



Agenda  
Jefferson County Planning Commission  
Tuesday, June 10, 2025 at 7:00 PM

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**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: 847 9240 3264  
Meeting Link: <https://us02web.zoom.us/j/84792403264>

*\*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:** May 27, 2025 meeting.
2. **Request for postponement**

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

3. **Tabled from April 8, 2025 and May 27, 2025: Public Hearing:** Waiver from Article 21, Section 21.101A, which requires the blocks shall not, in most instances, exceed six lots in length on one side of the street. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-12-PCW)
4. **Tabled from April 8, 2025 and May 27, 2025: Public Hearing:** Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. The applicant is requesting to reduce the lot width from 80' to 65'. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-13-PCW)

**The following items are open for public comment**

5. **Public Hearing:** Waiver from Section 20.201A.2 of the Subdivision Regulations to allow two proposed family transfer minor subdivisions to utilize an existing 40' right of way and existing private road as opposed to developing a county grade road. Property Owners: Harry (Butch) & Garnett Catrow. Property Location: Lot 3 of the Mecklenburg Heights Subdivision along Sandpiper Lane, Shepherdstown, WV. Parcel ID: 09000700320004; Size: ~7.9 acres; Zoning District: Residential Growth (File #25-16-PCW).
6. **Public Hearing:** Waiver from Section 20.203B.1 of the Subdivision Regulations that requires the proposed project to process as a Limited Site Plan. The project consists of the installation of an additional 3,950 sq/ft metal building shell for the expansion of an existing classroom. Property Owners: Trustees of Rock Spring Church / Attn.: Michael Lowery. Property Location: 114 Poor Farm Road, Kearneysville, WV. Parcel ID: 07001500010005; Size: ~14.54 acres; Zoning District: Rural (File #25-17-PCW).

7. **Public Workshop for the Route 340 Mixed Use Development Concept Plan.** The proposal consists of a total of 495 residential units and eight (8) commercial lots with associated infrastructure. Applicant: DR Acquisitions, LLC/Matt Stare. Consultant: Integrity Federal Services, Inc/Jason Gerhart. Property Location: Vacant lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-18-SD)
8. **Public Hearing:** Waiver from Article 21, Section 21.101A, which requires the blocks shall not, in most instances, exceed six lots in length on one side of the street. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-18-PCW)
9. **Public Hearing:** Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. The applicant is requesting to reduce the lot width from 80' to 65'. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-19-PCW)

There is no public comment for the following items.

10. **Discussion and Action on the Ghazwa's Forest Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the 31.48 acre IG Totonji Holding, LLC property from Rural (R) to Residential Growth (RG) is consistent with the *2045 Comprehensive Plan*. Property Owner: IG Totonji Holding, LLC. Applicant: Golden Eagle Group, Inc. Property Location: Vacant 31.48 acre lot located on the Southwest corner of Flowing Springs Road and Zoar Lane. Parcel ID: 02000300090004; Size: 31.48 acres; Zoning District: Rural (File 25-1-Z).
  11. **Discussion and Possible Action:** Draft amendment to Section 24.113 of the Subdivision & Land Development Regulations related to the requirement for Phase I Archaeological Surveys for Major Subdivisions.
  12. **Discussion and Possible Action:** Draft amendment to Section 20.104 of the Subdivision Regulations related to exempting Parks and Recreation owned land from the Subdivision & Land Development Regulations.
  13. **Discussion and Possible Action:** Draft amendment to the Zoning and Land Development Ordinance regarding the creation of new Rural Residential and Residential Commercial zoning districts.
  14. **Discussion and Possible Action:** Public Comment Policy Discussion
  15. **Reports from Legal Counsel**
    - a. Discussion on Jefferson County Circuit Court Case # CC-19-2025-C-93 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission) with legal counsel.
  16. **Planner's Memo**
    - a. Update on Planning Commissioner emails.
  17. **President's Report**
  18. **Actionable Correspondence**
  19. **Non-Actionable Correspondence**
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## Draft Meeting Minutes

Jefferson County Planning Commission

May 27, 2025

The Jefferson County Planning Commission met on May 27, 2025, at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Cara Keys, County Commission Liaison; Tim Smith; J Ware; Donnie Fisher; Bruce Chrisman; and Daniel Hayes were present in person.

Staff members present included Luke Seigfried, Chief County Planner; Jonathan Saunders, County Engineer; Andy Beall, Zoning Administrator; Nathan Cochran, County Attorney; Charles Cain, Planning Intern; 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:** April 8, 2025, April 29, 2025, and May 20, 2025 meetings

Mr. Shepp presented proposed changes to the April 8, 2025 meeting minutes. Mr. Shepp stated all sets of minutes stand approved as amended.

**2. Request for postponement**

None.

- 3. Tabled from April 8, 2025: Public Hearing:** Waiver from Article 21, Section 21.101A, which requires the blocks shall not, in most instances, exceed six lots in length on one side of the street. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-12-PCW)
- 4. Tabled from April 8, 2025: Public Hearing:** Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. The applicant is requesting to reduce the lot width from 80' to 65'. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-13-PCW)

Mr. Seigfried provided an overview of the staff reports for both 25-12-PCW and 25-13-PCW, noting the applicant has resubmitted two identical waivers for the June 10, 2025 meeting out of caution to be considered with the Concept Plan.

Mr. Jason Gerhardt and Mr. Matt Powell, consultants for the applicant were present in person. Mr. Gerhardt explained the nature of the request.

Mr. Shepp questioned how the applicant would be impacted by postponing discussion regarding 25-12-PCW and 25-13-PCW until the June 10, 2025 meeting, Mr. Gerhardt explained the impact.

Mr. Shepp questioned staff on next direction, Mr. Seigfried recommended tabling Agenda Items 3 and 4 to the June 10, 2025 meeting.

Mr. Shepp motioned to postpone/table Agenda Items 3 and 4 to the June 10, 2025 meeting to discuss both the proposed waivers and the Concept Plan simultaneously. Mr. Louthan seconded the motion, which carried unanimously.

The following items are open for public comment.

- 5. Public Hearing:** Waiver from Section 2.5 of the Subdivision Regulations to reduce the depth of a parking space from 20' to 18' for a proposed commercial development. Property Owner: Kolawale Oshiyoye. Property Location: 7595 Martinsburg Pike, Shepherdstown, WV. Parcel ID: 09007B00010000; Size: ~2.69 ac; Zoning District: Residential Growth (File # 25-14-PCW).

Mr. Seigfried provided an overview of the staff report for 25-14-PCW.

Mr. Eric Iser, consultant for the applicant was present in person. Mr. Iser explained the nature of the request.

Mr. Shepp opened the floor for public comment. The following members were signed up to speak: David Tabb.

Mr. Shepp closed the floor for public comment.

Mr. Saunders explained the context of staff's recommendation for approval.

Ms. Keys motioned to waive the required depth of a parking space from 20' to 18' for a proposed commercial development. Mr. Hayes seconded the motion, which carried unanimously.

- 6. Public Hearing:** Waiver from Section 20.201.B.3 to reduce the required access easement width from 50' to 40' for a proposed family transfer minor subdivision. Property Owner: Russell and Krishna Carroll. Property Location: 1146 S Childs Road, Kearneysville, WV. Parcel ID: 07002400060012; Size: ~4.03 ac; Zoning District: Rural (File # 25-15-PCW).

Mr. Shepp recused himself for the remainder of the Agenda Item.

Mr. Seigfried provided an overview of the staff report for 25-15-PCW.

Mr. Paul Raco, consultant from P.J. Raco Consulting, LLC, was present in person. Mr. Raco explained the nature of the request.

Mr. Howell opened the floor for public comment. The following members of the public provided comments: David Tabb, Christine Wimer.

Mr. Howell closed the floor for public comment.

Addressing Mr. Fisher's comments regarding the need for both a Planning Commission Waiver and a Board of Zoning Appeals Variance, Mr. Raco explained the process with how this specific Agenda Item interacts with 25-14-ZV, which the Board of Zoning Appeals approved at the May 22, 2025 meeting.

Mr. Chrisman questioned the impact this project will have on adjacent properties, Mr. Raco noted all adjoining are aware of the project.

Mr. Smith motioned to reduce the required access easement width from 50' to 40' for the proposed family transfer minor subdivision. Mr. Hayes seconded the motion, which carried unanimously.

- 7. Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction for a detached accessory dwelling unit for a family member. See Note #4 on the Clear Field Subdivision Final Plat (PB 19/PG 59B). Property Owner: Daniel Dillow & James Glass. Property Location: Clear Field Subdivision, Lot 6, 152 Independence Lane, Summit Point, WV. Parcel ID: 06000200120000; Size: ~5.2 ac; Zoning District: Rural (File # 25-1-FPA).

Mr. Shepp rejoined the meeting for the remainder of the night.

Mr. Seigfried provided an overview of the staff report for 25-1-FPA.

Mr. Daniel Dillow and Mr. James Glass, property owners, were present in person. Mr. Dillow explained the nature of the request.

Mr. Shepp opened the floor for public comment. The following members of the public provided comments: David Tabb.

Mr. Shepp closed the floor for public comment.

Mr. Chrisman motioned to lift the single family restriction located on Plat Book 19 / Page 59B Note #4 to allow for a detached accessory dwelling unit for a family member. Mr. Howell seconded the motion, which carried unanimously.

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

- 8. Discussion and Possible Action:** Draft amendment to Section 24.113 of the Subdivision & Land Development Regulations related to the requirement for Phase I Archaeological Surveys for Major Subdivisions.
- 9. Discussion and Possible Action:** Draft amendment to Section 20.104 of the Subdivision Regulations related to exempting Parks and Recreation owned land from the Subdivision & Land Development Regulations.
- 10. Discussion and Possible Action:** Draft amendment to add Data Centers to the Zoning & Land Development Ordinance and add specific requirements for Data Centers to the Subdivision & Land Development Regulations.
- 11. Discussion and Possible Action:** Draft amendment to revise language on Solar Energy Facilities in the Zoning & Land Development Ordinance Section 2.2, Section 4.13, and Section 8.20 and add specific requirements for Solar Energy Facilities to the Subdivision & Land Development Regulations.

Mr. Shepp clarified to the Planning Commissioners that no action will be taken on the proposed amendments at the current meeting.

Mr. Shepp motioned to direct staff to review and critique the four proposed text amendments and return with findings to the Planning Commission at a later date.

Mr. Shepp questioned where Agenda Item 9 came into motion. Mr. Seigfried and Mr. Beall explained that staff had drafted the text amendment based on action items in the 2045 Comprehensive Plan regarding support for Parks and Recreation.

Mr. Cochran noted that he would not have Legal Reports regarding the Text Amendments related to Data Centers and Solar Facilities in time for the June 10, 2025 meeting.

Mr. Hayes motioned to further discuss Agenda Items 8 and 9 at the June 10, 2025 meeting and further discuss Agenda Items 10 and 11 at the July 8, 2025 meeting, Mr. Louthan seconded the motion, which carried unanimously.

- 12. Discussion and Approval:** Planning and Zoning 2<sup>nd</sup> Quarterly Report for FY 2024-2025 for the County Commission.

**13. Discussion and Approval:** Planning and Zoning 3<sup>rd</sup> Quarterly Report for FY 2024-2025 for the County Commission.

Mr. Fisher motioned to approve both the 2<sup>nd</sup> Quarterly Report for FY 2024-2025 and 3<sup>rd</sup> Quarterly Report for FY 2024-2025, Mr. Howell seconded the motion, which carried unanimously.

**10. Reports from Legal Counsel**

Mr. Cochran mentioned a briefing is currently being scheduled for Jefferson County Circuit Court Case # CC-19-2025-C-93 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission).

**14. Planner's Memo**

Mr. Seigfried introduced Mr. Cain and Mr. Beall to the Planning Commission.

Mr. Seigfried noted that due to complications with the proposed contracted part time help from Agenda Item 9 on the March 25, 2025 meeting, staff is no longer moving forward in contracting part time help.

**15. President's Report**

Mr. Shepp expressed concern regarding template emails and ex parte communication and requested all Planning Commissioners be provided with a Jefferson County organization email.

Mr. Shepp motioned to request the County Commission to provide all Planning Commissioners with a Jefferson County email, Mr. Ware seconded the motion.

Mr. Seigfried noted the first step should be requesting emails from the County Administrator.

Mr. Shepp motioned to amend to request the County Administrator to provide all Planning Commissioners with a Jefferson County email, Mr. Ware seconded the amendment, which carried unanimously.

**16. Actionable Correspondence**

1. Emails re: "Actionable correspondence: Public Comment on Zoning Ordinance Amendments" received between 05/04/25 – 05/06/25 from the following citizens:

Nancy Adams, Joanne Bario, Kathryn Bellacosa, Cheryl Bennett, Kraig Benson, Stephen Berzinskis, Marlyn Bisher, Angela Blair, Nancy Brady, Mike Briers, Nigel Casserly, Donna Catt, Marilee Cunningham, Laura Degenhardt, Toby Degenhardt, Kathleen Dillon, Sonny Discini, Nora Drish, Julia Farrell, Jennifer Fisher, Gabrielle Fry, John Fuller, Matthew Glover, Anita Hill, Holland Hook, Melissa Howell, Hannah Jack, Reba Jones, Cindy Keller, Hilary Lo, Diana Mullis, Ellen Murphy, Steven Ontiveros, Amy Piedrahita, Ali Printz, Cheryl Pullen, James Reifer, Linda Roberts, Carol Roby, Carolyn Rodis, Phillip Carter Salladay, William Schenider, Susan Topping, Sonia von Heijne, AnnaMary Walsh, Dale Walter, Samuel Welch, Carol Wood, Laurie Allen, Windsong Bergman, Susan Cebulski, Kathryn Christopher, Brian Hagberg, Lisa Higgins, Barbara Humes, Deborah Johnson, Kathleen Lloyd, Barbara Manuputy, Christine Marshall, Joseph Martin, George Rice, Joseph White, Amber Hobday, Pam Rowley, Rebecca Thompson, David Cebulski, Tamar Kavaldjian-Liskey, Donna Printz, Edward Reifer, Trudy Roth, Anne Weshinsky.

2. Emails re: "Actionable correspondence for May 13 agenda items 3 and 4" received between 05/04/25 – 05/06/25 from the following citizens:

Nancy Adams, Joanne Bario, Kathryn Bellacosa, Cheryl Bennett, Kraig Benson, Stephen Berzinskis, Marlyn Bisher, Angela Blair, Mike Briers, Nigel Casserly, Marilee Cunningham, Toby Degenhardt, Sonny Discini, Nora Drish, Julia Farrell, Jennifer Fisher, Gabrielle Fry, John Fuller, Anita Hill, Melissa Howell, Hannah Jack, Reba Jones, Cindy Keller, Hilary Lo, Diana Mullis, Ellen Murphy, Amy Piedrahita, Cheryl Pullen, James Reifer, Linda Roberts, Carol Roby, Carolyn Rodis, Andrew Rosen, Phillip Carter Salladay, William Schenider, Susan Topping, Sonia von Heijne, AnnaMary Walsh, Samuel Welch, Carol Wood, Laurie Allen, Windsong Bergman, Susan Cebulski, Kathryn Christopher, Brian Hagberg, Lisa Higgins, Barbara Humes, Kathleen Lloyd, Barbara Manuputy, Christine Marshall, Joseph Martin, Donna Printz, George Rice, Joseph White, Amber Hobday, Richard Lo, Christian Lotze, Rebecca Thompson, David Cebulski, Tamar Kavaldjian-Liskey, Edward Reifer, Trudy Roth, Anne Weshinsky.

3. John Smith, Angelina Gray

**17. Non-Actionable Correspondence**

Mr. Hayes motioned to adjourn the meeting at 8:04 pm. Mr. Smith seconded the motion, which carried unanimously.

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



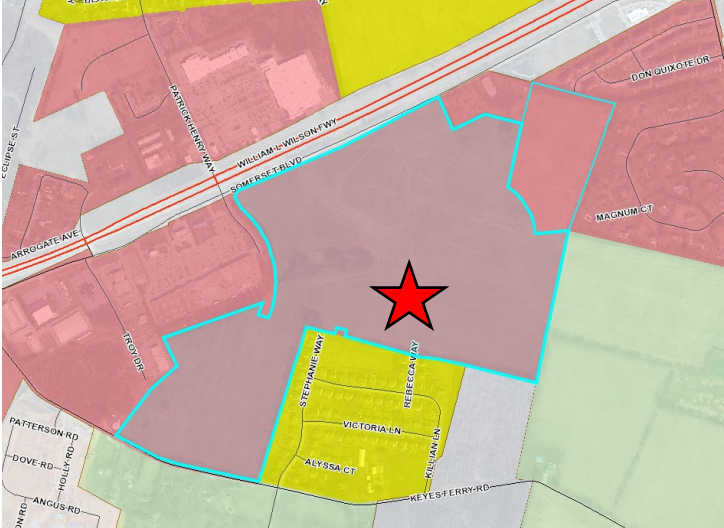
Staff Report  
 Jefferson County Planning Commission Meeting  
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**US Route 340 Waiver Requests (File: 25-12-PCW and File: 25-13-PCW)**

**Items #3 and #4:**

**Request # 1:** Request for a Waiver from Article 21, Section 21.101A, which requires that blocks shall not, in most instances, exceed six lots in length on one side of the street.  
 (File: 24-12-PCW).

**Request # 2:** Request for a Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. (File: 24-13-PCW).

Owner/Applicant	DR Acquisitions, LLC / Attn: Matt Powell
Consultant	Integrity Federal Services, Inc. / Attn: Brooke Perry
Property Location & Information	<p style="text-align: center;">Vacant Lots located on Somerset Blvd, Charles Town, WV; Size: ~136.08 acres;          Parcel IDs: 02000900080000 &amp; 02000900080011;          Zoning District: Residential-Light Industrial-Commercial</p> 
Adjacent Zoning	<p style="text-align: center;"><i>North: Residential-Light Industrial-Commercial/Residential Growth</i>  <i>South: Residential-Light Industrial-Commercial/Residential Growth/Incorporated Town</i>  <i>East: Rural/Residential-Light Industrial Commercial</i>  <i>West: Incorporated Town/Residential-Light Industrial Commercial</i></p>
Proposed Activity	The US Route 340 Mixed-Use Concept Plan is proposed to consist of 495 dwelling units & 8 commercial lots. Dwelling Unit Breakdown: Single-Family: 235 lots; Townhouse Units: 260 lots
History	10/09/18: Original Concept Plan provided to PC, Approved (18-11). 10/09/18: Original Road Frontage Waiver provided to PC, Approved (PCW18-12). 10/09/18: Original Road Access Waiver provided to PC, Denied (PCW18-13). 10/09/20: Concept Plan expires, voids previously approved PC Waiver. 03/18/25: Submittal of 25-12-PCW & 25-13-PCW 04/08/25: Planning Commission moves to table waivers until Concept Plan is submitted

Staff Report  
Jefferson County Planning Commission Meeting  
June 10, 2025

**US Route 340 Waiver Requests (File: 25-12-PCW and File: 25-13-PCW)**

	05/27/25: Planning Commission moves to table waivers to Concept Plan workshop scheduled for 06/10/25
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**Summary of the Request:**

Applicant is pursuing two waivers that will impact the design of a future Concept Plan submission for a Mixed Use Subdivision. The property is located east of Charles Town and Ranson along Route 340. A Concept Plan was originally approved in 2018 but the approval has since expired.

**Request # 1:** (File: 25-12-PCW) Request for a Waiver from Article 21, Section 21.101A, which requires that blocks shall not, in most instances, exceed six lots in length on one side of the street.

**Request # 2:** (File: 24-13-PCW) Request for a Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less.

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

**24-14-PCW Waiver Request #1 for Section 21.101A (Block Length)**

**Summary of the Request:**

The applicant is requesting a waiver of this section to allow block lengths of greater than 6 lots on one side of the street. Section 21.101A of the Jefferson County Subdivision and Land Development Regulations states that blocks “shall not, in most instances, exceed six lots in length on one side of the street” (emphasis added). It further states that the length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. There is some provision for longer blocks in rural subdivisions if there are topographic constraints, but only if there are no more than nine total lots in the subdivision and the lots are over ¾ acre in land area each. This proposed development is zoned Residential-Light Industrial-Commercial and these criteria do not apply.

As part of the waiver request, the applicant has supplied two different concept plan layouts based on the project proceeding with or without the requested waivers.

The applicant has submitted the Concept Plan to be included in the June 10, 2025 Planning Commission meeting.

**Waiver Requirements:**

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

- (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;

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**US Route 340 Waiver Requests (File: 25-12-PCW and File: 25-13-PCW)**

- (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- (4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

**Staff Comments:**

Generally blocks are defined as areas of land bounded by streets, other transportation features and/or public open spaces. The length of blocks influence the interconnectivity of neighborhoods and the walkability of communities. The standard width of the lots found within the blocks can also impact the length of the blocks. Waiver #2 (24-13-PCW) below also requests narrower lot widths than required by the ordinance, which would result in a greater number of lots within a standard block. Blocks found in more urban environments with a rectilinear grid street pattern lend themselves to a smaller number of lots in a given block to allow for greater interconnectivity. In areas where the blocks contain more numerous lots along the open space area, it is recommended that additional pedestrian connectivity be utilized to break up the length of the blocks and allow access to open space and common areas.

**Staff Recommendation:**

Planning and Zoning staff recommends that the waiver be granted to allow block lengths up of more than six (6) lots on one side of the street, with the condition that pedestrian connectivity be provided to common open space areas as much as possible. The request could result in a more flexible subdivision design that integrates open space and parkland into the development while providing adequate interconnectivity to adjoining lots.

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**24-13-PCW Waiver Request #2 for Section 21.104A (Lot Frontage)**

**Summary of the Request:**

The applicant is requesting a waiver of this Section to allow the detached single family lots to have a minimum lot frontage of 65'. Section 21.104A of the Jefferson County Subdivision and Land Development Regulations, "Lot Width and Frontage", states that "the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less." As the subject parcel is zoned Residential-Light Industrial-Commercial, the 80' would apply for this development. Lot widths are measured at the setback lines and lot frontage is measured along the street property line. The application states that the proposed layout is not to reduce lot size but change the dimensions for deeper lots.

**Waiver Requirements:**

The applicant provides a response to the requirements found in "Division 24.300 Waivers" of the Subdivision Regulations, which is attached to the application. Waivers from the minimum standards in

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**US Route 340 Waiver Requests (File: 25-12-PCW and File: 25-13-PCW)**

these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

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

**Staff Comments:**

The intent of the lot frontage guidelines is to establish uniform land subdivisions in Jefferson County. The 80' lot frontage requirement is intended to provide for a suburban or relatively large lot development. The smaller lot widths are not proposed to result in smaller lot sizes, but are proposed to have narrower deeper lots and is anticipated to allow for the creation of additional open space/parkland for the subdivision. The block length provisions are also in place to establish uniform land subdivisions in Jefferson County. Block length provisions can also increase walking paths and road interconnectivity. Similar waivers have been granted in the past to provide layout and design flexibility and to retain additional greenspace.

**Staff Recommendation:**

Planning and Zoning staff recommends that both waivers be granted in the lot frontage requirements and block length for this subdivision. The overall plan will be required to meet the open space requirements of the Subdivision Regulations.

If Planning Commission is inclined to grant the waivers with conditions, staff would recommend that the greater open space and additional internal connectivity be provided by the applicant.



