade Louthan, Secretary; Jack Hefestay; Tim Smith; were present in person.

Aaron Howell was absent with notice.

Donnie Fisher and J. Ware 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; Michelle Evers, Planning Clerk.

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

1. **Approval of Meeting Minutes:** July 11, 2023

Mr. Shepp stated the minutes stand approved without objection.

2. **Request for postponement.** Agenda Item #3 Lutman/Sunnyside Lane Waiver at the request of the applicant (File: 23-19-PCW); and Agenda Item #8 Harvest Hills Rezoning at the request of the applicant (File: 23-6-Z)

3. **POSTPONED to 8/8/23 by request of the Applicant: Public Hearing:** Waiver from Section 20.201A.2 of the Subdivision Regulations to allow a sixth lot to access an existing 50' wide access easement (Sunnyside Lane) without upgrading it to meet county grade standards. Applicant/Property Owner: David Lutman; Property Location: Sunnyside Lane, Shenandoah Junction, WV; Parcel ID: 09001800050007; Size: 18.1 acres; Zoning District: Rural (File: 23-19-PCW).

This item was postponed to the August 8, 2023 Planning Commission Meeting.

4. **Public Workshop:** Canter Hollow Apartments (fka Miller Station Apartments); redesign of previously approved project (08-09-22) to consist of approximately 20 multi-family (apartment) buildings with approximately 150 units, associated parking, stormwater management facilities, and signage. Applicant/Property Owner: Cantor Hollow, LLC; Property Location: Captain Chews Trace, Charles Town, WV; Parcel ID: 02008C00010000 – 02008C0008000 (8 lots); Combined Size: 10 acres; Zoning District: Residential/Light Industrial/Commercial (File: 22-6-SP).

Ms. Brockman provided an overview of the staff report regarding the proposed revisions for the previously approved Concept Plan for the apartment project.

The applicant's representative, Andy Shuckra with Keane Enterprises, explained the nature of the request to the Planning Commission. The applicant's engineer, Todd Heck with Morris & Ritchie Associates, Inc., was also present.

The Planning Commission members asked clarifying questions about the changes to the layout and size of the apartment units.

Mr. Shepp opened the Public Workshop.

- Ms. Susan Bohrer; Ms. Susan Pipes, HOA Board Member for Patrick Henry Estates; Ms. Jolene Turpin provided public comment regarding buffers, public safety, sidewalks, storm water drainage, and if the project was government funded.

Mr. Shepp closed the Public Workshop.

Ms. Brockman reminded the Planning Commission of the previous Concept Plan was accepted with the requirement that a 6 ft. board fence be provided along the northern property line and that a waiver of the sidewalk required along the frontage was also approved with the condition of the developers working with DOH to include a crosswalk for the other sidewalks leading to Walmart.

Mr. Shuckra and Mr. Heck provided a rebuttal and responded to questions and concerns presented by the public.

The Planning Commission asked the applicant's representative several questions.

Mr. Stolipher made a motion to accept the Amended Concept Plan as presented with the previous conditions. Mr. Knott seconded the motion, which carried unanimously.

5. **Public Hearing:** Request for a Variance from Section 2.1 of the 1979 Subdivision Ordinance (Outsale Exemption) to lift the single family restriction to allow for the establishment of a Kennel on the property; Applicant/Property Owner: Nicholas Russo and Alice Davenport; Property Location: 1899 Trough Road, Shepherdstown, WV; Parcel ID: 09000900070006; Size: 10 acres; Zoning District: Rural (File: 23-2-PCV).

Ms. Brockman provided an overview of the staff report.

The applicants Nicholas Russo and Alice Davenport explained the nature of the request to the Planning Commission clarifying that the business is for a maximum of 6 dogs at a time and is not just kenneling dogs overnight, but will include training other people's dogs for advanced obedience training, detection and patrol. Some of the training occurs off-site as well.

Mr. Shepp opened the Public Hearing.

- Mr. Greg Mason (Opposed), Ms. Afsoun Sichani (Supports), Mr. Matthew Fiorvanti (Supports) and Steve Flowers (Supports) provided public comment

Mr. Shepp closed the public hearing.

The applicants responded to questions and concerns presented by Mr. Mason.

Ms. Brockman provided the staff recommendation stating that a kennel is a Principal Permitted Use in the Rural Zoning District and that lifting the deed's single-family restriction is a reasonable request.

Mr. Hefestay made a motion to approve the Variance to lift the single-family restriction as presented. Mr. Louthan seconded the motion, which carried unanimously.

6. **Public Hearing:** Request for a Waiver from Section 20.201A.2, to reduce the width of the required access easement from 50' to 40' for a three lot minor subdivision. (File: 23-18-SD). Applicant/Property Owner: Palmisano A W-TR; Property Location: 2034 Persimmon Ln, Shepherdstown, WV; Parcel ID: 09000700050000; Size: 47.73; Zoning District: Rural (File: 23-18-PCW).

Ms. Brockman provided an overview of the staff report.

The applicant's representative Dick Klein, with Alpha Associates, Inc. explained the nature of the request to the Planning Commission. The applicant Bill Palmisano was also present.

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

Mr. Saunders provided staff recommendations and stated that engineering has no objections to the request.

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

7. **POSTPONED until 8/8/23 by request of the Applicant: 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 Rural to Residential Growth (RG) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Arcadia Land Inc.; Property Location: Vacant parcels, which are a part of the Harvest Hills Subdivision, located east of the intersection of Flowing Springs Rd and Brass Harness Drive. Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13; comprised of 94.63 acres (P12) and 257.62 acres (P13). Zoning District: Rural (File: 23-5-Z).

This item was postponed to the August 8, 2023 Planning Commission Meeting.

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 go into executive session to discuss Items A and C. Mr. Cochran also stated that Item B is currently under review and may be dismissed and that Item D is pending decisions.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Items A and C under 'Reports from Legal Counsel' at 7:53 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp moved to go back into regular session at 8:10pm. Mr. Stolipher seconded the motion, which carried unanimously.

9. Planner's Memo.

Ms. Brockman reminded the Planning Commission about the upcoming Comprehensive Plan Work Session and Planning Commission Meeting on August 8, 2023, that volunteers are needed for the African American Heritage Festival on August 19, 2023, and that volunteers are needed for the upcoming Jefferson County Fair, August 21-26, 2023. Ms. Brockman also reminded the Planning Commission of future additional meeting dates.

10. President's Report.

Mr. Shepp made comments regarding the locked door at the Planning and Zoning Office. Mr. Shepp requested that a doorbell be placed at the entrance to allow staff to buzz people in due to long wait times.

11. Actionable Correspondence.

12. Non-Actionable Correspondence.

- Email from Doug Rockwell Re: 2045 Comprehensive Plan Survey

Mr. Seigfried stated the issue had been resolved regarding the email from Doug Rockwell.

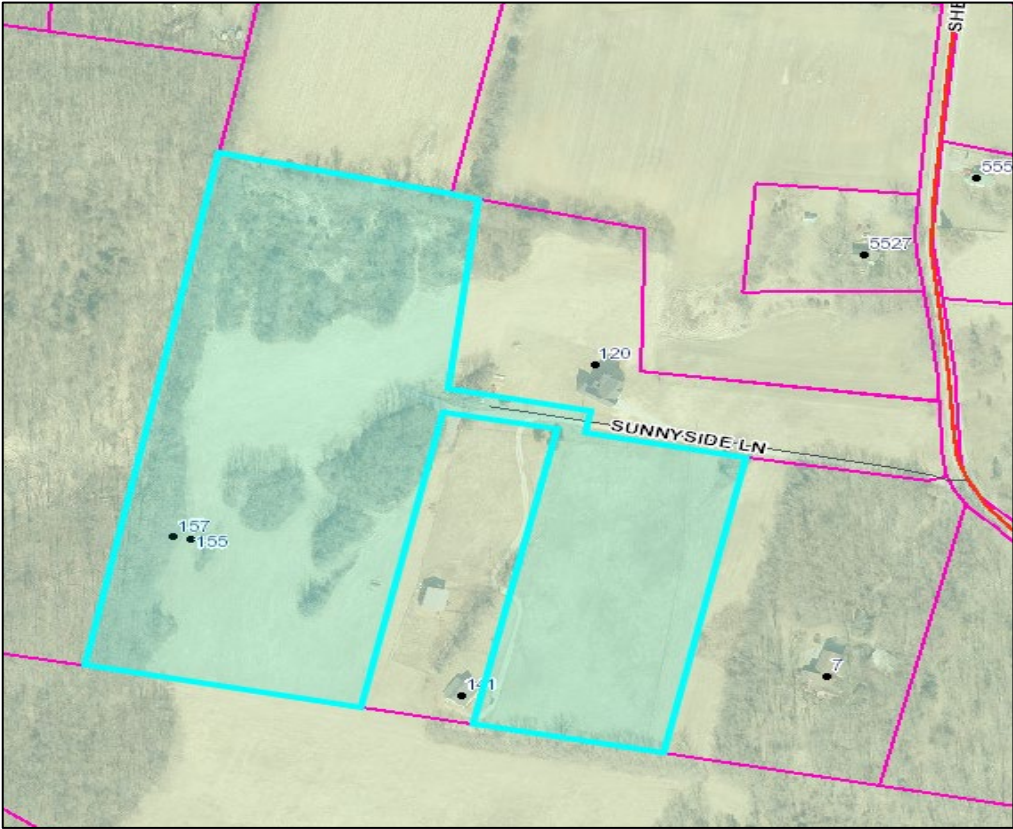
Mr. Louthan made a motion to adjourn the meeting at 8:17pm. Mr. Stolipher seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.

Staff Report
 Jefferson County Planning Commission Meeting
 August 8, 2023

Lutman-Holloway MSD (Access) Waiver Request (File: 23-19-PCW)

Item #3: POSTPONED from 7/25/23 by request of the Applicant: Public Hearing: Waiver from Section 20.201A.2 of the Subdivision Regulations to allow a sixth lot to access an existing 50' wide access easement (Sunnyside Lane) without upgrading it to meet county grade standards.

| | |
|---------------------------------|--|
| Owner | David Lutman |
| Applicant | P.J. Raco Consulting, LLC / Attn: Paul Raco |
| Property Location & Information | <p style="text-align: center;">155 and 157 Sunnyside Lane, Shenandoah Junction, WV; Parcel ID: 09001800050007; Size: 18.10 acres; Zoning District: Rural</p>  |
| Adjacent Zoning | <i>North, South, East and West: Rural</i> |
| Proposed Activity | A proposed three (3) lot minor subdivision. |
| Previous Approvals | <p>10/31/17: John E and Susan E Holloway Minor Subdivision, Lots 1 and 2-Residue, and Merger (recorded in PB 25 at PG 656) <i>*Note: the driveway access for existing Parcel 5.1 and the proposed MSD were consolidated into a single entrance via (WVDOH PERMIT #05-2017-0540)</i></p> <p>04/19/21: Holloway Minor Subdivision, Lots 2 and 3-Residue (recorded in PB 26 at PG 227)</p> |

Summary of the Request:

The applicant is proposing to divide Lot 3-Residue of the Holloway Minor Subdivision into three lots (two and a residue) utilizing the existing 50' access easement which crosses a part of Lot 2 and Lot 3-

Staff Report
Jefferson County Planning Commission Meeting
August 8, 2023

Lutman-Holloway MSD (Access) Waiver Request (File: 23-19-PCW)

Residue as a Minor Subdivision. As this access easement currently serves Lots 1, 2, & 3 of the Holloway Subdivision and an existing lot (Parcel 5.1), only one additional lot can be processed as a Minor Subdivision unless a waiver is obtained.

Therefore, in order to proceed with the subdivision, the applicant is requesting a waiver from Section 20.201A.2, to allow a sixth lot to access an existing 50' wide access easement (Sunnyside Lane) without upgrading it to meet county grade standards.

Relevant Site Information:

On October 5, 1988, the property consisted of 27.10 acres. Since that time, one 3.0-acre lot (Lot 1) and one 5.0-acre lot (Lot 2) have been divided off as Minor Subdivisions (in 2017 and 2021). Under Section 5.7D.3 of the Zoning Ordinance, Lot 3- Residue has the right to create two additional lots and a residue (two and a residue every five years).



Staff Discussion/Recommendation:

As noted above, this subdivision has the right to create the proposed three-lot subdivision (2 lots and a residue) as a Minor Subdivision in accordance with Section 20.201A.2 of the Subdivision Regulations; however, the existing 50' access easement is only permitted to provide access to a total of five (5) lots via the Minor Subdivision process. This application is requesting a waiver of this requirement to allow a sixth lot to use the existing 50' access easement without upgrading to meet County grade standards. Note that County grade roads are engineered roads, but permitted to be gravel for up to 12 residential lots. Any additional subdivision of the Residue Lot will be required to process as a Major Subdivision.

If the Planning Commission is inclined to approve this waiver, the subdivision should be limited to the three (3) lots proposed at this time.

Sections of Subdivision Regulations under Consideration:

Sec. 20.201 Minor Subdivisions

A. Residential

All minor residential subdivisions shall conform with the following:

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

Staff Report
Jefferson County Planning Commission Meeting
August 8, 2023

Lutman-Holloway MSD (Access) Waiver Request (File: 23-19-PCW)

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

Waiver Requirements:

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

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



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

File #: 23-19-PCW
 Mtg Date: _____
 Date Rec'd: 6/20/23
 Fees Paid: \$100
 Staff Int: me
 List of Adjoiners:

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

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: David Lutman
 Business Name: _____
 Mailing Address: 412 W Burr Blvd, Kearneysville, WV 25425
 Phone Number: 304/702-2500 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Applicant Name: Above and Below 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: 204/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: Sunnyside Lane, Shenandoah Junction off of Route 230 Vacant Lot:
 Tax District: Shepherdstown Map No: 18 Parcel No: 5.7
 Parcel Size: 18.1+- Acres Deed Book: 1252 Page No: 273
 Zoning District: Rural

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?
20.201(A)2.b

Briefly Describe the Nature of Your Waiver Request:

This is a request to be the Fifth and Sixth Lot on Sunnyside Lane. The front lot became the 4th lot by the DOH but they still use a portion of their old driveway. Mr. Lutman will need to upgrade the entrance to allow the 5th and 6th per DOH Standards which include an entrance apron and SWM since it is over 5 lots. These DOH Standards are more restrictive than a typical 5 lot Minor Subdivision in the County.

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

See Attached

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

See Attached

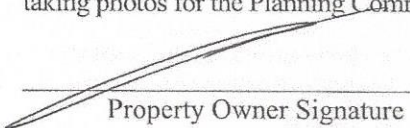
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

See Attached

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

See Attached

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

| | | | |
|---|----------------|--------------------------|------|
|  | <u>6-20-23</u> | | |
| Property Owner Signature | 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.

| | | |
|---------------------|---------------------|-----------------------|
| <u> </u> | <u> </u> | <u> </u> |
| Public Hearing Date | Date Placard Posted | Date Adjoiners Mailed |

Planning Commission Determination

Approved Denied Date: ___ / ___ / ___

David Lutman
Waiver Request Upgrading Road for One Additional Lot
Sections 20.201A(2)b
Jefferson County Subdivision and Site Development Ordinance
June 20, 2023

Brief Description

The Applicant is requesting a waiver from upgrading the road within an existing 50' access easement for one additional lot. The request is to use the existing gravel road that this Applicant already upgraded during the last house construction on the road. The existing gravel road is a good gravel road that will serve 6 lots instead of the permitted 5 lots. However, the 6th is the Residue, and that lot will remain owned by the Applicant. Also, the first lot only uses the first approximately 50' of the road since their driveway comes out as soon as the existing driveway leaves the State Road.

The total number of lots on this access easement still qualifies as a Minor Subdivision in terms of the proper Access Width and number of lots created from the parcel dating back to 1988. However, the 6th lot even though the 6th lot is the residue, would require a county grade gravel road which would need an Engineering Company to design. The existing road will primarily serve the permitted 5 lots since the first lot merely uses the entrance apron to access the State Road. Furthermore, there is an adequate existing gravel road that will continue to serve the 3 lots and the new 2 lots.

