



Agenda
Jefferson County Planning Commission
Tuesday, January 14, 2025 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: 841 4555 4479
Meeting Link: <https://us02web.zoom.us/j/84145554479>

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

1. **Election of Officers**
2. **Approval of Meeting Minutes:** November 12, 2024 meeting
3. **Request for postponement**

The following items are open for public comment

4. **POSTPONED BY APPLICANT. Public Hearing for the Birdhill Meadows Preliminary Plat.** The proposal consists of the following: Construction of 104 Single-Family Detached Homes, Construction of 76 Townhomes, and Construction 39 Villas. The proposed site improvements will include stormwater management facilities, roadway infrastructure, and public utilities. Property Owner: Jefferson Orchards, Inc. Property Location: Vacant parcel located .35 miles northeast of the intersection of Charles Town Road and Kearneysville Pike, Kearneysville, WV. Parcel ID: 07000300290000; Size: 194.72 acres; Zoning District: Residential Growth (File #24-12-SD).
5. **Public Hearing:** Waiver from Section 20.201A to reduce the required access easement width from 50' to 30' for a proposed minor subdivision; and, to allow more than five (5) lots to utilize said access easement. Property Owners: Cavalier Investments, LLC / Attn: Trish Sanderson. Property Location: Vacant lot at the end of Morning Star Drive, Harpers Ferry WV. Parcel ID: 04001500150000; Size: 16.48 acres; Zoning District: Rural (File # 25-1-PCW).
6. **Public Hearing:** Waiver from Appendix B, Section 10.6 and Section 2.2.K to remove the requirement of a sidewalk along West Burr Boulevard and James Burr Boulevard. Property Owner: Jefferson Rentals, LLC. Property Location: James Burr Technology Center, Lot 2A, vacant lot on the SW corner of West Burr Blvd. and James Burr Blvd., Kearneysville, WV. Parcel ID: 02000100160017; Size: 3.44 acres; Zoning District: Industrial Commercial (File # 25-2-PCW).

There is no public comment for the following items.

- 7. Discussion and Possible Action:** Related to the Comprehensive Plan Update. Report on County Commission's current status in reviewing the recommended Comprehensive Plan.
 - 8. Discussion and Possible Action:** Related to Conditions of Approval as they pertain to projects processing under the Subdivision Regulations.
 - 9. Reports from Legal Counsel**
 - 10. Planner's Memo**
 - a. Planning Commission 2025 Training Topics
 - b. Handling of Public Comments for Rescheduled Meetings
 - 11. President's Report**
 - 12. Actionable Correspondence**
 - 13. Non-Actionable Correspondence**
-

Draft Meeting Minutes

Jefferson County Planning Commission

November 12, 2024

The Jefferson County Planning Commission met on November 12, 2024, at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Steve Stolipher; County Commission Liaison, Wade Louthan, Secretary; J Ware Jack Hefestay, Cara Keys, Tim Smith, and Donnie Fisher were present in person. Aaron Howell, Vice President; 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; and Colin Uhry, Planning & Zoning Clerk.

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

1. **Approval of Meeting Minutes:** October 8, 2024 Meetings

Mr. Shepp stated the minutes stand approved as presented. Mr. Shepp requested to move Items 4, 5, and 6 up to give the members of the public not present for Item 3 the ability to leave.

[The motion to rescind and related discussion occurred after the Planning Commission moved to Agenda Item 6. Additional detail can be found in Agenda Item 6 below.]

2. **Request for postponement.** None.

The following items are open for public comment.

3. **Public Hearing:** Waiver Request from Section 24.112C of the Subdivision Regulations to extend the two year vesting period for approved Major Subdivision Concept Plans, which requires that a preliminary plat must be submitted and approved within the two year period of time for which the concept plan direction is in effect, extending to November 15, 2026 for the Sunnyside Major Subdivision. Property Owners: Sunnyside Investment, LLC; Sunnyside Industrial Park Lots 1-5 & 8-11 (9 existing lots) located on Kanawha Lane, south of Wheatland Road, Charles Town, WV; Tax District: Kabletown (06); Map: 12; Parcels: 12, 12.2, 12.3, 12.4, 12.5, 12.8, 12.9, 12.10, 12.11; Size: ~53 acres (combined acreage); Zoning District: Residential-Light Industrial Commercial (File #24-27-PCW).

Mr. Seigfried provided an overview of the staff report.

Mr. John Thomas, property owner, and Dirk Stansbury, consultant, were present in person. Mr. Thomas explained the nature of the request.

Mr. Shepp opened the public hearing. No members of the public were signed up to speak. Mr. Shepp closed the public hearing.

Mr. Stolipher noted that should the subdivision regulations or zoning ordinance be updated before 2026, the proposed Site Plan would be subject to those approved rulings.

Mr. Fisher moved to approve the request as presented. Mr. Smith seconded the motion, which carried unanimously.

4. **Public Hearing:** Waiver Request from Section 20.203B of the Subdivision Regulations to allow the opening of the park property prior to processing a Concept Plan and Site Plan and prior to initiating any improvements on the property. Property Owners: Jefferson County Parks and Recreation Commission / Contact: Jennifer Myers; 1123 Bloomery Road, Charles Town, WV; Parcel ID: 02002000020000; Size: 82 acres; Zoning District: Rural (File # 24-28-PCW).

Mr. Seigfried provided an overview of the staff report.

Ms. Jennifer Myers, property owner, and Mr. Matt Pennington, consultant, were present in person. Mr. Pennington explained the nature of the request.

The Planning Commission had no clarifying questions.

Mr. Shepp opened the public hearing. One member of the public was signed up to speak, who clarified they signed up for the wrong agenda item. Mr. Shepp closed the public hearing.

Mr. Stolipher moved to approve the request as presented. Mr. Howell seconded the motion, which carried unanimously.

There is no public comment for the following items.

5. Discussion and Action on the Harvest Homes, LLC Zoning Map Amendment Request:

Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone three Media Farm properties totaling 127+/- acres from Rural to Residential Growth is consistent with the *2035 Comprehensive Plan*.

Owner/Applicant: Harvest Homes, LLC. Property Location: 261 Media Farm Lane, Ranson, WV (Parcel ID: 02000400110000), 391 Media Farm Lane, Ranson, WV (Parcel ID: 02000400110001); and, 278 Media Farm Lane, Ranson, WV (Parcel ID: 02000400130000). Combined acreage: approximately 127 acres; Zoning District: Rural (File #24-2-Z). Mr. Shepp recused himself from this Item due to a connection with the property.

Mr. Seigfried provided an overview of the staff report.

Mr. Dave Lutman, applicant, and Mr. Paul Raco, consultant, were present in person. Mr. Raco and Mr. Lutman explained the nature of the request.

Mr. Hefestay questioned whether the applicant or the consultant has spoken with the Historic Landmarks Commission. Mr. Shepp reminded the Commission the purpose of the vote was to determine if the request was in conformance with the comprehensive plan and provide that recommendation to County Commission.

