



Agenda

Jefferson County Planning Commission
Tuesday, September 12, 2023 at 7:00 PM

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

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

ZOOM Broadcast Information*: Meeting ID: 898 5545 5865
Meeting Link: <https://us02web.zoom.us/j/89855455865>

**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:** August 8, 2023, August 29, 2023, and September 6, 2023
- 2. Request for postponement.**
- 3. Public Workshop:** Amended Concept Plan for Church of the Ascension for a Minor Site Development proposal consisting of four phases, including a 12,000 sq ft proposed Church and 6,000 sq ft proposed Fellowship Hall. Owner/Applicant: Church Of The Ascension; Property Location: SE corner of Border Road and Bunkhouse Rd, Kearneysville, WV; Parcel ID: 07000400090000; Size: 20.49 acres; Zoning District: Rural (File #22-3-SP).
- 4. Public Hearing:** Request for a Waiver from Appendix B, Section 10.6 and Section 2.2.K to remove the requirement of a sidewalk along the front of the property at this time. Owner/Applicant: Church Of The Ascension; Property Location: SE corner of Border Road and Bunkhouse Rd, Kearneysville, WV; Parcel ID: 07000400090000; Size: 20.49 acres; Zoning District: Rural (File #23-21-PCW).

There is no public comment for the following items.

- 5. Reports from Legal Counsel**
 - Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
 - 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.
 - Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
 - Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).
 - 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.

- 6. Legal Advice, Discussion and Action:** Discussion of VB BTS, LLC v. JEFFERSON COUNTY, WEST VIRGINIA, & THE JEFFERSON COUNTY PLANNING COMMISSION (United States District Court, Northern District Case No. 3:23-CV-171) including potential resolution/settlement offer presented by Plaintiff and Plaintiff's response to Planning Commission's counter offer.
 - 7. Planner's Memo**
 - 8. President's Report**
 - 9. Actionable Correspondence**
 - 10. Non-Actionable Correspondence**
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Draft Meeting Minutes
Jefferson County Planning Commission
August 8, 2023

The Jefferson County Planning Commission met on August 8, 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; Donnie Fisher; Aaron Howell; Tim Smith; were present in person. J. Ware was present via Zoom.

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 25, 2023

Mr. Shepp stated the minutes stand approved without objection.

2. **Request for postponement.** Agenda Item #8 Harvest Hills Rezoning at the request of the applicant (File: 23-6-Z)
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).

Ms. Brockman provided an overview of the staff report.

The applicant's consultant, Paul Raco with P.J. Raco Consulting LLC, and the applicant Dave Lutman, explained the nature of the request to the Planning Commission. Mr. Lutman also proposed a proffer to pave the entrance to the first driveway and share in any future road maintenance.

Mr. Saunders, County Engineer; expressed his concerns regarding the rock at the entrance.

Mr. Shepp opened the Public Hearing and the following citizens provided public comment:

- Ms. Robin Young (Opposed);
- Mr. Randy Smith (Opposed); and
- Ms. Christine Marshall (Opposed).

Mr. Shepp closed the Public Hearing.

The applicant's consultant, Paul Raco, with P.J. Raco Consulting LLC, and the applicant, Dave Lutman, provided a rebuttal and responded to questions and concerns presented by the public.

The Planning Commission members asked clarifying questions regarding the nature of the request.

Mr. Stolipher made a motion to approve the waiver as presented with the proffers offered by Mr. Lutman. Mr. Knott seconded the motion, which carried unanimously.

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).

Ms. Brockman provided an overview of the staff report.

The applicant's consultant, Paul Raco, with P.J. Raco Consulting LLC, explained the nature of the request to the Planning Commission. Mr. Raco also explained that the WV DOH is accepting the 10' road dedication along the frontage and that is being processed at this time.

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

Mr. Brockman provided staff recommendation for approval pending WV DOH approval of the required Traffic Impact Study and issuance of the WV DOH Entrance Permit.

Mr. Hefestay made a motion to approve the Preliminary Plat pending the WV DOH Permit Approval. Mr. Louthan seconded the motion, which carried unanimously.

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).

Ms. Brockman provided an overview of the staff report.

The applicant, Todd Snook, and the applicant's engineer, Trevor Frederick, with Frederick, Seibert, & Associates, explained the nature of the request to the Planning Commission. The applicant proffered planting two rows of landscaping to replace existing trees being removed for the new structures.

Mr. Shepp opened the Public Workshop.

- Ms. Theresia Wells provided public comment.

Mr. Shepp closed the Public Workshop.

Mr. Snook and Mr. Frederick responded to questions and concerns presented by the public. They stated that the slats in the fence were not complete yet, which will occur. They also stated that their customers will not be using Fiddler's Way and that they are not increasing the number of RV spaces. The applicant also proffered filling in gaps with vegetation as needed.

Mr. Stolipher made a motion to approve the Concept Plan with the proffers as presented. Mr. Hefestay seconded the motion, which carried unanimously.

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).

Ms. Brockman provided an overview of the staff report.

The applicant's representatives, Jason Gerhart and Mark McDonald, with Integrity Federal Services, explained the nature of the request to the Planning Commission, explaining that there is no site design proposed for the four lots at this time other than a public water treatment facility (shown as Area 4). The proposed subdivision will allow future redevelopment of the existing structures and future development of vacant parcels and will meet all subdivision requirements at that time.

Mr. Shepp opened the Public Hearing.

- Ms. Chrissy Wimer with Jefferson County Foundation, Inc.; provided public comment.

Mr. Shepp closed the Public Hearing.

The applicant's representative and the applicant provided a rebuttal and responded to questions and concerns presented by the public. They also proposed not creating Area 1 (the conservation/flood plain area) at this time, but combining it with Area 2 (Parcel 9) until a future user is identified.

Mr. Knott made a motion to approve the waiver as presented, allowing the creation of the four proposed lots as a Minor Subdivision. Mr. Fisher seconded the motion, which carried unanimously.

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).

Mr. Shepp recused himself from the meeting.

Ms. Brockman provided an overview of the staff report and reminded the Planning Commission that the Aspen Green Subdivision is processing under the 1979 Subdivision Ordinance which requires a Final Plat public Hearing every two years.

The applicant's representative Fred Gates, with Gates Associates, Inc., and the applicant, Morris Gladhill, explained the nature of the request to the Planning Commission and the need for the additional time to move forward with the next Final Plat.

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

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

Mr. Shepp rejoined the meeting.

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).

This item was postponed to TBD Planning Commission Meeting.

9. 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.
- 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).

Mr. Cochran suggested that the Planning Commission may want to go into executive session to receive legal advice on Items A through E.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Items A through E under 'Reports from Legal Counsel' at 8:07 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp moved to go back into regular session at 9:06 pm. Mr. Stolipher seconded the motion, which carried unanimously.

10. Planner's Memo.

Ms. Brockman reminded the Planning Commission about the upcoming scheduled Comprehensive Plan Work Session August 29, 2023 at 6pm; that volunteers are still needed for the African American Heritage Festival on August 19, 2023; that volunteers are needed for the upcoming Jefferson County Fair, August 21-26, 2023; and the upcoming Comprehensive Plan Work Session and Planning Commission Meeting on September 12, 2023. Ms. Brockman also reminded the Planning Commission of future additional meeting dates on September 13 and 18, 2023.

11. President's Report.

Mr. Shepp requested an update by the September 12, 2023 Planning Commission meeting regarding his request for a doorbell being placed at the entrance of the locked door at the Planning and Zoning Office.

12. Actionable Correspondence.

13. Non-Actionable Correspondence.

Planning Commission Minutes

August 8, 2023

Page 5 of 5

Mr. Stolipher made a motion to adjourn the meeting at 9:10pm. Mr. Knott seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.

Draft Meeting Minutes
Jefferson County Planning Commission
August 29, 2023

The Jefferson County Planning Commission met on August 29, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Steve Stolipher, County Commission Liaison; Jack Hefestay; Aaron Howell; Tim Smith; and J. Ware were present in person.

Wade Louthan, Secretary and Donnie Fisher were absent without notice.

Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Alexandra Beaulieu, Deputy Director and Zoning Administrator; Nathan Cochran, Prosecuting Attorney; and Michelle Evers, Planning Clerk.