The application otherwise conforms to a Minor Subdivision, and it is permitted to be subdivided as requested with this waiver. The Planning Commission has granted many requests to allow an extra lot to be served by the existing gravel drive in a Minor Subdivision. Furthermore, the subject parcels will be required to continue to maintain the access easement and drive.

Based on the above, the Applicant respectfully requests the Planning Commission to grant the waiver to allow the proposed new lots to utilize the existing 50' Access Easement and existing drive which is gravel.

David Lutman
Waiver Request Upgrading Road for One Additional Lot
Sections 20.201A(2)b
Jefferson County Subdivision and Site Development Ordinance
June 20, 2023

Four Criteria:

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

This project will have no Public costs since the existing 50' Access Easement and drive is a private access and is required to be maintained by the Applicant and the lots that are being created. There will be no public maintenance costs involved as the Easement and any driveway improvements within the easement will be maintained privately by the lots created in this subdivision.

Also, the two lots will need current DOH approval for the expanded use of the entrance to the State Road, as well as, Health Department approval for the lots.

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

If the waiver is granted, it will have absolutely no adverse effect on public health, safety or welfare since the project will still be required to meet every other standard and requirement of the Minor Subdivision standards of the Subdivision Ordinance. This approval will include the Health Department and Highway Department Approval for the development.

Furthermore, as stated previously, the waiver will not have any effect on the neighbors or public health since the development needs all other approvals and the applicant will need to maintain the driveway to the new lots. There are no other improvements that are necessary since the subdivision otherwise qualifies as a Minor Subdivision. Additionally, the last lot is vacant and will remain the Residue. Any further development of this lot will require upgrading or further action by the Planning Commission.

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

The purpose of the driveway standard is to ensure that a proper road and drainage are adequate for the intended use. In this case, only a gravel driveway is needed within a proper 50' Easement/ROW. This gravel drive is already in place and there are no drainage issues. One extra lot will not cause a harmful impact on the exiting gravel road. An additional county grad subdivision road is not required since it is a Minor Subdivision and the design and construction of such a road would be overkill for one additional lot. This is especially true with the Applicant retaining ownership of the large residue lot. The driveway will be maintained by the new lots, as will be required with a note on the plat. These existing lots are large rural lots and are adequately served by the existing driveway.

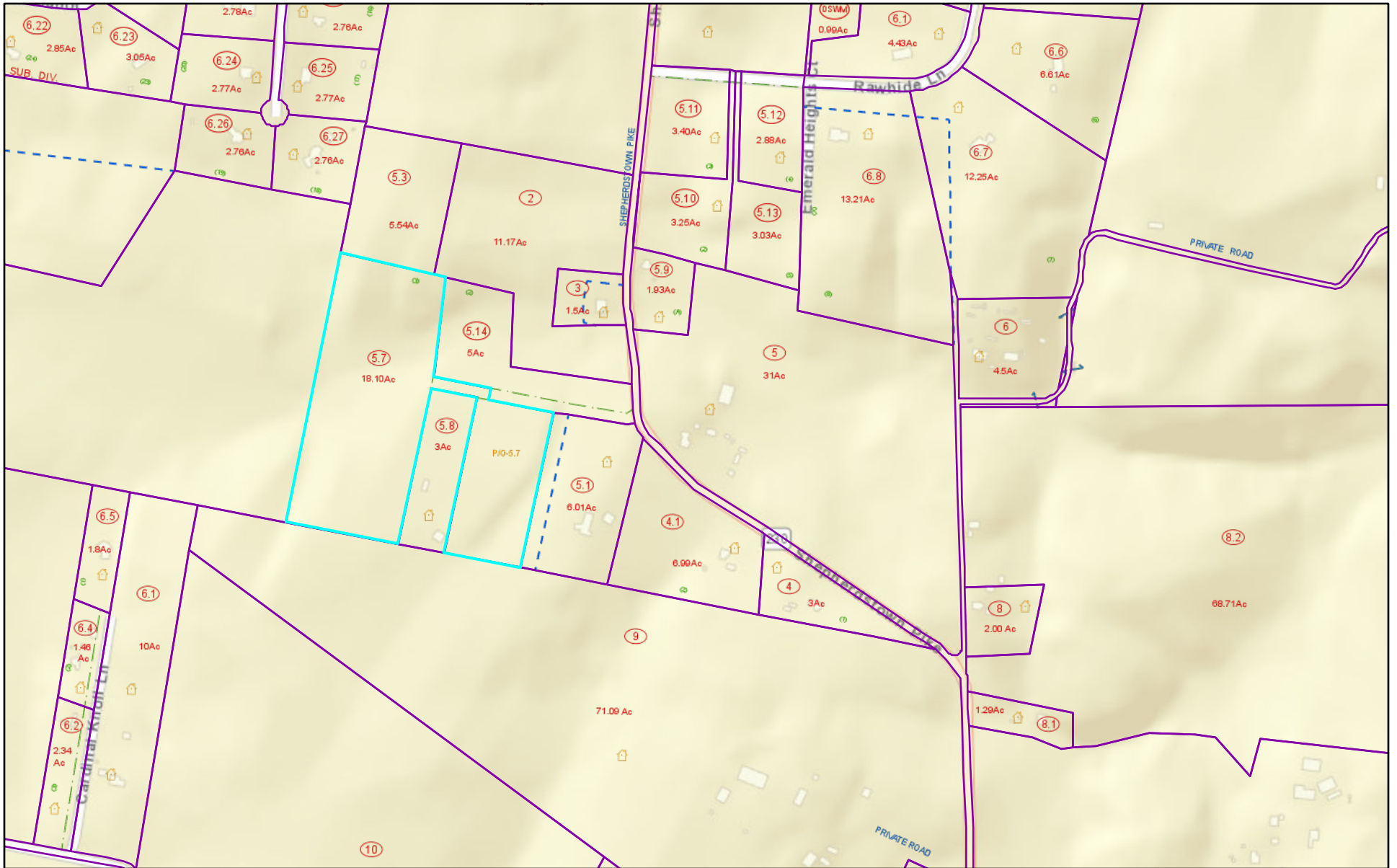
Furthermore, the DOH will ensure that the entrance road and access will be adequate with regard to width, drainage, and proper site distance for the total number of lots (one of which only uses the very front of the existing road as it enters the State Road).

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

The granting of the Waiver will allow an additional lot for a total of 6 lots on the easement and existing driveway. This division otherwise qualifies as a Minor Subdivision and the existing drive is a well maintained rural gravel road. Therefore, there is no need to upgrade the ROW/Easement to a 24 foot wide gravel road with shoulders for the 6th lot. Additionally, two of the new lots will be improved by the Applicant and marketed to prospective buyers with the existing road as is so they will know how the road is constructed. And the 6th lot will remain the Applicants. A wide road for 6 large rural lots would actually harm the character of the rural area. Additionally, the new houses will contribute to increased property values in the neighboring community, as well as additional Impact Fees and taxes for the general County Budget and County School Budget and Bonds. The Applicant is a well-known local builder that has constructed many well designed houses and subdivisions in Jefferson County. He purchased this property and has retained it to develop 2 lots every five years as anticipated by the ordinance.

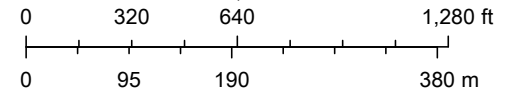
Accordingly, the Applicant respectfully asks that the Planning Commission approve the waiver so that the process can continue. Thank you for your consideration.

Viewer Map



June 2, 2023

1:9,028



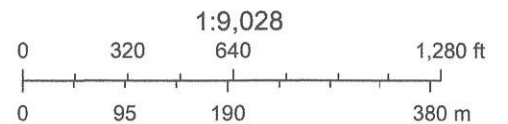
WashCo MD, VITA, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Viewer Map

Utman Munon 1, 2 & Residue



June 2, 2023



WashCo MD, VITA, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

23-19-PCW Lutman-Holloway MSD (access) Public Comment

- Submitted 2023-07-12 by Robin Young
- Submitted 2023-07-18 by Randall Smith and Caitlin Caruthers

From: [Robin Young](#)
To: [Planning Department](#)
Subject: Lutman Waiver 23-19-PCW
Date: Wednesday, July 12, 2023 10:23:45 AM

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

I protest the granting of this waiver.

I live at 141 Sunnyside Lane surrounded on 3 sides by the Lutman land he purchased from the Holloways in 2020.

In 2016 I purchased 3 acres from the approximate 32 acres owned by the Holloways. I built my house, barn, fences and built/paid for the gravel right of way 50' access road from Rte 230 into my property.

At that time I also leased and fenced 5 acres to be used as pasture for my 2 horses and 2 donkeys. This lease expires Nov 2023 and is the 5 acre plot for which Mr Lutman is changing his plans to build not one house but two and is asking for the rules to be changed, releasing him from obligations the county has set forth for a developer of a "super subdivision".

After speaking with Planning Commission staff i learned the following:

1. It is within the developers right to change plans to build 2 houses instead of one on this 5 acres.
2. The developer's decision to build the extra house makes a total of 6 houses, by the Commissions own definition, defines the Lutman development as a "super-subdivision".
3. Being a super-subdivision carries responsibilities and requirements, set forth by the county. One such requirement is to build/improve access roads. This is my major concern and argument against this waiver.
4. The granting of this waiver will release the developer from county regulations including building/improving roads.

The developers decision to to build an extra house and ask for rules to be changed for him reflects his intention to make more profits and do less to comply county requirements. It seems a simple solution. If Lutman does not want to be called a super-subdivision , does not want to spend money improving roads and does not want to comply with county regulations then DO NOT BUILD THE 6th HOUSE, then he will not be considered super-subdivision and there will be NO NEED FOR THIS WAIVER.

If Lutman continues with plans to build a 6th house, then under county super-subdivision rules he needs to build/improve the access road. Already the road has been damaged by the construction of 2 of his houses. Deliveries of massive construction materials, land clearing equipment and cement trucks have diminished the original road and now the building of two additional houses will destroy the little that is left of it. But Lutman does not want to spend money to fix what he destroys. In asking for this waiver, he is asking for the rules be changed for him so he can make his money and run.

This road is the only access for 6 residents: Lutman 4 houses, Holloways and mine. It is highly possible this same little deteriorating road will have to bear the burden of maybe 18 more Lutman houses in the future when he develops another super subdivision using the back 18 acres he owns behind our neighborhood.

Mr Lutman's greed is creating and profiting from this super subdivision. As such it needs to be called one and he needs to be held to county requirements to improve the roads. If he doesn't want to be a super-subdivision, then DO NOT BUILD THE 6th HOUSE.

DO NOT GRANT THIS WAIVER.

Respectfully submitted,
Robin Young
141 Sunnyside Lane
Shenandoah Junction, WV 25442

From: [Randall Smith](#)
To: [Planning Department](#)
Subject: Protest of the granting of Waiver (File: 23-19-PCW) Lutman-Holloway MSD (access)
Date: Tuesday, July 18, 2023 11:27:58 PM

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

Good evening,

I am writing to protest the granting of Waiver (23-19-PCW).

Pursuant to the Subdivision Regulations of Jefferson County, Sec. 20.201 Minor subdivisions, subsection A.2, a 50' access easement may serve no more than 5 lots.

It is my understanding that the granting of this waiver will simply allow Mr. Lutman to build a sixth house on Sunnyside Lane without bringing Sunnyside Lane up to county road standards.

The only benefit to granting this waiver would simply be a personal monetary gain for Mr. Lutman once he sells the houses.

Adversely, if Mr. Lutman were to upgrade the road, it would have a much more positive impact on the current and future residents of Sunnyside Lane.

Furthermore, the easement that Mr. Lutman would be using, is on my property (which I purchased from him in July 2020). Mr. Lutman has already used this easement, as is allowed by law, to build another house on this road. The delivery vehicles, heavy equipment and contractors that Mr. Lutman hired to build that house did significant damage to the road.

The road was built by Ms. Robin Young, my neighbor, and at the time only had to support the traffic of her lone vehicle. Since Mr. Lutman has began developing this property, he has offered no concessions in the way of keeping up this easement and I have spent my own time, money and energy in maintaining it as required by WV Code. Ch 17 Article 16 Para 2.

If Mr. Lutman is granted this waiver and is not required to bring the road up to county standards, I fear he will again utilize the road for his own monetary gain and leave me and my family to fix the damage of having materials and equipment for not one, but two houses, across my easement.

I thank the Dept. for their time and consideration of my protest of this waiver. I hope that the Board will only require Mr. Lutman to diligently explain the needs for this waiver and how it will have a positive impact on the county and existing residents of Sunnyside Lane.

V/r

Randall Smith and Caitlin Caruthers

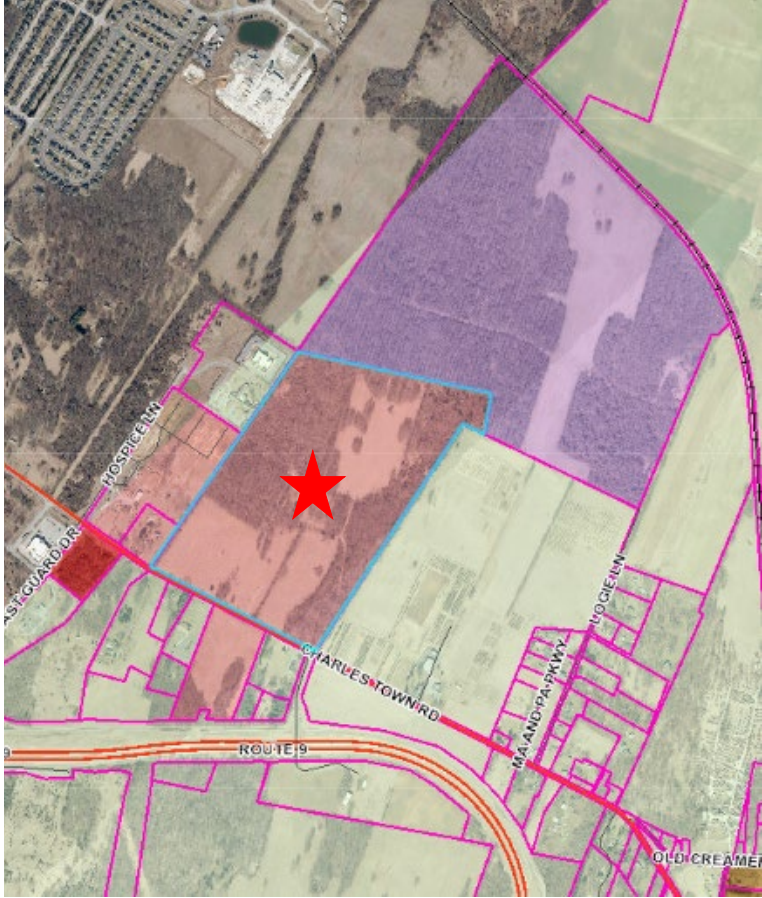
120 Sunnyside Lane,

Shenandoah Jct, WV 25442

Staff Report
 Jefferson County Planning Commission Meeting
 August 8, 2023

Hunter Hills Preliminary Plat (File: 21-21-SD)

Item #4: Public Hearing: Hunter Hills Preliminary Plat. The proposal consists of 642 lots [471 Single Family Detached and 171 Townhomes (SFA)] and associated infrastructure.

| | |
|---------------------------------|---|
| Owner/ Applicant | ILA Properties, Inc. |
| Consultant | P.J. Raco Consulting, LLC / Paul Raco |
| Parcel Location and Information | <p style="text-align: center;">4469 Charles Town Road, Kearneysville, WV Parcel ID: 0700010002; Size: 107 acres; Zoning District: Residential-Light Industrial-Commercial</p>  |
| Adjacent Zoning | <p style="text-align: center;">North: Industrial-Commercial; East: Rural; South and West: Rural and Residential-Light Industrial-Commercial</p> |
| Proposed Activity | <p style="text-align: center;">Major Subdivision consisting of 642 Unit Subdivision that includes 171 Townhouse Lots and 471 Single Family Detached Lots</p> |
| Previous Approvals: | <ul style="list-style-type: none"> • The Hunter Hills Preliminary Plat (21-21-SD) was initially submitted 9/22/22 and the 7th review was completed on 7/24/23; with some outstanding comments • 23-10-PCW Waiver from Sect. 21.101.A re: Block Length (PC Appr. 6/13/23) • 21-17-PCW Waiver from Sect. 24.113.B.10 re: Arch. Survey (PC Appr. 9/14/21) • Hunter Hills Major Subdivision Concept Plan (21-21-SD) (PC Approved 7/13/21; noting that interconnectivity is not required). • Hunter Family Zoning Map Amendment (Z13-01) to RLIC (CC Approved: 02/20/14) |

Staff Report
Jefferson County Planning Commission Meeting
August 8, 2023

Hunter Hills Preliminary Plat (File: 21-21-SD)

Summary of the Request:

The applicant is proposing a Major Residential Subdivision consisting of 642 Units (471 single family detached home lots and 171 Townhouse Lots) on 107+/- acres to be served by public water and sewer by the Berkeley County Public Service Water and Sewer Districts. The proposed subdivision is located east of the proposed Rocky Ridge Development (19-7-SD) which includes 132 townhomes and a section of mini warehouse storage units, and the Hospice of the Panhandle. The proposed subdivision is a combination of detached single-family dwellings using the “small lot” provisions with a minimum lot area of 3,200 square feet (area per dwelling unit of 7,500 sq. ft.) and townhouse lots with a minimum lot size of 1,400 square feet (area per dwelling unit of 3,500 sq. ft.).