Mr. Fisher moved to approve the request as presented. Mr. Louthan seconded the motion, which carried unanimously.

Mr. Shepp opened the public workshop.

The following items are open for public comment.

6. Public Workshop: Mountain Pure Concept Plan for a Major Site Development. The proposal consists of the following: Phase 1: a 304,000 square foot water bottling facility with associated parking on a proposed 30-acre parcel; and, Phase 2: a 696,000 square foot water bottling facility with associated parking on a proposed 66-acre parcel. The proposal will include the required stormwater management facilities. Property Owners: Sidewinder Enterprises, LLC; 1 Grace St, Kearneysville, WV; Parcel ID: 07002200090000; Size: ~260 acres; Zoning District: Industrial Commercial (File #24-6-SP).

Mr. Shepp provided an overview of the public workshop process.

Mr. Seigfried provided an overview of the staff report.

Mr. Mark Dyck, representative of the property owner, and Mr. Jason Gerhart, engineer, were present in person. Mr. Dyck explained the nature of the request.

Mr. Ware expressed concern over the amount of water being pumped during a well testing and a baseline amount that would be implemented if approved. Mr. Shepp expressed concern over traffic in Middleway. Mr. Stolipher noted that at a previous County Commission meeting there was approval for a traffic signal at the intersection of Middleway Pike and Leetown Road. Mr. Fisher expressed concern regarding how the water would be brought from Lake Louise to the proposed site. Mr. Dyck, Mr. Gerhart, and Mr. (Triad Engineer), an engineer consulting with Triad Engineering responded to the questions posed by Planning Commission. Mr. Shepp opened the floor for public comment.

The following members of the public provided testimony:

Lynn Welsh, Mary Gee, Stacy Chapman, Nicole Chapman, Shawn Franklin, Melissa Carder, Jessie Norris, John Wharton, Daniel Lutz, David Tabb, Laura Paxton, Susie Wimer, Lynn Dulles, Kendra Clark, Rebecca Thompson, Pat Phillips, Sue Covello, Giuliana Brogna, Maura Ross, Christine Wimer, Bille Garde, Christine Marshall, Ron Shade, Tamar Liskey, Margaret Liskey, Suellen Myers, Anne Bowers, Joslyn Noland, Robert Pitcher, Tina Michael, Carrie Blessing, Faith Rice, Troy Miller, Don Rebmann, Rebecca Meade, Benjamin Buckley, Brian Lowery, Bob Tabb, Natalie Grathnam, Barbara Smith, Timothy Smith, Kay Schultz, Lindsay McLaughlin, Leah Rampy, David Rampy, Cheryl Middleton, Jacquelyn Milliron, Monica Taylor, Phyllis Grantham, Maria Russo, Brent Walls, Linda Newsome, Andrew Upright, Lawrence Wright, Greg Uhass, and Rebecca Kipson.

Mr. Shepp closed the public workshop and motioned to take a recess at 10:18 pm.

Mr. Shepp opened the meeting at 10:26 pm.

Mr. Shepp asked for clarification from staff regarding the zoning of the property. Ms. Brockman provided clarification and her zoning decision stated that staff interpreted the bottling facility as a manufacturing operation, a principally permitted use in the Industrial/Commercial district.

Mr. Cochran provided the Planning Commission with an overview of next steps the Commission could make regarding the concept plan.

Addressing the public's concerns regarding health and safety, Mr. Dyck provided the Planning Commissioners with portions of West Virginia state code and diagrams of previous well testing that took place in the surrounding area. Mr. Gerhart also discussed the difference between 6 lots and 4 lots regarding the concept plan and explained the purpose of 3 wells being established as a precautionary measure.

Mr. Nick Wolf, representative from Triad Engineering, discussed the geology of Jefferson County in regards to well placements. Mr. Wolf also noted there would be no production well or plume migration on site, with just a well monitoring plant being located at this location.

Ms. Keys expressed concern regarding zoning and use in this site. Mr. Ware discussed adding a limitation on well depth for Mountain Pure opposed to having wells go deeper than Middleway citizens living in the area.

Mr. Ware expressed concern regarding the local water table and how multiple wells in the area may impact on the citizens of Middleway. Mr. Ware also proposed that the applicant could drill down to a distance higher than the private use wells in the area to allow for a safety buffer. The condition would ensure that if the applicant draws water above the static water line then the applicant will be impacted by the lower water table, rather than the people living in the area. Mr. Dyck was unable to make a

commitment without discussing with the applicant. Mr. Ware also expressed concern regarding lack of community outreach before the Planning Commission meeting.

Mr. Shepp asked the applicant to clarify the access to water, effect of the project on historic Middleway y, access road use, traffic direction at the intersection of Middleway Pike and Leetown Road, and limits for the amount of water on the Concept Plan. Multiple Planning Commissioners expressed concern of running water 24 hours a day for a full year and the long term impacts that could be made. Mr. Stolipher noted a water study was scheduled to happen in winter 2025. Mr. Louthan questioned when the previous water test was held, expressing concern over it being conducted in winter 2022.

Mr. Stolipher questioned the applicant's legal right to extract and use water out of Lake Louise. Mr. Cochran explained that Section 22.6.3 of state code claims waters of the State of West Virginia are claimed as valuable public natural resources held by the state for the use and benefit of its citizens. Mr. Fisher questioned the current traffic study and how it may relate to the amount of trucks leaving the facility. Commission members also questioned the need to have water moved from Berkeley County, West Virginia. Mr. Smith questioned the production timeline of new wells being added to properties being impacted by the new plant and the limit of requesting a new well within 2 years of production. Mr. Fisher questioned staff on if they would consider the proposed Concept Plan complete with the new information provided the night of, Mr. Seigfried approved of the completeness in accordance of the Subdivision Regulations brought before the Planning Commission.

Mr. Shepp asked for clarification regarding whether or not the Planning Commission could deny the proposed Concept Plan. Mr. Cochran reiterated that the Planning Commission could vote on the proposal now or postpone to allow for more fact checking regarding the controversial nature of the project. The vote would determine whether the application is complete and provide direction on preparing the Site Plan or find the application to be incomplete and allow for the applicant to resubmit at a later date.

The Planning Commission discussed what they would deem complete vs. The Planning Commission determined that incompleteness includes lack of clarity in how the water is navigating from Lake Louise to the 3M site, identifying where the wells are located, identifying issues regarding monitoring wells, and identifying parameters regarding well depth and impact on Middleway residents.

Ms. Keys motioned to find the Concept Plan incomplete due to the omission of two parcels relevant to the project from the plan. Mr. Louthan seconded the motion, which carried unanimously.

There is no public comment for the following items.

7. Discussion and Recommendation:

Ms. Brockman explained staff proposed updates to the Solar Energy Facility Ordinances.