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

25-12-PCW  
 File #: 25-13-PCW  
 Mtg Date: 4-8-25  
 Date Rec'd: 3-17-25  
 Fees Paid: \$150  
 Staff Int: CAU  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: DR Acquisitions, LLC  
 Business Name: \_\_\_\_\_  
 Mailing Address: 7945 Wormans Mill Road, Frederick, MD 21701  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Applicant Name: Attn: Matt Powell Same as owner:   
 Business Name: DR Acquisitions, LLC  
 Mailing Address: 10212 Governor Lane Boulevard, Suite 1006, Williamsport, MD 21795  
 Phone Number: 301-302-6231 Email: mpowell@danryanbuilders.com

**Consultant Information**

Name: Brooke Perry  
 Business Name: Integrity Federal Services, Inc  
 Mailing Address: 148 S. Queen Street, Suite 201, Martinsburg, WV 25401  
 Phone Number: 304-725-8456 Email: bperry@ifs-ae.com

**Physical Property Details**

Physical Address: Located on Somerset Blvd Vacant Lot:   
 Tax District: Charles Town District 2 Map No: 9 Parcel No: 8 & 8.11  
 Parcel Size: 121.07 & 15.01 Acres Deed Book: 1085 & 1297 Page No: 409 & 9  
 Zoning District: Residential/Light Industrial/Commercial (R-LI-C)

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

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

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

Section 21.101.A. (Block Length): Allow block lengths longer than 6 lots.  
 Section 21.104.A. (Lot Frontage): Allow a 65 foot minimum lot frontage/width

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

Section 21.101.A. (Block Length): Allow block lengths longer than 6 lots.  
 Section 21.104.A. (Lot Frontage): Allow a 65 foot minimum lot frontage/width

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

See attached

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

See attached

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

See attached

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

See attached

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

 3/17/25  
Property Owner Signature      Date

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

**Notification Requirements**

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

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

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

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

**Planning Commission Determination**

Approved

Denied

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

**Route 340 Mixed Use Subdivision**  
**Waiver Request Addendum (Lot Frontage)**  
March 17, 2025

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

**Section 21.104.A. Frontage.** The minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. Flag lots and lots on cul-de-sacs may be permitted to have a minimum frontage of 24 feet based on design and engineering approval.

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

It is requested that the 80' minimum lot frontage for single-family detached units be reduced by 15' to a 65' minimum lot frontage. We are not proposing any change to the minimum or average lot area requirements.

Appendix A of the Jefferson County Zoning and Land Development Ordinance does not have a minimum lot width for a single family detached dwelling, and there is also a provision for "small lot single-family detached dwellings" which allow a minimum lot width of 35'. The requested 65' minimum lot width is greater than both of these requirements.

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

The Subdivision will cater to the housing trend that provides narrower lots in exchange for greater backyards and open space. We are not proposing to reduce the lot size, but simply to adjust the dimensions to better fit today's housing product and consumer demands. Historically, residential developments have been proposed with 80 to 100' lot depths, but in the proposed subdivision the lots are proposed to be a minimum of 110' deep, with many lots in excess of that. This offset of increased lot depth and subsequent backyards provides a benefit by reducing overall HOA and community maintenance costs, and allows more land to be set aside for community open space and parks. The required minimum lot width of 80' could be achieved through reducing the amount of parkland / open space proposed.

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

The reduction of permitted lot width by 15' will not impact the public's health, safety or welfare nor will it impact adjacent property owners and/or residents rights.

There are provisions within the Zoning and Land Development Ordinance (referenced by the Subdivision Ordinance) which allow for a 35' detached single-family residence and townhouse lot widths of 18-20' (could be less based on minimum lot area). The Zoning and Land Development Ordinance would not

provide provisions for a lot which is 35' wide if the reduced lot frontage was a detriment to the health, safety or welfare of Jefferson County citizens. The request is in excess of this 35' minimum requirement.

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

As discussed in response to the public health & safety section of this document, the Zoning and Land Development Ordinance provides provisions for a minimum lot width of 35'. The requested waiver will provide a minimum lot width which is almost double that which the Ordinance determines acceptable.

Through its regulations, the Ordinance encourages density where public water and sanitary sewer is available. The proposed development will be served by public water/sanitary sewer and is similar in design to that of adjacent neighborhoods. Density is achieved through reduced lot widths, increased open space areas and additional housing options.

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

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

This community will provide larger community open spaces for its residents to enjoy. The proposed open space and density is in part due to the reduced lot width/area. Increased density requires a higher percentage of Open Space to be reserved, per Table 21.105 of the Subdivision Ordinance, below.

<b>Table 21.105 Parkland Requirements for R-LI-C &amp; RG Districts and Development in the Rural District with an approved CUP</b>	
<b>Density in Units per Acre of Residential Land Area</b>	<b>% of Land to be Reserved for Open Space</b>
Less than 2 units per acre	No land required
2-4	4%
4-6	7%
6 to 10	10%
10+	15%

The Route 340 Mixed Use Subdivision's vision includes narrow lots with less maintenance and more usable backyard area, within the highly amenitized mixed use neighborhood focused around central open spaces.

**Route 340 Mixed Use Subdivision**  
**Waiver Request Addendum (Block Length)**  
 March 17, 2025

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

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

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

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

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

Parkland requirements are based upon the density of a proposed subdivision. A density of 4 to 6 units per acre requires that 7% of the community shall be reserved for open space. A density of 6 to 10 units per acre requires 10% open space. The proposed reduced lot width in conjunction with the increased block length, creates an increased density which increases parkland requirements and reduces imperviousness and road right-of-way that doesn’t serve any additional benefit.

The increased block length allows for flexibility in the design of the proposed community. This flexibility allows the integration of parkland into the developments design and into the existing terrain. A rigid block structure based on the number of lots as opposed to actual distances can create an excessive amount of roads when lots of reduced width are utilized. This excessive street structure limits the ability to integrate contiguous parkland into the community.

<b>Table 21.105 Parkland Requirements for R-LI-C &amp; RG Districts and Development in the Rural District with an approved CUP</b>	
<b>Density in Units per Acre of Residential Land Area</b>	<b>% of Land to be Reserved for Open Space</b>
Less than 2 units per acre	No land required
2-4	4%
4-6	7%
6 to 10	10%
10+	15%

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

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

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

Adjacent uses to the Route 340 Mixed Use Subdivision include single-family residential, US Route 340, Keyes Ferry Road, Sommerset Village commercial, and vacant land. The proposed mixed use subdivision is compatible with the adjacent residential properties and provides a block structure similar to that of other recent subdivisions such as Stonecrest, Magnolia Springs, Kings Crossing and Crosswinds. Commercial areas are provided near similar uses, and aid in buffering residential areas from Route 340.

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

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

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

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

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

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

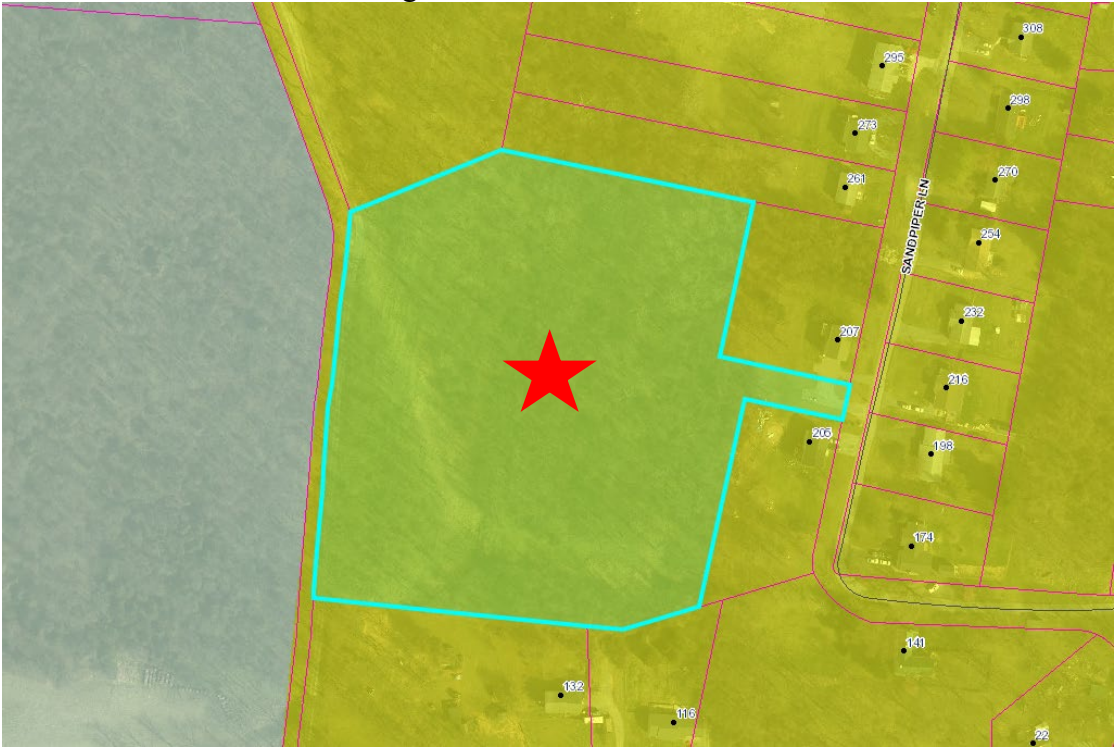




Staff Report  
 Jefferson County Planning Commission Meeting  
 June 10, 2025

**Catrow (Access) Waiver (25-16-PCW)**

Item #5: Waiver from Section 20.201A.2 of the Subdivision Regulations to allow two proposed family transfer minor subdivisions to utilize an existing 40' right of way and existing private road as opposed to developing a county grade road.

Applicant/Owner:	Harry (Butch) & Garnett Catrow
Consultant:	Peter Lorenzen
Property Location & Information:	<p style="text-align: center;">Lot 3 of the Mecklenburg Heights Subdivision along          Sandpiper Lane, Shepherdstown, WV          Parcel ID: 09000700320004; Size: ~7.9 acres;          Zoning District: Residential Growth</p> 
Surrounding Zoning:	<i>North, South, and East: Residential-Growth          West: Rural</i>
Proposed Activity:	Family Transfer Minor Subdivision
History:	<p>04/06/71: Major Subdivision of Mecklenburg Heights Approved, creation of lot processed at <a href="#">PB 1/PG 171</a>.</p> <p>03/03/10: Minor Subdivision of Lots 1 &amp; 2 off of Lot 3 (residue), 7.9 acres remaining <a href="#">DB 1114/PG 160</a> and <a href="#">PB 25/PG 210</a>.</p>

**Summary of the Request:**

The applicant is requesting a waiver from Sec. 20.201 Minor Subdivisions, C. Non-Residential to process a Minor Subdivision for a total of three lots on 2-3 acres.

2. Access. All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a

Staff Report  
Jefferson County Planning Commission Meeting  
June 10, 2025

**Catrow (Access) Waiver (25-16-PCW)**

state road are not permitted to process as a minor, except for those proposals utilizing the non-residential permitted uses in the Rural District.

The applicant is requesting to access the state road utilizing the Site Development Access standards for both lots and not having to utilize an existing internal subdivision road.

In the same section above, Sec. 20.201 Minor Subdivisions, B. Site Development Access to Public Roads allows for a single site development to access the state highway system.

The applicant has spoken with the Mechlenburg Maintenance Association about the proposed development and has agreed that new lots would join the Association and would be allowed to access through Sandpiper Lane.

**Waiver Requirements:**

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

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

**Staff Discussion and Recommendation:**

Access management to a state road is designed to minimize the conflict point of any vehicles entering the state highway system and to layout the entrance in a manner to accommodate the type of vehicle to utilize the entrance. The reason for an internal subdivision road for non-residential use is to build to a standard that will accommodate most of the intended uses. If a use exceeds the road standard originally built for, the proposed use will need to upgrade the internal subdivision road access to the state highway system.

If the Planning Commission is inclined to grant the waiver, Engineering recommends approval of the waiver with the condition of approval to upgrade the entrance if the proposed uses exceed the design standards. Additionally, Planning would recommend adding the condition that any new lots created must join the Mechlenburg Maintenance Association and pay the required annual road maintenance fee.



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

File #: 25-16-PCW  
 Mtg Date: 6-10-25  
 Date Rec'd: 5-1-25  
 Fees Paid: 9150  
 Staff Int: CAU  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: HARRY & GARNETT CATROW  
 Business Name: \_\_\_\_\_  
 Mailing Address: 443 SANDPIPER LANE, SHEPHERDSTOWN WV, 25443  
 Phone Number: 304 676-8607 Email: \_\_\_\_\_

**Applicant Contact Information**

Applicant Name: HARRY (BOUCH) CATROW Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: PO Box 1223 Shepherdstown WV  
 Phone Number: 304-676-8607 Email: BOUCH CATROW @ GMAIL.COM

**Consultant Information**

Name: PETER LORENZEN  
 Business Name: \_\_\_\_\_  
 Mailing Address: 248 MOUNT VERNON DRIVE, CHARLES TOWN WV 25414  
 Phone Number: 304-283-1276 Email: PHLOR @ AOL.COM

**Physical Property Details**

Physical Address: LOT 3 MECKLENBURG HEIGHT Vacant Lot:   
 Tax District: SHEPHERDSTOWN Map No: 7 Parcel No: 32.4  
 Parcel Size: 7.90 ACRES Deed Book: 993 Page No: 701  
 Zoning District: RES GROWTH

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?

Briefly Describe the Nature of Your Waiver Request:

1. ACCESS ONTO EXISTING PRIVATE ROAD  
2. ACCESS ONTO EXISTING 40' RIGHT OF WAY

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.

OPEN SPACE OF 2-3 ACRE LOTS IN  
SUBDIVISION OF 1/2 ACRE 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.

ENTRANCE ONTO EXISTING WELL  
MAINTAINED PRIVATE ROAD. FEES WILL BE  
PAID TO H.M.A.

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

DOES NOT CONFLICT WITH THE PURPOSE  
OF RESIDENTIAL GROWTH

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

A SIMPLE 3 LOT MINOR SUBDIVISION OF  
2-3 ACRES TO ADD TO THE HOUSING AROUND  
SHEPHERDSTOWN

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.

*Summit O. [Signature]* 5-1-25 *Hay 1 Cabal*

Property Owner Signature

Date

Property Owner Signature

5-1-25

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

From: **John Michael** <[jamichael1933@yahoo.com](mailto:jamichael1933@yahoo.com)>

Date: Thu, Apr 10, 2025 at 8:49 AM

Subject: Re: HOA question/request

To: lori catrow <[lcatrow@gmail.com](mailto:lcatrow@gmail.com)>

Hi Mrs. Catrow,

I, John Michael-MMA President and acting on behalf of the Mechlenburg Maintenance Association, Inc. (MMA), give your company permission to use Sandpiper Lane to access the three new lots referenced in your email. I do this with the understanding of all parties that those lots and any new residential structures built upon them will be required to pay the MMA's annual road maintenance fee and abide by the By-Laws of the MMA.

Please feel free to contact me with any additional questions.

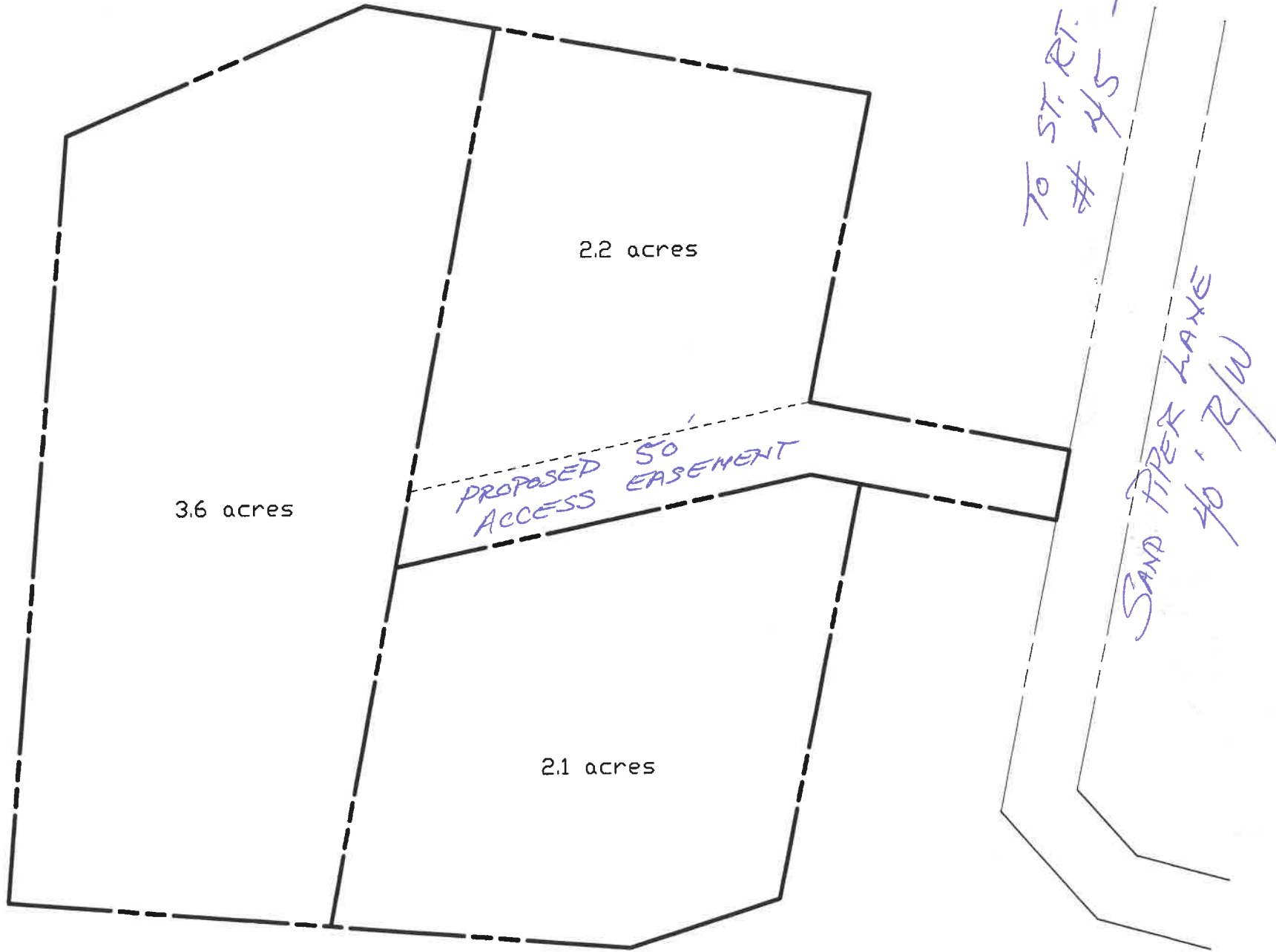
Sincerely,

John Michael

MMA President

Ph: 304-671-8268

Email: [jamichael1933@yahoo.com](mailto:jamichael1933@yahoo.com)



1" = 100'

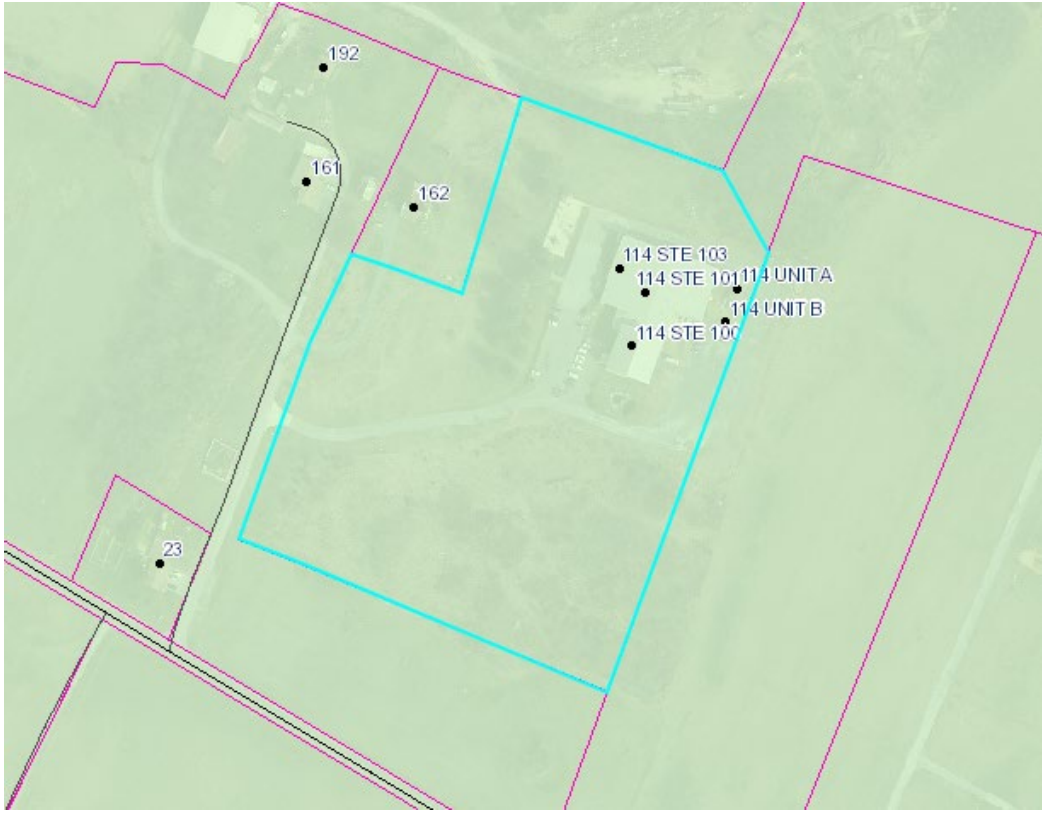


MECKLENBURG  
HEIGHTS

Staff Report  
 Jefferson County Planning Commission Meeting  
 June 10, 2025

**Rock Spring Church Site Plan Waiver (File: 25-17-PCW)**

**Item #6:** Waiver from Section 20.203B.1 of the Subdivision Regulations that requires the proposed project to process as a Limited Site Plan. The project consists of the installation of an additional 3,950 sq/ft metal building shell for the expansion of an existing classroom. Property Owner: Rock Spring Church. Applicant: Michael Lowery. Property Location: 114 Poor Farm Road, Kearneysville, WV. Parcel ID: 07001500010005; Size: 14.54 ac; Zoning District: Rural (File: 25-17-PCW).

Property Owner:	Trustees of Rock Spring Church
Applicant:	Michael Lowery
Parcel Information & Zoning District:	<p style="text-align: center;">114 Poor Farm Road, Kearneysville, WV 25430          Parcel ID: 07001500010005; Size: 14.54 acres          Zoning District: Rural</p> 
Surrounding Zoning:	<i>North, South, East, West:</i> Rural
Proposed Activity	Establishment of a metal building shell for the expansion of an existing classroom
Approvals:	<p>12/20/12: BZA approved a Zoning Variance allowing for a Waiver of the Site Plan requirements (Z12-32).</p> <p>04/25/06: Rock Springs Church Site Plan (#S05-13) approved.</p> <p>01/19/06: BZA approved a Zoning Variance to increase height limit from 35' to 46' for use of an existing building as a church (#ZV05-35).</p>

Staff Report  
Jefferson County Planning Commission Meeting  
June 10, 2025

**Rock Spring Church Site Plan Waiver (File: 25-17-PCW)**

**Summary of Request**

As can be seen in the application the applicant intends to make an addition to the existing structure to add office space and classrooms. The addition of 3,590 square feet of impervious would require a limited site plan and Stormwater Management Plan. Because the total footprint of the proposed addition exceeds 1,200 sq ft, the proposal does not meet the “No Site Plan” criteria that for administrative approval; as such, the applicant is seeking a waiver of site plan, which requires approval from the Planning Commission.

The applicant has stated that only 800 square feet of this addition is currently pervious, as the majority of the addition will be situated above an existing loading dock. The applicant further states that the intent is to preserve the existing structure as maximum occupancy of the structure is not exceeded during peak attendance.

It should be noted that the applicant will still be required to apply for a Building Permit, including certification from a structural engineer; and have approval from the Health Department and Division of Highways.