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

1. **Citizens Comment (up to 3 minutes per person, not to exceed 30 minutes total):** Citizens may provide comment on the proposed Shannondale Lake Telecommunication Tower that is subject to an appeal in the United States District Court, Northern District Case No. 3:23-CV-171 (PC File #23-3-SP).

Planning Commission member Aaron Howell recused himself from the meeting.

Mr. Shepp opened the Citizens Comment. The following citizens provided comment:

- Mr. Eddie Love (Opposed), Daniel Kaseman (Opposed), Ms. Rachel Shub (Opposed), Ms. Charlotte Fremaux (Opposed), Ms. Rachel Grogan (Opposed), Mr. Alex Korovin (Opposed), Jon Avery (Opposed), Mr. Jean Vezzosi (Support), Ms. Carolyn Vezzosi (Support) Joanne Curran (Support) and Sam Byrer, the applicant's representative (Support).

Mr. Shepp closed the Citizens Comment.

2. **Legal Advice, Discussion and Action:** Discussion of VB BTS, LLC v. JEFFERSON COUNTY, WEST VIRGINIA, & THE JEFFERSON COUNTY PLANNING COMMISSION (United States District Court, Northern District Case No. 3:23-CV-171) including potential resolution/settlement offer presented by Plaintiff.

Mr. Cochran advised the Planning Commission that a settlement offer had been received by the Plaintiff.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Item #2 on the agenda at 7:34 pm. Mr. Stolipher seconded the motion, which carried unanimously.

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

Mr. Shepp stated that he was not in favor of the settlement offer as presented which included a camouflage option to disguise as a tree. The Planning Commission asked staff several clarifying questions related to the requirements for a new telecommunication tower.

Mr. Hefestay made a motion to postpone action until the next Planning Commission meeting to allow the County Commission and public to review the settlement offer and provide input. The motion failed due to lack of a second.

Mr. Shepp made a motion for a counter offer to include the following: (1) locate the monopole further back on the property; and (2) add buffering around the site where natural buffers do not already exist. Mr. Ware requested to add that the pole be painted a color to blend in with the surroundings. Mr. Shepp accepted the amendment. Mr. Knott seconded the motion, which carried unanimously.

Mr. Shepp called a Special Meeting on Wednesday, September 6, 2023 to discuss the Plaintiff's response to Planning Commission's counter offer.

Mr. Shepp made a motion to release the settlement offer to the public.

Mr. Stolipher seconded the motion, which carried unanimously.

3. Non-Actionable Correspondence:

1. Eddie Love dated August 16, 2023
2. John Freiler dated August 20, 2023
3. Charlotte Fremaux dated August 21, 2023
4. Corey Ash dated August 21, 2023
5. Jon Avery dated August 23, 2023
6. Robert Berg, Esq. dated August 23, 2023
7. Rachel Grogan dated August 24, 2023
8. Adam McDowell dated August 24, 2023

Mr. Shepp made a motion to adjourn the meeting at 8:27 pm. Mr. Ware seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.

Draft Meeting Minutes
Jefferson County Planning Commission
September 6, 2023

The Jefferson County Planning Commission met in a Special Called Meeting on September 6, 2023 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Steve Stolipher, County Commission Liaison; Wade Louthan, and Jack Hefestay were present in person. Donnie Fisher was present via phone. Previous Planning Commission member Ron Thomas was present as it related to a lawsuit from his time in office.

Matt Knott, Vice President, was absent with notice. Aaron Howell and Tim Smith were not required to attend this meeting. J Ware was absent without notice.

Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; and Nathan Cochran, Prosecuting Attorney were present.

Mr. Shepp called the meeting to order at 7:02 pm. and confirmed a quorum was present.

1. **POSTPONED – date tbd Legal Advice, Discussion and Action:** Discussion of VB BTS, LLC v. JEFFERSON COUNTY, WEST VIRGINIA, & THE JEFFERSON COUNTY PLANNING COMMISSION (United States District Court, Northern District Case No. 3:23-CV-171) including potential resolution/settlement offer presented by Plaintiff and Plaintiff's response to Planning Commission's counter offer.

Mr. Shepp stated that this agenda item has been postpone until a time to be determined

2. **Legal Advice and Discussion:** Discussion and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (PC File #21-2-Z).

Mr. Cochran advised that he had some legal advice for the Planning Commission related to the aforementioned lawsuit.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Item #2 on the agenda at 7:05 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Stolipher moved to go back into regular session at 7:37 pm. Mr. Louthan seconded the motion, which carried unanimously.

No action was taken related to this agenda item.

3. **Non-Actionable Correspondence:**

1. Adam McDowell, Et al., dated August 31, 2023
2. Rachel Shub, Et al., dated September 1, 2023
3. Corey Ash dated September 1, 2023

Mr. Stolipher made a motion to adjourn the meeting at 7:38 pm. Mr. Louthan seconded the motion, which carried unanimously.

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

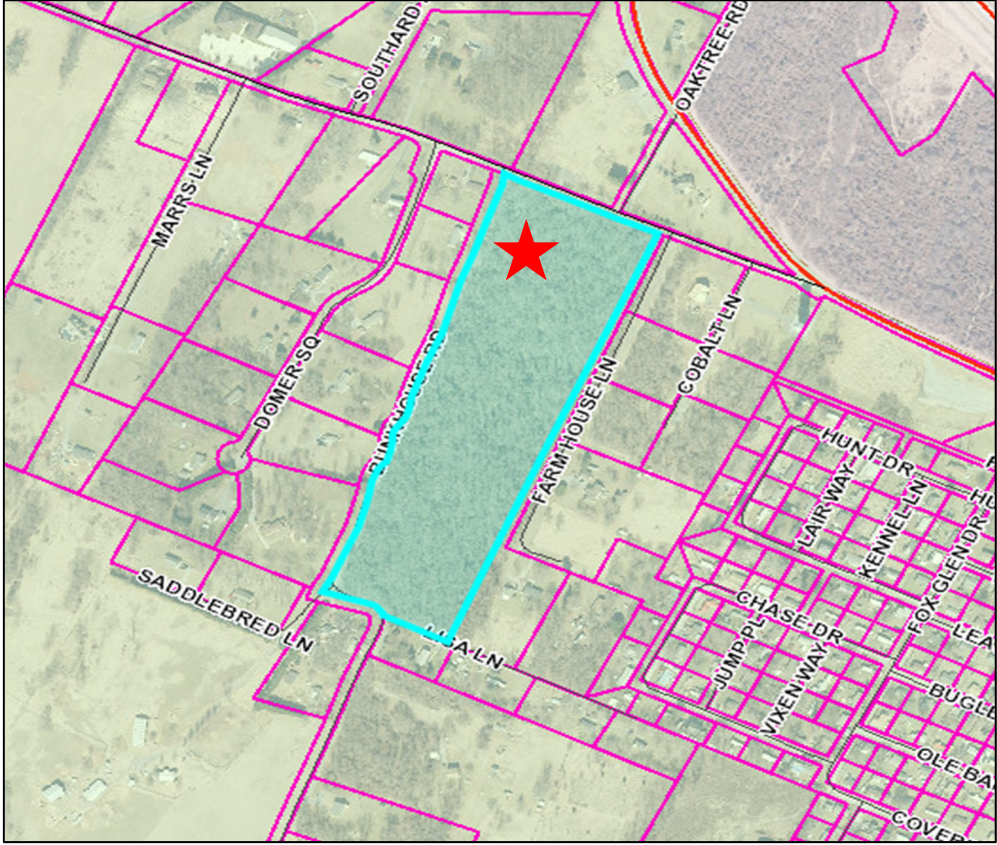
Staff Report

Jefferson County Planning Commission

September 12, 2023

The Church of the Ascension Revised Concept Plan Public Workshop (PC File: 22-3-SP)

Item # 3: Public Workshop: Revised Concept Plan for a Minor Site Development proposal to include a 12,000 sq. ft. proposed Church and 6,000 sq. ft. proposed Fellowship Hall.