Ms. Keys motioned for staff to return with specific language regarding Site Plans at a future Planning Commission meeting. Mr. Shepp seconded the motion, which carried unanimously.

8. Discussion and Recommendation:

Mr. Seigfried explained the proposed budget recommendation used by the Department of Engineering, Planning, and Zoning for the Fiscal Year of 2026. No Commissioners had any input.

9. Discussion and Recommendation:

Ms. Brockman explained the 1st Quarter Quarterly Report for Fiscal Year 2025 to the Planning Commission. Planning Commission chose to send it to County Commission.

10. Reports from Legal Counsel

No reports given.

11. Planner's Memo

Mr. Seigfried gave a results recap of the Planning Commissioner Self Evaluation Review that members took during the October 8, 2024 meeting. Mr. Seigfried also noted future training topics Planning Commissioners were interested in.

Mr. Seigfried provided Planning Commissioners with a copy of the 2025 Meeting Schedule and Deadlines for the Planning Commission.

12. President's Report

Mr. Shepp noted that this was the last meeting Ms. Brockman would be attending on account of her retiring in December. Planning Commissioners and staff gave Ms. Brockman a round of applause and wished her luck in her future endeavors.

13. Actionable Correspondence

None.

14. Non-Actionable Correspondence

None.

Mr. Fisher motioned to adjourn the meeting at 12:06 am. Mr. Smith seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, Planning & Zoning Clerk.

Staff Memo
Jefferson County Planning Commission Meeting
January 14, 2025

Birdhill Major Subdivision Concept Plan Public Workshop (24-12-SD)

WITHDRAWN Item # 4: Public Hearing: The proposal consists of the following: Construction of 104 Single-Family Detached Homes, Construction of 76 Townhomes, and Construction 39 Villas. The proposed site improvements will include stormwater management facilities and road and public utilities.

The applicant, Jefferson Orchards Inc., asked to postpone the Public Hearing until the February 25th, Planning Commission meeting. During this review time, the applicant will be able to address any outstanding staff comments regarding the completeness of the application by submitting additional information for consideration.

Generally, postponed items are not re-advertised unless directed by the Planning Commission.

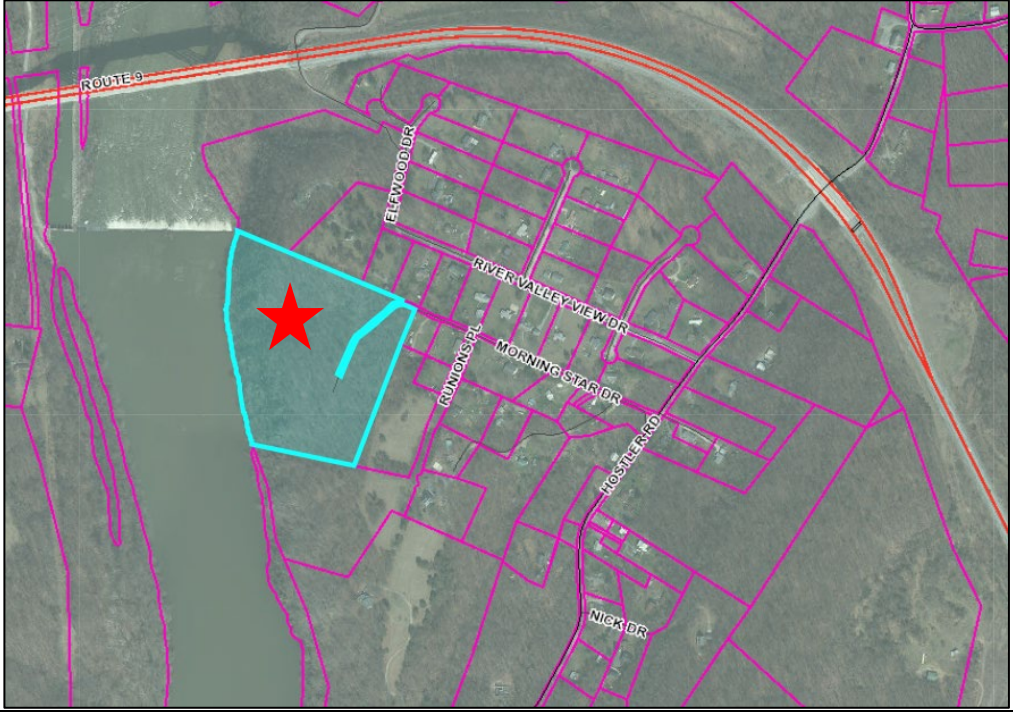
Be advised that the purpose of this memo is informational and is only intended to provide general guidance.

Sincerely,
Luke Seigfried
County Planner

Staff Report
 Jefferson County Planning Commission Meeting
 January 14, 2025

Cavalier Investments Waiver Request (File: 25-1-PCW)

Item #5: Waiver from Section 20.201A to reduce the required access easement width from 50’ to 30’ for a proposed minor subdivision; and, to allow more than five (5) lots to utilize said access easement.

Property Owner:	Cavalier Investments, LLC
Applicant:	Trish Sanderson
Parcel Information & Zoning District:	<p style="text-align: center;">Vacant lot at the end of Morning Star Drive, Harpers Ferry WV Parcel ID: 04001500150000; Size: 16.48 acres; Zoning District: Rural</p> 
Surrounding Zoning:	<i>North, South, & East Rural</i>
Proposed Activity	Future Minor Subdivision (up to 5-lots)
History:	01/15/1960: Lot created via DB 237 / PG 377

Summary of the Request:

The applicant is requesting a waiver from Section 20.201A of the Subdivision Regulations to reduce the required access easement width of Morning Star Drive from 50’ to 30’ and to allow more than five lots to access Morning Star Drive for a proposed two lot minor subdivision followed by an additional two lot minor subdivision at a later date.

Because the property is zoned Rural and has not been subdivided since October 5, 1988, the subject parcel has the right to create two lots and a Residue through a Minor Subdivision process, provided it meets all Subdivision Regulation requirements or receives the requested waivers.

The request is to divide the 16.48-acre property into a total of five parcels (four lots and a residue) over the course of five years through the Minor Subdivision process. All parcels would utilize the existing 30’ access easement instead of the required 50’ access easement.