The overall density for this development is 6 dwelling units per gross acre for the entire 107-acre property and 11.7 dwelling units per net acre for the 54.9-acre portion of the property that will be occupied by homes. The “high density” residential land use category defined by the *2035 Envision Jefferson Comprehensive Plan* states that this category allows for “7 units or more per acre and depicts land occupied by a condominium, townhome, apartment development, residential care and/or assisted living facilities.”

Subdivision Category

In accordance with Section 20.202 of the Subdivision Regulations, any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots, and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure, is classified as a Major Subdivision. Hunter Hills Subdivision is processing as a Major Residential Subdivision.

Major Subdivisions require the processing of a Concept Plan (Sections 24.110 - 24.112), which requires a Public Workshop; a Preliminary Plat (Sections 24.113 – 24.115), which requires a Public Hearing; posting of a surety/bond for all improvements (Division 24.500); and a Final Plat (Section 24.116 – 24.188), which is administratively reviewed and approved. The townhouse lots will require a site plan as well as the Preliminary and Final Plats; the single family will only require the platting process.

The Concept Plan Public Workshop for this Subdivision was held on July 13, 2021. The application being heard at tonight’s Public Hearing is the Preliminary Plat for this development and includes a proposed phasing plan.

Preliminary Plat Approval Process

The applicant submitted the Preliminary Plat for Hunter Hills Subdivision for review and approval on September 2, 2022. In accordance with Section 24.113 of the Subdivision Regulations and a policy passed by the Planning Commission on 6/13/23 (based on changes to WV Code 8A), staff deemed the Preliminary Plat application complete for the purpose of scheduling a Public Hearing on June 15, 2023. Since June 15, 2023, the applicant has resubmitted the Preliminary Plat to address the outstanding review comments on 6/26/23 (Rev 5), 6/29/23 (phasing plan), 7/10/23 (Rev 6), 7/21/23 (Rev 7), and 7/28/23 (Rev 8). All outstanding engineering comments have been addressed with Review 8. There are some lot boundary line issues that can be resolved on the Final Plat. Final Approvals from the Berkeley County Public Service Water and Sewer Districts were received on 1/17/23. An approved WV DOH Entrance Permit has not been received. In accordance with Section 24.114 of the Subdivision Regulations and the

Staff Report
Jefferson County Planning Commission Meeting
August 8, 2023

Hunter Hills Preliminary Plat (File: 21-21-SD)

new Planning Commission policy, staff scheduled this Public Hearing for August 8, 2023, within 45 days of accepting the application as complete. This hearing has been advertised as required in the Subdivision Regulations.

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

Engineering, Planning and Zoning Staff completed their review of the Preliminary Plat in accordance with these Articles and the requirements of Appendix A, Section 1.3 and determined that that the subdivision plat is substantially complete, with minor edits still outstanding. This staff report includes the determination that the plat and application “essentially” conforms to the Zoning Ordinance requirements, generally meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations, and fulfills the Concept Plan direction. Staff agreed to schedule the Public Hearing for the August 8, 2023 Planning Commission meeting.

The applicant resubmitted the revised Preliminary Plat for the 5th, 6th, 7th, and 8th reviews to staff for additional reviews in June and July, 2023. As of this staff report, the outstanding comments only relate to requiring an approved WV Division of Highways (WVDOH) Traffic Impact Study (TIS) and Encroachment Permit. Tax assessor comments can be addressed of the Final Plat. Approval of the Preliminary Plat should be conditioned on these permits. It should be noted that the Subdivision Regulations require the Jefferson County Offices of Engineering and Planning to defer to the (WV DOH) requirements and approval for all major subdivisions. This Preliminary Plat cannot be approved without the WVDOH Encroachment Permit approval.

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

Approved Waivers

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

- 23-10-PCW Waiver from Sect. 21.101.A re: Block Length (PC Approved 6/13/23)
- 21-17-PCW Waiver from Sect. 24.113.B.10 re: Arch. Survey (PC Approved 9/14/21)

Subdivision Requirements Related to Preliminary Plat Approval

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

Staff Report
Jefferson County Planning Commission Meeting
August 8, 2023

Hunter Hills Preliminary Plat (File: 21-21-SD)

1. Zoning. The Planning Commission cannot deny an application on the basis of zoning if the staff's decision is that the application complies with the Zoning Ordinance.
2. Impact Fees. The Preliminary Plat application cannot be denied on the grounds of adverse impact on services which benefit from the County's adopted impact fees (parks and recreation, schools, law enforcement, fire protection, and emergency services).
3. Roads. The Planning Commission shall defer to the WVDOH on final requirements and approvals for improvements to the public roads.
 - The subdivision design includes two access points to WV 115 (Charles Town Rd) which require WV DOH approval. This Preliminary Plat cannot be approved without the WVDOH Encroachment Permit approval
 - WV DOH has required a Traffic Impact Study (TIS) for this subdivision, which will need to be approved before the Preliminary Plat can be signed. The developer will be required to implement any recommended highway improvements or modifications prior to the issuance of the WV DOH permit.
4. Sewer and Water Systems. All sewer and water systems, whether privately owned or publicly owned shall be permitted only on the recommendation of the relevant Public Service District or private utility. The Planning Commission shall not make a decision contrary to the agency provider recommendation unless there is compelling professional evidence that its recommendation is in error.
 - The property will be served by the Berkeley County Public Service Water District (BC PSWD) and Sewer District (BC PSSD) for water and sanitary sewer services. These agencies have final design approval before the Preliminary Plat can be signed.
5. Engineering and Landscaping. The plan being reviewed consists of substantial sediment and erosion control, stormwater management, sewer or water system engineering, landscaping, and site development plan. The Preliminary Plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and County Engineer may attach conditions to ensure that specific issues are addressed.
6. Open Space. Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the Preliminary Plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.
 - Section 21.105 of the Subdivision Regulations requires a subdivision of this density to provide 15% of the land to be dedicated to open space/parkland in the Residential Growth (RG) Zoning District. For this development, the 15% open space/parkland requirement equals approximately 16 acres. The Regulations also state that no more than 60% of this acreage may be passive open space/recreation. The applicant has indicated that they will be providing approximately 15.55 acres (approx.. 15%) of open space/parkland, with 9.83 acres (63%) dedicated to active recreation and 5.72 acres of passive recreation/open space. Additionally, 3.58 acres are dedicated to stormwater management areas.

Approval of the Preliminary Plat may include conditions based on input from the Department of Engineering, Planning and Zoning and relevant agencies that must be met in the preparation of the final plat, final engineering, and final landscaping. Such conditions may include any proffers made by the

Staff Report
Jefferson County Planning Commission Meeting
August 8, 2023

Hunter Hills Preliminary Plat (File: 21-21-SD)

developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.

The Office of Engineering and Office of Planning and Zoning Staff recommend the following conditions of approval prior to the Engineer signing off on the Preliminary Plat:

- a. WV DOH approval of the required Traffic Impact Study and issuance of the Highway Entrance Permit; and
- b. Berkeley County Public Service Water District (BC PSWD) and Sewer District (BC PSSD) approval of water and sanitary sewer utility design and connections.

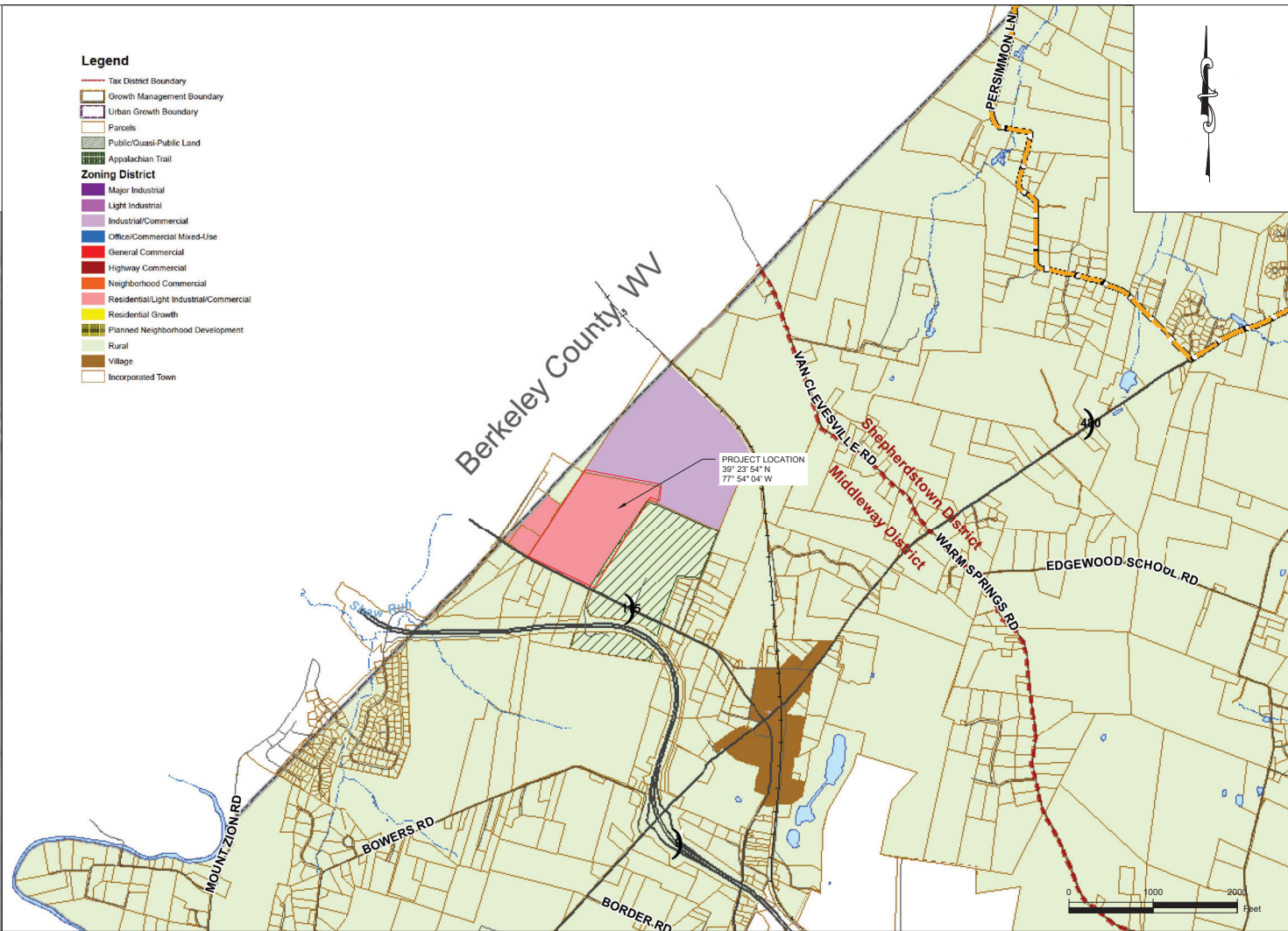
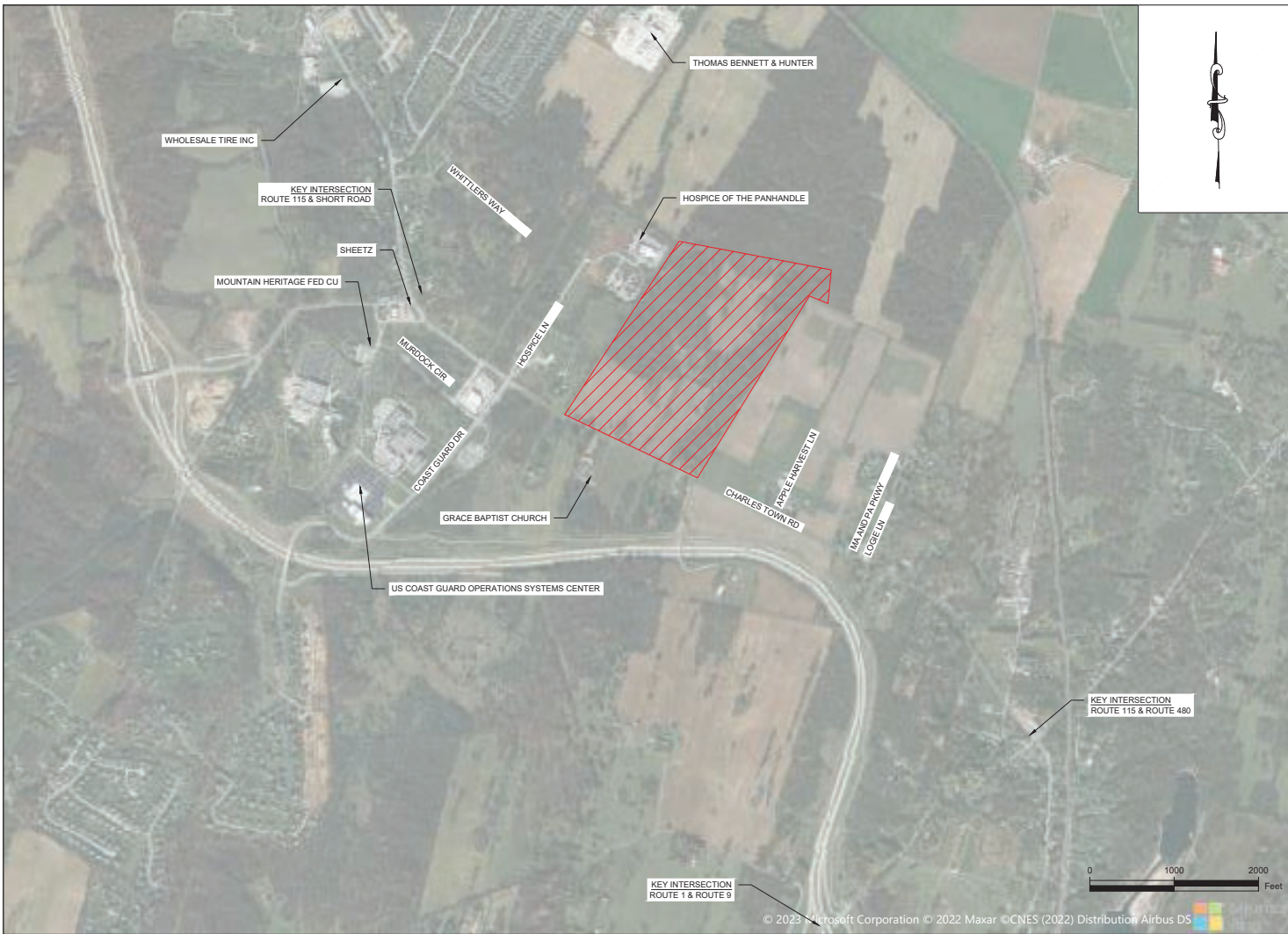
Planning Commission Action Required

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

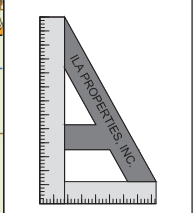
- (1) Approve the application;
- (2) Approve the application with conditions;
- (3) Deny the application; or
- (4) Hold the application for up for 45 days for additional information. If the application is to be held for the additional time, a date certain for re-opening the public hearing must be set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