**Summary of Subdivision Regulation Requirements**

“Sec. 20.203 Minor Site Development

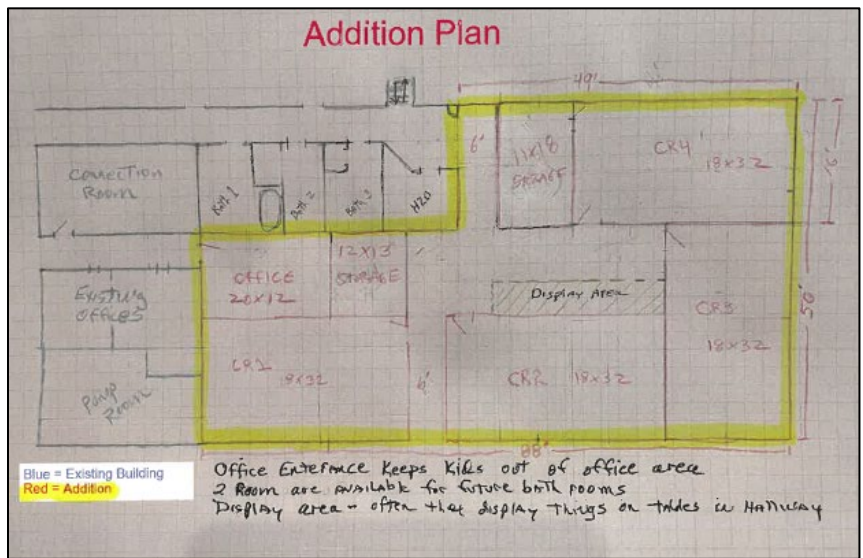
**B. Site Plan Classifications**

All Minor Site Developments shall be processed utilizing one of the following Site Plan Classifications. Unless explicitly stated within this Section, all requirements of these Regulations apply to each of the classifications below, including

the requirements of Appendix A and Appendix B. Minor Site Development may require Stormwater Management Plans and Stormwater Management activities per the Jefferson County Stormwater Management Ordinance.

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

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



**Rock Spring Church Site Plan Waiver (File: 25-17-PCW)**

2. Limited Site Plan

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

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

3. Full Site Plan

Any development which does not meet all of the criteria for a limited site plan shall meet all the requirements of these Regulations.”

**Waiver Requirements**

Division 24.300 of the Jefferson County Subdivision and Land Development Regulations states that waivers from the minimum standards in these Regulations, as well as process and procedural waivers, 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.

**Staff Comments/Recommendation**

For this situation, the applicant is placing the majority of the proposed building on impervious surface. However, they are exceeding the structure requirement of the subdivision regulation to meet the No Site Plan criteria. If a Limited Site Plan were required, the applicant would only need to address the 800 square feet of newly impervious surface for SWM. If the project were proposing a parking lot instead of a structure, this parking lot would meet the No Site Plan criteria. The 800 square feet is meets the requirement for disturbance under the No Site Plan Criteria.

Therefore, engineer recommends approval of the waiver if a No Site Plan Evaluation is submitted and approved with 800 square feet is deducted from the 1200 square feet structure allowance.





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

File #: 25-17-PLW  
 Mtg Date: 6-10-25  
 Date Rec'd: 5-15-25  
 Fees Paid: \$150  
 Staff Int: TAU  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: Trustees of Rock Spring Church  
 Business Name: Rock Spring Church  
 Mailing Address: 114 Poor Farm Road, Kearneysville, WV  
 Phone Number: 304-724-1942 Email: [info@rockspring.net](mailto:info@rockspring.net)

**Applicant Contact Information**

Applicant Name: Michael Lowrey Same as owner:   
 Business Name: Rock Spring Church  
 Mailing Address: 1425 W Washington St, Harpers Ferry, WV  
 Phone Number: 304-268-8826 Email: [mike@rockspring.net](mailto:mike@rockspring.net)

**Consultant Information**

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

**Physical Property Details**

Physical Address: 114 Poor Farm Road Kearneysville, WV 25430 Vacant Lot:   
 Tax District: Middleway Map No: 15 Parcel No: 1.5  
 Parcel Size: 14.537 acres Deed Book: 1001 Page No: 388  
 Zoning District: Middleway- Rural (jth)

**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?**

Requesting to waive Section 20.203.B.2, Limited Site Plan of the Subdivision and Land Development Regulations, 2008, Amended July 11th 2024. Rock Spring Church is requesting to utilize the No Site Plan or Stormwater Management Plan (20.203.B.1) for an addition to the existing building.

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

3590 SF  
 Rock Spring Church is requesting to utilize the No Site Plan or Stormwater Management Plan Site Plan Classification (section 20.203.B.1) for construction of addition of a ~~3,360~~ SF prefabricated metal building shell for the expansion of the existing classroom space of a non-profit educational program within the current Church building. The building will be constructed over an existing impervious loading dock, shown on the original building site plan. Only 800 SF of the area to built on is currently pervious.

**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 addition will be utilized to expand a non-profit Christian education program. This private education offering is a benefit to the overall Jefferson County community, including those seeking a Bible based Christian education. The addition will not cause any additional cost or maintenance requirements to the county and will improve the overall view shed of Old Leetown Pike by tying into the existing architecture and creating a more uniform building.

**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 proposed building will not adversely affect adjacent property owners, public health, safety or welfare as it will not cause additional runoff or impact the maximum occupancy currently experience as Sunday services are the largest weekly events and weekday school attendance falls well below the maximum occupancy of the building. Adjacent property owners are Jefferson County Animal Control, Jefferson County Solid Waste Authority, Jefferson County Fairgrounds, and Old Poor Farm owned by a current staff of the church.

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

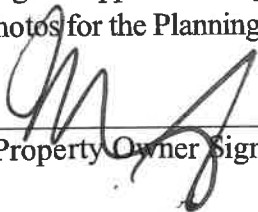
The intent of the ordinance is to require Limited or Full Site Plans for developments that may have an adverse effect on the community or storm water runoff, both quality and quantity. The No Site Plan option allows for increase of impervious area up to 1,200 SF. This addition will only add 800 SF of additional impervious area, as the existing loading dock is part of the previously calculated storm water management needs.

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

The waiver will allow for construction of the project. Should the waiver be rejected, the building will not be constructed due to time and financial constraints considering the non-profit nature of the Church. It will allow the existing unusable space to be used for a structure that will benefit the county community in an more expeditious manner, while keeping with the intent and purpose of the county code.

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

10/16/2026

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.

06/10/25

Public Hearing Date

05/27/25

Date Placard Posted

05/27/25

Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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

# Property Overview



<p><b>Legend</b></p> <p>WV Parcels</p> <p>Districts</p> <p>WV Parcels</p> <p>WVParcels</p>	<p><b>User Notes:</b></p>	<p><i>Map created on May 14, 2025</i></p> <p><b>Owner(s):</b></p> <p><b>Address:</b></p> <p><b>Class Type:</b></p> <p><b>Legal Description:</b></p>
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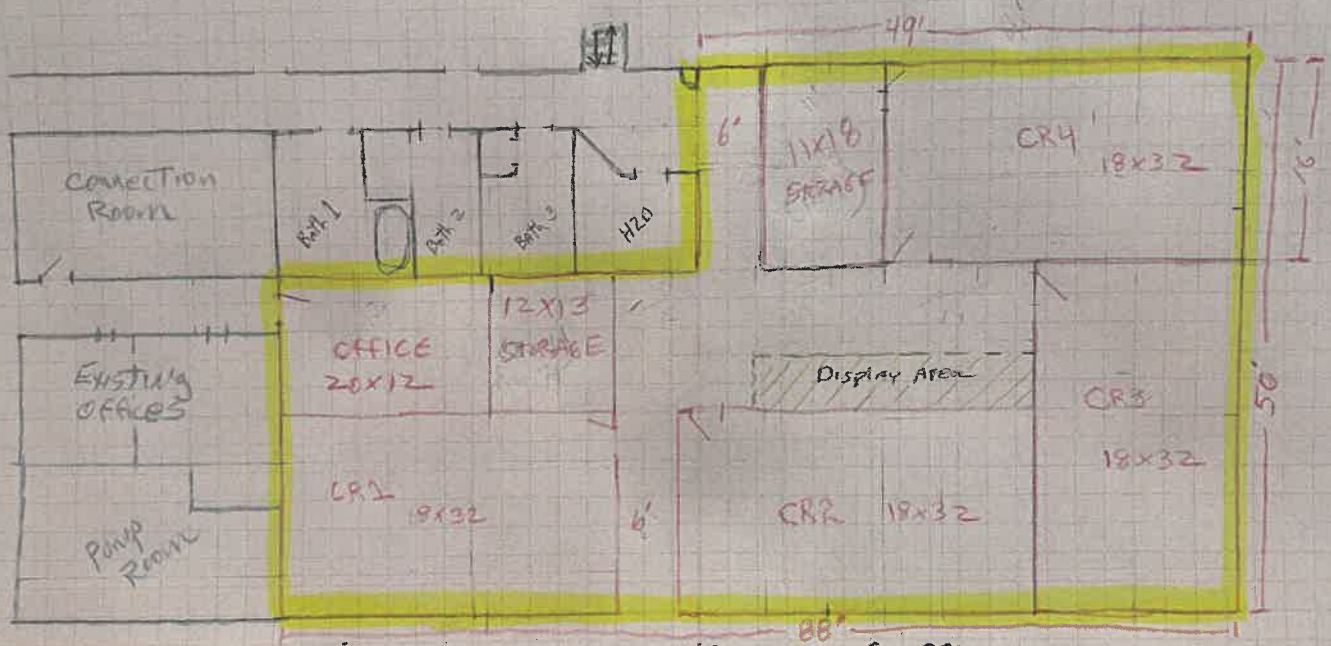
*WV Property Viewer (<https://www.MapWV.gov/property>) is supported by WV State Tax Department and WV GIS Technical Center.*

# Site Plan



<p><b>Legend</b></p> <p><b>WV Parcels</b></p> <p>Districts</p> <p><b>WV Parcels</b></p> <p>WVParcels</p> <p><b>Addition</b></p> <p><i>WV Property Viewer (<a href="https://www.MapWV.gov/property">https://www.MapWV.gov/property</a>) is supported by WV State Tax Department and WV GIS Technical Center.</i></p>	<p><b>User Notes:</b></p> <p><i>Map created on May 14, 2025</i></p> <p><b>Owner(s):</b></p> <p><b>Address:</b></p> <p><b>Class Type:</b></p> <p><b>Legal Description:</b></p>
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# Addition Plan



Blue = Existing Building  
 Red = Addition

Office Entrance keeps kids out of office area  
 2 Room are available for future bath rooms  
 Display area - often they display things on tables in hallway



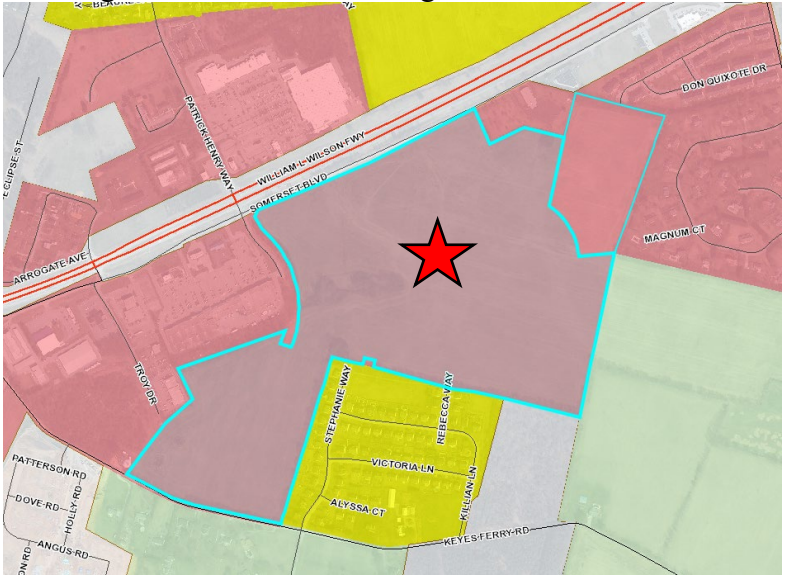
## Staff Report

Jefferson County Planning Commission Meeting

June 10, 2025

### Route 340 Mixed Use Development Subdivision Concept Plan Public Workshop (25-18-SD)

**Item #7: Public Workshop:** A Concept Plan for the Route 340 Mixed Use Subdivision. The proposal consists of a total of 495 residential units and eight (8) commercial lots with associated infrastructure.

Owner/Applicant:	DR Acquisitions, LLC / Attn: Matt Stare						
Consultant:	Integrity Federal Services, Inc. / Attn: Jason Gerhart						
Parcel Information:	<p>Vacant Lots located on Somerset Blvd, Charles Town, WV; Size: ~136.08 acres;                  Parcel IDs: 02000900080000 &amp; 02000900080011;                  Zoning District: Residential-Light Industrial-Commercial</p> 						
Adjacent Zoning:	<p><i>North: Residential-Light Industrial-Commercial/Residential Growth</i>  <i>South: Residential-Light Industrial-Commercial/Residential Growth/Incorporated Town</i>  <i>East: Rural/Residential-Light Industrial-Commercial</i>  <i>West: Incorporated Town/Residential-Light Industrial-Commercial</i></p>						
Proposed Request:	The US Route 340 Mixed-Use Concept Plan is proposed to consist of 495 dwelling units & 8 commercial lots. Dwelling Unit Breakdown: Single-Family: 235 lots; Townhouse Units: 260 lots						
History:	<p>10/09/18: Original Concept Plan provided to PC, Approved (18-11).                  10/09/18: Original Road Frontage Waiver provided to PC, Approved (PCW18-12).                  10/09/18: Original Road Access Waiver provided to PC, Denied (PCW18-13).                  10/09/20: Concept Plan expires, voids previously approved PC Waiver.                  03/18/25: Submittal of 25-12-PCW &amp; 25-13-PCW                  04/08/25: 25-12-PCW &amp; 25-13-PCW Tabled on 04/08/25 &amp; 05/27/25 PC Meeting                  05/20/25: Submittal of 25-18-PCW &amp; 25-19-PCW</p>						
Concept Plan Status:	<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Submitted:</td> <td style="text-align: right;">04/25/25</td> </tr> <tr> <td>Sufficiency Letter:</td> <td style="text-align: right;">05/02/25</td> </tr> <tr> <td>Second Review Submitted:</td> <td style="text-align: right;">05/08/25</td> </tr> </table>	Submitted:	04/25/25	Sufficiency Letter:	05/02/25	Second Review Submitted:	05/08/25
Submitted:	04/25/25						
Sufficiency Letter:	05/02/25						
Second Review Submitted:	05/08/25						

## Staff Report

Jefferson County Planning Commission Meeting

June 10, 2025

### Route 340 Mixed Use Development Subdivision Concept Plan Public Workshop (25-18-SD)

#### 1. Summary of Request:

The proposed subdivision includes single-family detached lots, townhomes, and eight commercial lots facing US 340. The residential component includes 235 single-family dwellings and 260 townhouse dwellings for a total of 495 total dwelling units proposed on 134.15 acres of the site. The overall density is 8.26 dwelling units per acre (DUA). The project meets the “Suburban Residential” classification as defined by the *2045 Comprehensive Plan*.

The commercial component includes eight commercial lots on the 17.57 acre portion of the site nearest Somerset Boulevard. These lots may be further subdivided in the future and will require separate site plans as they develop. Each commercial site plan with greater than 5,000 square feet and less than 250,000 square feet of structures will also require a Minor Site Plan Concept Plan Public Workshop for that site in addition to this Subdivision Concept Plan.

The development is proposed to have access via Somerset Village Road (with a recorded 90’ right-of-way) and a new road off Somerset Boulevard (Sundrop Road), both of which will serve the commercial development and higher density residential areas before leading to the single family detached lots along the southern half of the property. An additional road serving the single family detached lots are proposed to connect to Keyes Ferry Road. The required stub roads to connect to adjacent developments are included but not extended to provide vehicle connections; Stephanie Way and Rebecca Way via Demory Farm Subdivision; and Monte Carlo Way via Windmill Crossing Subdivision, in accordance with Section 21.102B “Connections to Stub Roads” of the Subdivision Regulations. This subsection states “where a stub street has been provided or the right-of-way is provided on an adjoining parcel or subdivision, the developer shall connect. The only exception to this shall be where commercial, industrial or other non-residential use takes access through a residential subdivision or development to a local street.” The Final Plat for Demory Farm Subdivision shows the right-of-way for Stephanie Way and Rebecca Way stubbing into this property. The Final Plat for Windmill Crossing Subdivision also shows Monte Carlo Way right-of way stubbing into this property. For this reason, this interconnectivity is required by the Subdivision Regulations.

Street reservations are also shown for future interconnectivity with adjoining vacant lots to the south in conformance with Section 21.102D “Future Connections” of the Subdivision Regulations. This subsection states “where the adjoining land is vacant, the subdivision shall provide stub streets to the property line. Connections shall be made to all properties that are not vacant or have stub streets in place. The access shall be to properties on all sides. In larger subdivisions, not all streets need to be extended. The skipping of block extensions shall not exceed three block lengths or result in no connection being made to an adjoining parcel.” Stubs are not proposed to the southeast. The interconnectivity of the road system is a critical recommendation of the *2045 Comprehensive Plan*. It should be noted that when major subdivisions are proposed and under review, the Subdivision Regulations require the Jefferson County Planning and Engineering Offices to defer to the WV Division of Highways’ (WV DOH) requirements and approval. The Regulations also state that during the Concept Plan stage, the WV DOH shall determine if a Traffic Impact Study (TIS) is required. If required, such a study shall be completed during the Preliminary Plat stage.

Additionally, Section 21.105 of the Subdivision Regulations requires a subdivision of this size to provide 10% of the land to be dedicated to open space/parkland in the Residential-Light-Industrial-Commercial (R-LI-C) Zoning District. It also requires that parkland shall be designed to provide

## Staff Report

Jefferson County Planning Commission Meeting

June 10, 2025

### Route 340 Mixed Use Development Subdivision Concept Plan Public Workshop (25-18-SD)

greenways along drainage corridors, streams, or in accordance with a County trail plan. For this development, the 10% open space/parkland requirement equals approximately 11.6 acres. The Regulations also state that no more than 60% of this acreage may be passive open space/recreation. The applicant has indicated that they will be providing approximately 9 acres of active open space/parkland and approximately 8 acres dedicated to passive recreation. Approximately 12 acres are dedicated to stormwater management. The open space areas are shown on the last sheet of the Concept Plan.

#### 2. Waivers Required

The applicant has applied for the following two waivers related to the subdivision's proposed layout and design, which shall be heard at a combined Public Hearing during this meeting, following the Concept Plan Workshop:

- a. Waiver from Article 21, Section 21.101A, which requires that blocks shall not, in most instances, exceed six lots in length on one side of the street.
- b. Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less.

These waiver requests are addressed in separate staff reports. As the design of this development proceeds through the review process, other waivers may be required and, if so, will require their own Public Hearings. A waiver from Section 2.2.K.1.a of the Subdivision Regulations that requires curbs, gutters and sidewalks in residential conventional subdivisions where net residential density is greater than three dwelling units per acre of land and/or when lot frontages are 80' or less was granted in 2018.

#### 3. Staff Determination of Application Sufficiency and Concept Plan Completeness Review:

In accordance with the amended Subdivision Regulations, the Concept Plan process incorporates a sufficiency and completeness review. Staff found the submitted plan "complete" (i.e. meeting all requirements of Section 24.110 of the Jefferson County Subdivision and Land Use Regulations) with minor revisions and the requested waivers. These requirements, as well as the current review status for each requirement for the US 340 Mixed Use Development application, are provided below:

	Description	Status
1. General Location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
3. Zoning Information	a) Zoning District in which the proposed subdivision is situated. b) Density calculations. c) Site resource map	Provided
4. Proposal Description	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided on Concept Plan

**Staff Report**

Jefferson County Planning Commission Meeting

June 10, 2025

**Route 340 Mixed Use Development Subdivision Concept Plan Public Workshop (25-18-SD)**

<p><b>5. Traffic Impact Data</b></p>	<p>a) Average Daily Trip (ADT) figures for the adjoining or accessible State road.  b) Trip generation figures  c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan.  d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.</p>	<p><u>WV DOT ADT Counts</u>  Flowing Springs Rd:  24,911;  <u>Nearest Key Intersection:</u> US RT 340 and Patrick Henry Highway;  <u>Problem Area within 1 mile:</u>  #6 WV RT 9</p>
<p><b>Traffic Study</b></p>	<p>A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.</p>	<p>The applicant has indicated that a Traffic Impact Study(TIS) will be provided if required following the direction of the West Virginia Division of Highways.</p>
<p><b>6. Agency Reviews</b></p>	<p>The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.</p>	<p>Letters to required agencies provided. Historic Landmarks Commission has responded. No other responses have been received.</p>
<p><b>D. Department</b></p>	<p>The Department review shall include the following:  1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal.  2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan.</p>	<p>Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Major Subdivision.</p>
<p><b>E. /F. WVDOH</b></p>	<p>The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval. The WVDOH shall determine whether a traffic impact study will be required during the preliminary plat stage.</p>	<p>WV DOH Highway Entrance Permit will be required for the entrance. Staff defers to WV DOH regarding the TIS.</p>
<p><b>G. Public Service</b></p>	<p>The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County’s needs in that area of the County.</p>	<p>The subdivision will be served with public water and sewer.</p>
<p><b>H. Recommended Conditions</b></p>	<p>All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.</p>	<p>See below</p>

**Staff Report**

Jefferson County Planning Commission Meeting

June 10, 2025

**Route 340 Mixed Use Development Subdivision Concept Plan Public Workshop (25-18-SD)**

<b>I. Approval</b>	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 shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete, with no outstanding comments.
<b>J. Effect</b>	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop in a local newspaper and the applicant shall post notice on the property in accordance with the Subdivision Regulations.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

**Concept Plan Review**

**3. External Agency Reviews (attached):**

The Historic Landmarks Commission (HLC) has identified two historical resources on the subject property, which are to be removed. The HLC has requested access to the site to photograph the ruins prior to disturbance and for an archeological survey to be conducted following West Virginia State Historical Preservation Office Guidelines. The full report is attached.

As of this date, no other agency review comments have been received. If additional comments are received, they will be provided to the Planning Commission for their consideration.

**4. Staff Recommendation related to the Concept Plan :**

The Planning and Zoning Department staff recommends that the direction given by Planning Commission to the applicant in the preparation of a preliminary plat should include connecting sidewalks, trails, or other pedestrian walkways to adjacent subdivisions. If the Planning Commission is inclined to provide direction to the applicant regarding the requests made by the HLC, staff advises setting a deadline for photos such as three months and prior to disturbance and consider directing specific additions to follow regarding Sec. 24.113.B.10. Planning Commission should also consider direction to the applicant to provide a name for the project that speaks to the history of the site, such as Bon-Aire Fields.

Staff has recommended approval for the requested waivers.

The Planning and Zoning Department Staff finds the US 340 Mixed Use Development Concept Plan to be “complete” based on the information provided related to the criteria above; however, the following standards, which were not noted during the initial review, will need to be addressed prior to approval of the Preliminary Plat:

- a. Block Length: Section 21.101A of the Jefferson County Subdivision and Land Development Regulations states that blocks “shall not, in most instances, exceed six lots in length on one side of the street”. It further states that the length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. There is a provision and criteria for requesting a waiver of block length in Section 21.305 which this project does not appear to meet. Therefore, the project shall either be broken into blocks that meet this requirement or the applicant shall request a waiver from Section 21.101A for the Planning Commission’s consideration.

## Staff Report

Jefferson County Planning Commission Meeting

June 10, 2025

### Route 340 Mixed Use Development Subdivision Concept Plan Public Workshop (25-18-SD)

- b. Lot Width: Section 21.104A of the Jefferson County Subdivision and Land Development Regulations, “Lot Width and Frontage”, states that “the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less.” As the Residential-Light Industrial-Commercial Zoning District does not generally have a minimum lot width, the 80’ width would be required for the 110 “large lot” single family dwellings shown in this development. The 99 lots identified under the “Small Lot Single-Family Detached Dwelling” provisions are permitted to have 35 foot lot widths and do not require a waiver. Lot widths are measured at the setback lines and lot frontage is measured along the street property line. (Note there are also reduced setbacks permitted for the “small lots”.)