Owner/Applicant:	Church Of The Ascension
Surveyor/Engineer:	Christopher Waddell, JHA Companies
Parcel Information & Property Location	<p style="text-align: center;">SE corner of Border Road and Bunkhouse Rd, Kearneysville, WV; Parcel ID: 07000400090000; Size: 20.49 acres; Zoning District: Rural</p> 
Adjacent Zoning:	<i>North, South, East, West: Rural</i>
Proposed Activity:	Revised Site Development for Church of the Ascension in four phases; previously approved for a 10,338 sq ft church and a 3,600 sq ft Fellowship Hall (6/14/22)
Revised Concept Plan Status:	<p>Submitted: 07/24/2023</p> <p>No Sufficiency Letter or outside agency contact was required with the revised plan</p> <p>Approved by staff: 08/18/2023</p>
Previous Approvals:	<p>Original Concept Plan approved by Planning Commission 06/14/22</p> <p>Minor Site Plan Submitted for 1st Review: 05/08/23</p> <p>Determination that a Revised Concept Plan is required to address the larger building sizes: 06/27/23</p>

Staff Report
Jefferson County Planning Commission
September 12, 2023

The Church of the Ascension Revised Concept Plan Public Workshop (PC File: 22-3-SP)

Introduction and Summary of Request

The Revised Concept Plan for Church of the Ascension site development discusses the full build-out in the following 4 phases:

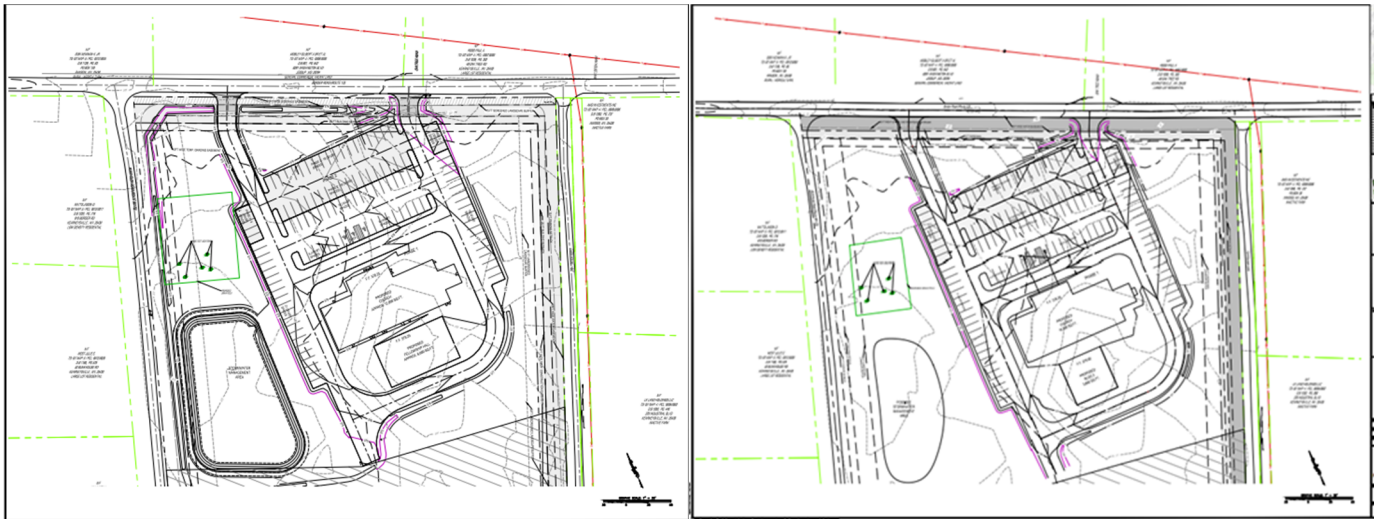
- Phase 1: Proposed Church previously approved (on 6/14/22) for 10,338 sq. ft. (now proposed for 12,000 sq ft) and Proposed Fellowship Hall previously approved for 3,600 sq ft (now proposed for 6,000 sq ft) and revised parking numbers;

Phases 2 - 4 have no proposed changes:

- Phase 2 (approximately 2 years): additional parking area;
- Phase 3 (approximately 5 years): cemetery area;
- Phase 4 (approximately 7-10 years): housing accommodations for church staff and/or missionaries.

New Proposed Site Layout

Previously Approved Site Layout



Site Plan Category

Section 20.203A.2 of the Subdivision Regulations requires 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 process a Concept Plan with a Public Workshop and all remaining site plan review processes shall be administratively approved.”

Therefore, a Minor Site Plan, with a Concept Plan, is required to be processed that includes engineered stormwater improvements and proposed public water and wastewater facilities. The first step in processing this Site Plan is this Concept Plan and the required Public Workshop. The original Concept Plan was approved by the Planning Commission in June 2022. In June 2023, it was determined that a revised Concept Plan is required to address the larger building sizes on the submitted Site Plan.

Staff Report

Jefferson County Planning Commission

September 12, 2023

The Church of the Ascension Revised Concept Plan Public Workshop (PC File: 22-3-SP)

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. Because this property has a previously approved Concept Plan, all requirements of Section 24.106 of the Subdivision Regulations have been met and do not need to be revisited in this staff report. The nature of the amendment did not require re-notification to the external agencies; however, the approvals from WVDOH and Jefferson Utility Inc. (JUI) will be required prior to Site Plan approval.

Note that the applicants have also applied for a waiver of the required sidewalk along Border Road which will also be heard at the September 12, 2023 Planning Commission Meeting.

Concept Plan Review

1. 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 Revised Church of the Ascension phased development plan, located on the southeast corner of the intersection of Bunkhouse and Border Roads, to be “complete” based on the information provided related to the criteria above; however, the following standards will need to be addressed prior to approval of the Site Plan, which is expected to be submitted in phases:

- a. WV DOH approval for the proposed entrances, and any Traffic Impact Study recommendations, if required, will be required in conjunction with the Site Plan.
- b. Water utility permits from Jefferson Utility Inc. (JUI) and Jefferson County Health Department approvals of the on-site septic system will be required in conjunction with the Site Plan.

2. 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.

Staff Report

Jefferson County Planning Commission

September 12, 2023

The Church of the Ascension Revised Concept Plan Public Workshop (PC File: 22-3-SP)

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.

AMENDED CONCEPT PLAN FOR CHURCH OF THE ASCENSION - WV

JEFFERSON COUNTY, WEST VIRGINIA
MIDDLEWAY DISTRICT
TAX MAP 4 PARCEL 9
DEED BOOK 1270 PG 381

OWNER
CHURCH OF THE ASCENSION
PO BOX 545
KEARNEYSVILLE, WV 25430

ENGINEER/SURVEYOR
JHA COMPANIES
362 W BURR BLVD.
SUITE 3
KEARNEYSVILLE, WV 25430



NO.	DATE	DESCRIPTION	INT.
0	2022-02-11	FOR CLIENT REVIEW	JAB
1	2022-06-06	FOR COUNTY REVIEW COMMENTS 2022-06	JAB
2	2023-01-10	REVISION/AMENDED PER COUNTY REVIEW COMMENTS ON 2023-06-27	AV
3	2023-08-07	REVISION/AMENDED PER COUNTY REVIEW 1 COMMENTS ON 2023-08-01	AV

CALL BEFORE YOU DIG!

WEST VIRGINIA LAW REQUIRES:
3 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE
AND
10 WORKING DAYS IN DESIGN STATE
- STOP CALL
West Virginia One Call System, Inc

WEST VIRGINIA 811
CALL BEFORE YOU DIG! Dial 811 or 800.245.4848
www.WV811.com
SERIAL NO.

SITE DATE:
PARCEL ID: 07000400090000
D.B. 1270, PG. 381
TOTAL AREA: 20.647 ACRES

INTENDED USE:
THE PROJECT WILL BE PHASED IN 4 PARTS
PHASE 1: PROPOSED CHURCH AND PARKING WITH ON-LOT SEWER AND PUBLIC WATER
PHASE 2: 47 ADDITIONAL PARKING SPACES
PHASE 3: PROPOSED CEMETERY
PHASE 4: 3 - DETACHED DWELLING UNITS FOR CHURCH HOUSING WITH ON-LOT SEWER AND PUBLIC WATER

ZONING DATA:
(R) RURAL DISTRICT

	REQUIRED	PROVIDED
MIN. LOT AREA	2 ACRES	20.647 ACRES
MIN. LOT WIDTH	200 FT.	+580 FT.
MAX. BUILDING HEIGHT	45 FT.	< 45 FT.
MAX. IMPERVIOUS SURFACE	N/A	

BUILDING SETBACK:	REQUIRED	PROVIDED
FRONT	25 FT.	+130 FT.
SIDE	50 FT.	
REAR	50 FT.	