Cavalier Investments Waiver Request (File: 25-1-PCW)

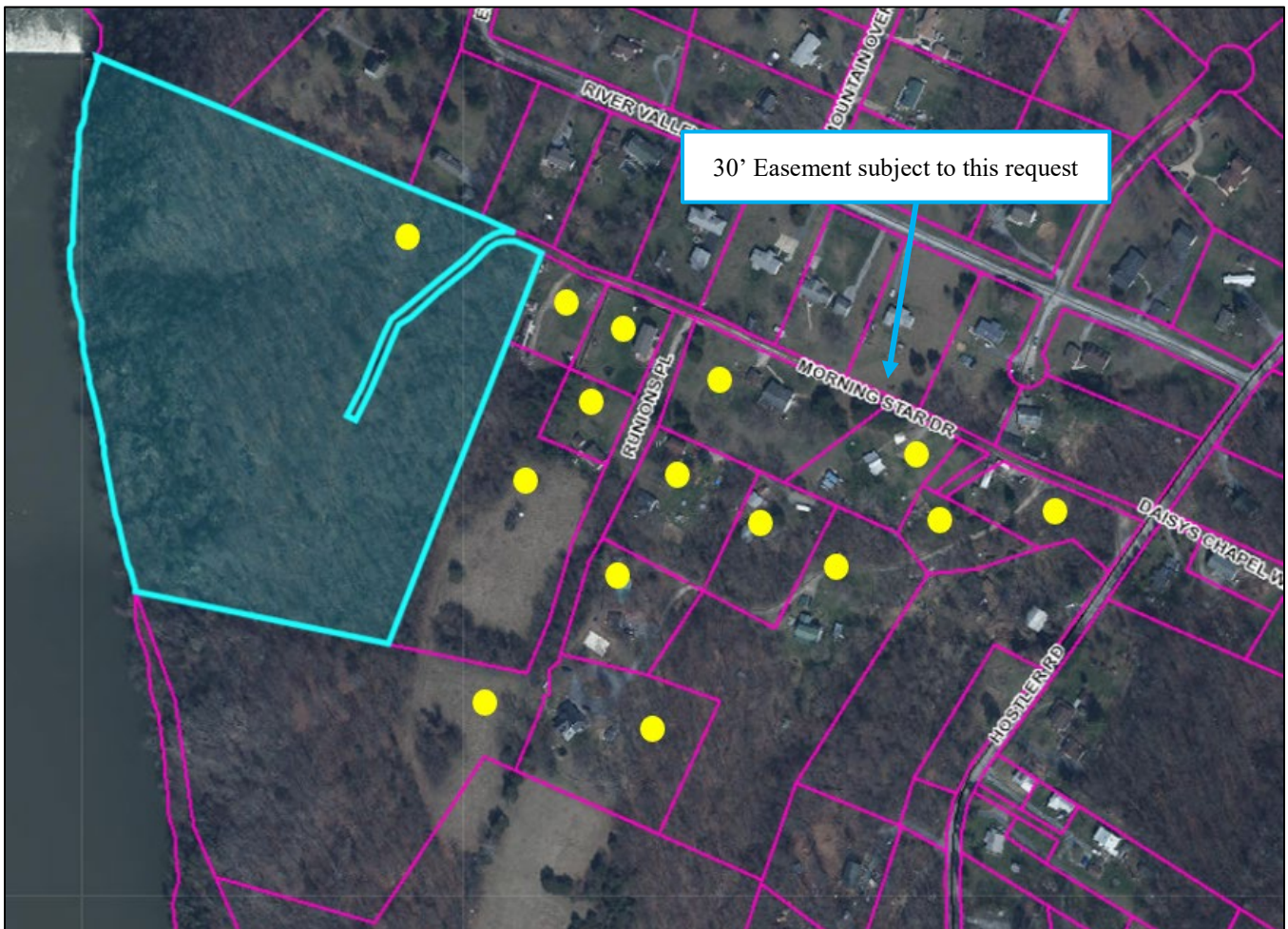
Staff Recommendation:

Staff does not believe it is reasonable to reduce the required access easement width of Doe Walk Lane from 50' to 30' to allow the creation of up to four additional lots on the existing 30' access easement.

The applicant has proffered the contribution of 3 dump trucks of gravel to the maintenance of Morning Star Drive. Morning Star Drive extends into the subject parcel and is approximately 2000 feet long and generally 10 feet wide. If the Planning Commission is inclined to grant the waiver request, staff recommends placing, as a condition of approval, that the applicant provide 60 tons of gravel (approximately 1 inch of depth added) for the maintenance of Morning Star Drive, prior to construction on the subject parcel.

The property in question accesses through Morning Star Drive, which currently appears to serve 15 lots including the subject lot. Both Good Neighbor Lane and Runions Place access through Morning Star Drive and an additional four lots directly access Morning Star Drive. Granting of this waiver would allow an additional four lots to access through Morning Star Drive for a total of nineteen.

Staff does not believe it is reasonable to allow the creation of up to four additional lots to access through the existing Morning Star Drive. If the Planning Commission is inclined to grant the waiver request,



● Lots that access Morning Star Drive

Staff Report
Jefferson County Planning Commission Meeting
January 14, 2025

Cavalier Investments Waiver Request (File: 25-1-PCW)

staff recommends placing, as a condition of approval, that no additional lots past the two additional currently proposed may utilize this access easement without further consideration by staff and/or the Planning Commission.

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 #: 25-1-PCW
 Mtg Date: 1-14-25
 Date Rec'd: 11-26-24
 Fees Paid: \$150
 Staff Int: CAU
 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: Cavalier Investments, LLC.
 Business Name: Same
 Mailing Address: 36 Bakerton Road, Harpers Ferry, WV 25425
 Phone Number: 304-671-8181 Email: trish@crestarrealty.com

Applicant Contact Information

Applicant Name: Trish Sanderson Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: 304-725-3871 Email: trish@crestarrealty.com CAU

Consultant Information

Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: at the end of Morning Star Drive Harpers Ferry Vacant Lot:
 Tax District: Harpers Ferry (04) CAU Map No: 15 Parcel No: 15
 Parcel Size: 16.48 acres Deed Book: 1332 Page No: 616
 Zoning District: Harpers Ferry

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

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

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

Section 20.201A.2

Briefly Describe the Nature of Your Waiver Request:

I am applying for a waiver to the 50' access easement rule and request that you allow a 30' access easement to the Property.

I am also requesting a waiver allow more than 5 lots to use existing access .There are currently 3 parcels directly accessing Morning Star Drive (including my Property). There are 6 homes that access Good Neighbor Drive off Morning Star. There are 2 homes that access Runion Place off Morning Star. I would like the waiver to allow my property to be subdivided into up to 4 additional lots for a total of 5 lots.

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.

This Property is at the end of Morning Star and will provide beautiful river views and large residential lots.

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.

This request will allow a small increase in density and should not adversely affect the public health, safety, or welfare or rights of adjacent property owners or residents

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

If granted, the waivers will be in keeping with the intent of this ordinance.

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

If granted, the applicant proffers to contribute 3 dump truck loads of gravel to the maintenance of Morning Star Drive.

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 Date 11/20/24

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.

Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



Jefferson County West Virginia Tax Map Viewer

Morning Star
Hosler
Subject Property



100m
Subject Property
11/20/24


Staff Report

Jefferson County Planning Commission

January 14, 2025

Jefferson Rentals (sidewalk) Waiver (File: 25-2-PCW)

Item #6: Waiver Request from Appendix B, Section 10.6 and Section 2.2.K to remove the requirement of a sidewalk along West Burr Boulevard and James Burr Boulevard.