Based on the Subdivision Regulations, noted above, this project will process as a Major Subdivision and the next step is to process a Preliminary Plat that meets all of the requirements and standards of the Subdivision Regulations, other than those for which a waiver is approved.

#### 5. 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 hearing takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public hearing is closed.

The Subdivision and Land Development Regulations outline the direction to be provided to the applicant:

“The Planning Commission shall direct the preparation of a Preliminary Plat subject to conditions to be addressed in the application. The purpose of this review is to guide the developer so that when the Preliminary Plat 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 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.



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

File #: 25-18-SD  
 Fees Paid: \$500  
 Staff Int.: CAU  
 Date Received: 4-25-25

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

Phone: (304) 728-3228

**Subdivision or Site Development Application**

**Application Type**       Concept Plan       Final Plat (major/minor)       Redline Revision  
 Preliminary Plat       Site Plan

Project Name: \_\_\_\_\_  
 Description: \_\_\_\_\_

Primary Contact Phone Number (must be a direct line number) \_\_\_\_\_

**Property Owner Information**

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

**Applicant Information**

Same as Owner:

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

**Registered WV Engineer or Surveyor or Consultant Information**

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

**Physical Property Details**

Vacant Lot:

Physical Address: \_\_\_\_\_  
 Tax District: \_\_\_\_\_ Map No: \_\_\_\_\_ Parcel No: \_\_\_\_\_  
 Parcel Size: \_\_\_\_\_ Deed Book: ----- 1341 (jth) Page No: ----- 347 (jth)  
 Zoning District: \_\_\_\_\_

**Additional Parcels (if any)**

**Physical Property Details**

Vacant Lot:

Physical Address: \_\_\_\_\_  
 Tax District: \_\_\_\_\_ Map No: \_\_\_\_\_ Parcel No: \_\_\_\_\_  
 Parcel Size: \_\_\_\_\_ Deed Book: ----- 1341 (jth) Page No: --- 347 (jth)  
 Zoning District: \_\_\_\_\_

**Physical Property Details**

Vacant Lot:

Physical Address: \_\_\_\_\_  
 Tax District: \_\_\_\_\_ Map No: \_\_\_\_\_ Parcel No: \_\_\_\_\_  
 Parcel Size: \_\_\_\_\_ Deed Book: \_\_\_\_\_ Page No: \_\_\_\_\_  
 Zoning District: \_\_\_\_\_











## Planning Department

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**From:** Planning Department  
**Sent:** Tuesday, June 3, 2025 3:07 PM  
**To:** 'Lyn Widmyer'  
**Subject:** RE: Testimony on Route 340 Mixed Use Concept Plan

Good afternoon,

This email is to confirm receipt of your submission. We will include your comments in the packet to the Planning Commission for the June 10, 2025 meeting. This packet will be made available on the County's webpage by close of business on Friday, June 6, 2025.

Thank you and have a nice day.

Colin Uhry, Planning & Zoning Clerk  
Office of Planning and Zoning  
304-728-3228

**From:** Lyn Widmyer <lynwidmyer@gmail.com>  
**Sent:** Tuesday, June 3, 2025 3:05 PM  
**To:** Planning Department <PlanningDepartment@jeffersoncountywv.org>  
**Subject:** Testimony on Route 340 Mixed Use Concept Plan

Please see attached.

--

Lyn Widmyer  
1434 Cattail Run Road  
Charles Town, WV 25414  
304 279 3201  
web page: [lynwidmyer.net](http://lynwidmyer.net)

## Testimony of Lyn Widmyer on Route 340 Mixed Use Concept Plan

June 3, 2025

This concept plan should not be approved until Comprehensive Plan goals relating to traffic, pedestrian connections and parks are addressed.

**The Comprehensive Plan** advocates “new development utilize traffic calming measures and build safe roads for pedestrian, cyclist and motorists.” This concept plan proposes 260 townhomes, 235 detached homes and 8 lots for significant unspecified commercial development. Just up Keys Ferry Road, Stone Spring is under development with 77 townhouses, 248 detached houses and 3 commercial sites. Keys Ferry Road is a two lane rural road with no shoulders How is it possible to find a concept plan meets the goal of building safe roads for pedestrians, cyclists and motorists without a detailed traffic study? . How can a concept plan be approved without any understanding of traffic implications and needed road improvements? Keys Ferry Road will require widening yet the plan does not include any improvements to Keys Ferry Road and in fact shows the frontage as “recreation.”

**Comprehensive Plan Goal 16** supports improved connectivity by enhancing and expanding pedestrian and bike paths. It further states “This plan supports including sidewalks and trails in major new subdivisions and along state roadways even if surrounding connections do not yet exist.” Pedestrian and trail connectivity should be a major feature of the concept plan and shown on a separate map.

**Comprehensive Plan Goal 11** states to “ensure that a wide variety of park and recreational opportunities are available throughout Jefferson County.” I assume this goal applies to large-scale developments like Route 340 Mixed Use Concept Plan. The concept plan shows parks that are in the backyards of homes rather than as a community focus. The largest area of open space is the storm water management pond (12 acres) compared to a total acreage of 8 acres for active recreation. No explanation is given as to the character or uses proposed for the active recreation area. The “passive recreation areas” are left over parcels that form no meaningful patterns.

Finally, this is NOT a mixed use plan. A mixed use plan integrates different uses and connects them by trails, sidewalks and bikeways. Parks and open space are focal points. This plan does not promote interconnectivity but just separates uses into three different land areas: single family detached, townhouses and commercial.

The applicant and planning commission should address these issues in detail at this stage of approval and not defer discussion until a preliminary plan of subdivision is submitted. .

Lyn Widmyer  
1434 Cattail Run Road  
Charles Town, WV 25414  
304 279 3201



Dear Members of the Planning Commission,

The Jefferson County Historic Landmarks Commission respectfully submits this letter regarding the proposed US Route 340 Mixed Use Concept Plan (25-18-SD), a development project located at 240 Stephanie Way in Charles Town, comprised of parcels #02 900080000 and #02 900080011.

The Historic Landmarks Commission has reviewed the concept plan and has identified historic resources located on the project site. According to the Jefferson County Historic Property Index, two historic resources are situated within the planned development footprint:

- Bon-Aire Granary (c. 1920), classified as a Category III historic resource
- Bon-Aire Barn Foundation (c. 1900), classified as a Category IV historic resource and listed as a ruin on the submitted plan

These resources are located within an area designated for detached residential units of the project. As currently proposed, the plan ensures the complete destruction of the remaining historic resources.

From an archaeological standpoint, barns and granaries are rarely isolated features. The presence of these structures strongly suggests that a larger historic farm complex once existed on this site. Although largely gone, archaeological evidence likely remains below the surface and could yield important information about the region's agricultural and social history.

To ensure that this information is not permanently lost, the Jefferson County Historic Landmarks Commission formally requests the following:

1. That a representative of the Historic Landmarks Commission be permitted access to the site in order to complete thorough photographic documentation of the existing ruins prior to any ground disturbance or demolition.
2. An archeological survey be conducted, as required by the Jefferson County Subdivision and Land Development Regulations, in accordance with the West Virginia State Historic Preservation Office's "Guidelines for Phase I, II, and III Archaeological Investigation" (attached).

These steps are consistent with best practices in historic preservation and archaeology and will ensure that any historically significant data is recorded before development begins.

Please do not hesitate to contact us should you need further information or wish to discuss these requests in more detail.

Thank you,

Addison Reese  
Chair, Jefferson County Historic Landmarks Commission

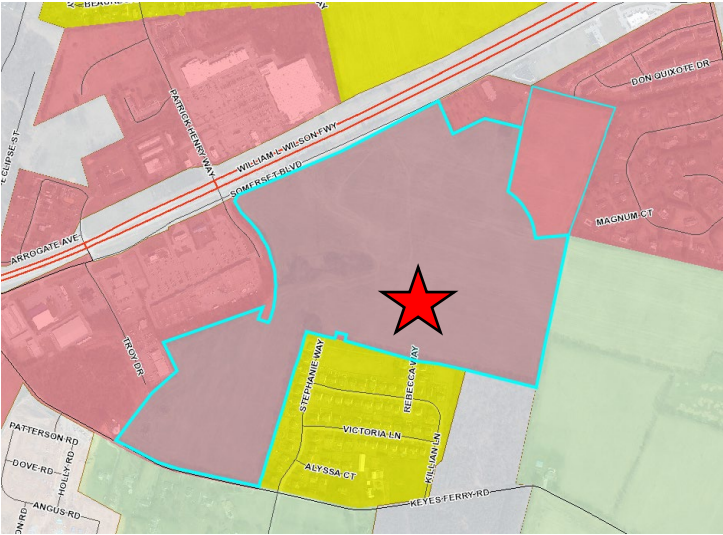
Staff Report  
 Jefferson County Planning Commission Meeting  
 June 10, 2025

**Route 340 Waiver Requests (File: 25-18-PCW and File: 25-19-PCW)**

**Items #8 and #9:**

**Request # 1:** Request for a Waiver from Article 21, Section 21.101A, which requires that blocks shall not, in most instances, exceed six lots in length on one side of the street.  
 (File: 25-18-PCW).

**Request # 2:** Request for a Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. (File: 25-19-PCW).

Owner/Applicant	DR Acquisitions, LLC / Attn: Matt Powell
Consultant	Integrity Federal Services, Inc. / Attn: Brooke Perry
Property Location & Information	<p style="text-align: center;">Vacant Lots located on Somerset Blvd, Charles Town, WV; Size: ~136.08 acres;          Parcel IDs: 02000900080000 &amp; 02000900080011;          Zoning District: Residential-Light Industrial-Commercial</p> 
Adjacent Zoning	<p style="text-align: center;"><i>North: Residential-Light Industrial-Commercial/Residential Growth</i>  <i>South: Residential-Light Industrial-Commercial/Residential Growth/Incorporated Town</i>  <i>East: Rural/Residential-Light Industrial Commercial</i>  <i>West: Incorporated Town/Residential-Light Industrial Commercial</i></p>
Proposed Activity	The US Route 340 Mixed-Use Concept Plan is proposed to consist of 495 dwelling units & 8 commercial lots. Dwelling Unit Breakdown: Single-Family: 235 lots; Townhouse Units: 260 lots
History	<p>10/09/18: Original Concept Plan provided to PC, Approved (18-11).          10/09/18: Original Road Frontage Waiver provided to PC, Approved (PCW18-12).          10/09/18: Original Road Access Waiver provided to PC, Denied (PCW18-13).          10/09/20: Concept Plan expires, voids previously approved PC Waiver.          03/18/25: Submittal of 25-12-PCW &amp; 25-13-PCW, tabled on 04/08/25 PC Meeting.          05/20/25: Submittal of 25-18-PCW &amp; 25-19-PCW</p>

Staff Report  
Jefferson County Planning Commission Meeting  
June 10, 2025

**Route 340 Waiver Requests (File: 25-18-PCW and File: 25-19-PCW)**

	05/27/25: Planning Commission moves to table waivers to Concept Plan workshop scheduled for 06/10/25
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**Summary of the Request:**

Applicant is pursuing two waivers that will impact the design of a future Concept Plan submission for a Mixed Use Subdivision. The property is located east of Charles Town and Ranson along Route 340. A Concept Plan was originally approved in 2018 but the approval has since expired.

**Request # 1:** (File: 25-18-PCW) Request for a Waiver from Article 21, Section 21.101A, which requires that blocks shall not, in most instances, exceed six lots in length on one side of the street.

**Request # 2:** (File: 25-19-PCW) Request for a Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less.

**NOTE:** *These are two separate waivers that will require separate action by the Planning Commission but are included in the same staff report. Both of these waivers are identical to 25-12-PCW & 25-13-PCW, respectively. Should Planning Commission grant either waiver the counterpart should also stand as approved.*

**24-14-PCW Waiver Request #1 for Section 21.101A (Block Length)**

**Summary of the Request:**

The applicant is requesting a waiver of this section to allow block lengths of greater than 6 lots on one side of the street. Section 21.101A of the Jefferson County Subdivision and Land Development Regulations states that blocks “shall not, in most instances, exceed six lots in length on one side of the street” (emphasis added). It further states that the length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. There is some provision for longer blocks in rural subdivisions if there are topographic constraints, but only if there are no more than nine total lots in the subdivision and the lots are over ¾ acre in land area each. This proposed development is zoned Residential-Light Industrial-Commercial and these criteria do not apply.

**Waiver Requirements:**

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

- (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;

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June 10, 2025

**Route 340 Waiver Requests (File: 25-18-PCW and File: 25-19-PCW)**

- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- (4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

**Staff Comments:**

Generally blocks are defined as areas of land bounded by streets, other transportation features and/or public open spaces. The length of blocks influence the interconnectivity of neighborhoods and the walkability of communities. The standard width of the lots found within the blocks can also impact the length of the blocks. Waiver #2 (25-19-PCW) below also requests narrower lot widths than required by the ordinance, which would result in a greater number of lots within a standard block. Blocks found in more urban environments with a rectilinear grid street pattern lend themselves to a smaller number of lots in a given block to allow for greater interconnectivity. In areas where the blocks contain more numerous lots along the open space area, it is recommended that additional pedestrian connectivity be utilized to break up the length of the blocks and allow access to open space and common areas.

**Staff Recommendation:**

Planning and Zoning staff recommends that the waiver be granted to allow block lengths up of more than six (6) lots on one side of the street, with the condition that pedestrian connectivity be provided to common open space areas as much as possible. The request could result in a more flexible subdivision design that integrates open space and parkland into the development while providing adequate interconnectivity to adjoining lots.

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**24-13-PCW Waiver Request #2 for Section 21.104A (Lot Frontage)**

**Summary of the Request:**

The applicant is requesting a waiver of this Section to allow the detached single family lots to have a minimum lot frontage of 65'. Section 21.104A of the Jefferson County Subdivision and Land Development Regulations, "Lot Width and Frontage", states that "the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less." As the subject parcel is zoned Residential-Light Industrial-Commercial, the 80' would apply for this development. Lot widths are measured at the setback lines and lot frontage is measured along the street property line. The application states that the proposed layout is not to reduce lot size but change the dimensions for deeper lots.

**Waiver Requirements:**

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

- (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;

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**Route 340 Waiver Requests (File: 25-18-PCW and File: 25-19-PCW)**

- (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations;  
and
- (4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

**Staff Comments:**

The intent of the lot frontage guidelines is to establish uniform land subdivisions in Jefferson County. The 80' lot frontage requirement is intended to provide for a suburban or relatively large lot development. The smaller lot widths are not proposed to result in smaller lot sizes, but are proposed to have narrower deeper lots and is anticipated to allow for the creation of additional open space/parkland for the subdivision.

**Staff Recommendation:**

Planning and Zoning staff recommends that both waivers be granted in the lot frontage requirements and block length for this subdivision. The overall plan will be required to meet the open space requirements of the Subdivision Regulations. Both of these waivers are identical to 25-12-PCW & 25-13-PCW, respectively. Should Planning Commission grant either waiver the counterpart should also stand as approved.

If Planning Commission is inclined to grant the waivers with conditions, staff would recommend that the greater open space and additional internal connectivity be provided by the applicant.



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

25-18-PCW  
 25-19-PCW  
 File #: \_\_\_\_\_  
 Mtg Date: 6-10-25  
 Date Rec'd: 5-20-25  
 Fees Paid: \$300  
 Staff Int: CAU  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: DR Acquisitions, LLC  
 Business Name: \_\_\_\_\_  
 Mailing Address: 7945 Wormans Mill Road, Frederick, MD 21701  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Applicant Name: Attn: Matt Powell Same as owner:   
 Business Name: DR Acquisitions, LLC  
 Mailing Address: 10212 Governor Lane Boulevard, Suite 1006, Williamsport, MD 21795  
 Phone Number: 301-302-6231 Email: mpowell@danryanbuilders.com

**Consultant Information**

Name: Brooke Perry  
 Business Name: Integrity Federal Services, Inc  
 Mailing Address: 148 S. Queen Street, Suite 201, Martinsburg, WV 25401  
 Phone Number: 304-725-8456 Email: bperry@ifs-ae.com

**Physical Property Details**

Physical Address: Located on Somerset Blvd Vacant Lot:   
 Tax District: Charles Town District 2 Map No: 9 Parcel No: 8 & 8.11  
 Parcel Size: 121.07 & 15.01 Acres Deed Book: 1085 & 1297 Page No: 409 & 9  
 Zoning District: Residential/Light Industrial/Commercial (R-LI-C)

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

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

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

Section 21.101.A. (Block Length): Allow block lengths longer than 6 lots.  
 Section 21.104.A. (Lot Frontage): Allow a 65 foot minimum lot frontage/width

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

Section 21.101.A. (Block Length): Allow block lengths longer than 6 lots.  
 Section 21.104.A. (Lot Frontage): Allow a 65 foot minimum lot frontage/width

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

See attached

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

See attached

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

See attached

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

See attached

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

 3/17/25

Property Owner Signature

Date

Property Owner Signature

Date

**Notification Requirements**

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

06/10/25

Public Hearing Date

05/27/25

Date Placard Posted

05/27/25

Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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

**Route 340 Mixed Use Subdivision**  
**Waiver Request Addendum (Lot Frontage)**  
March 17, 2025

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

**Section 21.104.A. Frontage.** The minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. Flag lots and lots on cul-de-sacs may be permitted to have a minimum frontage of 24 feet based on design and engineering approval.

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

It is requested that the 80' minimum lot frontage for single-family detached units be reduced by 15' to a 65' minimum lot frontage. We are not proposing any change to the minimum or average lot area requirements.

Appendix A of the Jefferson County Zoning and Land Development Ordinance does not have a minimum lot width for a single family detached dwelling, and there is also a provision for "small lot single-family detached dwellings" which allow a minimum lot width of 35'. The requested 65' minimum lot width is greater than both of these requirements.

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

The Subdivision will cater to the housing trend that provides narrower lots in exchange for greater backyards and open space. We are not proposing to reduce the lot size, but simply to adjust the dimensions to better fit today's housing product and consumer demands. Historically, residential developments have been proposed with 80 to 100' lot depths, but in the proposed subdivision the lots are proposed to be a minimum of 110' deep, with many lots in excess of that. This offset of increased lot depth and subsequent backyards provides a benefit by reducing overall HOA and community maintenance costs, and allows more land to be set aside for community open space and parks. The required minimum lot width of 80' could be achieved through reducing the amount of parkland / open space proposed.

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

The reduction of permitted lot width by 15' will not impact the public's health, safety or welfare nor will it impact adjacent property owners and/or residents rights.

There are provisions within the Zoning and Land Development Ordinance (referenced by the Subdivision Ordinance) which allow for a 35' detached single-family residence and townhouse lot widths of 18-20' (could be less based on minimum lot area). The Zoning and Land Development Ordinance would not

provide provisions for a lot which is 35' wide if the reduced lot frontage was a detriment to the health, safety or welfare of Jefferson County citizens. The request is in excess of this 35' minimum requirement.

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

As discussed in response to the public health & safety section of this document, the Zoning and Land Development Ordinance provides provisions for a minimum lot width of 35'. The requested waiver will provide a minimum lot width which is almost double that which the Ordinance determines acceptable.

Through its regulations, the Ordinance encourages density where public water and sanitary sewer is available. The proposed development will be served by public water/sanitary sewer and is similar in design to that of adjacent neighborhoods. Density is achieved through reduced lot widths, increased open space areas and additional housing options.

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

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

This community will provide larger community open spaces for its residents to enjoy. The proposed open space and density is in part due to the reduced lot width/area. Increased density requires a higher percentage of Open Space to be reserved, per Table 21.105 of the Subdivision Ordinance, below.

<b>Table 21.105 Parkland Requirements for R-LI-C &amp; RG Districts and Development in the Rural District with an approved CUP</b>	
<b>Density in Units per Acre of Residential Land Area</b>	<b>% of Land to be Reserved for Open Space</b>
Less than 2 units per acre	No land required
2-4	4%
4-6	7%
6 to 10	10%
10+	15%

The Route 340 Mixed Use Subdivision's vision includes narrow lots with less maintenance and more usable backyard area, within the highly amenitized mixed use neighborhood focused around central open spaces.

**Route 340 Mixed Use Subdivision**  
**Waiver Request Addendum (Block Length)**  
March 17, 2025

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

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

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

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

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

Parkland requirements are based upon the density of a proposed subdivision. A density of 4 to 6 units per acre requires that 7% of the community shall be reserved for open space. A density of 6 to 10 units per acre requires 10% open space. The proposed reduced lot width in conjunction with the increased block length, creates an increased density which increases parkland requirements and reduces imperviousness and road right-of-way that doesn't serve any additional benefit.

The increased block length allows for flexibility in the design of the proposed community. This flexibility allows the integration of parkland into the developments design and into the existing terrain. A rigid block structure based on the number of lots as opposed to actual distances can create an excessive amount of roads when lots of reduced width are utilized. This excessive street structure limits the ability to integrate contiguous parkland into the community.

<b>Table 21.105 Parkland Requirements for R-LI-C &amp; RG Districts and Development in the Rural District with an approved CUP</b>	
<b>Density in Units per Acre of Residential Land Area</b>	<b>% of Land to be Reserved for Open Space</b>
Less than 2 units per acre	No land required
2-4	4%
4-6	7%
6 to 10	10%
10+	15%

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

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

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

Adjacent uses to the Route 340 Mixed Use Subdivision include single-family residential, US Route 340, Keyes Ferry Road, Sommerset Village commercial, and vacant land. The proposed mixed use subdivision is compatible with the adjacent residential properties and provides a block structure similar to that of other recent subdivisions such as Stonecrest, Magnolia Springs, Kings Crossing and Crosswinds. Commercial areas are provided near similar uses, and aid in buffering residential areas from Route 340.

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

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

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

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

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

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

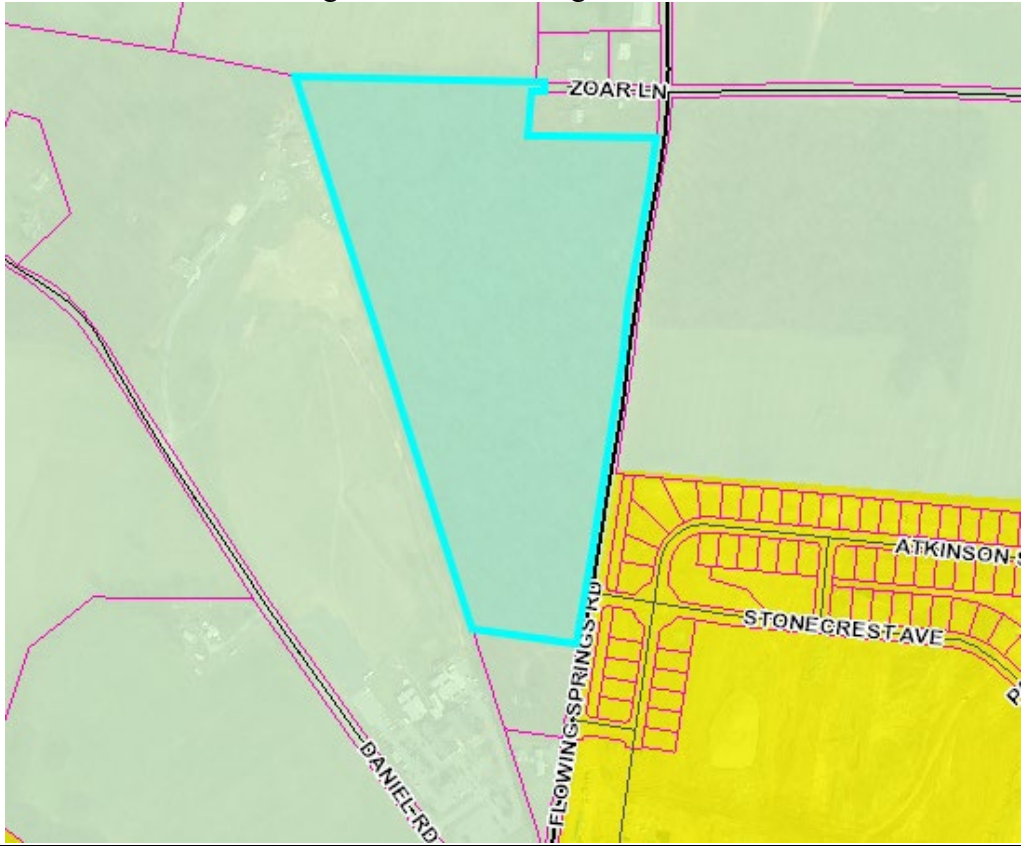




**Staff Report**  
 Jefferson County Planning Commission Meeting  
 June 10, 2025

**Ghazwa’s Forest (Residential Growth) Rezoning Request (25-1-Z)**

**Item # 10: Discussion and Action on the Ghazwa’s Forest (Residential Growth) Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the 31.48 acre IG Totonji Holding, LLC Property from Rural(R) to Residential Growth (RG) is consistent with the *2045 Comprehensive Plan*.