PARKING SETBACK:	REQUIRED	PROVIDED
FRONT	15 FT.	15 FT.
SIDE	10 FT.	10 FT.
REAR	10 FT.	10 FT.

LANDSCAPE BUFFER (SCREENED):	REQUIRED	PROVIDED
FRONT	15 FT.	15 FT.
SIDE	15 FT.	15 FT.
REAR	15 FT.	15 FT.

LANDSCAPE BUFFER (UNSCREENED):	REQUIRED	PROVIDED
FRONT	50 FT.	50 FT.
SIDE & REAR	50 FT.	50 FT.

PARKING REQUIREMENTS:

1 SPACE/ 5 PERSON PER SEATING	
PROPOSED 350 SEATS (REQUIRED PARKING)	70 SPACES
PROPOSED PHASE 1	77 SPACES
PROPOSED PHASE 2	47 SPACES
PROPOSED TOTAL	124 SPACES

ALL PROPOSED SIGNS SHALL COMPLY ARTICLE 10 OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE

CONCEPT PLAN NOTES:

- B.1 GENERAL LOCATION MAP CAN BE FOUND ON THE TOP RIGHT OF EACH PLAN SHEET
- B.2 THIS PLAN IS 24" X 36"
- B.3 ZONING INFORMATION
 - A. THIS PARCEL IS LOCATED IN THE RURAL ZONING DISTRICT
 - B. DENSITY CALCULATIONS - N/A
 - C. SEE SHEET SITE RESOURCES PLAN C0.01
CONTOURS ARE SHOWN ON C0.01
THIS SITE IS ENTIRELY WOODED WITH A FEW ROCK OUTCROPS C0.01
THE MAJORITY OF THIS LOCATION IS UNDER 10% SLOPE
THIS SITE IS NOT LOCATED WITHIN A FLOODPLAIN PER THE JEFFERSON COUNTY FLOODPLAIN ORDINANCE
 - D. USE DESIGNATIONS CAN BE FOUND ON THE OVERALL SITE PLAN C0.02
- B.4 PROPOSED DESCRIPTION- THIS PROJECT CONSIST OF A FEW PHASES. PHASE 1: A MAIN CHURCH BUILDING AND AN ANCILLARY BUILDING FOR CHURCH RELATED FUNCTIONS, THE NECESSARY PARKING SPACES, STORMWATER MANAGEMENT AND NECESSARY UTILITIES. PHASE 2: (APPROXIMATELY 2 YEARS) ADDITIONAL PARKING AREA, PHASE 3 (APPROXIMATELY 5 YEARS) CEMETERY AREA, PHASE 4 (APPROXIMATELY 7-10 YEARS) - HOUSING ACCOMMODATIONS FOR CHURCH STAFF AND/OR MISSIONARIES.
- B.5 TRAFFIC IMPACT DATA
 - A. THE WVDOT PROVIDES AVERAGE DAILY TRAFFIC COUNTS OF 786 FOR BORDER ROAD. BORDER ROAD IS A LOCAL ROAD WITH LOW TRAFFIC VOLUMES. THE WVDOT IDENTIFIES 3,451 DAILY TRIPS FOR ROUTE 115 NORTH OF BORDER ROAD AND 16,581 DAILY TRIPS FOR ROUTE 9 NEAR BORDER ROAD.
TRIP GENERATION: SINCE THE ANTICIPATED USE OF THE PROJECT IS NOT LISTED IN SECTION 24.106(b)5.b, FOR TRIP GENERATION, WE HAVE SELECTED THE FOLLOWING FROM THE ITE TRIP GENERATION MANUAL, 9TH EDITION:
CHURCH:
PEAK HOUR TRIPS: 18,000 SF/1,000 SF x 12.04 = 217
 - B. THE NEAREST KEY INTERSECTION AS DEFINED IN THE COMPREHENSIVE PLAN IS THE BORDER ROAD/WV-115 INTERSECTION.
 - C. THERE ARE NO "HIGHWAY PROBLEMS AREAS", AS DEFINED BY THE ENVISION JEFFERSON COUNTY 2035 COMPREHENSIVE PLAN, WITHIN ONE (1) MILE RADIUS OF THE PROPERTY.
 - D. AGENCY REVIEW - LETTERS ARE BEING SENT TO THE OUTSIDE AGENCIES, AS REQUIRED.
- B.7 N/A
- B.8 N/A
- B.10 LIST ON THIS PAGE OF ADJOINING PROPERTIES OWNERS WITH NAMES AND ADDRESSES. THIS WAS TAKEN FROM THE JEFFERSON COUNTY WEBSITE.
 - E. JHA COMPANIES HAS SUBMITTED A LETTER TO WVDOH REQUESTING A MEETING TO DISCUSS ACCESS TO THIS LOCATION.
 - F. PER ITEM E. ABOVE - JHA WILL ADDRESS THIS DURING THE WVDOH MEETING
 - G. THIS PROPERTY IS PROVIDING JEFFERSON UTILITIES WITH AN EASEMENT AND THUS WILL HAVE PUBLIC WATER. THE SEPTIC WILL BE HANDLED BY AN ON-SITE DRAINFIELD.

CONCEPT PLAN AMENDMENT NOTE:

THE CONCEPT PLAN PREVIOUSLY APPROVED ON JUNE 14, 2022 HAS BEEN AMENDED TO INCLUDE THE FOLLOWING AMENDMENTS: THE PROPOSED CHURCH BUILDING PREVIOUSLY APPROVED FOR 10,338 SQ. FT. IS NOW PROPOSED FOR 12,000 SQ. FT.; THE FELLOWSHIP HALL PREVIOUSLY APPROVED FOR 3,600 SQ. FT. IS NOW PROPOSED FOR 6,000 SQ. FT.; AND THE NUMBERS OF PARKING SPACES HAS BEEN REVISED.

PROPOSED EASEMENT NOTE:

THERE ARE NO EASEMENTS OF RIGHT-OF-WAYS THAT ARE PROPOSED WITHIN THIS PLAN EXCEPT FOR THE SIDEWALKS AND WATERLINE EASEMENTS AS SHOWN ALONG BORDER ROAD (WV ROUTE 1/2), FARM HOUSE LANE, AND BUNKHOUSE ROAD (WV ROUTE 901/73).