Owner/Applicant	Jefferson Rentals, LLC / Thomas Spaur
Consultant:	Civil & Environmental Consultants, Inc / Marcus Spina
Parcel Information & Property Location:	<p>James Burr Technology Center, Lot 2A, vacant lot on the SW corner of West Burr Blvd. and James Burr Blvd., Kearneysville, WV. Parcel ID: 02000100160017; Size: 3.44 acres; Zoning District: Industrial Commercial</p> 
Adjacent Zoning:	<i>North, South, East, and West:</i> Industrial Commercial
Proposed Activity:	Proposed Warehouse
History:	12/05/24: Jefferson Rentals Site Plan Submission 1 (File 24-8-SP) - Pending
Waivers/Variances:	01/23/2025: 25-2-ZV: Board of Zoning Appeals Zoning Variance to eliminate the required landscape buffer along the perimeter of property. Pending – Submitted 12/05/24

Summary of the Request

The Office is currently reviewing a site plan for a proposed 12,000 sq ft warehouse with associated parking. The applicant is requesting a waiver from Appendix B, Section 10.6 and Section 2.2.K of the Subdivision Regulations, which requires the installation of sidewalks along a platted road right-of-way.

The applicant states that the waiver is being requested because there are no existing sidewalks within Burr Park. While the Planning Commission approved a variance to waive the requirement of a sidewalk within Burr Park in 2006 (see Subdivision File #04-38), the variance did not include the subject lot.

Staff Report
Jefferson County Planning Commission
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Jefferson Rentals (sidewalk) Waiver (File: 25-2-PCW)



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*. 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. 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.”

Staff Comments/Recommendation

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 Staff may allow a 10 foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk. Staff generally does not administratively approve the use of an easement for a commercially or industrially zoned property or in an area with urban level density. For this reason, Staff directed the applicant to apply for a waiver for consideration by the Planning Commission.

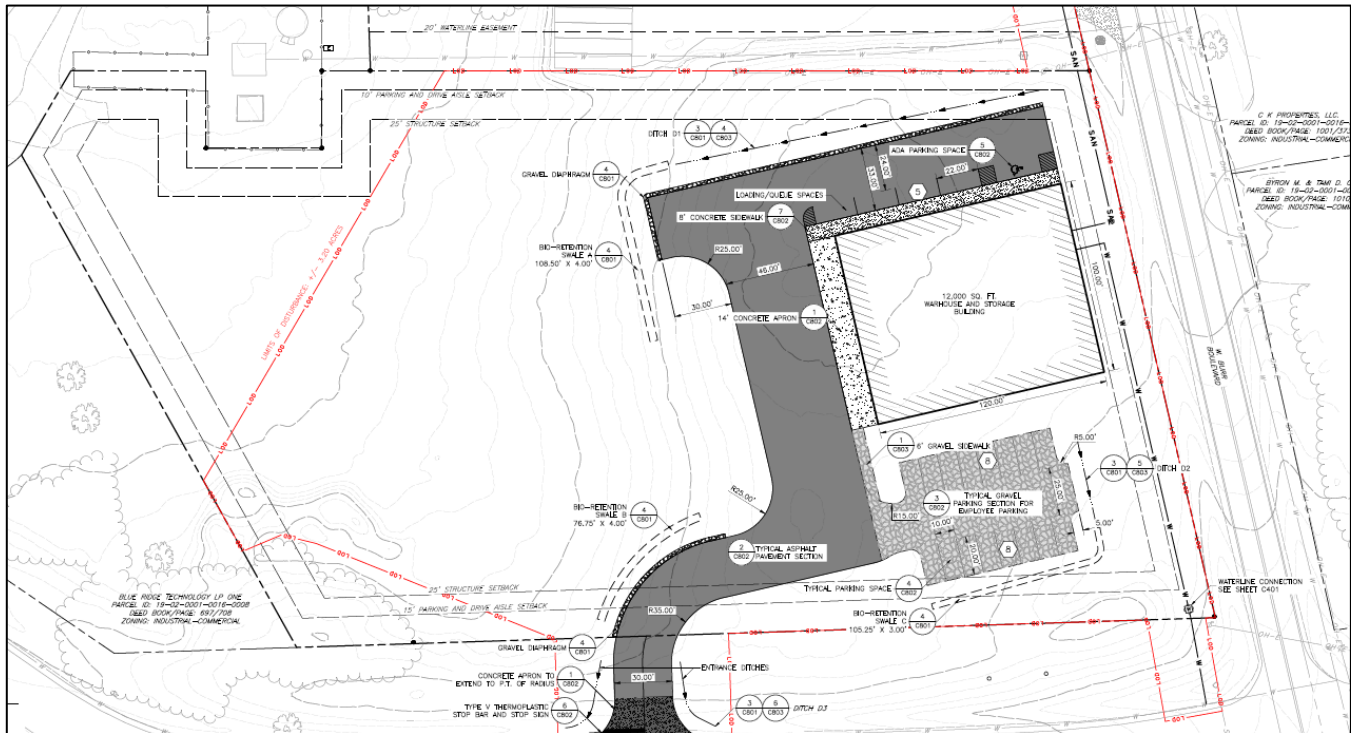
Staff prefers to see the beginning of an interconnected sidewalk for this area of the County; however, if the Planning Commission is inclined to approve this waiver, staff recommends that a 10’ pedestrian easement

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Jefferson Rentals (sidewalk) Waiver (File: 25-2-PCW)

be provided by deed or plat for the potential future development of a pedestrian walkway along the entire frontage of both West Burr Boulevard and James Burr Boulevard.

It is relevant to note that the applicant is also requesting a zoning variance to eliminate the required street trees along all road frontages. The site plan that was submitted for review was drafted under the assumption that this variance will be approved and as such does not depict the required street trees. In reviewing the pending site plan, a 10' sidewalk easement would not conflict with any proposed infrastructure. Should the Board deny the landscaping variance, the applicant will need to shift the design in order to accommodate the 10' easement and the street trees.



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 #: _____
 Mtg Date: _____
 Date Rec'd: _____
 Fees Paid: _____
 Staff Int: _____
 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: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Applicant Contact Information

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

Consultant Information

Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: ----- (Vacant- jth) Vacant Lot:
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: ---- 1325 (jth) Page No: ---- 638 (jth)
 Zoning District: _____

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?

*Appendix B, Section 10.6 and Section 2.2.K (jth)

Briefly Describe the Nature of Your Waiver Request:

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.

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.

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

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

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

12-3-21

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.

Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

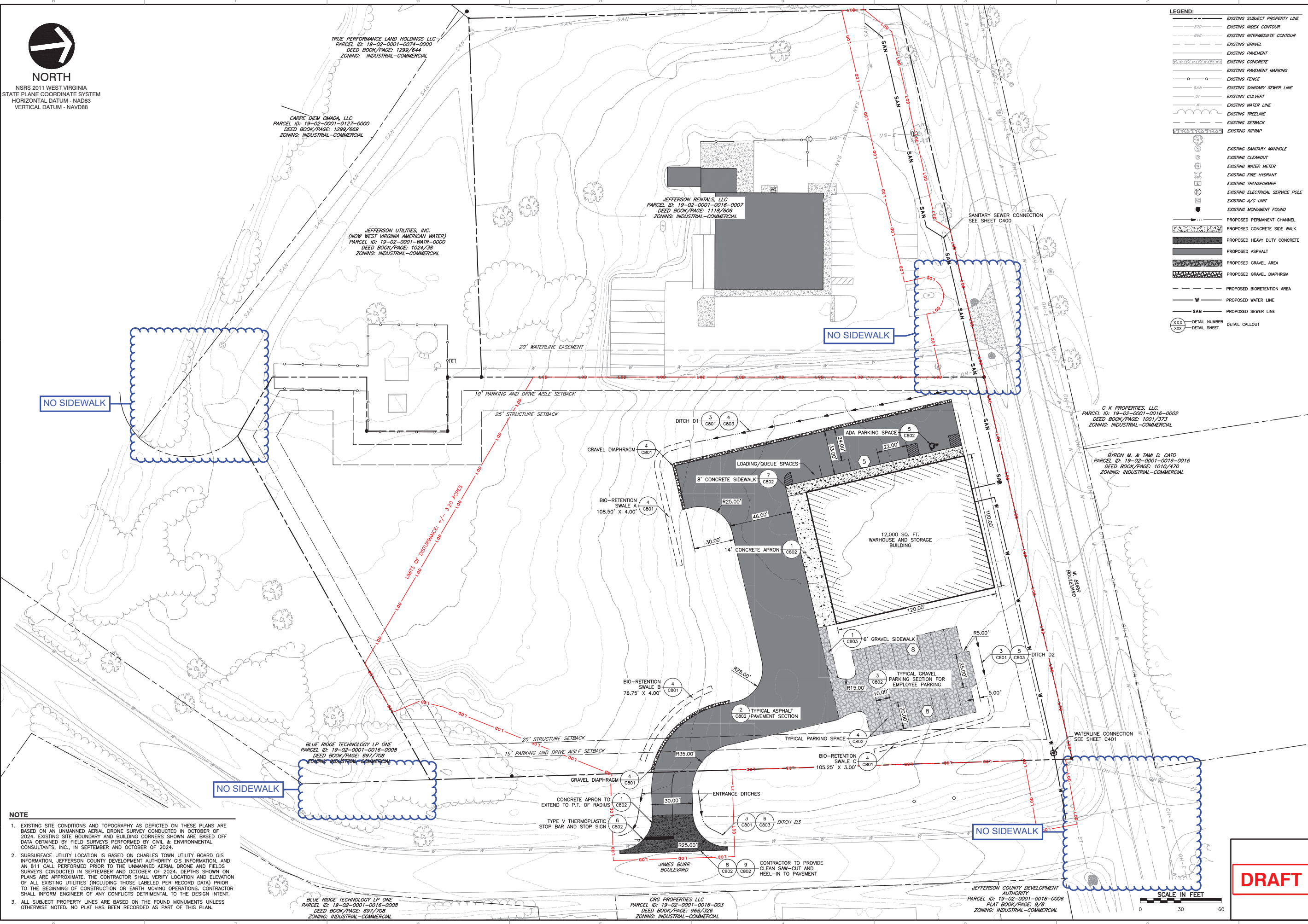
Date: ___ / ___ / ___



NORTH

NSRS 2011 WEST VIRGINIA
STATE PLANE COORDINATE SYSTEM
HORIZONTAL DATUM - NAD83
VERTICAL DATUM - NAVD83

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LEGEND:

---	EXISTING SUBJECT PROPERTY LINE
---	EXISTING INDEX CONTOUR
---	EXISTING INTERMEDIATE CONTOUR
---	EXISTING GRAVEL
---	EXISTING PAVEMENT
---	EXISTING CONCRETE
---	EXISTING PAVEMENT MARKING
---	EXISTING FENCE
---	EXISTING SANITARY SEWER LINE
---	EXISTING CULVERT
---	EXISTING WATER LINE
---	EXISTING TREELINE
---	EXISTING SETBACK
---	EXISTING RIPRAP
---	EXISTING SANITARY MANHOLE
---	EXISTING CLEANOUT
---	EXISTING WATER METER
---	EXISTING FIRE HYDRANT
---	EXISTING TRANSFORMER
---	EXISTING ELECTRICAL SERVICE POLE
---	EXISTING A/C UNIT
---	EXISTING MONUMENT FOUND
---	PROPOSED PERMANENT CHANNEL
---	PROPOSED CONCRETE SIDE WALK
---	PROPOSED HEAVY DUTY CONCRETE
---	PROPOSED ASPHALT
---	PROPOSED GRAVEL AREA
---	PROPOSED GRAVEL DIAPHRAGM
---	PROPOSED BIORETENTION AREA
---	PROPOSED WATER LINE
---	PROPOSED SEWER LINE
---	DETAIL NUMBER
---	DETAIL SHEET

REVISION RECORD	
NO.	DESCRIPTION

786 Foxcroft Ave.
Martinsburg, WV 25401
Ph: 304.808.7600
www.ccecinc.com



**JEFFERSON RENTALS, LLC
JEFFERSON RENTALS EXPANSION
SITE DEVELOPMENT
KEARNEYSVILLE, WV**

NOTE

- EXISTING SITE CONDITIONS AND TOPOGRAPHY AS DEPICTED ON THESE PLANS ARE BASED ON AN UNMANNED AERIAL DRONE SURVEY CONDUCTED IN OCTOBER OF 2024. EXISTING SITE BOUNDARY AND BUILDING CORNERS SHOWN ARE BASED OFF DATA OBTAINED BY FIELD SURVEYS PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC., IN SEPTEMBER AND OCTOBER OF 2024.
- SUBSURFACE UTILITY LOCATION IS BASED ON CHARLES TOWN UTILITY BOARD GIS INFORMATION, JEFFERSON COUNTY DEVELOPMENT AUTHORITY GIS INFORMATION, AND AN 811 CALL PERFORMED PRIOR TO THE UNMANNED AERIAL DRONE AND FIELDS SURVEYS CONDUCTED IN SEPTEMBER AND OCTOBER OF 2024. DEPTHS SHOWN ON PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITIES (INCLUDING THOSE LABELED PER RECORD DATA) PRIOR TO THE BEGINNING OF CONSTRUCTION OR EARTH MOVING OPERATIONS. CONTRACTOR SHALL INFORM ENGINEER OF ANY CONFLICTS DETRIMENTAL TO THE DESIGN INTENT.
- ALL SUBJECT PROPERTY LINES ARE BASED ON THE FOUND MONUMENTS UNLESS OTHERWISE NOTED. NO PLAT HAS BEEN RECORDED AS PART OF THIS PLAN.