Property Owner:	IG Totonji Holding, LLC
Applicant:	Golden Eagle Group, Inc.
Consultant:	Integrity Federal Services, Inc. / Attn: Brooke Perry
Parcel Information:	<p>Vacant 31.48 acre lot located on the Southwest corner of Flowing Springs Road and Zoar Lane.                  Parcel ID: 02000300090004                  Acreage: 31.48 ac. Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;"><i>North, West, South: Rural</i>  <i>East: Rural / Residential Growth</i></p>
Current Use:	Vacant
Proposed Request	To rezone the total 31.48 acres from Rural to Residential Growth (RG)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>2045 Comprehensive Plan</i>
Staff Finding:	Staff finds that request is consistent with the <i>2045 Comprehensive Plan</i> Future Land Use Guide

**Staff Report**  
Jefferson County Planning Commission Meeting  
June 10, 2025

**Ghazwa’s Forest (Residential Growth) Rezoning Request (25-1-Z)**

**Applicant’s Request**

The applicant is requesting to rezone approximately 31 acres from Rural (R) to Residential Growth (RG).

**Neighboring Uses**

The properties under consideration for this Zoning Map Amendment are adjacent to institutional, agricultural, and residential uses.

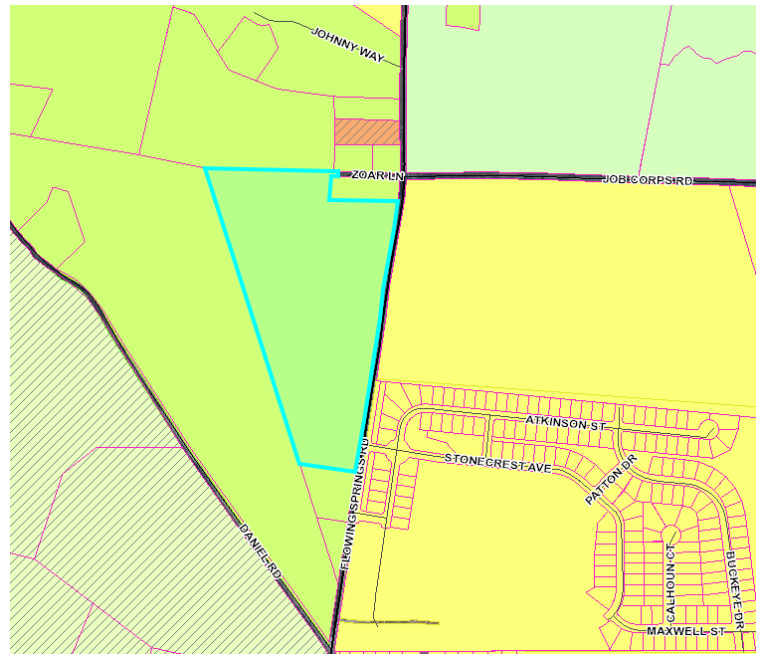
- Fellowship Baptist Church is located to the west.
- The Stonecrest Major Subdivision is located to the southeast.

**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *2045 Comprehensive Plan* and provides a staff recommendation for the Planning Commission’s consideration based on relevant sections and elements of the *Plan*.

Staff’s professional recommendation is that the request is **consistent** with the *2045 Plan* because it is designated “Rural Residential” on the Future Land Use Guide. The subject property is located in the Shenandoah Junction Preferred Growth Area (PGA). The owner-initiated rezoning to Residential Growth (RG) would allow for a variety of residential land uses such as single-family dwellings, two family dwellings, townhome units, and/or multi-family dwellings.

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



**Zoning Map Amendment Public Hearing Process**

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

**Relevant 2045 Comprehensive Plan Elements and Commentary**

The *2045 Comprehensive Plan* consists of both goals and recommendations in text format, as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *2045 Comprehensive Plan*.

**Ghazwa’s Forest (Residential Growth) Rezoning Request (25-1-Z)**

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

One of the themes of the *2045 Comprehensive Plan* is Quality Land Use and Growth Management for Jefferson County. This theme identifies seven Preferred Growth Areas (PGA) and two Urban Growth Boundaries (UGB) in text and on the *Future Land Use Guide*. Both PGAs and UGBs are areas considered viable for higher intensity development. Preferred Growth Areas were identified based on access to infrastructure including water, sewer, and transportation. Urban Growth Boundaries are areas that are expected to be annexed into a municipality and are considered viable for urban level development intensity.

**Rural Residential**

**Primary Uses:** The Rural Residential classification is for larger lot residential developments and can include single family residences, duplexes, accessory dwelling units, and residences east of the Shenandoah River.

**Intensity:** Residences may be served by on-site well and septic systems or public water and/or sewer system.

**Mobility:** Agricultural equipment and auto orientated access are prioritized with pedestrian mobility provided within residential subdivisions.



Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification...” (pp. 16).

**3. Proposed Zoning District – Residential Growth (RG)**

The purpose of the Residential Growth (RG) District (Section 5.4 of the Zoning Ordinance) is “to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services” (complete description attached). The *Water & Sewer Service Areas* map found in the *2045 Comprehensive Plan* identifies access to water but not sewer to the subject parcel. As noted previously, the subject parcel is designated as Rural Residential on the Future Land Use Guide of the *2045 Comprehensive Plan* and is within the Shenandoah Junction Preferred Growth Area (PGA).

Preferred Growth Areas are different from an Urban Growth Boundary (UGB) as a PGA is generally intended to develop using the County’s development standards. Preferred Growth Areas and Urban Growth Boundaries were first identified in the *Envision Jefferson 2035 Plan* and are now part of the current *2045 Comprehensive Plan*.

The subject parcel is located within the Shenandoah Junction PGA and is expected to develop.

**2. Land Use Map Classifications**

The “Rural Residential” classification is for residential developments on large lots, residences on smaller lots, and allows some alternatives to single-family detached dwellings such as accessory dwelling units and duplexes. (pp. 111). Water and sewer may or may not be available at the location as urban level residential density is not expected.

The *2045 Comprehensive Plan* supports the adoption of a Rural Residential Zoning district, which does not currently exist. (pp 21). The *2045 Comprehensive Plan* recognizes this and notes, “The land use classifications on the

**Staff Discussion and Recommendation**

**Staff Report**  
Jefferson County Planning Commission Meeting  
June 10, 2025

**Ghazwa’s Forest (Residential Growth) Rezoning Request (25-1-Z)**

This property has been zoned Rural since zoning went into to effect in 1988. The subject parcel was subdivided off in 2016 part of the Daniel’s Forest Minor Subdivision. The parcel is currently vacant. There are no historical sites, floodplains, or conservation easements located on the site.

The *2045 Comprehensive Plan* includes a Future Land Use Guide, which is intended to be a tool to provide a visual definition of future growth and areas where potential owner initiated zoning map amendments (rezoning requests) might occur within the timeframe of the *Plan*. The *2045 Comprehensive Plan* states that “land use classifications, utilized on the Existing Land Use Map and Future Land Use Guide, are intended to provide guidance to the Planning and County Commission when considering owner-initiated zoning map amendments (rezoning requests).” (pp. 111). The *Plan* further states, “Use of the Future Land Use Guide is to be in combination with the recommendations of this Plan when considering owner initiated zoning map amendments.” (pp. 10). The *Plan* does not initiate any zoning map amendments and only provides recommendations to guide development including identifying Preferred Growth Areas.

Based on these recommendations of the *2045 Comprehensive Plan* related to the Future Land Use Guide and text, staff finds that the proposed Residential Growth (RG) zoning category for the 31.48+/- acres included in this application is **consistent** with the *2045 Comprehensive Plan*.

**Planning Commission Action Required**

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

The petition was presented to the County Commission on May 15, 2025 and the required Public Hearing has been scheduled for July 3, 2025 at a time to be determined. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this Hearing.

**Attachments:**

- Section 5.4 of the Zoning Ordinance - Residential Growth (RG)
- Appendix C of the Zoning Ordinance
- 2045 Comprehensive Plan FLU Guide Shenandoah Junction PGA



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

File #: 25-1-2  
 Fees Paid: \$ 3,900

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

Phone: (304) 728-3228

**Zoning Map Amendment (Rezoning)**

A Zoning Map Amendment shall process in accordance with Article 12 of the Zoning Ordinance.\*

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

**Property Owner Information**

Owner Name: IG TONJI HOLDING, LLC  
 Business Name: \_\_\_\_\_  
 Mailing Address: 505 HUNTMAR PARK DR STE 245, HERNDON, VA 20170  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Applicant Name: GOLDEN EAGLE GROUP, INC. Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: 505 HUNTMAR PARK DR STE 245, HERNDON, VA 20170  
 Phone Number: (703) 787-0426 Email: iktotonji@goldeneaglegroup.net

**Consultant Information**

Consultant Name: BROOKE PERRY  
 Business Name: INTEGRITY FEDERAL SERVICES, INC.  
 Mailing Address: 148 S. QUEEN STREET, SUITE 201, MARTINSBURG, WV 25401  
 Phone Number: (304) 725-8456 Email: bperry@ifs-ae.com

**Physical Property Details**

Physical Address: FLOWING SPRINGS RD (Rt. 17) Vacant Lot:   
 Parcel ID: (Tax District / Map No. / Parcel No.) Charles Town District 2, Map 3, Parcel 9.4  
 Parcel Size: 31.48 acres Deed Book: 1192 Page No: 436

**Current Zoning District (please check one)**

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

**Proposed Zoning District:** Residential Growth (RG)

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

**Substantiation for the Request**

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

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

The information given is correct to the best of my knowledge. **Property Owner Signature Required.**

IG Totonji, LLC  
  
Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_  
Irjan K Totonji  
Member

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

# REQUEST FOR ZONING MAP AMMENDMENT

## GHAZWA'S FOREST

### RURAL DISTRICT (R) TO RESIDENTIAL GROWTH (RG) DISTRICT



Jefferson County, West Virginia  
Charles Town District (02)  
Tax Map 3, Parcel 9.4  
Deed Book 1192, Deed Page 436  
± 31.48 acres

May 6, 2025

Property Owner:	IG Totonji Holding, LLC
Developer:	Golden Eagle Group, Inc.
Consultant:	Integrity Federal Services, Inc. Brooke Perry, Planning Manager bperry@ifs-ae.com

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Exhibit 1 – 1988 vs Present Day Aerial

Exhibit 2 – Existing Conditions

Exhibit 3 – Ghazwa's Forest Concept Plan, 2025

Exhibit 4 – Daniel's Forest Preliminary Plat, 2007 (*expired*)

Exhibit 5 – Existing vs Proposed Land Use & Zoning

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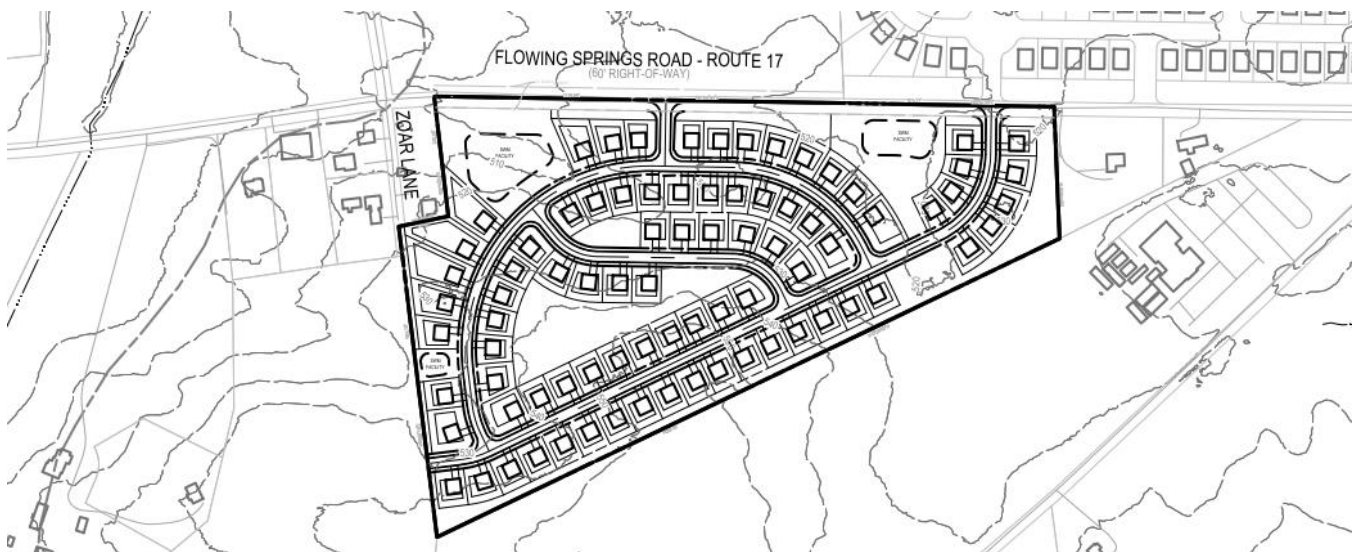
**I. INTRODUCTION**

This report has been prepared on behalf of Golden Eagle Group, Inc. for the formal request for a Zoning Map Amendment (rezoning) regarding the subject parcel owned by IG Totonji Holding, LLC and identified as District 2, Tax Map 3, Parcel 9.4. The subject parcel is located along Flowing Springs Road (Rt. 17) and contains approximately ± 31.48 acres. This property is known as Daniel's Forest Lot 1B. The future development of this parcel will here forth be referred to as Ghazwa's Forest.

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

The requested rezoning from Rural (R) to Residential Growth (RG) is based upon consistency with the newly adopted Jefferson County 2045 Comprehensive Plan (adopted February 25, 2025) and the property's location within the Shenandoah Junction Preferred Growth Area (PGA). Currently, the subject parcel is located in the Rural (R) zoning district. The Property Owner proposes to rezone the entire 31.48 ± acres to the Residential Growth (RG) zoning district to allow for the highest and best use of the parcel as transportation patterns have changed and the availability of public utilities has expanded. The applicant proposes single family residential use of the site utilizing existing public water and sewer infrastructure.

The following analysis follows the format of the Zoning Map Amendment Application, and the respective questions have been included for context. The following sections of this report are formatted as follows: (II) Executive Summary, and (III) Substantiation for the Request. Supplemental documentation, including but not limited to, an updated 2025 concept plan and the 2007 preliminary plat are also included to provide the Commission with full and complete information for their consideration.



II. EXECUTIVE SUMMARY

The parcel that is subject to this Zoning Map Amendment request is identified as District 2, Tax Map 3, Parcel 9.4. The subject parcel is located along Flowing Springs Road (Rt. 17) and contains approximately ± 31.48 acres. This property is historically known as Daniel's Forest Lot 1B. The proposed community on Daniel's Forest Lot 1B will here forth be known as Ghazwa's Forest. It is currently under the ownership of IG Totonji Holding, LLC and is proposed for a Zoning Map Amendment by Golden Eagle Group, Inc.

The property is currently zoned Rural (R), and the Applicant is seeking a map amendment to the Residential Growth (RG) District. This map change is consistent and compatible with the 2045 Comprehensive Plan due to its location within the Shenandoah Junction Preferred Growth Area (PGA), adjacency to the Residential Preferred Growth Area, and adjacency to property zoned Residential Growth. It is also positioned just outside the Ranson Urban Growth Boundary (UGB), which is designated as a Future Urban Area by the Future Land Use Map.

There have been significant changes in this area since the Jefferson County Zoning Ordinance was adopted in 1988, but this parcel has retained its original zoning designation from that date. The changes include the availability of public water and sanitary sewer service, and the development of the Route 17 (Flowing Springs Road) corridor, which includes the Shenandoah Junction Preferred Growth Area.

A previous Development Plan was approved for the development of Daniel's Forest (Lots 1B & 1A) in 2007. This plan has since expired due to unfavorable market conditions during the housing crash circ. 2008. The aforementioned Daniels Forest Preliminary Plat (Exhibit 4, attached) included the subject parcel of this rezoning (Lot 1B – 31.48 acres) as well as a larger parcel (Lot 1A – 70.47 acres) that is located on the opposing side of the Rt. 17 right of way. The community was identical in nature and density on the two separate parcels (1A & 1B). Future development plans for Ghazwa's Forest will be similar in nature to the 2007 plan and will provide single family detached lots in conformance with current Jefferson County regulations.

This application is consistent with the 2045 Comprehensive Plan given the parcel's location within a Preferred Growth Area (PGA). The parcel has been located within a PGA dating back to the initial adoption of PGAs by the County Commission in 2015.

The parcel is located in one of the nine (9) primary growth areas of Jefferson County (7 PGAs and 2 UGBs) - and is intended for Urban Scale Growth instead of Rural. The property is also located on a major collector road (Rt. 17). A Major Collector Road is one of the higher rated roads in the county, classified just under Principal and Minor Arterial Roadway classifications. The area is served by public water and wastewater treatment facilities.

i. PROPERTY INFORMATION

DISTRICT: 2  
MAP: 3  
PARCEL: 9.4  
DEED BOOK: 1192  
PAGE: 436  
SIZE: + 31.48 acres

ii. PROPOSED USE

Low-Medium intensity Residential Use  
  
Large lot residential uses including but not limited to Single Family Detached (SFD) and Duplex lots, served by existing public water and sewer infrastructure.

III. SUBSTANTIATION FOR THE REQUEST

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

The requested rezoning from Rural (R) to Residential Growth (RG) is based upon consistency with the newly adopted Jefferson County 2045 Comprehensive Plan (adopted February 25, 2025) and the property's location within the Shenandoah Junction Preferred Growth Area (PGA). Currently, the subject parcel is located in the Rural (R) zoning district. The Property Owner proposes to rezone the entire 31.48 ± acres to the Residential Growth (RG) zoning district to allow for the highest and best use of the parcel as a single family detached residential community, as intended by the Future Land Use Guide. This request is based upon changes to transportation patterns and the expanded availability of public utilities.

The subject parcel has retained its original zoning district of Rural (R) since the 1988 Jefferson County Zoning Ordinance adoption. There have been significant changes to the area since that time. The changes include the availability of Public Water and Sewer infrastructure and the development of the Route 17 Corridor (Flowing Springs Road), as well as the adoption of Preferred Growth Areas (PGA) and Urban Growth Boundaries (UGB) by the County Commission. This includes the Shenandoah Junction Preferred Growth Area/School Based Growth Area that the parcel is located in.

The preferred method of residential development in the Rural (R) district is cluster development, which supports utilities provided by private well and septic systems. *"Rural properties outside the UGB, PGA, or GMB can subdivide as a cluster development following the 1 lot per 5 acres requirement and preserving 50% or more of the land as green space."* – pg. 18, 2045 Plan

*"As part of the County's long range planning, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) were identified as sections of Jefferson County where urban scale development is appropriate."* – pg. 26, 2045 Plan

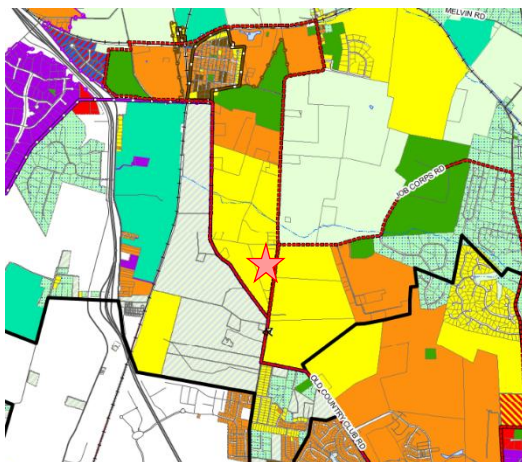
A rezoning of this property is required to achieve residential development as anticipated by the Comprehensive Plan and Future Land Use Guide, as this property is within a PGA. Rural (R) zoning and development standards are not appropriate for land within PGAs that anticipate urban scale development, as quoted above.

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

There are four broad types of land use patterns for development which are identified and discussed in the 2045 Plan (pg. 11-16):

- Municipalities
- Villages
- Urban Growth Boundaries (UGBs)
- Preferred Growth Areas (PGAs)

The subject parcel is located along Flowing Springs Road (Rt. 17), within the Shenandoah Junction PGA, adjacent to the Residential PGA, and just outside the City of Ranson UGB. See Images below and reference documents at the end of this report. The property is identified by the red "star" on the images below.



Envision Jefferson 2035 Comprehensive Plan

Generally, the 2045 Plan expects that urban level residential and non-residential development will focus in the UGBs and PGAs over the 20-year planning period. However, the 2045 Plan also clearly discusses the retention of existing zoning map classifications and clearly states that no zoning map amendments (rezoning requests) or reductions in existing zoning rights were proposed by the County during the development of the 2045 Plan and the Future Land Use Guide. *“Both the Envision Jefferson 2035 Comprehensive Plan and the 2045 Comprehensive Plan do not initiate any zoning map amendments.”* – pg. 10, 2045 Comprehensive Plan

Thus, the parcel has retained its original zoning district of Rural (R) since the 1988 zoning ordinance adoption.



2045 Comprehensive Plan

The 2035 Envision Jefferson Comprehensive Plan included a Future Land Use Guide, which designated this area as “Low Density Residential”. See top left image.

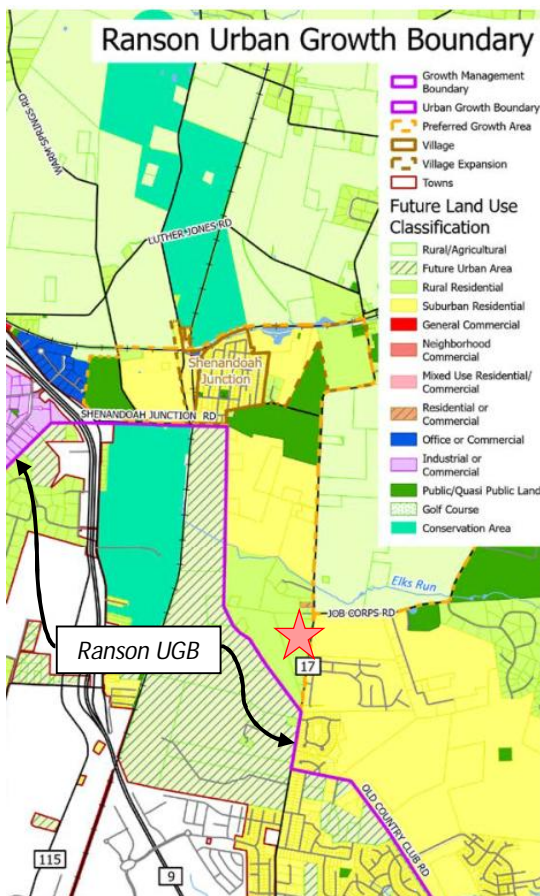
The 2045 Plan includes an updated Future Land Use Guide, which designates the parcel as “Rural Residential”. See bottom left image.