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

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



| REV NO | DATE | DESCRIPTION |
|--------|---------|--------------|
| 1 | 1/30/23 | SUBMISSION 3 |
| 2 | 4/4/23 | SUBMISSION 4 |
| 3 | 4/28/23 | SUBMISSION 5 |
| 4 | 7/18/23 | SUBMISSION 6 |
| 5 | 7/18/23 | SUBMISSION 7 |
| 6 | 7/23/23 | SUBMISSION 7 |



ILA PROPERTIES, INC
 (OWNER, DEVELOPER AND ENGINEER)
 4115 CHARLES TOWN ROAD
 KEARNEYSVILLE, WV 25430

| SHEET LIST | |
|---|---|
| CS | COVER SHEET |
| GN | GENERAL NOTES |
| C-001 | EXISTING CONDITIONS |
| C-001A | EXISTING DRAINAGE MAP |
| E&S PLANS AND BASIN DESIGN PLANS | |
| C-002 | EROSION CONTROL PLAN |
| C-003 | DISCHARGE PIPING |
| C-004 | BASIN 1 (E&S) DESIGN |
| C-005 | BASIN 2 (E&S) DESIGN |
| C-006 | SEDIMENT TRAP 1 AND 2 DESIGN |
| C-007 | SEDIMENT TRAP 3 AND 4 DESIGN |
| C-008 | DIVERSION DITCH 1 |
| C-09 | DIVERSION DITCH 2-5 |
| C-010 | DIVERSION DITCHES 6-11 |
| C-011 | E&S DETAILS |
| C-012 | E&S DETAILS |
| SITE & PROPERTY SHEETS | |
| C-100 | SITE INDEX AND PHASING MAP |
| C-101 - C-109 | SITE PLANS |
| C-110 | SITE DETAILS |
| C-111 | RAMP DETAILS |
| C-112 | SURVEY PLAT INDEX MAP |
| C-113 - C-121 | PRELIMINARY PLAT DRAWINGS |
| C-122 & C-123 | LINE AND CURVE TABLES |
| C-124 - C-133 | EASEMENTS |
| C-134 - C-142 | PAVEMENT MARKING AND SIGNAGE PLAN |
| C-143 | PAVEMENT MARKING AND SIGNAGE DETAILS |
| C-144 | PAVEMENT MARKING AND SIGNAGE DETAILS |
| C-145 | OFFSITE SIDEWALK CONNECTIONS EXHIBIT |
| GRADING SHEETS | |
| C-200 | GRADING INDEX MAP |
| C-201 - C-210 | GRADING PLANS |
| C-211 - C-214 | TRANS PROPERTY CROSS SECTIONS |
| ROAD PLAN AND PROFILES | |
| C-300 | ROAD INDEX |
| C-301 | WISHES BOULEVARD |
| C-302 | WISHES BLVD / BOUQUET BLVD |
| C-303 | BOUQUET BOULEVARD |
| C-304 | PARK GARDEN CIRCLE |
| C-305 | PARK GARDEN CIRCLE |
| C-306 | PARK GARDEN CIRCLE |
| C-307 | PARK GARDEN CIRCLE |
| C-308 | PARK GARDEN CIRCLE |
| C-309 | BEGONIA ROAD |
| C-310 | LAENDER STREET |
| C-311 | ZINNIA WAY & FORSYTHIA WAY |
| C-312 | VIOLET WAY |
| C-313 | COSMOS STREET |
| C-314 | CARNATION WAY |
| C-315 | WISTERIA LANE |
| C-316 | BOUQUET BLVD / MAYFLOWER COURT |
| C-317 | MORNING GLORY TERRACE |
| C-318 | SAFFRON COURT, MARJORAM COURT |
| C-319 | TARRAGON COURT |
| C-319 | SAVORY DRIVE, THYME WAY AND ROSEMARY LANE |
| SANITARY SEWER SHEETS | |
| C-400 | SANITARY SYSTEM INDEX MAP |
| C-401 | SANITARY LINE A1 |
| C-402 | SANITARY LINE A2 - A4 |
| C-403 | SANITARY LINE A5 & A6 |
| C-404 | SANITARY LINE B1 |
| C-405 | SANITARY LINE B2 |
| C-406 | SANITARY LINE B3 & B4 |
| C-407 | SANITARY LINE B5 & B6 |
| C-408 | SANITARY LINE B7 |
| C-409 | SANITARY LINE B8 |
| C-410 | SANITARY LINE B9 & B10 |
| C-411 | SANITARY LINE B11 |
| C-412 | SANITARY LINE C1, C2 & C3 |
| C-413 | SANITARY LINE C4 & C5 |
| C-414 | SANITARY LINE C6, C7, & C8 |
| C-415 | SANITARY LINE C9 & C10 |
| C-416 | SANITARY LINE C12 |
| C-417 | SANITARY LINE C13, C14, & C16 |
| C-418 | SANITARY LINE C15 AND C17 |
| C-419 | SANITARY FORCE MAIN |
| C-420 | SANITARY LIFT STATION DETAILS |
| C-421 | SANITARY DETAILS |
| C-422 | LIFT STATION ENCLOSURE DETAILS |
| C-423 | LIFT STATION ENCLOSURE DETAILS |
| WATER LINE SHEETS | |
| C-501 | HYDRANT LOCATION MAP |
| C-502 | CHARLES TOWN ROAD MAINLINE |
| C-503 | WISHES BOULEVARD MAINLINE |
| C-504 | WISHES BOULEVARD MAINLINE |
| C-505 | WISHES BOULEVARD MAINLINE |
| C-506 | WISHES BOULEVARD MAINLINE |
| C-507 | GARDEN PARK AVENUE WEST |
| C-508 | SECONDARY MAIN |
| C-509 | GARDEN PARK AVENUE WEST |
| C-510 | SECONDARY MAIN LINE |
| C-511 | WEST SERVICE MAINS |
| C-512 | GARDEN PARK AVE WATER LINE |
| C-513 | IMPERIAL STREET WATER LINE |
| C-514 | VIOLET WAY WATER LINE |
| C-515 | BOUQUET STREET WATER LINE |
| C-516 | ZINNIA WAY WATER LINE |
| C-517 | BEGONIA WAY WATER LINE |
| C-518 | LAENDER STREET WATER LINE |
| C-519 | GARDEN PARK EAST SECONDARY MAINLINE |
| C-520 | GARDEN PARK EAST SECONDARY MAINLINE |
| C-521 | EASTERN SERVICE MAINS |
| C-522 | TOWN HOME WATER MAINS |
| C-523 | TOWN HOME WATER MAINS |
| C-524 | TOWN HOME WATER MAINS |
| C-525 | ASTOR WAY WATER LINE |
| C-526 | WATER DETAILS |
| C-527 | WATER DETAILS |
| STORM SEWER SYSTEM | |
| C-600 | STORM INDEX MAP |
| C-601 - C-608 | A STORM LINES |
| C-609 - C-613 | B STORM LINES |
| C-614 - C-616 | C STORM LINES |
| C-617 - C-619 | D & E STORM LINES |
| C-620 - C-621 | F STORM LINES |
| C-622 - C-628 | STORM SEWER DETAILS |
| DOH IMPROVEMENTS | |
| C-702 | DETAILS |
| C-703 | OVERALL VIEW OF PROJECT |
| C-704 | MARKING DETAILS |
| C-705 - C-709 | EXISTING CONDITIONS |
| C-710 - C-714 | GEOMETRIC LAYOUT |
| C-715 - C-719 | MARKING PLAN |
| C-720 | SIGHT DISTANCE |
| C-721 | ENTRANCE PROFILES |
| C-722 - C-726 | SECTION VIEWS |
| C-727 | TEMPORARY TRAFFIC CONTROL |
| C-728 | TEMPORARY TRAFFIC CONTROL |
| C-729 | DOH DEDICATION PLAT |
| LANDSCAPING SHEETS | |
| C-800 | LANDSCAPING INDEX |
| C-801 - C-809 | LANDSCAPING PLANS |
| C-810 | LANDSCAPING DETAILS |
| LIGHTING PLAN | |
| C-900 | LIGHTING PLAN |
| C-901 | LIGHT POLE DETAILS |
| C-1000 | PHASE INDEX SHEET |
| C-1001 | PHASE 1 SITE FEATURE TERMINATION PLAN |
| C-1002 | PHASE 1 STORM SEWER TERMINATION PLAN |
| C-1003 | PHASE 1 SANITARY SEWER TERMINATION PLAN |
| C-1004 | PHASE 1 WATER TERMINATION PLAN |
| C-1005 | PHASE 1 GRADING TERMINATION PLAN |
| C-1006 | PHASE 1 PRELIMINARY PLAT |
| STORM WATER MANAGEMENT PLAN | |
| SWM-001 | POST CONSTRUCTION WATER QUANTITY DRAINAGE MAP |
| SWM-002 | POST CONSTRUCTION WATER QUALITY DRAINAGE MAP |
| SWM-003 | BASIN 1 (BIORETENTION) |
| SWM-004 | BASIN 2 |
| SWM-005 | BASIN 3 |
| SWM-006 | BASIN 4 |
| SWM-007 | WATER QUALITY SWALES |
| SWM-018 | WATER QUALITY SWALE DETAILS |
| SWM-020 | MAINTENANCE AND INSPECTION PROTOCOL |
| SWM-022 | INSPECTION CHECKLIST |
| SWM-023 | BIORETENTION MAINTENANCE |
| SWM-024 | STORM OUTLET PROTECTION |
| SWM-025 | GEN. STORM DETAILS |

Jefferson County CONSTRUCTION NOTES
 (Table 1.2-1)

- Erosion & Sediment Control Measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading.
- Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO T99C, as shown below:
 - a. Roadways..... 98%
 - b. Parking Lots for heavy trucks..... 98%
 - c. Parking Lots for passenger vehicles..... 95%
 - d. Utility line trenches..... 98%
 - e. Building Pads..... 100%

The above compaction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer.

- Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.
- Work zone temporary traffic control along a public road shall be in accordance with West Virginia Division of Highway requirements and approval.
- Seventy-two (72) hours prior to excavation in public right-of-ways or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848.

Jefferson County SITE WORK MILESTONE INSPECTIONS

The developer shall request County Engineer inspections minimum of 48 hours in advance (Call 304-728-3228). Inspections shall be requested according to the Table of Milestones shown below:

- Installation of Sediment & Erosion Control Devices prior to beginning site grading.
- Roadway and/or parking lot subgrade proof roll prior to placing stone base.
- Roadway and/or parking lot stone base depth check prior to placing asphalt or concrete pavement.
- Water system and Sanitary sewer system inspection and approval by the public service district/utility prior to backfilling of trenches.
- Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and stormwater management systems, traffic control signs & pavement markings, landscaping, etc.

Note: The County Engineer may accept "third-party" inspection and certification reports in place of inspections performed by the Office of Engineering, upon prior approval. Third-party inspection reports shall be submitted in the format specified by the County Engineer.

| OUTSIDE AGENCY APPROVALS | |
|--------------------------|-------------------------------|
| AGENCY | APPROVAL NO. / Date |
| WVDEP | WVR111835 / 10/19/2022 |
| BCPSSD | 9/12/2022 |
| BCPSWD | 9/14/2022 |
| WVDOH | Under Review |
| DHHR SANITARY | PERMIT NO. 20,985, 11/14/2022 |
| DHHR WATER | PERMIT NO. 20,986, 11/14/2022 |

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

OWNER SIGNATURE: _____ DATE: 09/28/2022

HUNTER HILLS SUBDIVISION PRELIMINARY PLAT KEARNEYSVILLE, WV JEFFERSON COUNTY

OWNER/DEVELOPER INFORMATION
 APPLICANT: ILA PROPERTIES, INC
 OWNER: ILA PROPERTIES, INC.
 POINT OF CONTACT: JOSHBEEN GREWAL
 ADDRESS: 4115 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430
 PHONE: 571-438-3612
 EMAIL: ACCOUNTING@JBGBUILDERS.COM

ENGINEERING INFORMATION
 COMPANY: ILA PROPERTIES, INC
 POINT OF CONTACT: TREVOR LLOYD, P.E.
 ADDRESS: 4115 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430
 PHONE: 304-989-1723

SURVEYOR INFORMATION
 COMPANY: ROBERTS LAND SURVEYING
 ADDRESS: 2068 PALMER ROAD, HEDGESVILLE, WV 25427

JEFFERSON COUNTY, WEST VIRGINIA

PRELIMINARY PLAT APPROVAL

SITE PLAN APPROVAL

BY _____ DATE _____

BY _____ DATE _____

| Jefferson County – Complete List of Waivers/Variations (Table 1.2-2) | | | |
|--|----------------------|---|--------------|
| Ordinance | Section of Ordinance | Description of Waiver or Variance | Date Granted |
| SUB REGS | 24.113.B.10 | WAIVER OF ARCH STUDY | 9/14/21 |
| SUB REGS | 21.305.B.1 | BLOCK LENGTH | 6/13/23 |
| SWM | ARTICLE IV.A.1 | WV SWM DGM - REFERENCED 18" PONDING DEPTH | 5/10/23 |

HUNTER HILLS SUBDIVISION
 SINGLE FAMILY DETACHED: LOTS 1 THROUGH 471
 TOWNHOUSE LOTS 1 THROUGH 171
 KEARNEYSVILLE, WV
 PROJECT NO: 20-016

DRAWN BY: G. SEPP
 CHECKED BY: T. LLOYD
 SCALE: AS SHOWN
 DATE: January 5, 2023

TREVOR LLOYD
 REGISTERED PROFESSIONAL ENGINEER
 19190
 STATE OF WEST VIRGINIA

COVER SHEET
 SHEET NUMBER: CS



C-133 - OFFSITE EASEMENT PLAT

C-101 - SITE PLAN
C-113 - PRELIMINARY PLAT
C-124 - EASEMENT PLAT
C-134 - MARKING & SIGNAGE PLAN

C-116 - PRELIMINARY PLAT
C-127 - EASEMENT PLAT
C-137 MARKING AND SIGNAGE PLAN

C-119 - PRELIMINARY PLAT
C-130 - EASEMENT PLAT
C-140 - MARKING AND SIGNAGE PLAN

C-114 - PRELIMINARY PLAT
C-125 - EASEMENT PLAT
C-135 - MARKING AND SIGNAGE PLAN

C-117 - PRELIMINARY PLAT
C-128 - EASEMENT PLATS
C-138 - MARKING AND SIGNAGE PLAN

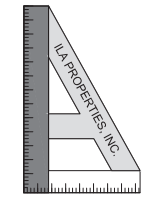
C-120 - PRELIMINARY PLAT
C-131 - EASEMENT PLAT
C-141 - MARKING AND SIGNAGE PLAN

C-115 - PRELIMINARY PLAT
C-126 - EASEMENT PLAT
C-136 - MARKING AND SIGNAGE PLAN

C-118 - PRELIMINARY PLAT
C-129 - EASEMENT PLAT
C-139 - MARKING AND SIGNAGE PLAN

C-121 - PRELIMINARY PLAT
C-132 - EASEMENT PLAT
C-142 - MARKING AND SIGNAGE PLAN

| REV NO. | DATE | DESCRIPTION | BY |
|---------|---------|------------------|-----|
| 1 | 1/30/23 | GTS SUBMISSION 3 | GTS |
| 2 | 4/4/23 | GTS SUBMISSION 4 | GTS |
| 3 | 4/28/23 | GTS SUBMISSION 5 | GTS |
| 4 | 7/10/23 | GTS SUBMISSION 7 | GTS |



ILA PROPERTIES, INC
4115 CHARLES TOWN ROAD
KEARNEYSVILLE, WV 25430

HUNTER HILLS SUBDIVISION
SINGLE FAMILY DETACHED: LOTS 1 THROUGH 471
TOWNHOUSE LOTS 1 THROUGH 171
KEARNEYSVILLE, WV
PROJECT NO: 20-016

DRAWN BY: G. SEPP
CHECKED BY: T. LLOYD
SCALE: 1" = 100'
DATE: March 1, 2022

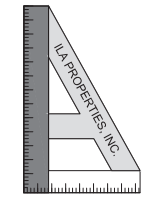


NOTES:
1. PROPOSED LOT LINES ARE PRELIMINARY AND ARE SUBJECT TO CHANGE.
2. PROPOSED AND EXISTING PROPERTY INFORMATION SHOWN IS FOR ENGINEERING / PLANNING PURPOSES ONLY AND SHOULD NOT BE USED FOR SURVEY PURPOSES.