BLUE RIDGE TECHNOLOGY LP ONE
PARCEL ID: 19-02-0001-0016-0008
DEED BOOK/PAGE: 697/709
ZONING: INDUSTRIAL-COMMERCIAL

CARPE DIEM OMADA, LLC
PARCEL ID: 19-02-0001-0127-0000
DEED BOOK/PAGE: 1299/668
ZONING: INDUSTRIAL-COMMERCIAL

JEFFERSON UTILITIES, INC.
(NOW WEST VIRGINIA AMERICAN WATER)
PARCEL ID: 19-02-0001-WATR-0000
DEED BOOK/PAGE: 1024/38
ZONING: INDUSTRIAL-COMMERCIAL

JEFFERSON RENTALS, LLC
PARCEL ID: 19-02-0001-0016-0007
DEED BOOK/PAGE: 1118/806
ZONING: INDUSTRIAL-COMMERCIAL

C K PROPERTIES, LLC
PARCEL ID: 19-02-0001-0016-0002
DEED BOOK/PAGE: 1001/373
ZONING: INDUSTRIAL-COMMERCIAL

BYRON M. & TAMI D. CATO
PARCEL ID: 19-02-0001-0016-0016
DEED BOOK/PAGE: 1010/470
ZONING: INDUSTRIAL-COMMERCIAL

ORG PROPERTIES LLC
PARCEL ID: 19-02-0001-0016-0003
DEED BOOK/PAGE: 968/326
ZONING: INDUSTRIAL-COMMERCIAL

JEFFERSON COUNTY DEVELOPMENT
AUTHORITY
PARCEL ID: 19-02-0001-0016-0006
PLAT BOOK/PAGE: 9/8
ZONING: INDUSTRIAL-COMMERCIAL

DRAFT

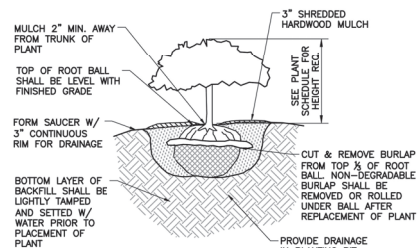
SCALE IN FEET
0 30 60

SITE LAYOUT	
DATE:	NOVEMBER 2024
DWG SCALE:	AS SHOWN
PROJECT NO.:	345-593
APPROVED BY:	TWA
LOT:	MAS
CHECKED BY:	345-593

DRAWING NO.: **C200**
SHEET 4 OF 16

NOTE

- A VARIANCE WAS APPROVED TO MODIFY THE REQUIREMENTS OF SECTION 4.11.E.1 OF THE JEFFERSON ZONING AND LAND DEVELOPMENT ORDINANCE.
- ALL BUFFER SIZES AS REQUIRED PURSUANT TO THE JEFFERSON COUNTY ZONING & LAND DEVELOPMENT ORDINANCE.
- SPECIES LISTED ARE PRELIMINARY AND MAY CHANGE WITH AVAILABILITY UPON APPROVAL BY THE OWNER OR OWNERS REPRESENTATIVE.
- ALL PERVIOUS AREAS WITHIN THE LIMITS OF CONSTRUCTION THAT ARE NOT SHOWN AS PLANTING BEDS SHALL BE TURF.
- ALL LANDSCAPE MATERIALS SHALL CONFORM TO THE LATEST VERSION OF THE AMERICAN STANDARD OF NURSERY STOCK (ANSI Z60.1). PLANT MATERIALS SHALL BE OF STANDARD QUALITY OR BETTER TRUE TO NAME AND TYPE OF THEIR SPECIES OR VARIANT.
- ALL WORKMANSHIP AND MATERIALS (INCLUDING PLANTS) TO BE GUARANTEED FOR ONE FULL YEAR FOLLOWING INITIAL ACCEPTANCE OF INSTALLATION BY OWNER.
- THE CONTRACTOR SHALL COMPLY WITH THE LATEST EDITION OF THE LANDSCAPE SPECIFICATION GUIDELINES ADOPTED BY THE LANDSCAPE CONTRACTORS ASSOCIATION FOR PLANTING BED PREPARATION AND SOIL MIX GUIDELINES AND PROCEDURES.
- THE EXISTING UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON AVAILABLE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING MISS UTILITY TO DETERMINE THE EXACT LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND IS RESPONSIBLE FOR ANY DAMAGES WHICH OCCUR BY THEIR FAILURE TO LOCATE OR PRESERVE THESE UNDERGROUND UTILITIES.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY FIELD CONDITIONS PRIOR TO CONSTRUCTION AND TO NOTIFY CEC IF THE FIELD CONDITIONS ARE NOT IN CONFORMANCE WITH THE APPROVED PLANS.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL TREES ARE NOT PLANTED WITHIN 5' OF ANY UNDERGROUND UTILITY.
- THE CONTRACTOR IS RESPONSIBLE FOR EVALUATING INDIVIDUAL TREES FOR STABILITY AT THE TIME OF PLANTING. BASED ON THIS EVALUATION, TREES SHALL BE STAKED AND GUYED AS NECESSARY TO ENSURE THAT THEY REMAIN IN AN UPRIGHT POSITION. STAKES ARE TO BE REMOVED BY OWNER AFTER ONE GROWING SEASON.
- ALL PLANT MATERIAL TO BE INSPECTED BY OWNER OR OWNERS REPRESENTATIVE PRIOR TO INSTALLATION. PLANTS THAT ARE DAMAGED OR DO NOT CONFORM TO THE REQUIRED SPECIFICATION SHALL BE REJECTED.
- ALL PLANTING BEDS ADJACENT TO TURF SHALL HAVE A 6" SPADE EDGE.
- EXISTING TREES TO BE SAVED WHEREVER PRACTICAL.
- ALL VEGETATION WITHIN 10' OF THE SOUTH AND SOUTHWESTERN MOST PROPERTY LINE SHALL REMAIN UNDISTURBED THROUGH THE PRESERVATION OF EXISTING VEGETATION. IN THE EVENT THAT ANY EXISTING VEGETATION BE REMOVED WITHIN THIS BUFFER (EXCEPT FOR GENERAL LANDSCAPE MAINTENANCE), THE OWNER SHALL REPLANT THE AFFECTED AREA.