Both designations support the development of single family detached lots on the parcel, as proposed by the applicant. In both iterations of the Future land Use Guide, the subject parcel is located within the Shenandoah Junction Preferred Growth Area. Further discussion on the Future Land Use Guide and Classifications continue on pages 11 & 12 of this report.

Urban Growth Boundary - (Pages 12-13, 2045 Comprehensive Plan)

During the development of the 2008 Zoning Ordinance (which subsequently was not approved), the County and Cities worked jointly to develop a land use planning tool referred to as the County Townscape Boundaries which were reflected on the draft Zoning Map at that time. When the state law was amended in 2009 to allow the creation of Urban Growth Boundaries (UGBs), the City of Ranson formally requested that the County Commission approve this draft boundary as their Urban Growth Boundary and reflect it on the County Zoning Map.

At present, only three of the five municipalities in Jefferson County have planning boundaries that meet the UGB definition of §8-6-4a of the West Virginia Code.



According to §8-6-4a of the West Virginia Code, Urban Growth Boundaries (UGBs) are, “an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.”

The subject parcel is located immediately East of the Ranson Urban Growth Boundary, separated from the UGB by a singular parcel owned by Fellowship Bible Church located along Daniel Road (Rt. 18), at the intersection with Flowing Springs Road (Rt. 17). The Ranson UGB extends West to Wiltshire Road (Rt. 8) and South to the railroad tracks, then crosses Rt. 9 and runs along US Rt. 340 until Country Club Road (Rt. 24), where it extends North to Daniel Road (Rt. 18).

Section 1 – Quality Land Use and Growth Management of the 2045 Plan states the following regarding the Ranson UGB:

*“In 2009, Ranson formally requested that the County Commission approve a prior Townscape Boundary as their Urban Growth Boundary. This boundary was approved in 2010 and is reflected on the County Zoning Map.”*

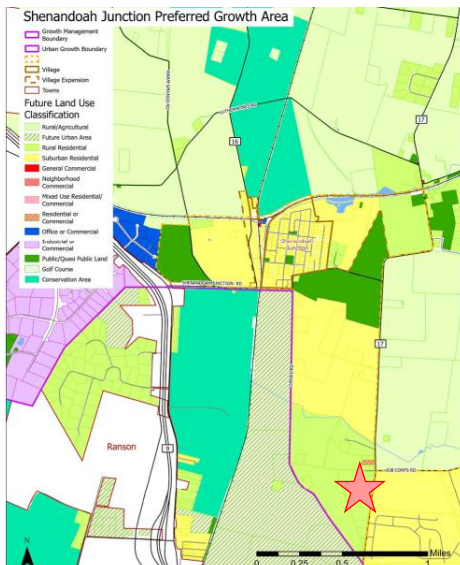
The Ranson Urban Growth Boundary Map is attached to this document for ease of reference. See image above for immediate reference of Ranson UGB in relation to the subject property.

Preferred Growth Areas - (Pages 14-16, 2045 Comprehensive Plan)

In addition to the defined UGBs, a series of additional Preferred Growth Areas (PGAs) were identified in the Envision Jefferson 2035 plan and have been incorporated into the 2045 Comprehensive Plan.

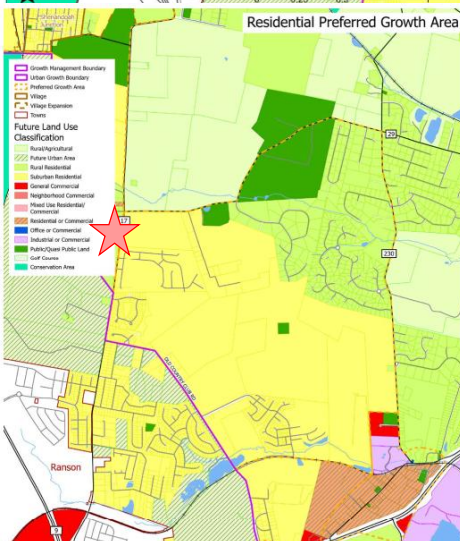
The 2045 Plan defines Preferred Growth Areas (PGAs) as, *“areas... outside the UGBs where water and sewer services are either currently available or could be made available, and are generally intended to develop using the County’s development standards. Individual PGAs may also have other community services and facilities that are currently available or could be made available in the next two decades. The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another.”*

The subject parcel lies within the Shenandoah Junction PGA/School Based Growth Area and adjoins the Residential Growth PGA along Rt. 17. This has contributed to the broad availability of public utility infrastructure.



Section 1 – Quality Land Use and Growth Management of the 2045 Plan states the following regarding the Shenandoah Junction PGA/School Based Growth Area:

*“This area abuts the Ranson UGB and includes the village of Shenandoah Junction, TA Lowery Elementary School, Wildwood Middle School, Jefferson High School, and the existing Duffields train stop. This PGA allows the development of walkable neighborhoods around these schools. Planning growth around existing schools decreases bus and vehicular traffic and allows for connectivity including walking and biking trails.”*



Section 1 – Quality Land Use and Growth Management of the 2045 Plan states the following regarding the Residential PGA:

*“The Envision Jefferson 2035 Plan determined that some areas where a concentration of existing or approved residential development exist and are outside of the Urban Growth Boundary (UGB) should be identified as a Residential PGA. This includes properties currently zoned for Residential Growth (RG) or have a vested development right to develop. This core residential area is bounded by Old Country Club Road, Flowing Springs Road, Job Corps Road, and Shepherdstown Pike to the railroad tracks.”*

The subject parcel’s location within the Shenandoah Junction PGA and adjacency to the Residential PGA directly supports and encourages the residential development of this property.

The subject parcel adjoins the Residential PGA at the Flowing Springs Road (Rt. 17) right of way. A previous Development Plan was approved for the development of Daniel's Forest (Lots 1B & 1A) in 2007. This plan has since expired due to unfavorable market conditions during the housing crash circ. 2008. The Daniels Forest Preliminary Plat included the subject parcel of this rezoning (Lot 1B – 31.48 acres) as well as a larger parcel (Lot 1A – 70.47 acres) that is located on the opposing side of the Rt. 17 right of way. The larger Lot 1A parcel is located within the Residential PGA. The proposed community was identical in nature and density on the two separate parcels (1A & 1B). Please see Exhibit 4 for the expired Preliminary Plat. Future development plans for Daniel's Forest Lot 1B (now Ghazwa's Forest) will be similar in nature to the previous plan and will provide single family detached lots. Please see Exhibit 3 for the proposed Ghazwa's Forest Concept Plan.

Future Land Use Guide - (Pages 10-16, 2045 Comprehensive Plan)

The 2035 Comprehensive Plan

The 2035 Plan was the first Jefferson County Comprehensive Plan to include a Future Land Use Guide, which is intended to be a tool to provide a visual definition of future growth and define areas where potential owner initiated zoning map amendments (rezoning requests) might occur within the timeframe of the Plan.

The 2035 Plan states that *“by creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”*

The 2045 Comprehensive Plan

The 2045 Comprehensive Plan has updated the Future Land Use Guide and included several changes to the Land Use Classifications.

The 2045 Plan states, *“The Land Use Classifications were restructured to align them with the zoning districts used in the county. The Future Land Use Guide does not contain any Land Use Classifications that align to the Residential-Light Industrial-Commercial zoning district and instead has proposed three new zoning districts to avoid using the Residential-Light Industrial-Commercial district. The preferred choices of zoning districts for Zoning Map amendments are the proposed districts in this Plan or the existing zoning districts with the exceptions of Residential-Light Industrial-Commercial, Major Industrial, and Planned Neighborhood Development.”* – Pg 10, 2045 Plan

*“The land use classifications on the Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification. These land use classifications are intended to provide guidance to the County and Planning Commissions when considering owner initiated zoning map amendments (rezoning requests). According to West Virginia State Code Chapter 8A, as amended, the County Commission can approve any zoning ordinance map or text amendment by finding that the request is consistent with the Comprehensive Plan.”* – Pg 16, 2045 Plan.

Relevant Land Use Guide Classifications from the 2045 Comprehensive Plan

The following land use classifications, utilized on the Existing Land Use Map and Future Land Use Guide of the 2045 Comprehensive Plan, are intended to provide guidance to the Planning and County Commission when considering owner-initiated zoning map amendments (rezoning requests).

***Rural Residential***

**Primary Uses:** The Rural Residential classification is for larger lot residential developments and can include single family residences, duplexes, accessory dwelling units, and residences east of the Shenandoah River.

**Intensity:** Residences may be served by on-site well and septic systems or public water and/or sewer system.

**Mobility:** Agricultural equipment and auto orientated access are prioritized with pedestrian mobility provided within residential subdivisions.

***Suburban Residential***

**Primary Uses:** The Suburban Residential classification identifies higher intensity residential developments. This can include single family residences on small lots, townhomes, apartment complexes, and assisted living communities.

**Intensity:** Residences are served by public water and sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.

The subject parcel is identified as Rural Residential on the 2045 Future Land Use Map. This supports the proposed use of low-medium intensity large lot residences including but not limited to Single Family Detached (SFD) and Duplex lots, served by existing public water and sewer infrastructure. Higher intensity residential uses such as townhomes, apartments, and small lot single family residences, as aligned with the Suburban Residential classification, are not proposed in the Ghazwa's Forest community.

The following two (2) pages describe how the requested map amendment supports the specific goals and objectives of the comprehensive plan, furthering the applications consistency with the 2045 Plan.

# Goal 1

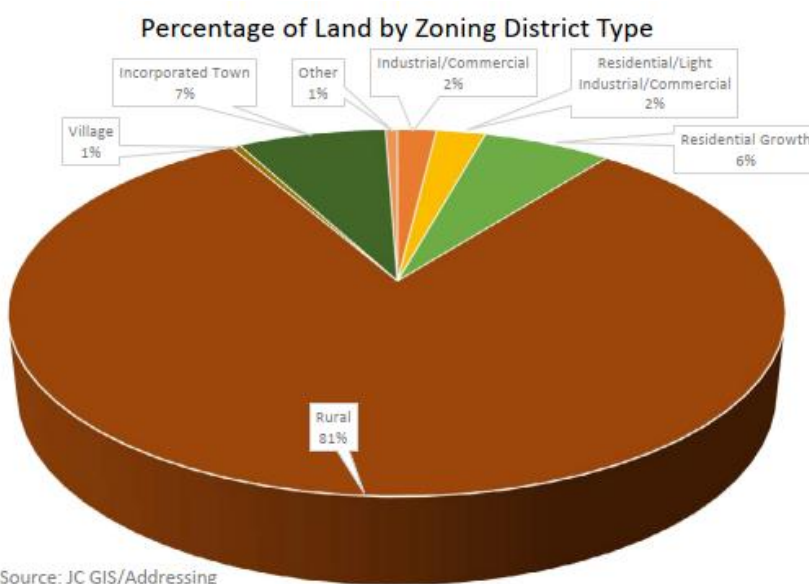
Ensure that future land use regulations and policies support and balance the land rights of all land owners of all property types.

*"To ensure that any growth that occurs in Jefferson County is positive, the County must support land use regulations and policies that manage the types and locations of that growth. However, this should not infringe on the right of property owners to use and develop their land. Jefferson County must work to find a balance between these factors that encourages quality land use where it is needed most." – Pg. 18, GOAL 1*

Development in Jefferson County must follow the existing land use regulations. These regulations explain standards for acceptable types of development for land within the County based on many factors including location, size, and available utility and transportation infrastructure. By planning and coordinating with partner agencies (Water, sewer, gas, communication providers, etc.), regarding where services are to be located, the efficiency of infrastructure systems and growth can be raised.

*"There are still gaps in the existing zoning districts, which is why this Plan recommends the adoption of additional residential zoning districts. It is important for Jefferson County to take a proactive role in defining where development will occur and what that development will look like." – pg. 19, 2045 Plan.*

Despite the growth that has taken place in recent years, 81% of the County's land is located within the rural zoning district. This disproportion can partly be attributed to a lack of residential zoning options as discussed above.



### Objective 1.1

Establish a simplified variety of commercial, residential, and mixed-use zoning categories and Land Use Classification appropriate to the County's needs.

The proposed rezoning aligns with GOAL 1 to focus residential growth within a Preferred Growth Area served by public utility infrastructure, utilizing existing preferred zoning districts discussed on pg. 11 of this report.

By focusing residential growth in the defined PGAs and UGBs a reduction in urban sprawl and increased ability to conserve farmland is achieved.

# Goal 2

Concentrate high density development in the County's Preferred Growth Areas (PGA), Villages, and municipal Growth Boundaries (UGB&GMB) where infrastructure exists or is made available.

As part of the County's long range planning, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) were identified as sections of Jefferson County where urban scale development is appropriate.

By concentrating development into these areas, a more efficient delivery of services and use of infrastructure can be provided.

Urban level development (which requires the provision of water and sewer systems), is defined by the 2045 Plan as, *"where more intense levels of residential, commercial, and industrial development activity occur."*

## Objective 2.4

Reevaluate the Preferred Growth Areas to reflect infrastructure expansions and land use changes.

1. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available. P&Z • PC | Ongoing
2. Support the annexations of parcels located in UGBs and the GMB, focusing on parcels that are primarily surrounded by parcels already incorporated into the municipality. CC | Ongoing
3. Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available. P&Z • PC | Ongoing

Coordination of future growth areas with water and sewer expansions allows local residential and business development to be located in areas where water and sewer services, as well as other infrastructure and services are readily available. Local utility and service providers will have a reasonable expectation of where growth will occur and what the potential maintenance and operating costs of expanding services would be.

In West Virginia, by law, water and sewer providers are required to provide water and/or sewer service anywhere in a community so long as a developer pays to provide the initial infrastructure that would support the service. As a result, land use planning in West Virginia has to take a pro-active role in defining where urban level amenities and development will occur.

By focusing growth in the defined PGAs and UGBs, as promoted by Goal 2 of the Comprehensive Plan, a reduction in urban sprawl is achieved. Coordinating utility expansions in these areas provides adequate and quality infrastructure in Jefferson County which is beneficial to residents, businesses, and the County's economy.

The proposed rezoning to Residential Growth (RG) aligns with GOAL 2 to concentrate growth within a Preferred Growth Area, where existing utility and transportation infrastructure exists to support the proposed development. Water will be provided by West Virginia American Water (WVAW), and sewer will be provided by Charlestown Utility Board (CTUB). Both are located along the Flowing Springs Road (Rt. 17) right of way.

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

The Original Zoning Ordinance was adopted on July 7, 1988. Changes in the immediate area of the subject properties include the following:

1. Urban Growth Boundaries were proposed for Charles Town and Ranson in 2009 and subsequently adopted by the Jefferson County Commission. As such, the Utility Providers have concentrated their expansion efforts in these areas.
2. New growth has been focused in the PGAs and UGBs due to the availability of public utilities. This has led to a considerable change of neighborhood since the adoption of the 1988 zoning ordinance. Several residential developments have been built in this area including three (3) recent subdivisions across Flowing Springs Road.
3. The entire commercial development of Potomac Town Center/ Potomac Marketplace to the southwest of this property was developed after 1988. Most of this land was annexed into the City of Ranson prior to development. This includes both the commercial and residential developments across Rt. 9, which were all annexed and developed after the adoption of the 1988 Zoning Ordinance.
4. At least three new schools have been built in the area. These include Wildwood Middle School and Driswood Elementary School, both built in the 21st century based on the growth in the area that came after the Zoning Ordinance was adopted. The new Ranson Elementary School opened for enrollment in January 2025, responding to further growth within the city limits. The Ranson Elementary School site is proposed to be expanded to a full K-12 campus.
5. The four-lane US Route 340 improvements and road widening are being completed to Virginia, which increases demand for residential development by providing an additional direct commuter link to Rt. 7 and Northern Virginia.
6. The COVID 19 Pandemic led to changes in transportation patterns in the area due to a greater ability to work from home in lieu of the commute to the DC Metro Area and its surrounding counties. This affected many of Jefferson County's commuters, which total 45% of the employed population according to 2020 census data. The data states that 36% of Jefferson County residents commute to the DC Metro Area. COVID created a never before seen opportunity for remote work in the federal and corporate sectors, that has created an increased demand for residential growth outside the metro area.
7. The Capacity of Wastewater Treatment facilities and Water Services has been greatly expanded, in anticipation of the development in the Ranson UGB, and the Shenandoah Junction and Residential PGAs based on the current and previous Comprehensive Plans.

8. Jefferson Utilities (JU) was acquired by West Virginian American Water (WVAW) in 2023 and is proactively expanding their service area in the County.
9. WVU Hospital purchased Jefferson Medical Center in Ranson and has since expanded its capabilities, as well as purchased sixty-four (64) acres along Route 340 and Route 9 for a potential expansion.
10. Valley health opened a new Urgent Care facility in Ranson at Potomac Town Center.
11. Since the Zoning Ordinance was adopted Route 9 was expanded to a 4-lane divided highway, providing a high-capacity road corridor between Jefferson County and Interstate 81. This expansion allowed easier access to Martinsburg and Hagerstown to this area. This property has exceptional access to Primary Arterial Roadways north to I-81, south to Rt. 7 and east both via Route 340 and 'New' Route 9 over the mountain. The property is supported by an excellent vehicular transportation network.
12. The new Route 9 was added to provide a new four lane access east over the Shenandoah Mountains.

These changes and improvements to the transportation system and neighborhood have taken place since 1988, when the Zoning Ordinance was adopted. Since the Comprehensive Plan was adopted in 2025, most of these road improvements have already been taken into consideration in the *2045 Comprehensive Plan*.

These changes strongly support the rezoning of the subject property.

### Conclusion

Consistency and compatibility with the 2045 Comprehensive Plan and the Future Land Use Guide are the two most important criteria to be considered for a Zoning Map Amendment. The 2045 Plan encourages growth and development in the Preferred Growth Areas (PGAs), Urban Growth Boundaries (UGBs), and areas where infrastructure and public facilities exist or is made available.

In this case, the property has access to both public water and wastewater treatment facilities that were expanded into the area of the subject parcel due in part to the Comprehensive Plan's designation for urban level development. These qualities make the property an ideal candidate for a zoning map amendment from the Rural (R) district to the Residential Growth (RG) district.

Golden Eagle Group, Inc.'s application for a zoning map amendment to the RG District meets all standards required for approval. The property is suitable for residential use, is supported by existing infrastructure, and does not negatively impact low-income communities. The proposed map amendment is overwhelmingly consistent and compatible with the *2045 Comprehensive Plan*.

Taking these factors into account, Golden Eagle Group, Inc. respectfully requests the zoning map amendment be approved by Jefferson County.

iv. The following must be attached to this application:

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

The required sketch is attached for reference: *Daniel's Forest Concept Plan, 2025*

Please see the comprehensive list of attachments below.

#### SUPPLEMENTAL INFORMATION

Exhibit 1 – 1988 vs Present Day Aerial

Exhibit 2 – Existing Conditions

Exhibit 3 – Ghazwa's Forest Concept Plan, 2025

Exhibit 4 – Daniel's Forest Preliminary Plat, 2007 (*expired*)

#### REFERENCES

- 2045 Comprehensive Plan, Appendix - 2023 Zoning Map
- 2035 Comprehensive Plan, Future Land Use Guide (Map)
- 2045 Comprehensive Plan, Appendix - Future Land Use Guide (Map)
- 2045 Comprehensive Plan, Appendix - City of Ranson UGB
- 2045 Comprehensive Plan, Appendix - Shenandoah Junction PGA
- 2045 Comprehensive Plan, Appendix - Residential PGA
- 2045 Comprehensive Plan, Appendix – Water and Sewer Service Areas



**ZONING MAP AMENDMENT**  
JEFFERSON COUNTY, WV

5-6-2025

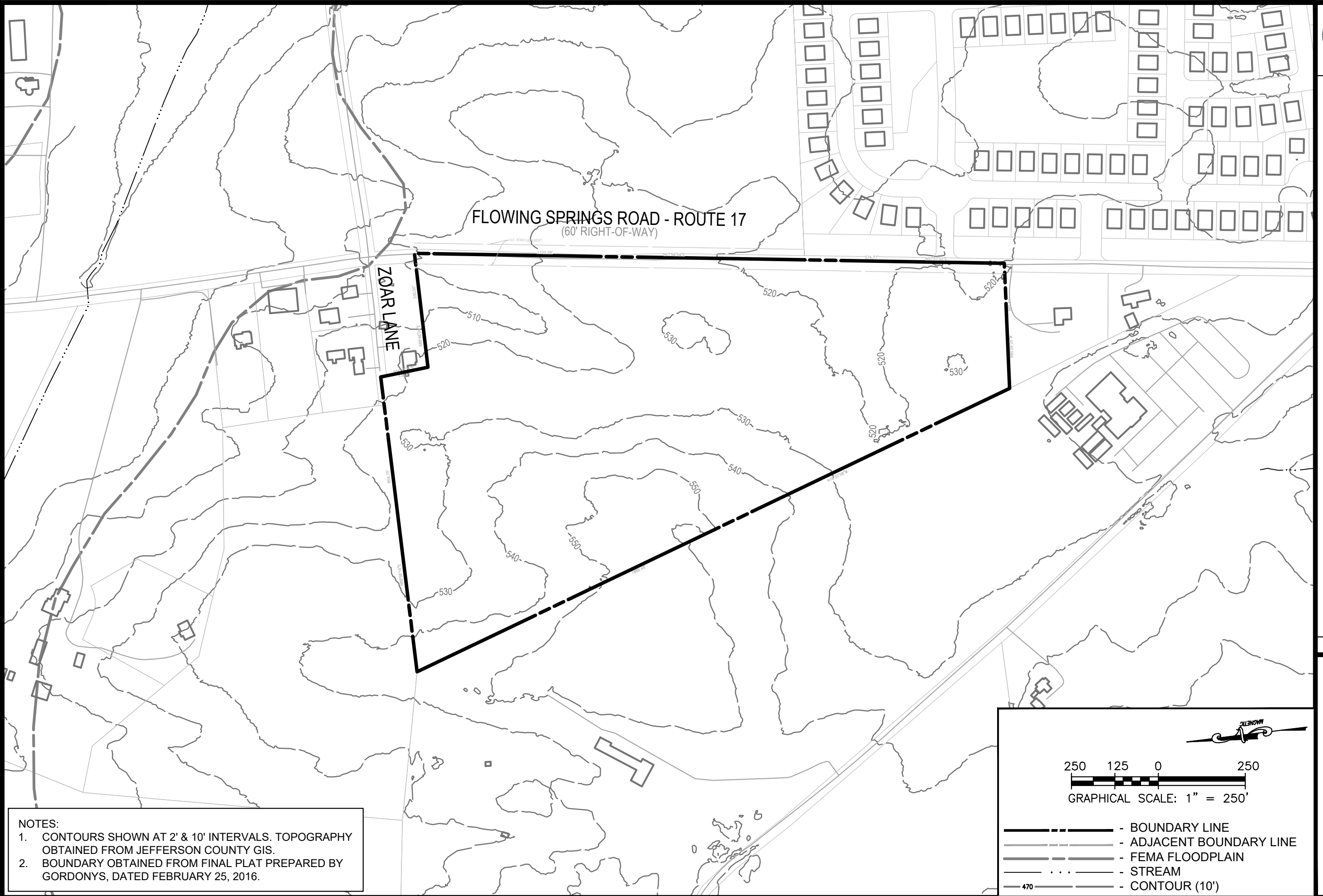
**1988 vs. PRESENT DAY AERIAL**  
**EXHIBIT 1**



# EXISTING CONDITIONS EXHIBIT 2

5-6-2025

ZONING MAP AMENDMENT  
JEFFERSON COUNTY, WV



NOTES:  
1. CONTOURS SHOWN AT 2' & 10' INTERVALS. TOPOGRAPHY OBTAINED FROM JEFFERSON COUNTY GIS.  
2. BOUNDARY OBTAINED FROM FINAL PLAT PREPARED BY GORDONYS, DATED FEBRUARY 25, 2016.