PROPERTY MAP INDEX
SHEET NUMBER:
C-112



| REV NO. | DATE | DESCRIPTION |
|---------|---------|--------------|
| 1 | 1/30/23 | SUBMISSION 3 |
| 2 | 4/4/23 | SUBMISSION 4 |
| 3 | 4/26/23 | SUBMISSION 5 |
| 4 | 7/10/23 | SUBMISSION 7 |



ILA PROPERTIES, INC
 4115 CHARLES TOWN ROAD
 KEARNEYSVILLE, WV 25430

HUNTER HILLS SUBDIVISION
 SINGLE FAMILY DETACHED: LOTS 1 THROUGH 471
 TOWNHOUSE LOTS 1 THROUGH 171
 KEARNEYSVILLE, WV
 PROJECT NO: 20-016

DRAWN BY: G. SEPP
 CHECKED BY: T. LLOYD
 SCALE: 1" = 50'
 DATE: March 1, 2022



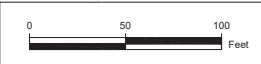
PRELIMINARY PLAT
 SHEET NUMBER:
C-121



LEGEND

| | |
|--|------------------------------------|
| | EXISTING PROPERTY LINE |
| | PROPOSED LOT LINES |
| | PROPOSED BUILDING RESTRICTION LINE |
| | PROPOSED REBAR PROPERTY CORNER |
| | PROPOSED CONCRETE PROPERTY CORNER |

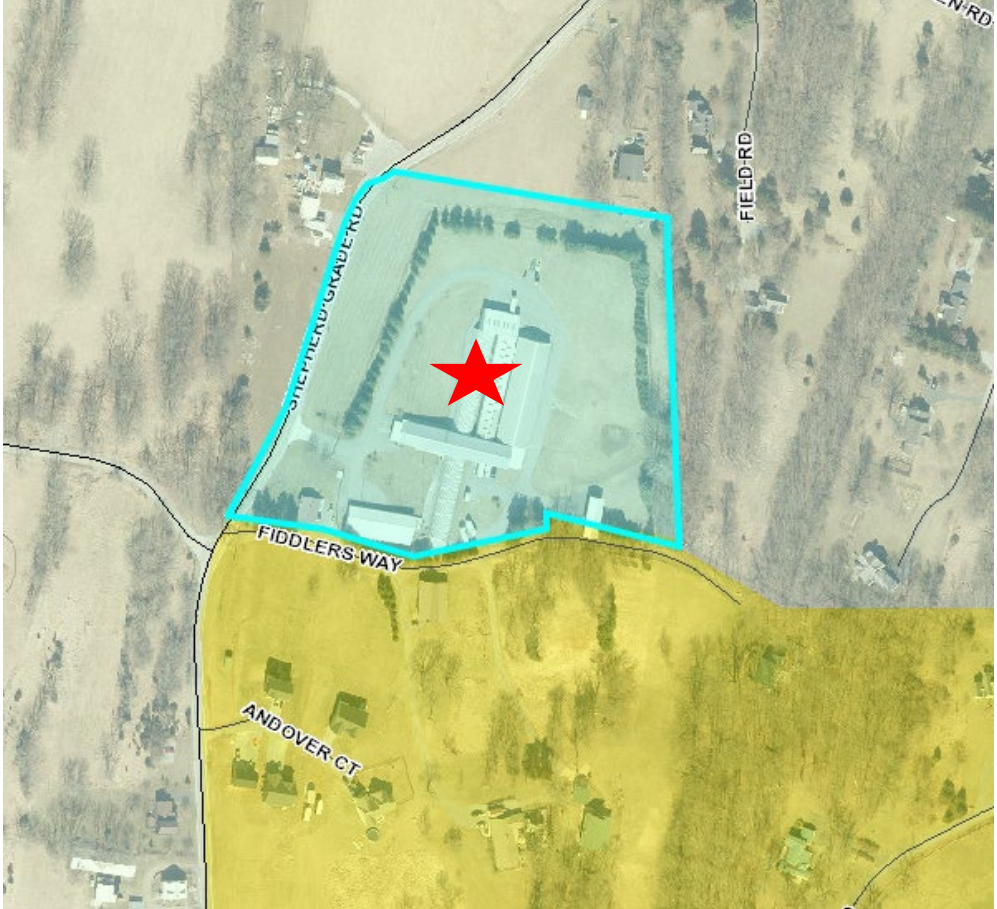
NOTES:
 1. PROPOSED LOT LINES ARE PRELIMINARY AND ARE SUBJECT TO CHANGE.
 2. PROPOSED AND EXISTING PROPERTY INFORMATION SHOWN IS FOR ENGINEERING / PLANNING PURPOSES ONLY AND SHOULD NOT BE USED FOR SURVEY PURPOSES.



Staff Report
 Jefferson County Planning Commission
 August 8, 2023

Valley Storage Shepherdstown Concept Plan Public Workshop (23-8-SP)

Item #5: Public Workshop: Concept Plan for Valley Storage Shepherdstown for the expansion of existing self-storage facility.

| | |
|----------------------|--|
| Owner/Applicant: | Valley Storage Shepherdstown / Attn: Todd Snook |
| Consultant: | Frederick, Seibert, & Associates / Trevor Frederick |
| Property Location: | 1744 Shepherd Grade Rd, Shepherdstown, WV 25443 |
| Legal Description: | <p>Parcel ID: 09000300200001; Parcel Size: 10 acres; Zoning District: Rural</p>  |
| Adjacent Zoning: | <i>North, East, West: Rural; South: Residential Growth</i> |
| Proposed Activity: | The expansion of existing Valley Storage Shepherdstown self-storage facility. |
| Concept Plan Status: | Submitted: 06/28/2023 Sufficiency Letter: 06/30/2023 |
| Previous Approvals: | <ul style="list-style-type: none"> • 04/27/88 – James Minor Subdivision (DB602/PG707) (PC File #88-10) • 01/26/93: Site Plan approved for a proposed expansion of existing bookbinding business (PC File # S92-05) • 05/15/03: BZA approved a change in use from a bookbinding business to a self-storage facility. • 04/20/04: BZA approved an extension of time for processing a site plan (ZV04-06) • 07/11/05: Site Plan approved for a proposed expansion (PC File # S05-03) |

Staff Report
Jefferson County Planning Commission
August 8, 2023

Valley Storage Shepherdstown Concept Plan Public Workshop (23-8-SP)

Property Background/Zoning

The subject parcel is the residue parcel of the James' Minor Subdivision, which was recorded in 1988. The lot is approximately 10 acres and surrounded primarily by residential development. Based on tax records and information available on the internet, it appears that the property has operated as a nonconforming commercial use since the 1970s, when Specialty Bookbinding was first established. In 2003, the Board of Zoning Appeals granted a request for a change in nonconforming use to a self-storage facility.

The property currently contains approximately 48,000 square feet of existing self-storage buildings, associated parking, and a residential dwelling. The subject request includes construction of four new self-storage buildings totaling 19,373 square feet in size, which is approximately a 40% expansion beyond the existing buildings on site. Because the nonconforming use already expanded beyond the allowable 35% (Section 4.3G of the Zoning Ordinance), the proposed expansion required the submission and approval of a Conditional Use Permit in accordance with Section 6.3 of the Zoning Ordinance.

A Conditional Use Permit (File # 23-5-CUP) to operate a Commercial Storage facility, as defined in Article 2 of the Zoning Ordinance, including the expansion of an existing legal nonconforming self-storage facility, Valley Storage Shepherdstown, was approved by the Board of Zoning Appeals on May 25, 2023. During the CUP Public Hearing, the applicants indicated that the storage of toxic materials is not permitted and that customers are required to sign a lease acknowledging this standard. The applicants also stated that they would be willing to install additional landscaping along the southern boundary line should it be required as part of the site plan processing and provided the landscaping could be accommodated between the property line and the existing buildings.

Summary of Request

The Concept Plan for the expansion of the existing Valley Storage Shepherdstown Facility site development depicts four new structures, which are proposed as depicted on the adjacent graphic:

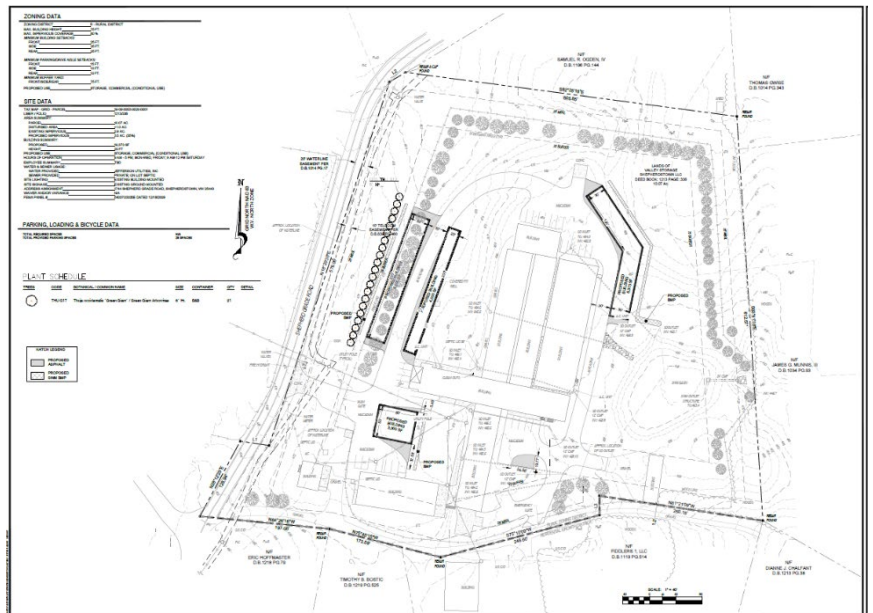
- Proposed Building: 6,000 sq ft
- Proposed Building: 6,373 sq ft
- Proposed Building: 4,000 sq ft
- Proposed Building: 3,000 sq ft

The addition of 19,373 square feet is a 40% expansion over the current 48,000 square feet on site at this time.

Site Plan Category

The proposed expansion was classified as a Minor Site Development because it does not require the development of new or the extension of existing off-tract infrastructure, and the total square footage of the proposed new structures is less than 250,000 square feet.

Pursuant to Section 20.203A.2 of the Subdivision Regulations, any development consisting of "building(s), both new and additions to existing, where all new structures or new additions to structures located on the parcel total more than 5,000 and less than 250,000 square feet gross floor area (GFA) on any site shall



Staff Report
 Jefferson County Planning Commission
 August 8, 2023

Valley Storage Shepherdstown Concept Plan Public Workshop (23-8-SP)

process a Concept Plan with a Public Workshop and all remaining site plan review processes shall be administratively approved.”

The first step in processing the subject Minor Site Development proposal is this Concept Plan and the required Public Workshop. The next step will be submission of a Full Site Plan that includes engineered plans relating to site improvements such as stormwater management.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Minor Site Plan Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon submission and review of the applicant’s Concept Plan, Staff found the submitted plan “sufficient” (i.e. meeting all requirements of Section 24.106 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed expansion of the Valley Storage Shepherdstown Facility application, are provided below:

| | Description | Status |
|--------------------------------|--|---|
| 1. General Location | A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document. | Provided |
| 2. Concept Plan | In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> . | Provided |
| 3. Zoning Information | a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map d) Use designation for all adjoin and confronting parcels | Provided |
| 4. Proposal Description | A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential. | Provided on the Concept Plan |
| 5. Traffic Impact Data | a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project. | <u>ADT</u> : Scrabble Road: 2,600 Shepherd Grade: 250 <u>Trip Generation</u> : Existing: 15 trips Proposed: 21 trips; <u>Key intersection</u> : Scrabble and Shepherd Grade Roads <u>Highway Problem Area</u> : west of Scrabble and Shepherd Grade |
| 6. Traffic Study | A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan. | Jefferson County defers to the WV DOH regarding whether a Traffic Impact Study is required |

Staff Report
 Jefferson County Planning Commission
 August 8, 2023

Valley Storage Shepherdstown Concept Plan Public Workshop (23-8-SP)

| | | |
|----------------------------------|---|---|
| 7. Agency Reviews | The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review. | Letters to required agencies provided. Responses received are below. |
| D. Department | The Department review shall include the following: 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan. | Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Minor Site Development with a Concept Plan. |
| E./F. WVDOH | WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5. | No response has been received from WV DOH at this time. |
| G. Public Service | The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County. | This project can be served public water by Shepherdstown Water Department, if needed. The site can be served by an on-site septic system, |
| H. Recommended Conditions | All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied. | See below |

Concept Plan Review

1. External Agency Reviews

No comments were received from outside agencies.

2. Staff Recommendation related to Concept Plan

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

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Valley Storage Shepherdstown Facility development, located on Shepherd Grade Road, north of Fiddler's Way, to be

Staff Report
Jefferson County Planning Commission
August 8, 2023

Valley Storage Shepherdstown Concept Plan Public Workshop (23-8-SP)

“complete” based on the information provided related to the criteria above; however, the following standards will need to be addressed prior to approval of the Site Plan:

- a. Addressing any other outstanding staff comments required with Concept Plans.
- b. WV DOH approval for the proposed entrances, and any Traffic Impact Study recommendations, if required, will be required in conjunction with the Site Plan.
- c. Water utility permit from Shepherdstown Water Department will be required in conjunction with the Site Plan, if needed.

3. Planning Commission Direction

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

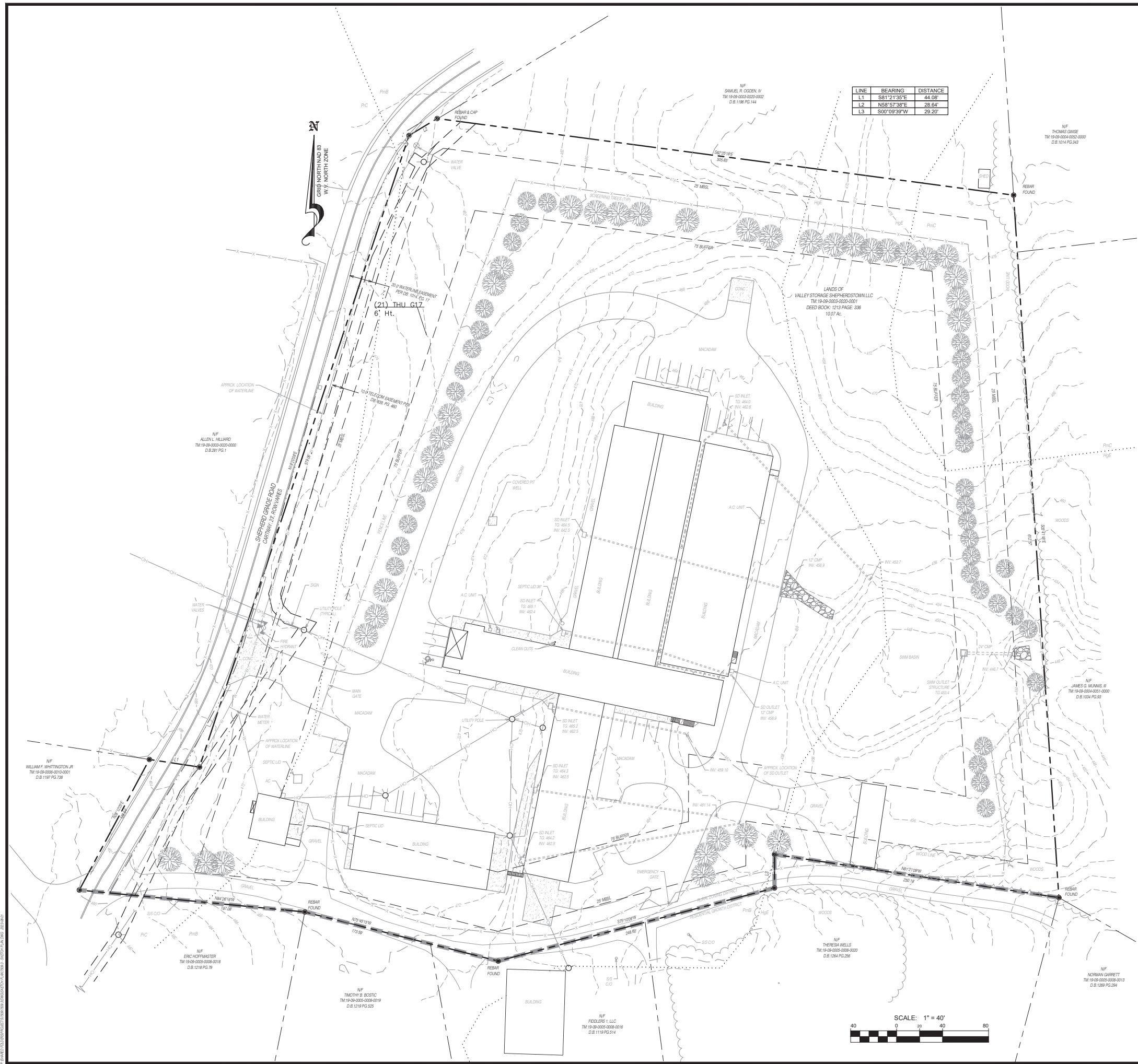
1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan can meet the standards of the Zoning Ordinance.
3. Public comment is solicited.