ADJOINERS

JASON D. WATTS
610 BORDER ROAD
KEARNEYSVILLE, WV 25430

JULIE C. WEST
52 BUNKHOUSE ROAD
KEARNEYSVILLE, WV 25430

MARY J. HILL
125 DOMER SQ
KEARNEYSVILLE, WV 25430

DAVID J PAINTER
ALICE N BURICKT
PO BOX 704
KEARNEYSVILLE, WV 25430

WILLIAM B. & WREN M. HUNT
207 DOMER SQ
KEARNEYSVILLE, WV 25430

RACHEL E. SCHIAVO
257 DOMER SQ
KEARNEYSVILLE, WV 25430

DANIEL MOATS
118 SADDLEBRED LANE
KEARNEYSVILLE, WV 25430

THOMAS P. CURTIS
45 SADDLEBRED LANE
KEARNEYSVILLE, WV 25430

DAVID M. MOBLEY
PO BOX 75
KEARNEYSVILLE, WV 25430

ADJOINERS

ROBERT S. & DEBRA A. CAMERON
264 FARMHOUSE LANE
KEARNEYSVILLE, WV 25430

SANDRA K. ARMSTRONG
264 FARMHOUSE LANE
KEARNEYSVILLE, WV 25430

LK LAND HOLDINGS LLC
270 INDUSTRIAL BLVD
KEARNEYSVILLE, WV 25430

AMD INVESTMENTS
PO BOX 30
INWOOD, WV 25428

NEWMAN K. SISK JR
PO BOX 130
RANSON, WV 25438

GILBERT A MOBLEY SR ET AL
8291 WASHINGTON BLVD
JESSUP, MD 20794

PAUL A. ROSS
48 OAK TREE ROAD
KEARNEYSVILLE, WV 25430

WOODROW W. EDNA WOODWARD JR.
34 LISA LANE
KEARNEYSVILLE, WV 25430

SHEET NAME	SHEET NUMBER
COVER SHEET	C0.00
EXISTING SITE CONDITIONS	C0.01
OVERALL SITE PLAN	C0.02
PHASE 1 SITE PLAN	C0.03

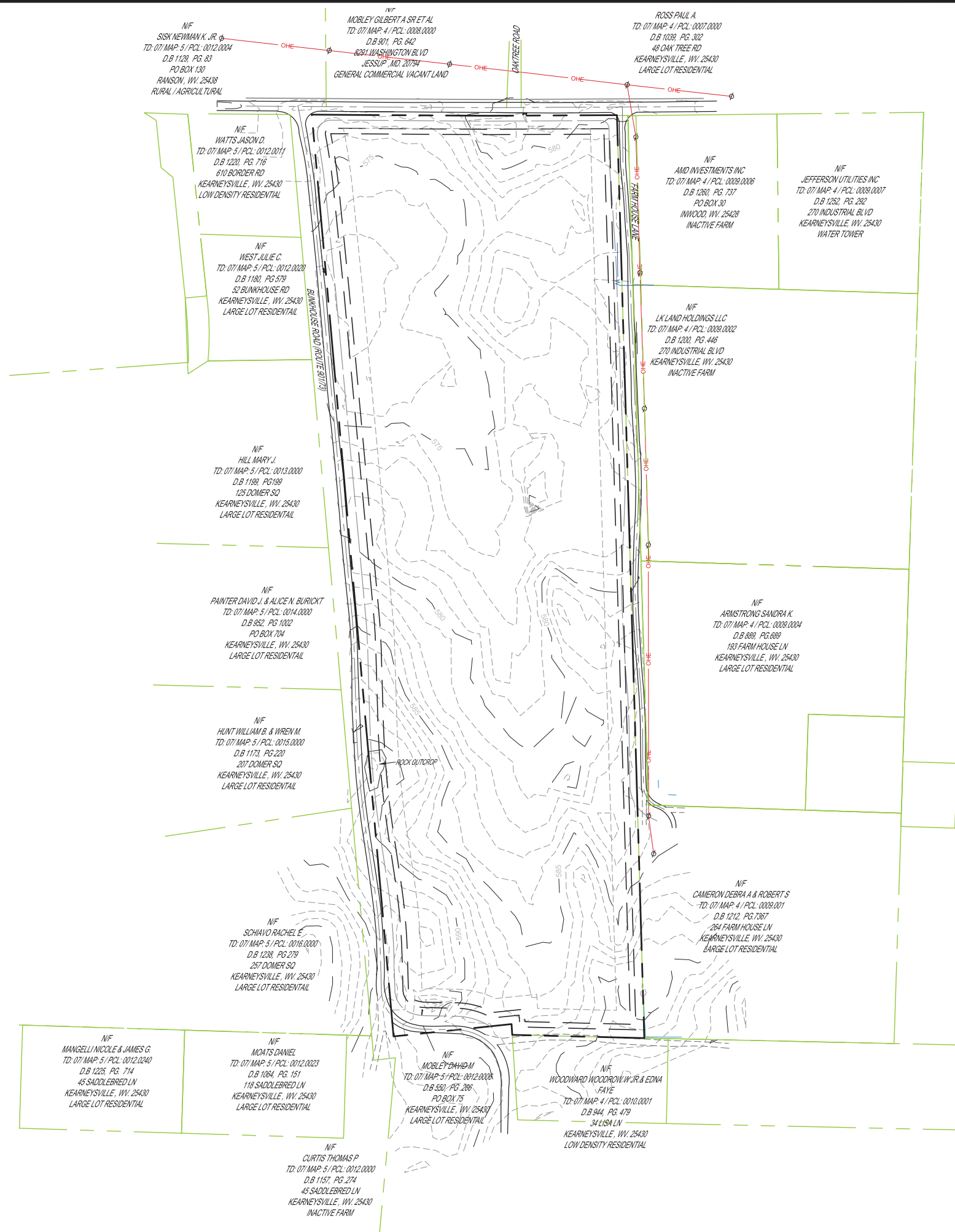
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20 E BURD STREET #7
SHIPPENSBURG, PA 17257
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PROJECT: ©-2021-1385 (ASCENSION WV)	DRAWN: JAB
DATE: 2022-02-11	DESIGN: JAB
SCALE: NOTED	CHECKED: CLW

**CHURCH of the ASCENSION
SITE LAYOUT**
FOR
CHURCH of the ASCENSION
LOCATED IN
MIDDLEWAY DISTRICT JEFFERSON
COUNTY, WEST VIRGINIA

COVER SHEET	
PLAN STATUS: CONCEPT PLAN	SHEET NO. C0.00



LOCATION MAP
SCALE: 1" = 2000'

NO.	DATE	DESCRIPTION	INT.
1	2022-02-11	FOR CLIENT REVIEW	JAB
2	2022-06-06	FOR ONLY REVIEW COMMENTS 2022-05	JAB
3	2022-07-10	REVISION/AMENDED PER COUNTY REVIEW COMMENTS ON 2022-06-27	AV
4	2022-08-07	REVISION/AMENDED PER COUNTY REVIEW I COMMENTS ON 2022-08-01	AV

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SERIAL NO.

SEAL

PROJECT © 2021-1385 (ASCENSION WV)

DATE: 2022-02-11

SCALE: NOTED

DRAWN: JAB

DESIGN: JAB

CHECKED: CLW

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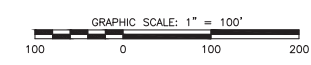
844-542-4757
362 W. BURR BLVD. STE 3
KEARNEYSVILLE, WV 25430
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CHURCH of the ASCENSION
SITE LAYOUT
FOR
CHURCH of the ASCENSION
LOCATED IN
MIDDLEWAY DISTRICT JEFFERSON
COUNTY, WEST VIRGINIA