250 125 0 250  
GRAPHICAL SCALE: 1" = 250'

— — — — — - BOUNDARY LINE  
- - - - - - ADJACENT BOUNDARY LINE  
- - - - - - FEMA FLOODPLAIN  
- . . . - STREAM  
- 470 - - - - - CONTOUR (10')

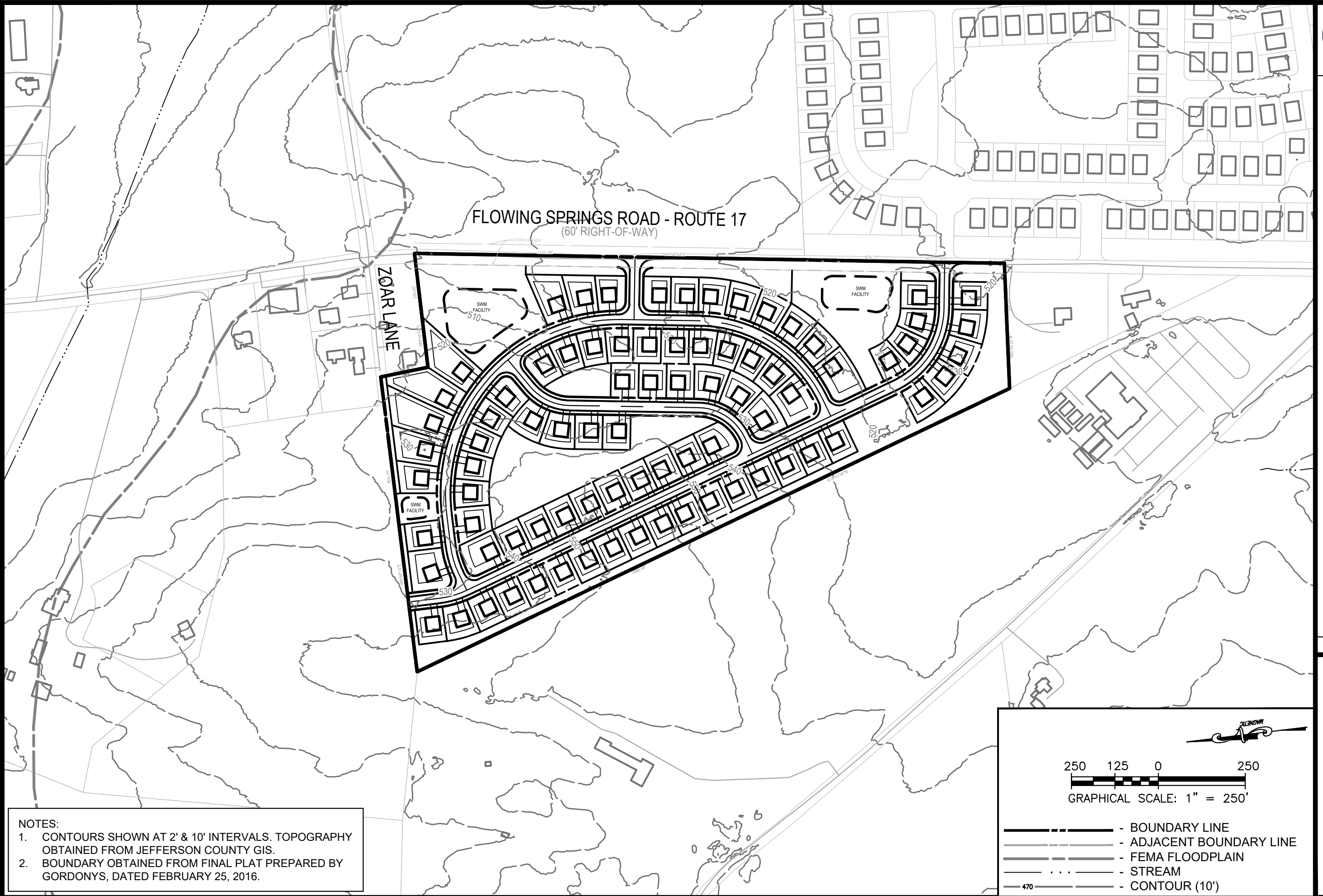
COPYRIGHT 2025. NO REPRODUCTION OR USE OF THIS DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT PRIOR WRITTEN AUTHORIZATION FROM INTEGRITY FEDERAL SERVICES, INC.



# GHAZWA'S FOREST CONCEPT PLAN EXHIBIT 3

5-6-2025

## ZONING MAP AMENDMENT JEFFERSON COUNTY, WV



NOTES:  
1. CONTOURS SHOWN AT 2' & 10' INTERVALS. TOPOGRAPHY OBTAINED FROM JEFFERSON COUNTY GIS.  
2. BOUNDARY OBTAINED FROM FINAL PLAT PREPARED BY GORDONYS, DATED FEBRUARY 25, 2016.

250 125 0 250  
GRAPHICAL SCALE: 1" = 250'

- BOUNDARY LINE  
 - ADJACENT BOUNDARY LINE  
 - FEMA FLOODPLAIN  
 - STREAM  
 - CONTOUR (10')

**EXHIBIT 4**  
**ZONING MAP AMENDMENT**

**PRELIMINARY PLAT**  
**FOR**  
**DANIELS FOREST**

**LOTS 1 - 192**  
**LOT 1 OF MARVIN E. RODERICK SUBDIVISION**

**APRIL, 2007**  
**PREPARED FOR:**

**DANIELS FOREST, LLLP**  
125 SOUTH CARROLL STREET, SUITE 150  
FREDERICK, MARYLAND 21701  
301-696-0900

**PREPARED BY:**

**HARRIS, SMARIGA & ASSOCIATES, INC.**  
ENGINEERS/PLANNERS/SURVEYORS  
125 SOUTH CARROLL STREET  
FREDERICK, MD 21701  
(301)662-4488

**LEGEND**

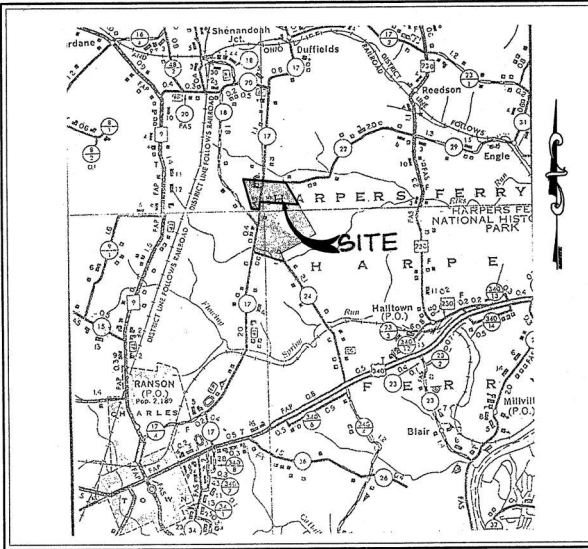
	EXISTING	PROPOSED
INTERIOR LOT LINE	---	---
R/W-PROPERTY LINE	---	---
CENTERLINE	---	---
EASEMENTS	---	---
CURBING, CURB & GUTTER	---	---
BUILDINGS	---	---
SPOT ELEVATIONS		300.0
BENCH MARK		310
CONTOURS	---	---
STORM DRAIN	---	---
SANITARY SEWER	SS	SS
WATER LINES	W	W
U/G GAS, ELEC. OR TELEPHONE	G, E, T	G, E, T
OVERHEAD ELEC. LINES	---	---
DRAINAGE FLOW & DIRECTION	---	---
MANHOLE	---	---
INLETS	---	---
PLUG OR CAP	---	---
WATER VALVE	---	---
FIRE HYDRANT	---	---
UTILITY POLE	---	---
LIGHT POLE	---	---
SANITARY SEWER LATERALS	---	---
WATER LATERALS	---	---
REDUCER	---	---
FENCE	---	---
CONCRETE	---	---
LIMIT OF CONSTRUCTION	---	---
SILT FENCE	---	---
EARTH DIKE	---	---
STRAW BALE DIKE	---	---
STABILIZED CONSTRUCTION ENTRANCE	---	---
INLET PROTECTION	---	---
ROCK OUTLET PROTECTION	---	---

**SHEET INDEX**

- C-1 COVER SHEET
- C-2 PRELIMINARY PLAT
- C-3 TYPICAL SECTIONS, GENERAL NOTES & DETAILS
- C-4 OVERALL SEDIMENT AND EROSION CONTROL PLAN
- C-5 GRADING, STORM DRAIN AND SEC PLAN-1 DANIELS FOREST & NORFOLK COURT
- C-6 GRADING, STORM DRAIN AND SEC PLAN-2 SMOKE TREE LANE
- C-7 GRADING, STORM DRAIN AND SEC PLAN-3 BUCKEY DRIVE, DANA COURT & WILLOW TREE COURT
- C-8 GRADING, STORM DRAIN AND SEC PLAN-4 BUCKEY DRIVE & WILLOW TREE COURT
- C-9 GRADING, STORM DRAIN AND SEC PLAN-5 PAMELA LN, TYLER LN & ALEXANDER LN
- C-10 GRADING, STORM DRAIN AND SEC PLAN-6 PAMELA LN, BENJAMIN LN, & TYLER LN
- C-11 SWM POND GRADING, TEMP SEDIMENT BASIN SIZING, AND IMPERVIOUS LINER LOCATION AND SPECIFICATION PLAN
- C-12 DIMENSION, PAVING AND UTILITY PLAN-1 DANIELS FOREST & NORFOLK COURT
- C-13 DIMENSION, PAVING AND UTILITY PLAN-2 SMOKE TREE LANE
- C-14 DIMENSION, PAVING AND UTILITY PLAN-3 BUCKEY DRIVE, DANA COURT & WILLOW TREE COURT
- C-15 DIMENSION, PAVING AND UTILITY PLAN-4 BUCKEY DRIVE & WILLOW TREE COURT
- C-16 DIMENSION, PAVING AND UTILITY PLAN-5 PAMELA LN, BENJAMIN LN, TYLER LN & ALEXANDER LN
- C-17 STORM DRAIN PROFILES
- C-18 STORM DRAIN PROFILES
- C-19 ROAD AND UTILITY PROFILES-1 PAMELA LANE & DANIELS FOREST LANE
- C-20 ROAD AND UTILITY PROFILES-2 NORFOLK COURT
- C-21 ROAD AND UTILITY PROFILES-3 SMOKE TREE LANE
- C-22 ROAD AND UTILITY PROFILES-4 BUCKEY DRIVE & DANA LANE
- C-23 ROAD AND UTILITY PROFILES-5 WILLOW TREE LANE
- C-24 ROAD AND UTILITY PROFILES-6 ALEXANDRIA LN & BENJAMIN LN
- C-25 ROAD AND UTILITY PROFILES-7 TYLER LANE
- C-26 SWM POND #1 NOTES & DETAILS
- C-27 SWM POND #2 NOTES & DETAILS
- C-28 SWM POND #3 NOTES & DETAILS
- C-29 SWM POND #4 NOTES & DETAILS
- C-30 SWM POND #5 NOTES & DETAILS
- C-31 SEDIMENT CONTROL NOTES & DETAILS
- C-32 WVA SR17 GRADING AND PAVING PLAN
- C-33 WVA SR17 DIMENSION AND STRIPING PLAN
- C-34 WVA SR17 AND SR22 GRADING, PAVING, DIMENSION, AND STRIPING PLAN
- C-35 WVA SR22 GRADING AND PAVING PLAN
- C-36 WVA SR22 DIMENSION AND STRIPING PLAN. WVD0H TYPICAL ROAD SECTIONS, NOTES, AND DETAILS
- C-37 STANDARD WATER LINE CONSTRUCTION DETAILS
- C-38 SANITARY SEWER-1 CONSTRUCTION DETAILS
- C-39 SANITARY SEWER-2 CONSTRUCTION DETAILS
- C-40 SANITARY SEWER-3 CONSTRUCTION DETAILS
- C-41 SANITARY SEWER PUMP STATION PLAN AND DETAILS
- C-42 OFF-SITE 4" SANITARY SEWER FORCE MAIN & 16" WATER LINE

REVISIONS		
NO.	REVISIONS	DATE
1	JEFF. CO. 1-29-07	3-22-2007

TABLE OF MILESTONE INSPECTIONS	DATE INSPECTED	INSPECTOR'S INITIALS
1. INSTALLATION OF SEDIMENT CONTROL DEVICES *		
2. COMPLETION OF UNDERGROUND UTILITY INSTALLATION		
3. COMPLETION OF GRADING FOR ROAD **		
4. COMPLETION OF GRADING FOR BUILDINGS		
5. COMPLETION OF BASE STONE INSTALLATION & COMPACTION **		
6. COMPLETION OF SIDEWALKS		
7. COMPLETION OF FINAL GRADING AND SEEDING		
8. COMPLETION OF FINAL PROJECT DETAILS		
9. COMPLETION OF STORMWATER MANAGEMENT ROUGH GRADING		
10. COMPLETION OF STORMWATER MANAGEMENT DETAILS		
* MUST BE INSPECTED PRIOR TO ANY OTHER WORK		
** MUST BE INSPECTED PRIOR TO BEING COVERED		



**VICINITY MAP**

SCALE: 1" = 1 MILE  
TAX DISTRICT: CHARLES TOWN  
COUNTY: JEFFERSON  
TAX MAP: 3  
PARCEL: 9.2  
DEED BOOK: 725  
PAGE: 214

**DEVELOPER'S STATEMENT OF ACCEPTANCE**  
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON.

ED SMARIGA  
BUCKEY DEVELOPMENT  
125 SOUTH CARROLL STREET, SUITE 150  
FREDERICK, MD 21701  
301-696-0900

**OWNER STATEMENT OF ACCEPTANCE**  
THE OWNER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON.

MANAGING MEMBER  
DANIELS FOREST LLLP  
125 SOUTH CARROLL STREET, SUITE 150  
FREDERICK, MD 21701  
301-696-0900

APPROVED \_\_\_\_\_  
COUNTY ENGINEER      DATE \_\_\_\_\_

APPROVED \_\_\_\_\_  
JEFFERSON UTILITIES, INC.      DATE 11/16/06

APPROVED \_\_\_\_\_  
JEFFERSON CO. PUBLIC SERVICE SEWER DISTRICT      DATE \_\_\_\_\_

**JEFFERSON COUNTY DEPARTMENT OF PLANNING, ZONING & ENGINEERING**  
**CONDITIONAL USE PERMIT**  
**DANIELS FOREST SUBDIVISION #Z01-03**

This is to certify that effective December 11, 2001, the property described as:

Owner: Elmer Lee Roderick, owner  
21113 Stonecrop Place  
Ashburn, Virginia 22011

Telephone Number: \_\_\_\_\_  
Developer: Ed Smariga, developer  
Buckeye Development  
125 South Carroll Street, Suite 150  
Frederick, Maryland 21701  
(301)-696-0900

Telephone Number: \_\_\_\_\_  
Tax Map Reference: Charles Town District, Map 3, Parcels 9.2  
Deed Book Reference: Deed Book 725, Page 214  
Subdivision Name: Daniels Forest Subdivision  
Zoning District: Rural

has been granted permission to use said property in the following way: 192 single family lots. The Board of Zoning Appeals' granting of this Conditional Use Permit was litigated and was the subject of an appeal in the West Virginia Supreme Court. As a result of that appeal, the West Virginia Supreme Court ruled in *Jefferson Utilities, Inc. v. Jefferson County Board of Zoning Appeals*, 218 W.Va. 436, 624 S.E.2d 873, that the time parameters for the Daniel's Forest Subdivision to proceed through the various stages of the review and subdivision procedures be restored as though the Petitions for Writ of Certiorari and an appeal had not been filed. In accordance with this ruling, the Jefferson County Circuit Court in its "Order Upon Remand Granting Conditional Use Permits" in Case No. 02-C-217, ordered that "each and every time requirement within which some action needed to be taken by Buckeye Development, LLC, be tolled." Accordingly, the Circuit Court tolled all time requirements from December 14, 2001, until the entry of its order on March 1, 2006, for a total of 1538 days.

- CONDITIONAL UPON:**
- Meet with Mr. John Grove about mitigating the impact of the development with respect to the Zoar property;
  - Conduct a pre-blasting and post-blasting survey with respect to the Zoar House property;
  - Any further change in use or expansion processing through the Jefferson County Department of Planning, Zoning and Engineering to update this certificate; and, all other applicable County regulations being followed.

JEFFERSON COUNTY DEPARTMENT OF PLANNING, ZONING & ENGINEERING  
CONDITIONAL USE PERMIT  
DANIELS FOREST SUBDIVISION #Z01-03  
PAGE TWO

In the event the construction or use has not commenced by **AUGUST 27, 2007**, said permission will expire unless an extension is granted. Extensions must be formally requested of the Jefferson County Board of Zoning Appeals prior to the expiration date.

This certificate in no way relieves the owner, applicant or user from any requirements of the Jefferson County Ordinances unless appropriate variances are granted by the appropriate County authority.

County Authority: \_\_\_\_\_  
Zoning Administrator: \_\_\_\_\_  
Date: 11/29/07



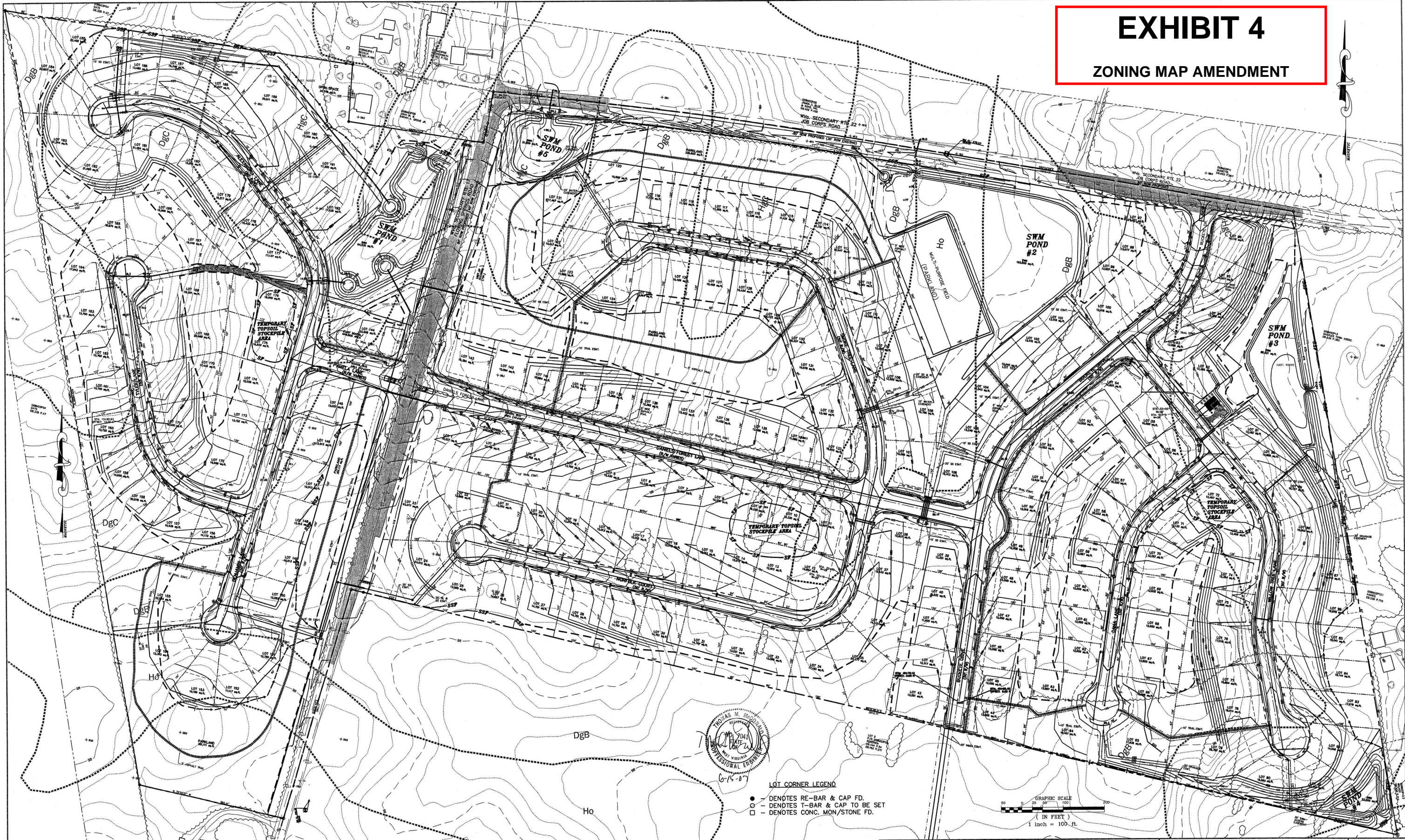
**SURVEYOR'S CERTIFICATION**  
THE PERIMETER AND ALL LOT BOUNDARIES SHOWN HEREON HAVE BEEN ESTABLISHED BY A NETWORK OF TRAVERSE CONTROL HAVING A RELATIVE ERROR OF CLOSURE OF 1:41000 OR BETTER.

Merchant T. McDonald  
MERCHANT T. McDONALD #310  
HARRIS, SMARIGA & ASSOC.

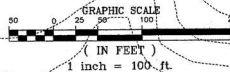


# EXHIBIT 4

## ZONING MAP AMENDMENT



**LOT CORNER LEGEND**  
 ● - DENOTES RE-BAR & CAP FD.  
 ○ - DENOTES T-BAR & CAP TO BE SET  
 □ - DENOTES CONC. MON/STONE FD.



PRELIMINARY PLAT APPROVED \_\_\_\_\_  
 COUNTY ENGINEER      DATE \_\_\_\_\_

BUCKEYE DEVELOPMENT LLC  
 125 SOUTH CAROL STREET, SUITE 150  
 FREDERICK, MARYLAND 21701  
 PHONE: 301-696-0900

SEVENTY-TWO (72) HOURS PRIOR TO EXCAVATIONS  
 IN PUBLIC RIGHTS-OF-WAY OR IN AREAS SERVED  
 BY UNDERGROUND UTILITIES, CALL MISS UTILITY  
 1-800-245-4848.