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

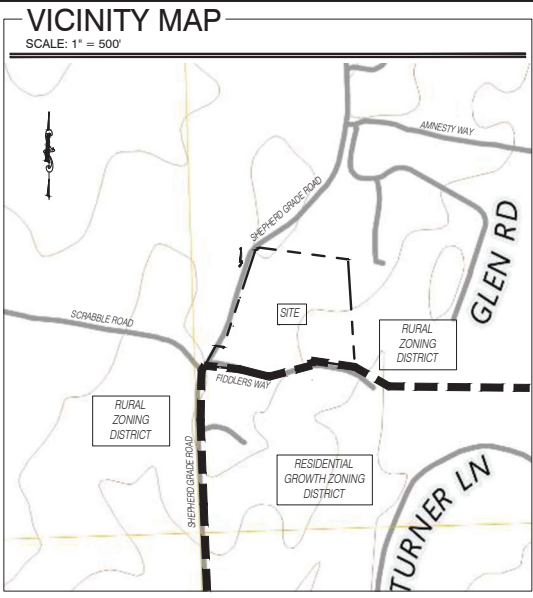
Section 24.108 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Minor Site Plan Concept Plan review:

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

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



| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | S81°21'35"E | 44.08' |
| L2 | N58°57'38"E | 28.64' |
| L3 | S00°09'39"W | 29.20' |



ZONING DATA

| | |
|--|--------------------|
| ZONING DISTRICT | R - RURAL DISTRICT |
| MAX. BUILDING HEIGHT | 75 FT. |
| MAX. IMPERVIOUS COVERAGE | 80 % |
| MINIMUM BUILDING SETBACKS: | |
| FRONT | 25 FT. |
| SIDE | 25 FT. |
| REAR | 25 FT. |
| MINIMUM PARKING/DRIVE AISLE SETBACKS: | |
| FRONT | 15 FT. |
| SIDE | 10 FT. |
| REAR | 10 FT. |
| MINIMUM BUFFER YARD: | |
| FRONT/SIDE/REAR | 75 FT. |

SITE DATA

| | |
|---------------------------------|--|
| TAX MAP - GRID - PARCEL | 19-09-0003-0020-0001 |
| LIBER / FOLIO | 1213/336 |
| AREA SUMMARY: | |
| FARCEL | 10.07 AC. |
| DISTURBED AREA | <1.0 AC. |
| EXISTING IMPERVIOUS | 2.9 AC. |
| PROPOSED IMPERVIOUS | 3.5 AC. (35%) |
| BUILDING SUMMARY: | |
| PROPOSED | 19,373 SF |
| HEIGHT | 20 FT |
| PROPOSED USE | STORAGE, COMMERCIAL (CONDITIONAL USE PERMIT #23-5-CUP ISSUED 06/29/2023) |
| HOURS OF OPERATION | 9 AM - 5 PM, MON-WED, FRIDAY; 9 AM-12 PM SATURDAY |
| EMPLOYEE SUMMARY: | TBD |
| WATER & SEWER USAGE: | |
| WATER PROVIDED | JEFFERSON UTILITIES, INC |
| SEWER PROVIDED | PRIVATE, ON LOT SEPTIC |
| SITE LIGHTING | |
| SITE SIGNAGE | EXISTING BUILDING MOUNTED |
| ADDRESS ASSIGNMENT | 1744 SHEPHERD GRADE ROAD, SHEPHERDSTOWN, WV 25443 |
| WAIVER AND/OR VARIANCE | N/A |
| FEMA PANEL # | 54037C0035E DATED 12/18/2009 |

PARKING, LOADING & BICYCLE DATA

| | |
|-------------------------------|-----------|
| TOTAL REQUIRED SPACES | N/A |
| TOTAL PROVIDED PARKING SPACES | 28 SPACES |

- ### GENERAL NOTES
- The purpose of this plan is to construct 19,373 SF of new self storage units.
 - The geological information for this site is listed on this sheet.
 - The site is currently developed with self storage units and a rental house.
 - Topography for the site was provided by FSA in 2022.
 - This site does not lie within the limits of the 100 year floodplain, zone X (areas outside of flood zone are considered zone X) per FEMA maps 54037C0035E dated 12-18-2009.
 - There are no sensitive areas on site including: sinkholes, springs, severe slopes, streams, or wetlands.
 - Stormwater management will be provided by bioretention BMPs.
 - The traffic impact data for this site is as follows:
 - Scrabble Road Annual Average Daily Traffic: 2600
 - Shepherd Grade Road Annual Average Daily Traffic: 250
 - Existing traffic generation: 15 trips (gate code data)
 - Proposed traffic generation: 21 trips (using gate code trip data)
 - Nearest Key Intersection: Scrabble Road & Shepherd Grade Road
 - Highway Problem Areas: 1/4 Mile west of Intersection of Scrabble Road and Shepherd Grade Road; 90 degree turn



Professional Certification
I hereby certify that these documents were prepared or approved by me and that I am a duly licensed professional engineer in the State of West Virginia. License # 22814
Expiration Date: 12/31/2023

FSA PUBLIC
FREDERICK SEIBER & ASSOCIATES, INC.
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
1505 HAGERSTOWN PIKE, SUITE 100
HAGERSTOWN, MD 21740
703.747.4000
www.fsa-inc.com

DATE: _____
MARK DESCRIPTION: _____

NOT APPROVED FOR

VALLEY STORAGE - SHEPHERDSTOWN
SITUATE AT 1744 SHEPHERD GRADE ROAD
SHEPHERDSTOWN, WV 25443
JEFFERSON COUNTY, WEST VIRGINIA
VALLEY STORAGE SHEPHERDSTOWN, LLC
1625 HOWELL ROAD, SUITE 4, HAGERSTOWN, MD 21740

PROJECT NO: 7509.3
OWN BY: TMF
DATE: 03.29.2023
PROJECT MANAGER: TMF
EMAIL: frederick@fsa-inc.com
PROPERTY INFORMATION
19-09-0003-0020-0001
SCALE: 1" = 40'

SHEET TITLE
EXISTING CONDITIONS
C-101
SHEET 01 OF 02



Professional Certification
I hereby certify that these documents were prepared or approved by me, or under my direct supervision and professional control, and that I am a duly licensed professional engineer in the State of Virginia.
Mark Frederick
License # 25427
Expiration Date 12/31/2025

FS&P INC.
FREDERICK SEIBER & ASSOCIATES, INC.
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
1525 HOWELL ROAD, SUITE 4, HAGERSTOWN, MD 21740
P.O. BOX 100, HAGERSTOWN, MD 21740
703.757.0001
www.fsandp.com

DATE: _____
MARK L. DESCRIPTION: _____

NOT APPROVED FOR
VALLEY STORAGE - SHEPHERDSTOWN
SITUATE AT 1744 SHEPHERD GRADE ROAD
SHEPHERDSTOWN, WV 25443
JEFFERSON COUNTY, WEST VIRGINIA
VALLEY STORAGE SHEPHERDSTOWN, LLC
1525 HOWELL ROAD, SUITE 4, HAGERSTOWN, MD 21740

PROJECT NO: 7509-3
OWN BY: TMF
DATE: 03.29.2023
PROJECT MANAGER: TMF
EMAIL: frederick@fsa-inc.com
PROPERTY INFORMATION
19-09-0003-0020-0001
SCALE: 1" = 40'
SHEET TITLE

CONCEPT PLAN

C-102
SHEET 02 OF 02

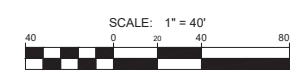
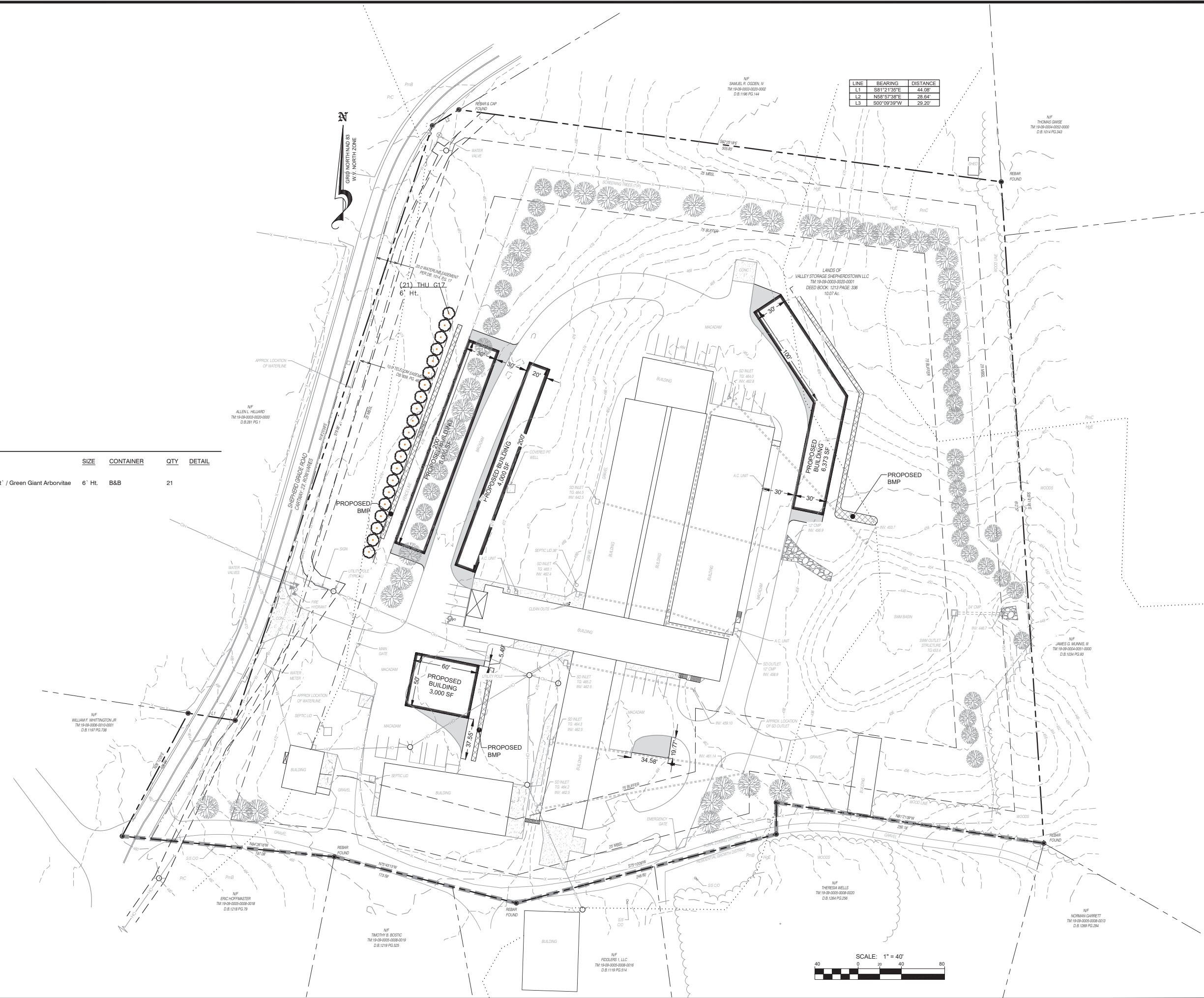
| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | S81°21'35"E | 44.08' |
| L2 | N58°57'39"E | 28.64' |
| L3 | S50°09'39"W | 29.20' |

PLANT SCHEDULE

| TREES | CODE | BOTANICAL / COMMON NAME | SIZE | CONTAINER | QTY | DETAIL |
|-------|---------|---|--------|-----------|-----|--------|
| | THU G17 | Thuja occidentalis 'Green Giant' / Green Giant Arborvitae | 6' Ht. | B&B | 21 | |

HATCH LEGEND

| | |
|--|------------------|
| | PROPOSED ASPHALT |
| | PROPOSED SWM BMP |



P:\PROJECTS\2023\PROJECTS\19-09-0003-0020-0001\19-09-0003-0020-0001-001\19-09-0003-0020-0001-001-001.dwg

23-8-SP Valley Storage Shepherdstown Expansion Concept Plan



Figure 1 View from Fiddlers Way 1



Figure 2 View from Fiddlers Way 2

23-8-SP Valley Storage Shepherdstown Expansion Concept Plan

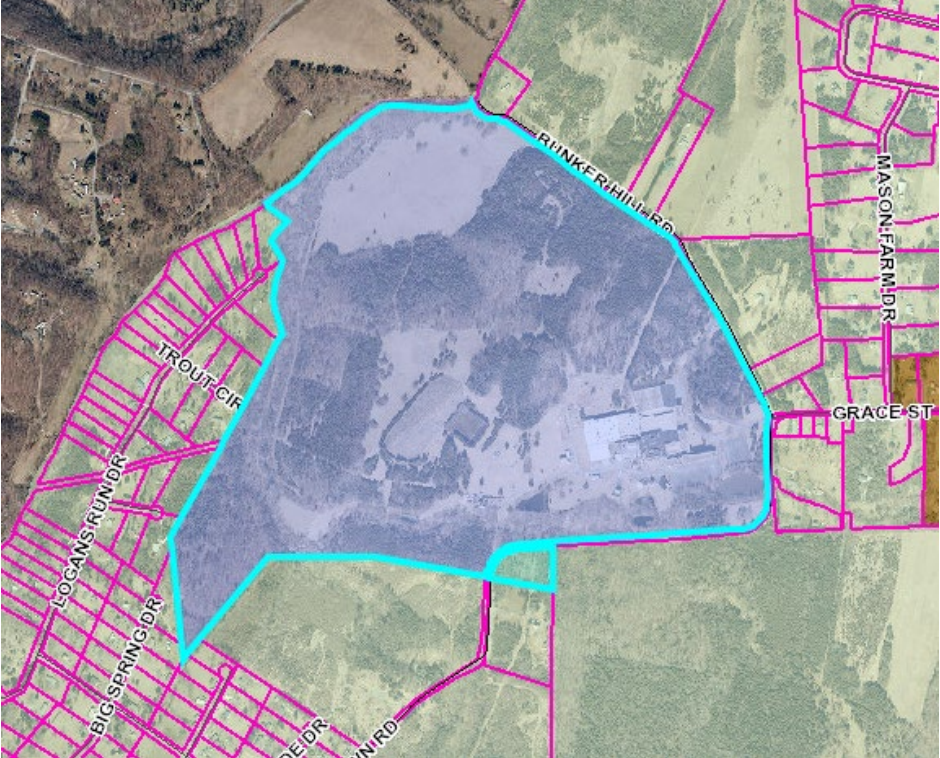


Figure 3 View to the Left Rear

Staff Report
 Jefferson County Planning Commission Meeting
 August 8, 2023

3M Properties-Sidewinder MSD Waiver Request (File: 23-20-PCW)

Item #6: Public Hearing: Waiver from Sections 20.201C and 20.202 of the Subdivision Regulations which require Non-Residential Subdivisions of greater than two lots to process as a Major Subdivision, to allow a proposed 4-lot Non-Residential Subdivision to process as a Minor Subdivision.

| | |
|---------------------------------|---|
| Owner/Applicant | Sidewinder Enterprises LLC / Sean Masterson |
| Surveyor/Engineer | Integrity Federal Services / Mark McDonald |
| Property Location & Information | <p style="text-align: center;">1 Grace Street, Kearneysville, WV 25430 Parcel ID: 07002200090000; Size: 259.54 acres; Zoning District: Industrial-Commercial</p>  |
| Adjacent Zoning | <i>North, South, East & West: Rural</i> |
| Proposed Activity: | Request to allow a proposed 4-lot Non-Residential Subdivision to process as a Minor Subdivision. |
| Previous Approvals | <p>The site of the previous the 3M Plant (opened in 1961 and closed in 2005) and Eastman Kodak Co (2005 - 2006)</p> <p>S91-01 3M Plat Addition Site Plan S91-09 3M Plant Boiler Room Addition S95-11 3M Plant Oil Containment</p> <p>2015 Commercial Liability Partners worked with the WV DEP on a voluntary remediation program to prepare for resale for industrial uses</p> |

Summary of the Request:

The applicant is requesting a waiver from Sections 20.201C and 20.202 of the Subdivision Regulations which require Non-Residential Subdivisions of greater than two lots and subdivisions that require the

Staff Report
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August 8, 2023

3M Properties-Sidewinder MSD Waiver Request (File: 23-20-PCW)

extension of existing off-tract infrastructure to process as a Major Subdivision. The request is to be permitted to process as a Minor Subdivision.