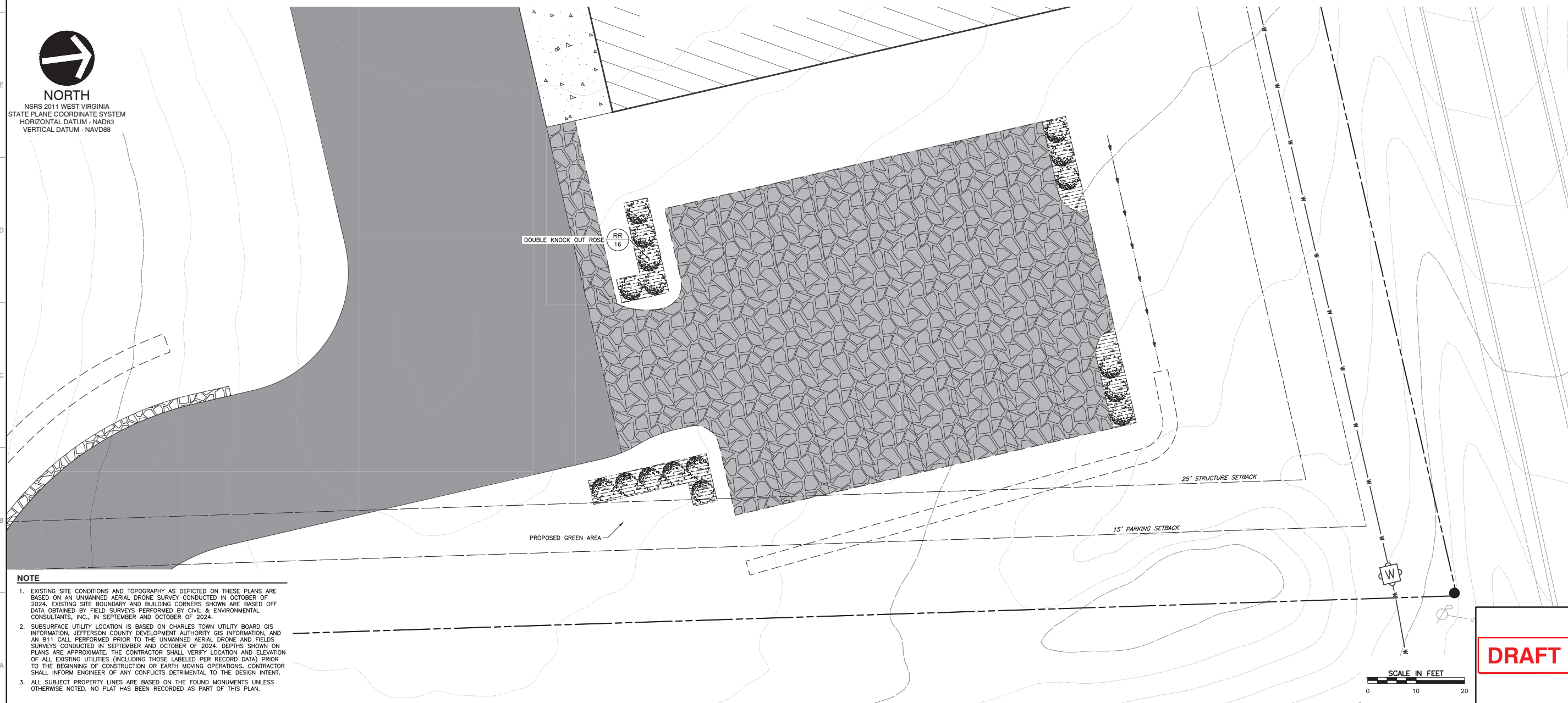
**DETAIL
PLANTING DETAIL FOR SHRUBS**
N.T.S.

SECTION 10.10 OF THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE		
REGULATIONS	REQUIRED	PROVIDED
GREENSPACE- 5% OF PARKING LOT AREA: 5905 SQ.FT. X 0.05	296 SQ.FT.	340 SQ.FT.
CONSIDER 1 TREE =50 SQ.FT. & 1 SHRUBS= 20 SQ.FT.		
SECTION 4.11.I.BA OF THE ZONING ORDINANCE		
REGULATIONS	REQUIRED	PROVIDED
THE GREATER OF 4 TREES OR 1 TREE PER 100': 240' OF FRONTAGE / 100' = 3	WAIVED	WAIVED

PLANT SCHEDULE					
TREES					
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
RR	17	ROSA "RADRAZZ" KNOCK OUT	DOUBLE KNOCK OUT ROSE	#3 CONTAINER	

LEGEND:

- SHRUB
- PLANT TYPE/QUANTITY
- PROPOSED MULCH



NOTE

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REVISION RECORD	
NO	DATE

786 Foxcroft Ave.
Martinsburg, WV 25401
Ph: 304.808.7600
www.ccecinc.com

Civil & Environmental
Consultants, Inc.

JEFFERSON RENTALS, LLC
JEFFERSON RENTALS EXPANSION
SITE DEVELOPMENT
KEARNEYSVILLE, WV

LANDSCAPE PLAN

DATE: NOVEMBER 2024	DRAWN BY: MAS
DWG SCALE: AS SHOWN	CHECKED BY: MAS
PROJECT NO: 345-583	TWA
APPROVED BY:	

DRAWING NO: **C700**
SHEET 12 OF 16

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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 January 14, 2025

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

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) Planning Commissioner 2025 Training Topics

During the November 12, 2024 meeting, the County Planner presented the results of the Planning Commissioner Self-Evaluation's and the list of suggested training topics. The Commission decided to discuss what trainings they would like to undertake at the next meeting. The topics mentioned in the self-evaluations are below. Other topics may be proposed as well.

- Longer Meetings
- GIS
- Land Preservation
- Site Plan vs No Site Plan
- Parliamentary Procedure
- Robert's Rules

3) Handling of Public Comments for Rescheduled Meetings

Prior to the cancelled December 17, 2024 Planning Commission meeting, a significant number of Public Comments were received pertaining to the Mountain Pure Concept Plan Public Hearing. This agenda item has now been moved to the February 11, 2025 Planning Commission meeting. Staff has continued to receive public comment regarding the Mountain Pure Concept Plan.

Staff would like direction on how Planning Commission would like to proceed with the public comment that has been received prior to the cancelled December 17, 2024 meeting.

4) Upcoming PC meetings

- ❖ Next Regular meeting date: **February 11, 2025**
 - 7:00 pm Planning Commission Meeting

The following dates relate to the adoption of the *2045 Comprehensive Plan*:

- ❖ Per WV Code 8A-3-7c, after the presentation of the recommended *2045 Comprehensive Plan* by the Planning Commission to the governing body and prior to adoption, the governing body shall hold a public hearing after giving notice. County Commission held a Public Hearing Wednesday, December 4, 2024 at 6 pm at Jefferson High School Auditorium.
- ❖ Per WV Code 8A-3-8, within the latter of ninety days or three scheduled meetings after the

submission of the recommended comprehensive plan to the County Commission, the County Commission must act by either **adopting, rejecting or amending the 2045 Comprehensive Plan**. The 90 days ends on **January 15, 2025**.