TITLE: **EXISTING CONDITIONS PLAN**

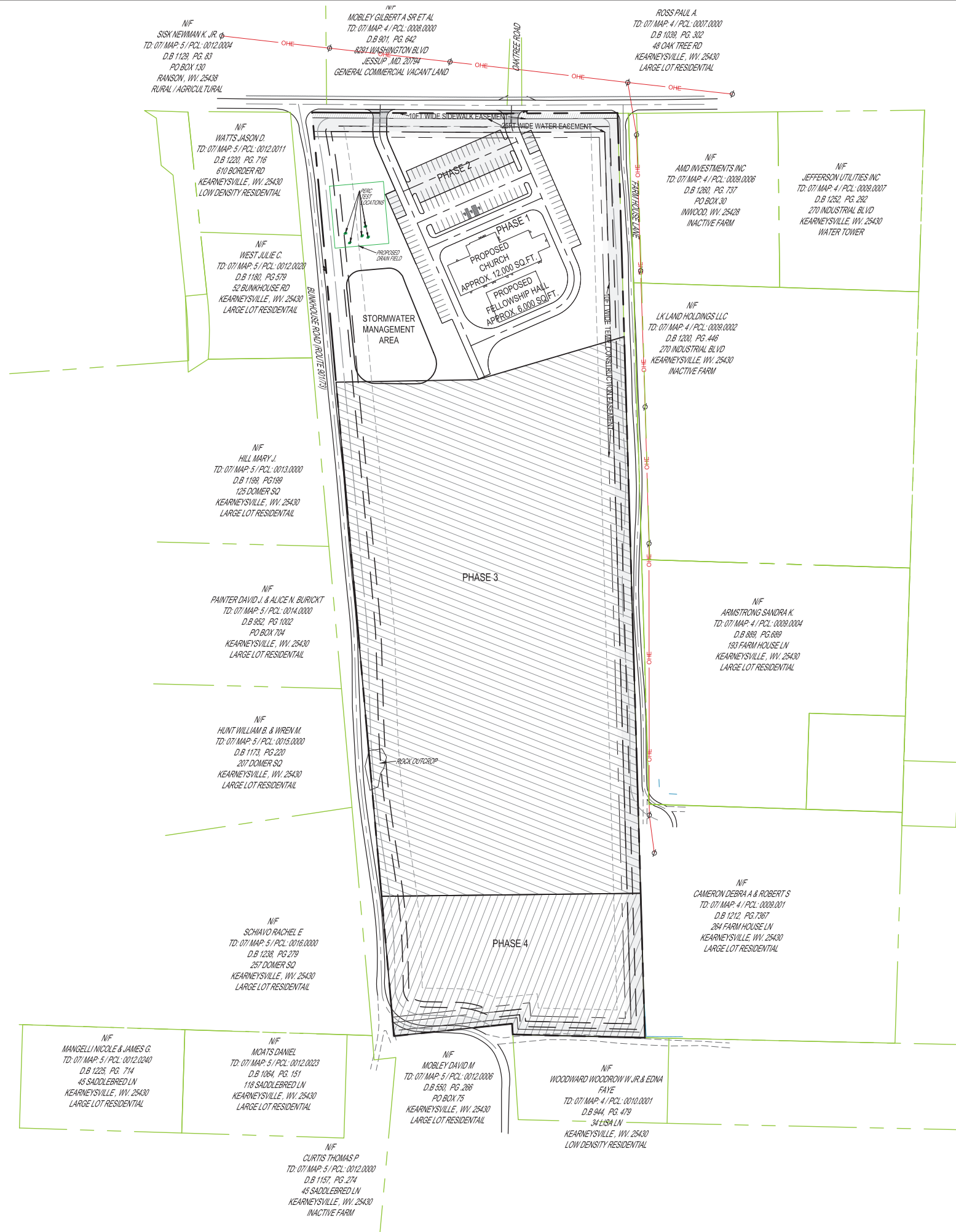
PLAN STATUS: **CONCEPT PLAN**

SHEET NO.: **C-0.01**



Aug 07, 2023 10:01 am w:\projects\2021\1385 Ascension WV\CADD\Sheet Files\CONCEPT PLAN\Layout PLAN (2021-1385) 24x36 - AMENDED 20230710.dwg
Layout: C-01.dwg

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SITE DATE:
 PARCEL ID: 07000400090000
 D.B. 1270, PG. 381
 TOTAL AREA: 20.647 ACRES

INTENDED USE:
 THE PROJECT WILL BE PHASED IN 4 PARTS
 PHASE 1: PROPOSED CHURCH AND PARKING WITH ON-LOT SEWER AND PUBLIC WATER
 PHASE 2: 47 ADDITIONAL PARKING SPACES
 PHASE 3: PROPOSED CEMETERY
 PHASE 4: 3 - DETACHED DWELLING UNITS FOR CHURCH HOUSING WITH ON-LOT SEWER AND PUBLIC WATER

ZONING DATA:
 (R) RURAL DISTRICT

	REQUIRED	PROVIDED
MIN. LOT AREA	2 ACRES	20.647 ACRES
MIN. LOT WIDTH	200 FT.	+580 FT.
MAX. BUILDING HEIGHT	45 FT.	< 45 FT.
MAX. IMPERVIOUS SURFACE	N/A	

BUILDING SETBACK:

	REQUIRED	PROVIDED
FRONT	25 FT.	+130 FT.
SIDE	50 FT.	
REAR	50 FT.	

PARKING SETBACK:

	REQUIRED	PROVIDED
FRONT	15 FT.	15 FT.
SIDE	10 FT.	10 FT.
REAR	10 FT.	10 FT.

LANDSCAPE BUFFER (SCREENED):

	REQUIRED	PROVIDED
FRONT	15 FT.	15 FT.
SIDE	15 FT.	15 FT.
REAR	15 FT.	15 FT.

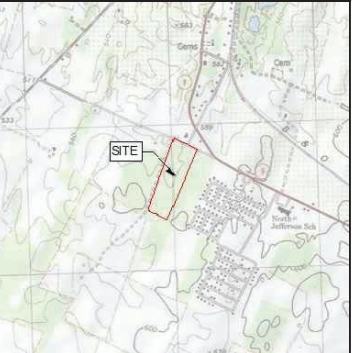
LANDSCAPE BUFFER (UNSCREENED):

	REQUIRED	PROVIDED
FRONT	50 FT.	50 FT.
SIDE & REAR	50 FT.	50 FT.

PARKING REQUIREMENTS:
 1 SPACE/ 5 PERSON PER SEATING
 PROPOSED 350 SEATS (REQUIRED PARKING) = 70 SPACES

PROPOSED PHASE 1 = 77 SPACES
 PROPOSED PHASE 2 = 47 SPACES
 PROPOSED TOTAL = 124 SPACES

ALL PROPOSED SIGNS SHALL COMPLY ARTICLE 10 OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE



LOCATION MAP
 SCALE: 1" = 2000'

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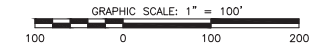
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PROJECT: ©2021-1385 (ASCENSION WV)	DRAWN: JAB
DATE: 2022-02-11	DESIGN: JAB
SCALE: NOTED	CHECKED: CLW

CHURCH of the ASCENSION SITE LAYOUT
 FOR
CHURCH of the ASCENSION
 LOCATED IN
 MIDDLEWAY DISTRICT JEFFERSON COUNTY, WEST VIRGINIA

TITLE:
OVERALL SITE PLAN

PLAN STATUS: CONCEPT PLAN	SHEET NO. C-0.02
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Aug 07, 2023 10:01am w:\projects\2021-1385 Ascension WV\DWG\DWG\DWG\CONCEPT PLAN\DWG\OUT PLAN (2021-1385) 24x36 - AMENDED 20230710.dwg
 Layout: C-022 ORIGINAL SITE PLAN

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NF
SISK NEWMAN K. JR.
TD: 07 MAP 5 / PCL: 0012.0004
D.B. 1129, PG. 83
PO BOX 130
RANSON, WV 25438
RURAL / AGRICULTURAL

NF
MOBLEY GILBERT A SR ET AL
TD: 07 MAP 4 / PCL: 0008.0000
D.B. 901, PG. 642
8291 WASHINGTON BLVD
JESSUP, MD 20794
GENERAL COMMERCIAL VACANT LAND

NF
ROSS PAUL A
TD: 07 MAP 4 / PCL: 0007.0000
D.B. 1039, PG. 302
48 OAK TREE RD
KEARNEYSVILLE, WV 25430
LARGE LOT RESIDENTIAL

NF
AMD INVESTMENTS INC
TD: 07 MAP 4 / PCL: 0039.0008
D.B. 1280, PG. 737
PO BOX 30
INWOOD, WV 25428
INACTIVE FARM

NF
WATTS JASON D.
TD: 07 MAP 5 / PCL: 0012.0011
D.B. 1220, PG. 716
610 BORDER RD
KEARNEYSVILLE, WV 25430
LOW DENSITY RESIDENTIAL

NF
WEST JULIE C.
TD: 07 MAP 5 / PCL: 0012.0020
D.B. 1180, PG. 579
52 BUNKHOUSE RD
KEARNEYSVILLE, WV 25430
LARGE LOT RESIDENTIAL

NF
LK LAND HOLDINGS LLC
TD: 07 MAP 4 / PCL: 0039.0002
D.B. 1200, PG. 448
270 INDUSTRIAL BLVD
KEARNEYSVILLE, WV 25430
INACTIVE FARM