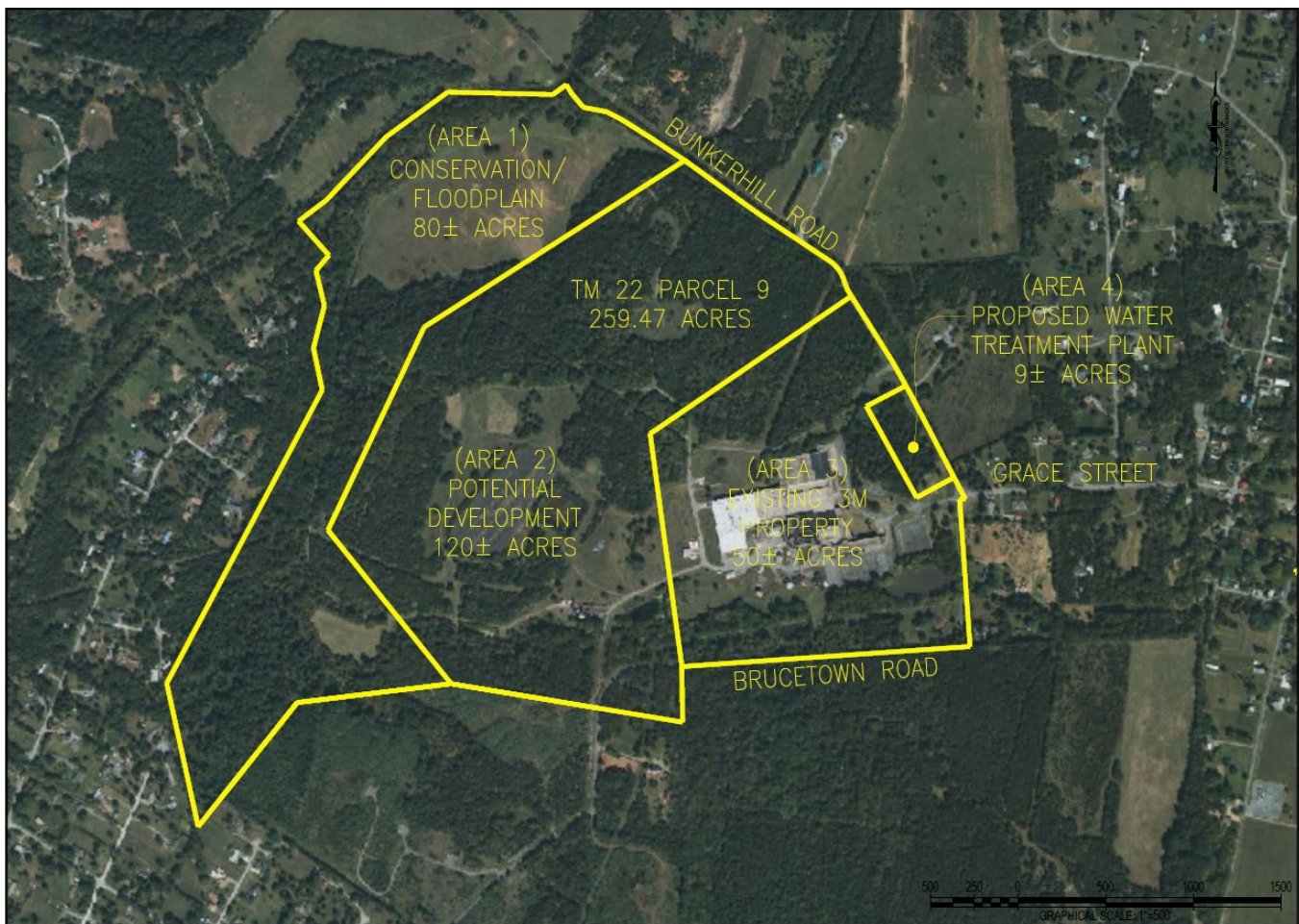
The Applicants are interested in potentially dividing the existing 259-acre parcel into the following four (4) Non-Residential Subdivision lots as depicted below:

- Proposed Water Treatment Plant (9+/- acres)
- Existing 3M Facility Property(50 +/- acres)
- Area for Potential Development (120 +/- acres)
- Conservation Area/Floodplain (80 +/- acres)

A 50' access easement is also proposed from the end of Grace Street to serve the four lots. The applicant indicated that they have water and sanitary sewer availability from Berkley County, but require the off-site extension of utilities to serve these lots.

A Traffic Impact Study (TIS) has been completed and is under review by the WV DOH. The uses for the proposed lots have not been determined.

Because the property is zoned Industrial Commercial, the only way that a lot can process under the Minor Subdivision provisions is if it involves re-subdividing a lot located in an approved industrial park or existing major nonresidential subdivision, or any commercially zoned property may have a one-time exemption to divide off one lot utilizing the minor non-residential provisions providing that no off-site utilities are required and future connections to adjacent lots are provided.



3M Properties-Sidewinder MSD Waiver Request (File: 23-20-PCW)

Relevant Section of the Subdivision Regulations

Sections 20.201C and 20.202 of the Subdivision Regulations state that the creation of more than two non-residential lots and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure shall process as a Major Subdivision. The excerpts of these sections are below:

“Sec. 20.201 C. Non-Residential

The re-subdividing of a lot located in an approved industrial park or existing major nonresidential subdivision shall be permitted to follow the minor non-residential subdivision process. When a non-residential land use is permitted in the Rural Zoning District, such site development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot. Additionally, any commercially zoned property may have a one-time exemption to divide off one lot utilizing the minor non-residential provisions providing that no off-site utilities are required and future connections to adjacent lots are provided. All minor nonresidential subdivisions shall contain, but are not limited to, the following criteria:

1. Lots. A minor non-residential subdivision divides the property into more than one lot.
2. Access. All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a state road are not permitted to process as a minor, except for those proposals utilizing the non-residential permitted uses in the Rural District.
3. Water/Well or Sewer/Septic. Potable water and sewer shall be provided according to the requirements of Appendix B, Engineering Standards. All submissions shall provide a plat approved by the Department of Health.

Where, in the judgment of staff, a residential or non-residential proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations, the proposed subdivision shall be classified as a major subdivision. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.202 Major Subdivision

A major subdivision, whether residential or non-residential, is any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure. (See definition of "Major Subdivision.") A subdivision may be classified as major if in the judgment of staff, a proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.”

Staff Report
Jefferson County Planning Commission Meeting
August 8, 2023

3M Properties-Sidewinder MSD Waiver Request (File: 23-20-PCW)

Waiver Requirements:

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

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

Staff Discussion/Recommendation:

Although the Subdivision Regulations do not allow for a 4-lot non-residential development in the Industrial-Commercial Zone to process as a Minor Subdivision, because this is an already developed lot with the goal of separating an open space/parkland parcel along the Opequon Creek/floodplain area; a public utility parcel for the development of a potential water system for the region; and two developable parcels, it is reasonable to allow this subdivision to process as a Minor Subdivision. If approved, no off-site improvements will be permitted to occur with the Minor Subdivision. Once the four lots are created, any future development will be required to process a Site Plan and will include all required infrastructure and public processes at that time.



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

File #: 23-20-pcw
 Mtg Date: 08-08-23
 Date Rec'd: 07-11-23
 Fees Paid: 100
 Staff Int: gjt
 List of Adjoiners:

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

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: Sean Masterson
 Business Name: Sidewinder Enterprises
 Mailing Address: 4340 Von Karman Ave., #380, Newport Beach, CA 92660
 Phone Number: 310-365-5183 Email: sean@sidewinderenterprises.net

Applicant Contact Information

Applicant Name: Sean Masterson Same as owner:
 Business Name: Sidewinder Enterprises
 Mailing Address: 4340 Von Karman Ave., #380, Newport Beach, CA 92660
 Phone Number: 310-365-5183 Email: sean@sidewinderenterprises.net

Consultant Information

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

Physical Property Details

Physical Address: 1 Grace Street, Kearneysville, WV 25430 Vacant Lot:
 Tax District: 07 Kearneysville Map No: 22 Parcel No: 9
 Parcel Size: 259.54 Acres Deed Book: 1256 Page No: 360
 Zoning District: Industrial Commercial

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

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

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

The applicant is requesting a waiver of the process requirements of Section 20.202, under Division 24.30 of the 2018 Subdivision Regulations, to request that the application be permitted to process as a Minor Subdivision and be administratively approved.

Briefly Describe the Nature of Your Waiver Request:

The applicant is requesting waiving the subdivision processes as a Major Subdivision of 249.54 Acres and be processed as a Minor Subdivision to be administratively approved.

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 current ordinance does not allow for a parcel in this zone to process a minor subdivision. The owner is requesting the parcel be subdivided into up to 4 lots and follow the typical minor subdivision process. Allowing this subdivision process now would provide the opportunity to create open space parcel and/or parkland and a public utility parcel for the development of a water system for the region.

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.

If granted, the waiver will have no adverse affect to public health, safety, or welfare , or the rights of adjacent property owners or residents. Allowing the open space area and utility parcel to be subdivided will be a benefit to the public health, safety, and welfare and allow those areas to move forward significantly quicker than is possible with a major subdivision.

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

The intent of the Ordinance is to ensure that a major subdivision, both res. & non-res., have infrastructure needed & multiple end-users that should go through a public process. The ordinance does not envision a large tract of land with a single end user who wants to subdivide parts of the property for preservation & public processes. Therefore allowing the minor subdivision with no improvements keeps the intent of the ordinance. The ultimate site development plan for any redevelopment would go through a Major Site Plan Process.

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

This waiver, if granted, will allow open areas of the site to be better preserved as well as allow for the potential of a public utility to be developed to serve the larger Middleway community.

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.

Sean Patrick Masterson Digitally signed by Sean Patrick Masterson
Date: 2023.07.10 12:09:16 -0700 7/10/2023
Property Owner Signature Date

Sean Patrick Masterson Digitally signed by Sean Patrick Masterson
Date: 2023.07.10 12:09:26 -0700 07/10/23
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.

08-08-23
Public Hearing Date

07-25-23
Date Placard Posted

07-25-23
Date Adjoiners Mailed

Planning Commission Determination

Approved

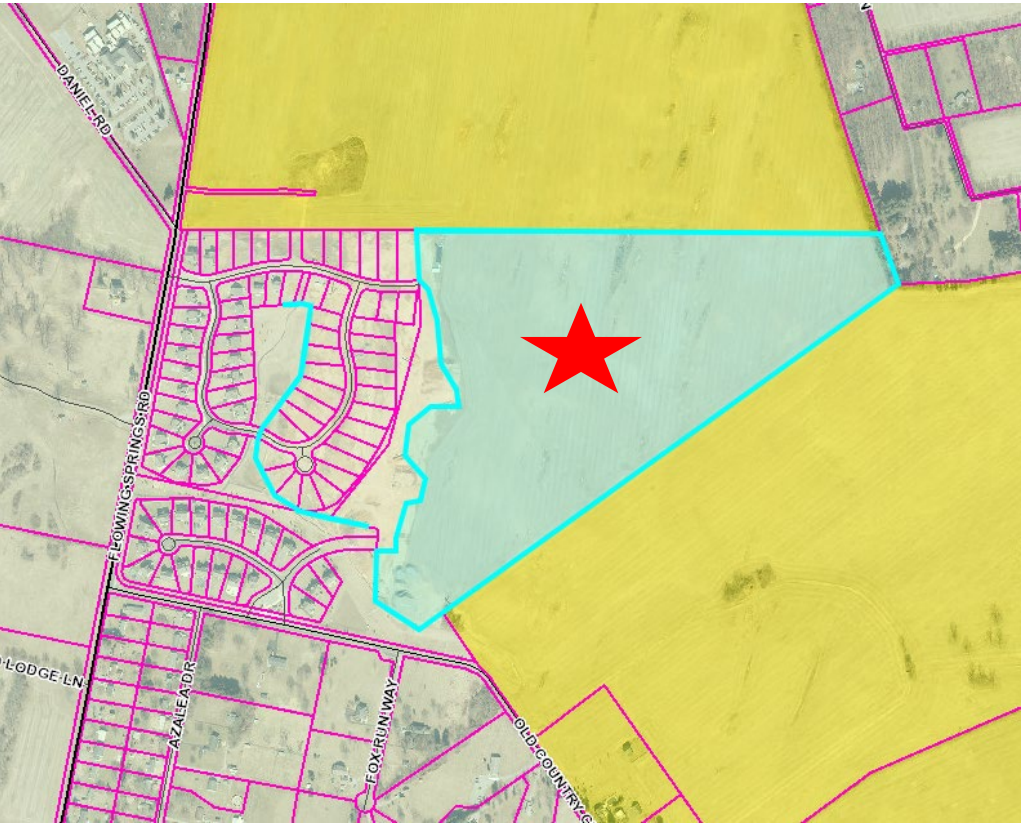
Denied

Date: ___ / ___ / ___

Staff Report
 Jefferson County Planning Commission Meeting
 August 8, 2023

Aspen Greens Variance Request (File #23-3-PCV)

Item #7: Public Hearing: Subdivision Variance request from Article 6; Section 6.3 of the 1979 Subdivision Ordinance, which requires a Final Plat Public Hearing every two years, for an additional two year extension from January 11, 2024 to January 11, 2026.

| | |
|---|--|
| Owner/Applicant: | Roderick Planes, LLC / Maurice Gladhill |
| Surveyor/Engineer: | Gates Associated, Inc. / Fred W. Gates |
| Parcel Information and Zoning District: | <p>NE corner of Old Country Club Road & Flowing Springs, Charles Town, WV; Parcel ID: 02000400190000; Size: 55.03 acres; Zoning District: Rural</p>  |
| Surrounding Zoning: | <i>North, South: Residential Growth, East and West: Rural</i> |
| Proposed Activity: | 203 lots (total for all phases)/85 lots currently Final platted (see below); Requesting extension for the next required Final Plat Public Hearing from January 11, 2024 to January 11, 2026. |
| History: | |
| Conditional Use Permit (File #Z02-06) | Approved Official Issuance Signature: 12/20/07 BZA Variance Approved to Extend CUP to: 12/20/10; 7/01/12 Recordation of the Phase 1A Final Plat deems CUP to be “commenced” |
| Community Impact Statement | PC Approval: 03/25/08 PC Variance Approved to Extend CIS to: 12/31/09; 12/20/10; 07/01/2012; 4/10/15; 12/08/2015; 6/10/20; 6/10/22 (the time required to hold a FP PH for the next phase) |

Staff Report
 Jefferson County Planning Commission Meeting
 August 8, 2023
Aspen Greens Variance Request (File #23-3-PCV)

| | |
|------------------------------|---|
| Preliminary Plat | Staff Approved: 11/16/21 (Phase IIB; File #20-1-SD; 39 lots) Staff Approved: 03/16/15 (Phase IIA; PC File # 14-01; 26 lots) Staff Approved: 04/10/12 (Phase IA; PC File #07-15; 20 lots) |
| Final Plat | Phase IIB FP (File #20-1-SD), PC approved, 01/11/22 (recorded 2/22/22) Phase IIA FP (PC File #14-01) PC approved: 06/09/15 (recorded 8/31/15) Phase 1A FP (PC File # 07-15) PC approved: 6/12/12 (recorded 9/6/12) |
| Planning Commission Variance | PV Variances to extend CIS/CUP –see dates above PCV 18-01: PC appr. 3/13/18; to reduce the required slope from 0.5 to 0.27 19-1-PCV: PC Approved 04/09/19; to allow 66 lots on a single entrance including Phases IIA and IIB. 20-2-PCV: PC approved 06/02/20; Early Grading Permit for Phase IIB. |

Background:

Aspen Greens Subdivision is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. Because this Subdivision began processing before the 2008 Subdivision Regulations were adopted, the Subdivision is being reviewed under the 1979 Subdivision Regulations. The CUP and CIS are approved for a build-out of 203 total lots.