LOCATION MAP
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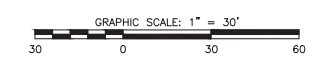
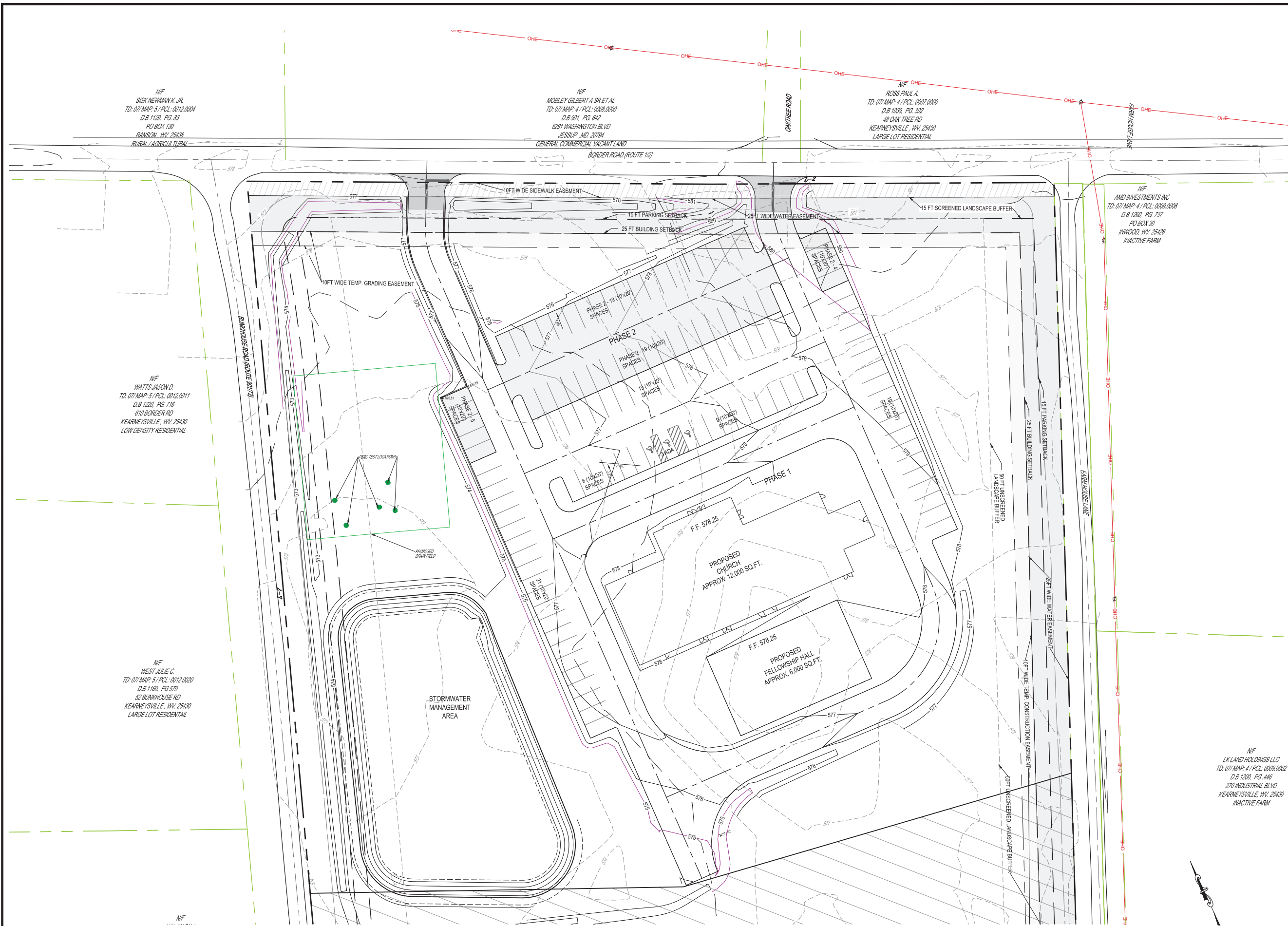
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PROJECT: 2021-1385 (ASCENSION WV)	DRAWN: JAB
DATE: 2022-02-11	DESIGN: JAB
SCALE: NOTED	CHECKED: CLW

CHURCH of the ASCENSION SITE LAYOUT
FOR
CHURCH of the ASCENSION
LOCATED IN
MIDDLEWAY DISTRICT JEFFERSON COUNTY, WEST VIRGINIA

TITLE:
PHASE 1 SITE PLAN

PLAN STATUS: CONCEPT PLAN	SHEET NO. C-0.03
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Aug 07, 2023 10:00am westvirginia\jv\Projects\2021-1385_Ascension\WV\CAD\DWG\SET\FILES\CONCEPT PLAN\PHASE 1 SITE PLAN.dwg
 Layout: C-0.03 PHASE 1 SITE PLAN

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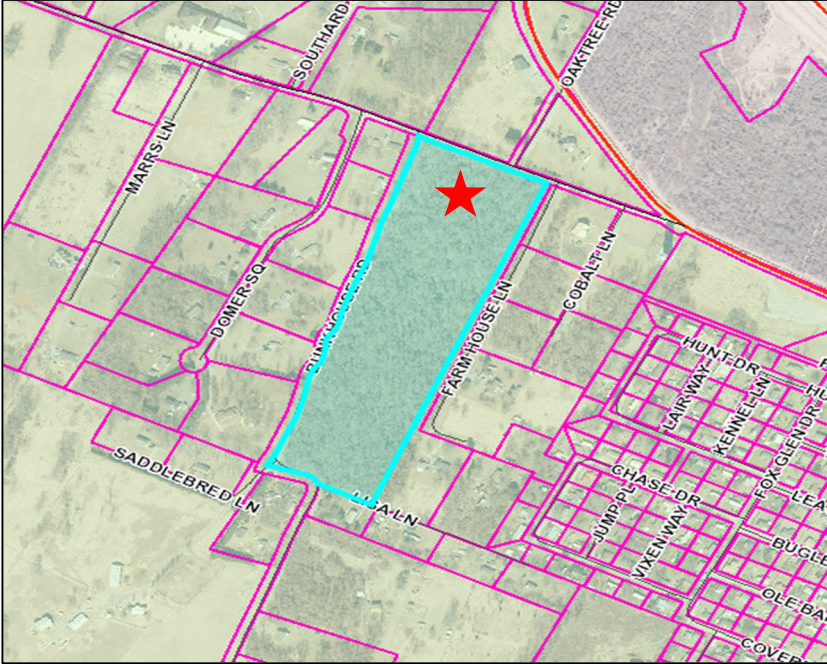
Staff Report

Jefferson County Planning Commission

September 12, 2023

Church of the Ascension (Sidewalks) Waiver (File #: 23-21-PCW)

Item #4: Public Hearing: Waiver request from section 10.7, App B / Section 2.2.K to remove the requirement of a sidewalk along the front of the property at this time. An easement for a future sidewalk will be provided on the site plan (File: 22-3-SP).

Owner/Applicant	Church Of The Ascension
Surveyor/Engineer	JHA Companies / Chris Waddell
Parcel Information & Property Location	<p align="center">SE corner of Border Road and Bunkhouse Rd, Kearneysville, WV; Parcel ID: 07000400090000; Size: 20.49 acres; Zoning District: Rural</p> 
Adjacent Zoning	<i>North, South, East & West: Rural</i>
Proposed Activity	Site Development for Church of the Ascension in four phases: Waiver request from Appendix B, Section 10.6 and Section 2.2.K to remove the requirement of a sidewalk along the front of the property at this time.
Previous Approvals PC File #22-3-SP	<p>6/14/22: PC Approval of the original Concept Plan for Church of the Ascension.</p> <p>7/24/23: Application for Revised Concept Plan for Church of the Ascension for a Minor Site Development proposal consisting of four phases, including a 12,000 sq ft proposed Church and 6,000 sq ft proposed Fellowship Hall</p>

Summary of the Request

The revised Concept Plan is proposing the construction a 12,000 sq ft church and 6,000 sq ft Fellowship Hall with related parking and other accessory uses. The original Concept Plan approved by the Planning Commission in June 2022 consisted of a 10,338 sq ft church and a 3,600 sq ft Fellowship Hall.

The applicant is requesting a waiver from Appendix B, Section 10.6 and Section 22.208 of the Subdivision Regulations, which requires sidewalks along the platted road right-of-way to support all site development.