To date, Phases IA, IIA, and IIB have been approved and recorded:

- Phase IA consists of Lots 1-20 (20 lots) and access to these lots is via Quaking Aspen Way off of Old Country Club Road; approved, bonded and recorded 9/6/12.
- Phase IIA consists of Lots 21-46 (26 lots) and access to these lots is via Wintergreen Way off of Flowing Springs Road; approved, bonded and recorded 8/31/15. Phase IIA included partial construction of Ladysthumb Circle.
- Phase IIB consists of Lots 47-85 (39 lots) and completed Ladysthumb Circle and a portion of Wintergreen Way; approved, bonded and recorded 2/22/22.

Future phases include Phase IB (35 lots) and Phase III (82 lots) which include the connection of Quaking Aspen Way and Wintergreen Way and which will provide the required two Access Points for subdivisions with more than 50 lots (Section 8.2a(2) of the 1979 Subdivision Ordinance).

Summary of Request:

The applicant is requesting an additional two-year extension, from January 11, 2024 to January 11, 2026, to advance through the next Final Plat public hearing for this development. Per Section 6.3 of the 1979 Jefferson County Subdivision Ordinance, a Final Plat public hearing is required to be processed within 24 months of the previous phase. The applicant’s last Final Plat approval (Phase IIB) was at the January 11, 2022 Planning Commission meeting. Based on this approval, the next Final Plat is required to have a Public Hearing before the Planning Commission by January 11, 2024.

The current variance application is requesting that the requirement for the next Final Plat Public Hearing before the Planning Commission be extended for two years until January 11, 2026.

It should be noted that the Aspen Greens project was not impacted by changes in the state law in 2010, often referred to as Senate Bill 595, which provided automatic extensions of time for certain projects because it did not meet the definition of “valid” and “outstanding” as of January 1, 2010. As a result,

Staff Report
Jefferson County Planning Commission Meeting
August 8, 2023
Aspen Greens Variance Request (File #23-3-PCV)

this project must process a variance in order to be provided with an extension of time. All projects which did qualify for those extensions are currently complete or expired.

Variance Requirements:

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Regulations. In order to grant a variance the following four criteria must be met. The applicant has addressed these points in their attached application:

- a) The request is not contrary to the public interest.*
- b) A literal enforcement of this Ordinance will result in unnecessary hardship.*
- c) The request is not the result of a self-imposed hardship.*
- d) The spirit of this Ordinance will be observed and substantial justice done.*

Staff Comments:

Staff agrees that the request for a variance of an additional two years to extend the time limit to hold a Final Plat Public Hearing is not contrary to the public interest. The applicant intends to continue the development in accordance with the CUP and CIS approved by the Planning Commission. It should be noted that the applicant has been working on plans for a significant crossing of the storm drainage channel required to serve other phases of this development and has continued to make a good faith effort towards approval of the next phase of the development.

A literal enforcement of the 1979 Subdivision Ordinance would require the applicant to start the project over under the 2008 Subdivision Regulations if a Final Plat for the next phase is not scheduled for a public hearing by January 11, 2024. Beginning the process over would not likely change the layout of the project from the currently approved preliminary layout and the Final Plats that have been recorded, but may require reengineering to meet current standards. Plans related to the bridge design and bonding have been processed as well as an early grading permit for Phase IIB. A project of this size and scope requires significant work and communication between the applicant and various departments and agencies. It may not require the full two years to process the next phase through the Final Plat Public Hearing, but the extension does not seem unreasonable.

Recommendation:

Since the variance is only for a time extension and not a variance of the site layout, Staff recommends granting the variance for an additional two years (to January 11, 2026). As noted in the applicant's request and shown by their action, the applicant is creating a high quality development and has worked with local utility providers to anticipate future development and maintenance needs.

The next step for this project is completion of the Preliminary Plat with construction documents for Phase IB or Phase III. Under the 1979 Ordinance, Preliminary Plats are administratively approved. The Final Plat can be submitted once the Preliminary Plat has been approved and scheduled for a Public Hearing once staff review is complete.



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

File #: 23-3-PCV
Mtg Date: 8/8/23
Date Rec'd: 7/18/23
Fees Paid: \$100
Staff Int: ME
List of Adjoiners:

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

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

Subdivision Ordinance Variance Request

Variations must comply with Article 17 of the 1979 Subdivision Ordinance, as amended.

Property Owner Information

Owner Name: Maurice Gladhill, Managing Partner
Business Name: Roderick Planes, LLC
Mailing Address: 5509 Mt. Zion Road, Box 777, Frederick, MD 21705
Phone Number: 1-301-663-6060 Email: mgladhill@aol.com

Applicant Contact Information

Applicant Name: (above) Same as owner:
Business Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

Consultant Information

Name: Fred W. Gates, P.S.
Business Name: Gates Associated, Inc.
Mailing Address: 153 Venice Way, Shepherdstown, WV 25443
Phone Number: 1-304-876-6124 Email: gatesassociated@aol.com

Physical Property Details

Physical Address: Northeasterly Old Country Club Road & Flowing Springs Road Intersection. Vacant Lot:
Tax District: 2 - Charles Town Map No: 4 Parcel No: 19
Parcel Size: 110 ac Deed Book: 952 Page No: 565
Zoning District: Agricultural - (Residential on proposed draft)

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)

Which Section of the Subdivision Ordinance are you requesting to vary?

1979 Subdivision Ordinance; Art. 6; Sect 6.3

Briefly Describe the Nature of Your Variance Request:

Two-year processing provision relates to date of next phase for final plat public hearing which has a limit of being on or before January 11, 2024. 1979 Time limits do not reflect 2023 oversight creation, reviews, and approvals of a development with this amount of work inclusion given repeat multiple phasing. Additionally, the ordinance did not foresee and allow for non-phase work needed for completion of oversight required upgrades as a 'phase' time need between final plat recordings. This request is to allow the next ASPEN GREENS Phase Final Plat meeting to be on or before January 11, 2026.

Explain why this request is NOT contrary to the public interest:

Inclusion of orderly approved subdivision parts is a developmental goal directly benefitting public interest. Developer support in creating the necessary elements required, given the beneficial community design embraced by this development, is not contrary to public interest.

Explain how enforcement of this Ordinance will result in an unnecessary hardship:

The focus of this work-time space-out of phase submissions is a watershed future-use computed ConSpan Bridge. It is required by Jefferson County design standards for loop road construction and mandatory for next lot approvals, as well as being a direct benefit to existing and future lot owners. Literal ordinance enforcement would be catastrophic to this Jefferson County approved Concept Plan, current and future homeowners, and to this developer.

Explain how this request is NOT the result of a self-imposed hardship:

The 1979 Ordinance time limits do not embrace 2023 oversight reality of inclusion expectation nor review input from added layers of personnel. All oversight input has exploded since 1979. WVDOH requires added Traffic Impact Studies to be carried out and professionally analyzed for currently assessed upgrades, as an example. WYDEP under new Bay Accord Upgrades now includes required 'Enhanced Storm Water' provisions for approval. Review timelines have grown exponentially since 1979. This developer needs your support to honor them and create worthy construction.

Explain how the spirit of this Ordinance will be observed and substantial justice will be done:

Ordinance Spirit is to provide worthy county development that enhances the quality of life for residents, especially those who directly benefit by living within the concepts approved. The above dialogue indicates that this request is a direct result of work needing to be within the Ordinance Goals, County Requirements, and allowing this extension request for two years; being on January 11, 2026 for a next phase Final Plat meeting approval. This is substantial justice done.

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.

Maurice Sedkeed *July 18, 23*
Property Owner Date

Property Owner 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 and posted by the Staff. 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.

8/8/23
Public Hearing Date

7/25/23
Date Placard Posted

7/21/23
Date Adjoiners Mailed

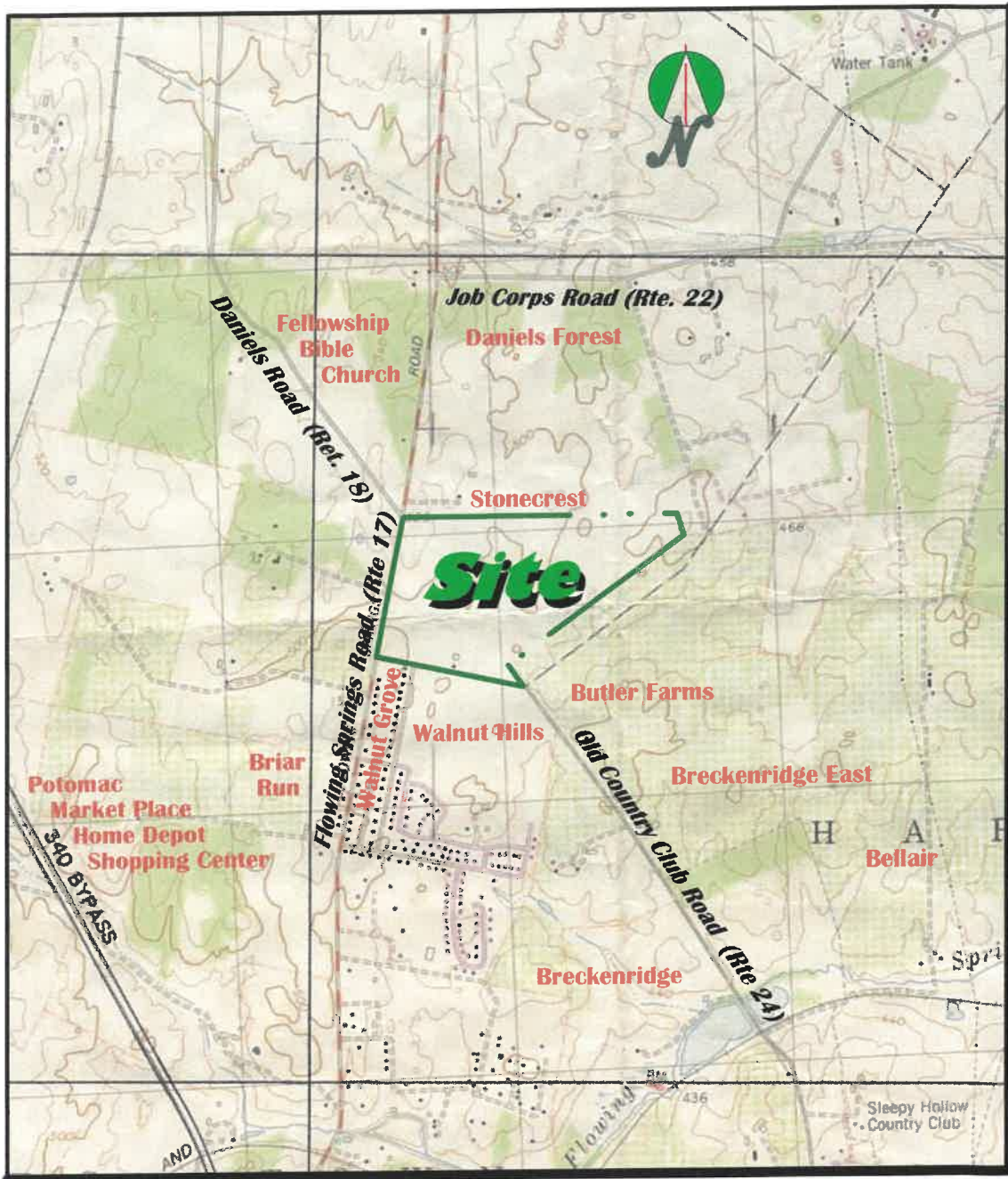
Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___

ASPEN GREENS Site Location



USGS Charles Town Quad Map

Scale 1" = 2000'

(Roads & Development Names Added)



Gates Associated, Inc.

288 Venice Way (off Rte. 45)

Shepherdstown, West Virginia 25443

[email:gatesassociated@aol.com phone/fax/voicemail:1-304-876-6124]

Daniel Road
W. Va. Co.
Rte. 18

J. McDonald et al
DB 1187 P 3.16
D2 TM3 P 4.5

J. Ulrich et al
DB 1184 P 7.29
D2 TM4 P 1.2

W. Va. Co. No. Rte. 17
N 09°52'35" E 1160.46'

Meadow Farms Shells, LLC - DB 1201 P 0.8
D2 TM4 P 1.1

Flowing Springs Road
N 09°52'35" E 548.42'

N 88°45'53" E 1128.50'

P. Stone - DB 795 P 7.54 - D2 TM3 P 9

N 88°45'53" E 2155.64'

deMoulin et ux - DB 458 P 413 - D4 TM5 P 4

S 18°36'06" E
269.32'

Phase IIA

Plat Book 25
Page 520
Lots 21 to 48
16.295 Acres

Phase IIB

Con/Span Submission
made as Redline Submission
to Phase IA Lots 1 to 20
(By Joseph W. Kent, JC Land
Development Inspector)

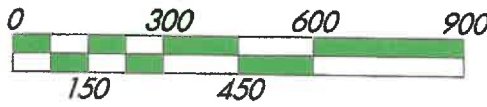
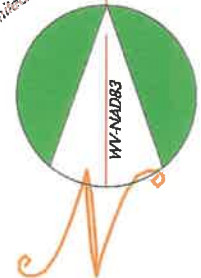
Phase III
Lots 122 to 203
40.832 Acres

Phase IV
Lots 86 to 120
18.821 Acres

Phase IA

Plat Book 25 Page 350
Lots 1 to 20
17.054 Acres

Con/Span
Location



Scale in Feet
1" = 300'

5' = Depth of Fill Target Areas (typ.)

Also See Sheet 3 for additional Adjacent Owners of this phase.

Phase Limits, Sheet Windows & Fire Hydrant Coverage



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting August 8, 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

IMPACT FEES 304-728-3331 - mmason@jeffersoncountywv.org

ENGINEERING 304-728-3257 - engineering@jeffersoncountywv.org

PLANNING & ZONING 304-728-3228 - planningdepartment@jeffersoncountywv.org, zoning@jeffersoncountywv.org

GIS & ADDRESSING 304-724-6759 - gis@jeffersoncountywv.org

2) Upcoming PC meetings

❖ **29th Annual Jefferson Co. African American Cultural & Heritage Festival: August 19, 2023**

❖ **County Fair Comprehensive Plan Booth: August 21 – 26, 2023** (volunteers needed)

❖ **September Meetings:**

• **Next Regular meeting date: September 12, 2023**

○ 5:30 pm Comprehensive Plan Work Session

○ 7:00 pm Planning Commission Meeting

▪ Ascension Church Revised Concept Plan Public Workshop

▪ Ascension Church Sidewalk Waiver

▪ Bakerton Monopole Concept Plan Public Workshop

▪ Harvest Hills Rezoning recommendation (tentative)

• **Agricultural Public Workshop for 2045 Comprehensive Plan: September 13, 2023**

• **2nd 2045 Comprehensive Plan Public Workshop: September 18, 2023**

• **2045 Comprehensive Plan Work Session re: Goals and Objectives: September 26, 2023**

❖ **October Meetings:**

• **Joint Planning/County Commission Meeting re: Goals and Objectives: October 5, 2023**

• **Next Regular meeting date: October 10, 2023**