Staff Report

Jefferson County Planning Commission

September 12, 2023

Church of the Ascension (Sidewalks) Waiver (File #: 23-21-PCW)

The applicant plans to provide sidewalks from the required parking area to the structures, but is requesting a waiver of the required sidewalk along the frontage on Border Road. The application indicates that the applicants will provide an easement for a future sidewalk on the site plan.

The applicant states that the waiver is being requested because the proposed church is in the Rural Zoning District, the neighboring parcels do not have sidewalks on their frontages, and the waiver will benefit the rural natural feel of the area.

Waiver Requirements

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

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

Recommendations of *Envision Jefferson 2035 Comprehensive Plan*:

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

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

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

Staff Report

Jefferson County Planning Commission

September 12, 2023

Church of the Ascension (Sidewalks) Waiver (File #: 23-21-PCW)

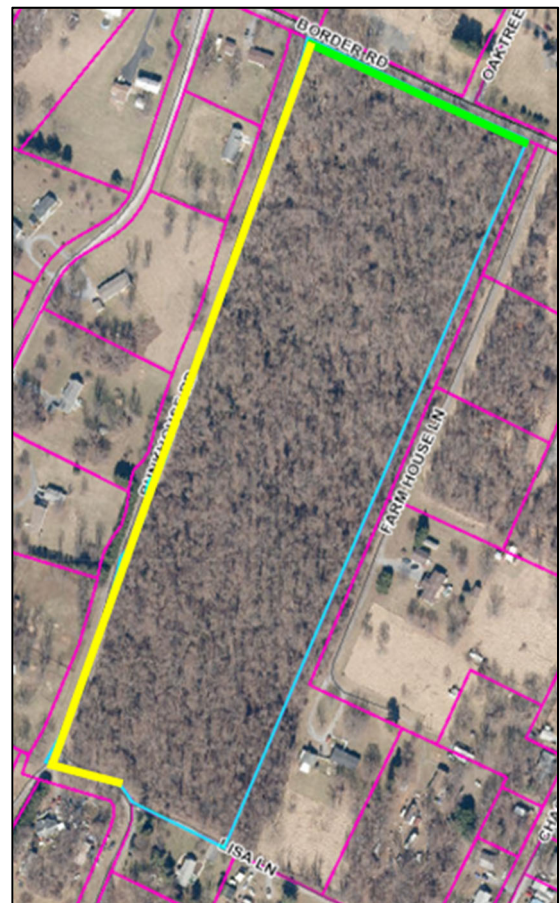
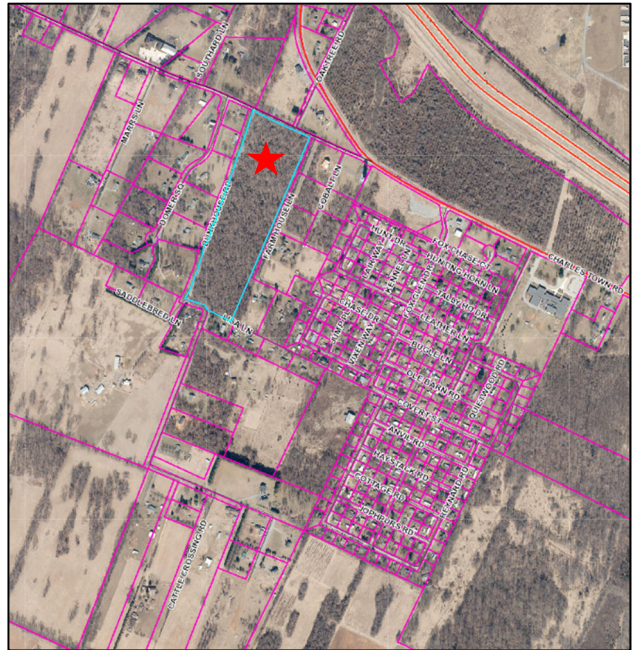
Staff Comments/Recommendation

While Section 10.6A of Appendix B of the Subdivision Regulations provides that, on a case by case basis, the Office of Planning and Zoning may consider alternatives to traditional sidewalks such as hard surface trails or meandering paths, and that Planning and Zoning Staff may allow a 10 foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, Staff felt like the extension of public water in this vicinity will result in an urbanizing area that will result in the need for traditional sidewalks to allow interconnectivity between adjacent uses.

In this case, because there are residential developments on either side of the proposed church facility, there may be opportunities for nearby residents to walk to this facility if a sidewalk is provided along Border Road (green line). It might be reasonable to allow a waiver of the required sidewalk, and the provision of a pedestrian easement, along Bunkhouse Road (yellow line), which serves a more rural residential population. While there is no immediate connectivity for a sidewalk along the Border Road frontage of this property, it is an area may grow as the availability of utilities is extended to this area, which could in turn generate a fair amount of pedestrian traffic over time.

This appears to be an area that requires planning for the future provision of pedestrian interconnectivity as Kearneysville has opportunities to grow with the provision of public utilities. The recommendations of the Comprehensive Plan regarding providing pedestrian interconnectivity makes this recommendation for existing as well as proposed development. The question always becomes how to begin to meet this goal in an area that is beginning to develop without this feature.

While the provision of an easement along the frontage of this property allows for the potential for future pedestrian interconnectivity as other properties along this road develop or redevelop, Staff still recommends the installation of the sidewalk along Border Road (green line) and an easement along Bunkhouse Road (yellow line).





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 #: 23-21-PCW
 Mtg Date: 9/12/23
 Date Rec'd: 7/28/23
 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: Church of the Ascension
 Business Name: _____
 Mailing Address: PO Box 545, Kearneysville, WV 25430
 Phone Number: 304-261-4063 Email: admin@ascensionwv.org

Applicant Contact Information

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

Consultant Information

Name: Chris Waddell
 Business Name: JHA Companies
 Mailing Address: 362 W. Burr Blvd. Suite 3 Kearneysville, WV 25430
 Phone Number: 681-209-7574 Email: cwaddell@jhacomapines.com

Physical Property Details

Physical Address: Parcel 2 South of Border Road between Bunkhouse Road and Farm House Lane Vacant Lot:
 Tax District: Middleway District 7 Map No: 4 Parcel No: 9
 Parcel Size: 20.49 AC Deed Book: 1138 Page No: 92
 Zoning District: Rural (R)

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

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

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

Section 10.7, App B / Section 2.2.K, Curbs, Gutters, and Sidewalks

Briefly Describe the Nature of Your Waiver Request:

This wavier request is being made to remove the requirement of a sidewalk along the front of this property at this time. A easement for a future sidewalk will be provided on the site plan.

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 existing project is in rural district and neighboring parcels do not have have sidewalk on their frontages. The design of this project will provide a reduction in cost for county maintenance of sidewalk until it installed later. Maintaining area as open space will benefit the rural natural feel.

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

The granting of this waiver will not adversely affect public health, safety, welfare, or the right of adjacent property owners & residents since there is no other sidewalks on this road.

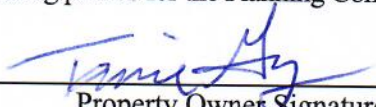
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

The granting of this wavier and the provision on site plan for a sidewalk easement keeps with the intent of the ordinance to create a walkable environment.

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

The granting of this wavier will provide more area for open space and maintain the natural rural environment

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



Property Owner Signature

8/21/23

Date

Property Owner Signature

Date

Notification Requirements

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

9/12/23

Public Hearing Date

8/29/23

Date Placard Posted

8/25/23

Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



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 September 12, 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

❖ September Comp Plan Workshops/Work Sessions:

- Agricultural Public Workshop for *2045 Comprehensive Plan*: **September 13, 2023**
7:00 pm Washington High School Cafeteria
- 2nd *2045 Comprehensive Plan* Public Workshop: **September 18, 2023**
7:00 pm Jefferson High School Cafeteria
- *2045 Comprehensive Plan* Work Session re: Goals and Objectives: **September 26, 2023** TBD

❖ October Meetings:

- Joint Planning/County Commission Meeting re: Goals and Objectives: **October 5, 2023** 1:00 pm
- Next Regular meeting date: **October 10, 2023**
 - 5:30 pm Comprehensive Plan Work Session
 - 7:00 pm Planning Commission Meeting
 - Bakerton Monopole Concept Plan Public Workshop