**Harris, Smariga & Associates, Inc.**  
 Planners/Engineers/Surveyors  
 125 South Carol Street, Suite 100, Frederick, MD 21701  
 301-662-4488

REVISIONS:  
 JEFF.CO.PSD/PENTREE 10-4-2006  
 JEFFERSON UTILITIES 10-9-2006  
 JEFF.CO. PLANNING & ENGINEERING 3-22-2007

PRELIMINARY PLAT  
**DANIELS FOREST**  
 TAX MAP 3, PARCEL 9.2  
 DEED BOOK 725, PAGE 214  
 SITUATED ON WVA SR 17 & WVA SR 22  
 CHARLES TOWN DISTRICT  
 JEFFERSON COUNTY, WVA

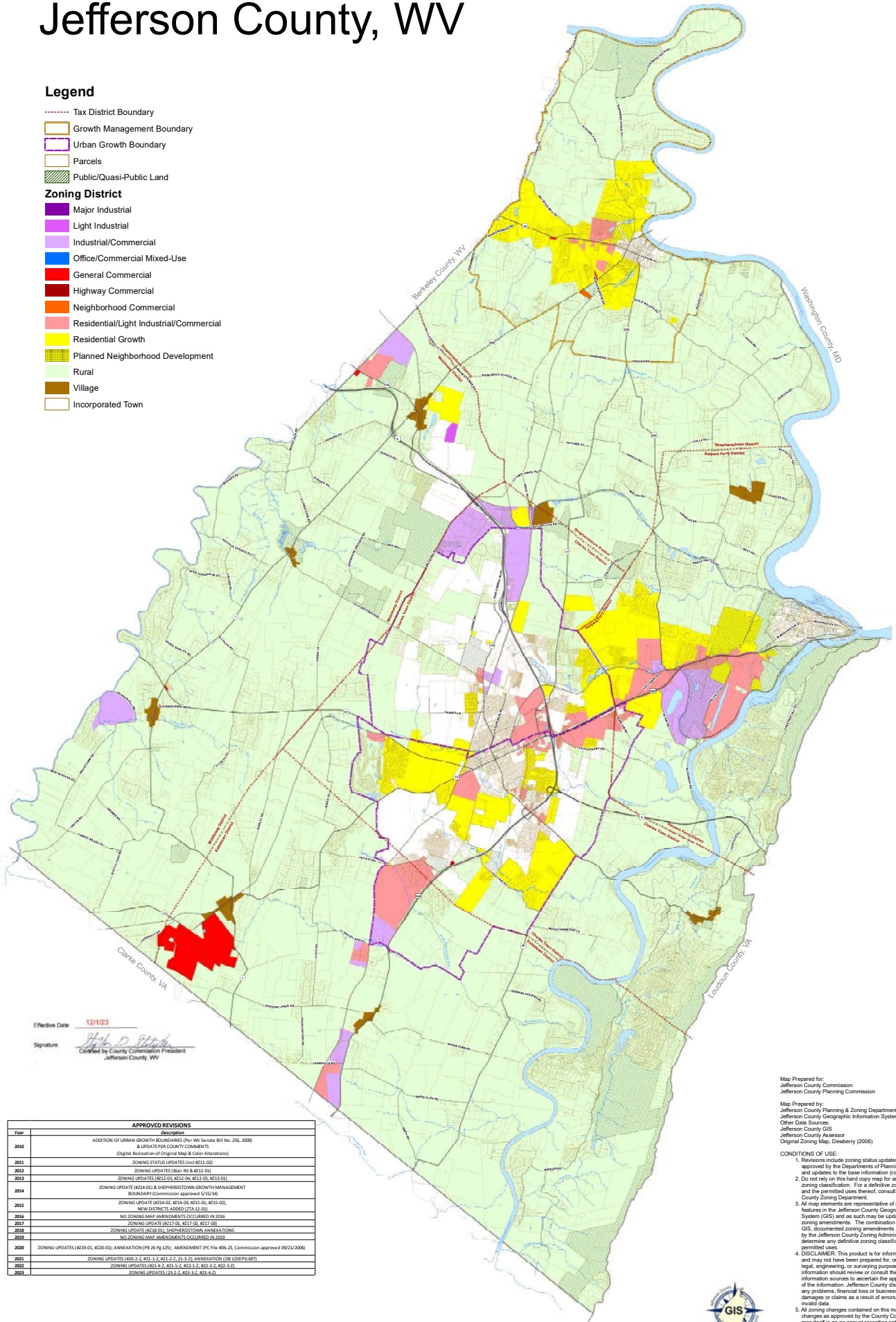
SCALE:  
 1" = 100'  
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 BY: DLS  
 CHECKED  
 BY: TMM  
 DATE:  
 AUG, 2006  
 SHEET: 2  
 OF: 42  
 PROJECT:  
 6914  
 C-2

# 2023 Zoning Map Jefferson County, WV



## Legend

- Tax District Boundary
  - Growth Management Boundary
  - Urban Growth Boundary
  - Parcels
  - Public/Quasi-Public Land
- ### Zoning District
- Major Industrial
  - Light Industrial
  - Industrial/Commercial
  - Office/Commercial Mixed-Use
  - General Commercial
  - Highway Commercial
  - Neighborhood Commercial
  - Residential/Light Industrial/Commercial
  - Residential Growth
  - Planned Neighborhood Development
  - Rural
  - Village
  - Incorporated Town



Effective Date: 12/1/23  
 Signature: *[Handwritten Signature]*  
 Certified by County Commission President  
 Jefferson County, WV

Year	APPROVED REVISIONS
2000	ADDITION OF URBAN GROWTH BOUNDARIES (Per WV Senate Bill No. 256, 2009) & UPDATES FOR COUNTY COMMENTS (Digital Reproduction of Original Map & Color Alterations)
2001	ZONING STATUS UPDATES (Inv# 4211-02)
2002	ZONING UPDATES (#212-01, #212-02, #212-03, #212-04)
2004	ZONING UPDATE (#214-01) & SHEPHERDSTOWN GROWTH MANAGEMENT BOUNDARY (Commission approved 5/15/04)
2005	ZONING UPDATE (#214-02, #214-03, #215-01, #215-02, NEW STRUCTS. ADDED) (7/8, 2/1/05)
2006	NO ZONING MAP AMENDMENTS OCCURRED IN 2006
2007	ZONING UPDATE (#217-01, #217-02, #217-03)
2008	ZONING UPDATES (#218-01) SHEPHERDSTOWN ANNEXATIONS
2009	NO ZONING MAP AMENDMENTS OCCURRED IN 2009
2020	ZONING UPDATES (#219-01, #220-01) ANNEXATION (PB 26 Pg 125); AMENDMENT (PC File #06-21, Commission approved 08/21/2020)
2021	ZONING UPDATES (#20-2-2, #21-2-2, #21-2-2, 21-2-2) ANNEXATION (OR 1259 PG 607)
2022	ZONING UPDATES (#21-4-2, #21-4-2, #21-4-2, #21-4-2)
2023	ZONING UPDATES (#23-2-2, #23-2-2, #23-2-2)

Map Prepared for:  
 Jefferson County Commission  
 Jefferson County Planning Commission

Map Prepared by:  
 Jefferson County Planning & Zoning Department  
 Jefferson County Geographic Information System  
 Other Data Sources:  
 Jefferson County GIS  
 Jefferson County Assessor  
 Original Zoning Map, December (2008)

CONDITIONS OF USE:

1. Revisions include zoning status updates as approved by the Departments of Planning & Zoning and updates to the base information (roads, parcels, etc).
2. Do not rely on this hard copy map for any definitive zoning classification. For a definitive zoning classification and the permitted uses thereof, consult the Jefferson County Zoning Department.
3. All map elements are representative of geographic features in the Jefferson County Geographic Information System (GIS) and as such may be updated per authorized zoning amendments. The combination of this map, the GIS, documented zoning amendments and interpretation by the Jefferson County Zoning Administrator shall determine any definitive zoning classification and permitted uses.
4. DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the appropriate usability of the information. Jefferson County disclaims all liability for any problems, financial loss or business, consequential damages or claims as a result of errors, inaccuracies or invalid data.
5. All zoning changes contained on this map are official changes as approved by the County Commission. The map itself is on an annual recording schedule and will be signed and recorded in January of subsequent year. Any mid-year updates, (not recorded, but available online) will reflect the most current zoning information available.



# Future Land Use Guide Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan

- Special Design Area
- Preferred Growth Area
- Quarry Redevelopment Area
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansion
- Village
- Village Expansion
- 2004 Growth Area

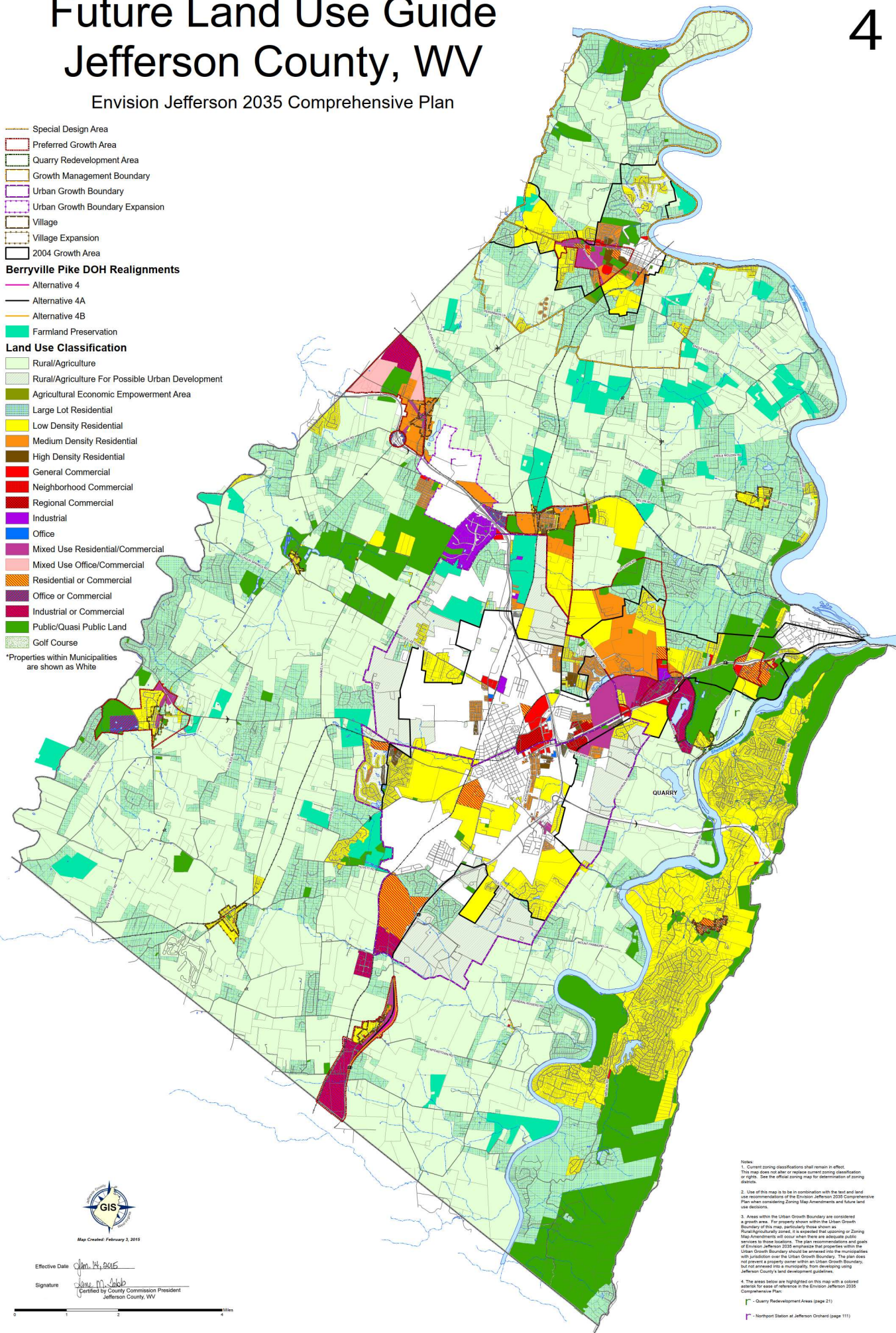
**Berryville Pike DOH Realignments**

- Alternative 4
- Alternative 4A
- Alternative 4B
- Farmland Preservation

**Land Use Classification**

- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course

\*Properties within Municipalities are shown as White



Effective Date: Jan 14, 2015  
 Signature: [Signature]  
 Certified by County Commission President  
 Jefferson County, WV

- Notes:
1. Current zoning classifications shall remain in effect. This map does not alter or replace current zoning classification or rights. See the official zoning map for determination of zoning districts.
  2. Use of this map is to be in combination with the text and land use recommendations of the Envision Jefferson 2035 Comprehensive Plan when considering Zoning Map Amendments and future land use decisions.
  3. Areas within the Urban Growth Boundary are considered a growth area. For properties shown within the Urban Growth Boundary of this map, particularly those shown as Rural/Agriculturally zoned, it is expected that zoning or Zoning Map Amendments will occur when there are adequate public services to those locations. The plan recommendations and goals of Envision Jefferson 2035 emphasize that properties within the Urban Growth Boundary should be annexed into the municipalities with jurisdiction over the Urban Growth Boundary. The plan does not prevent a property owner within an Urban Growth Boundary, but not annexed into a municipality, from developing using Jefferson County's land development guidelines.
  4. The areas below are highlighted on this map with a colored outline for ease of reference in the Envision Jefferson 2035 Comprehensive Plan.
    - Quarry Redevelopment Areas (page 21)
    - Northport Station at Jefferson Orchard (page 111)

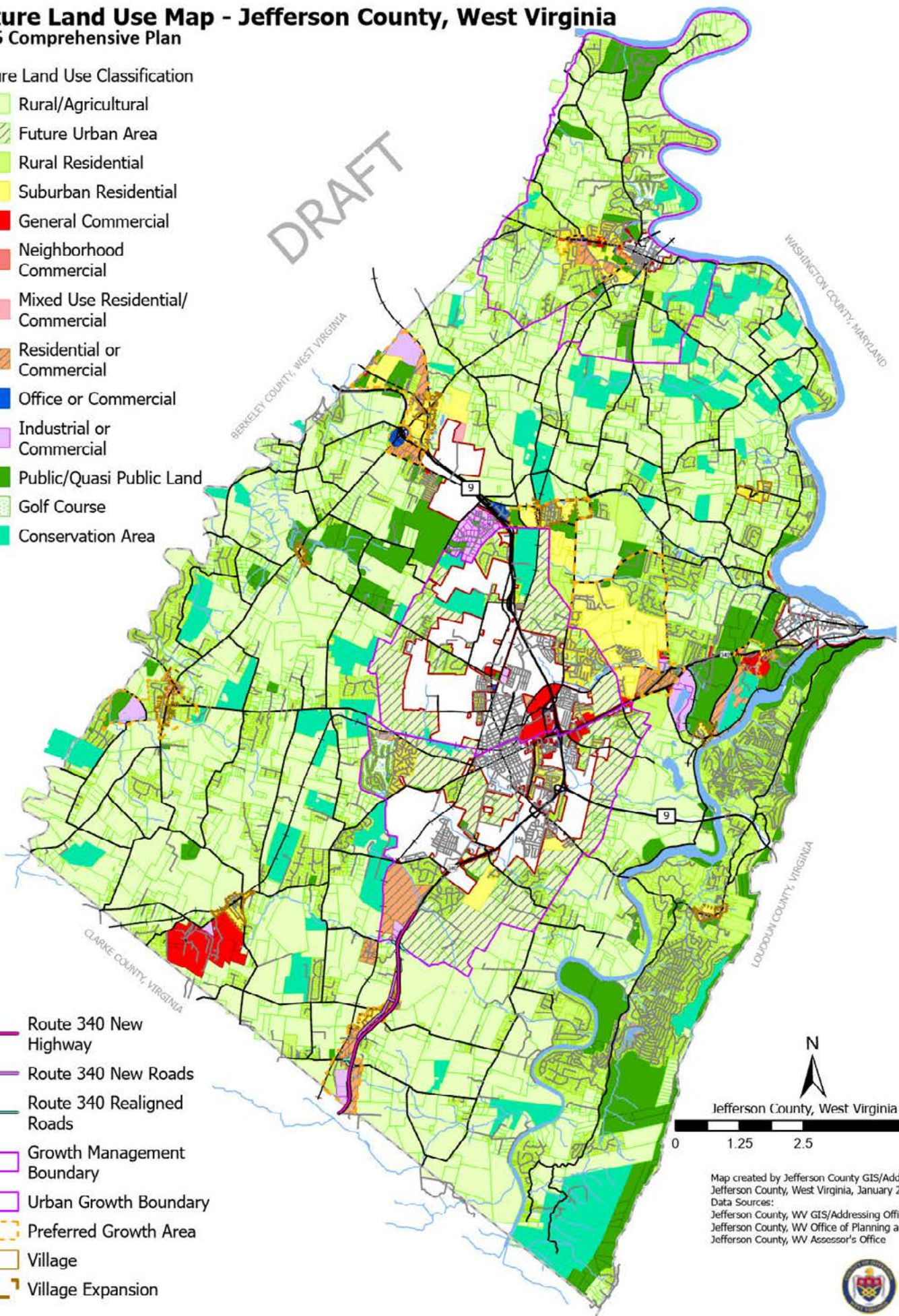
# Future Land Use Map - Jefferson County, West Virginia

## 2045 Comprehensive Plan

### Future Land Use Classification

- Rural/Agricultural
- Future Urban Area
- Rural Residential
- Suburban Residential
- General Commercial
- Neighborhood Commercial
- Mixed Use Residential/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course
- Conservation Area

DRAFT



- Route 340 New Highway
- Route 340 New Roads
- Route 340 Realigned Roads
- Growth Management Boundary
- Urban Growth Boundary
- Preferred Growth Area
- Village
- Village Expansion

N

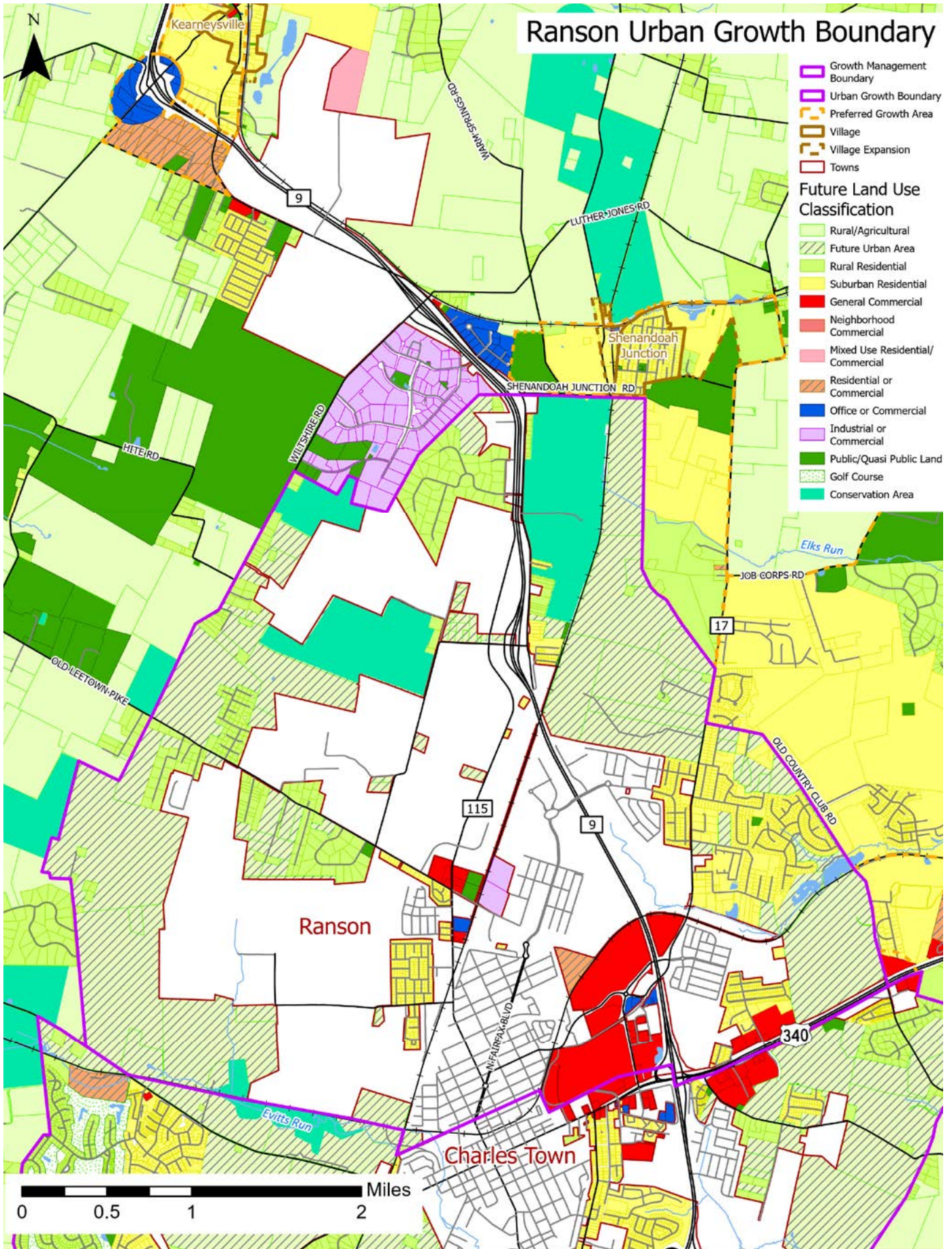
Jefferson County, West Virginia

Miles

Map created by Jefferson County GIS/Addressing Office  
 Jefferson County, West Virginia, January 23, 2025  
 Data Sources:  
 Jefferson County, WV GIS/Addressing Office  
 Jefferson County, WV Office of Planning and Zoning  
 Jefferson County, WV Assessor's Office



# Ranson Urban Growth Boundary

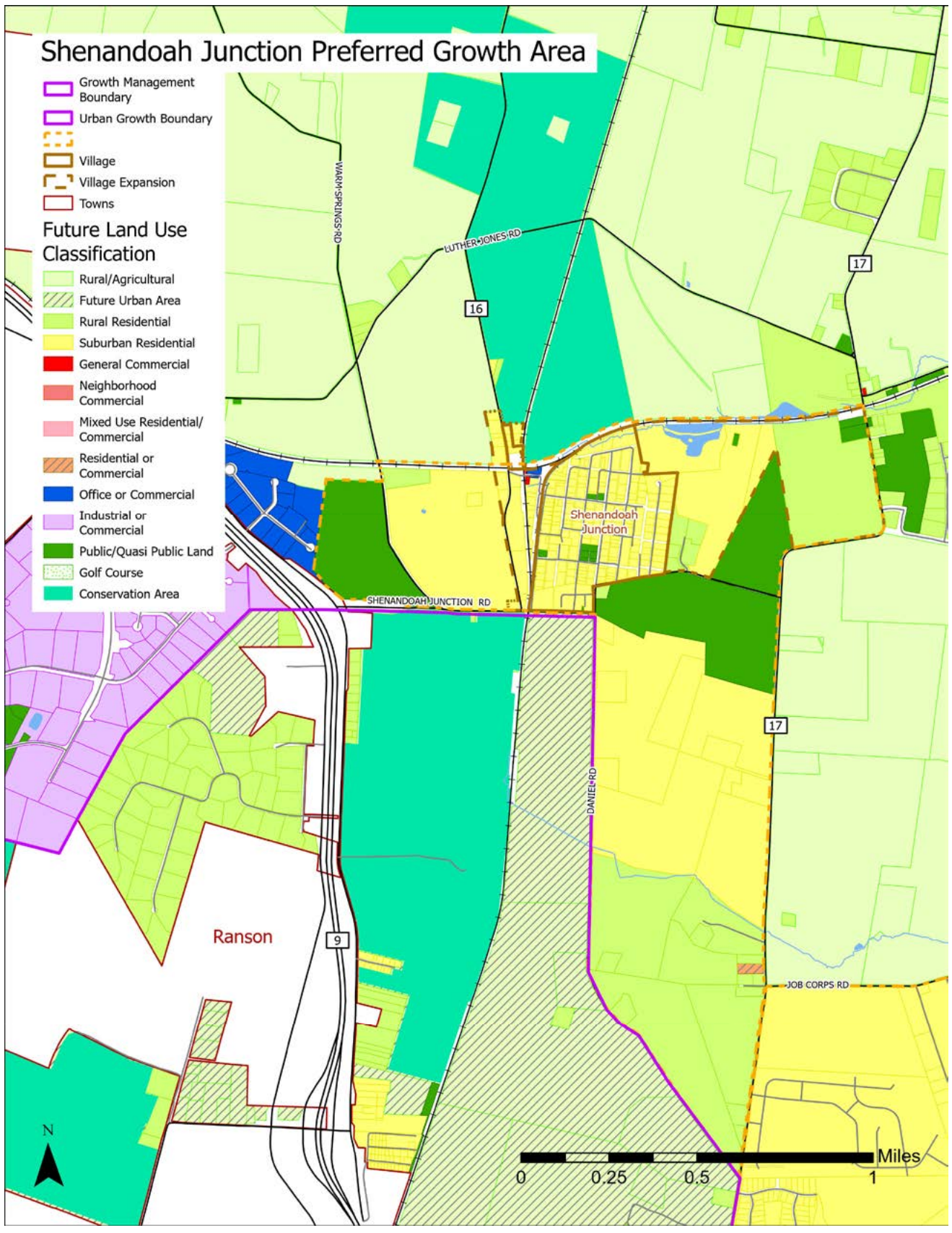


# Shenandoah Junction Preferred Growth Area

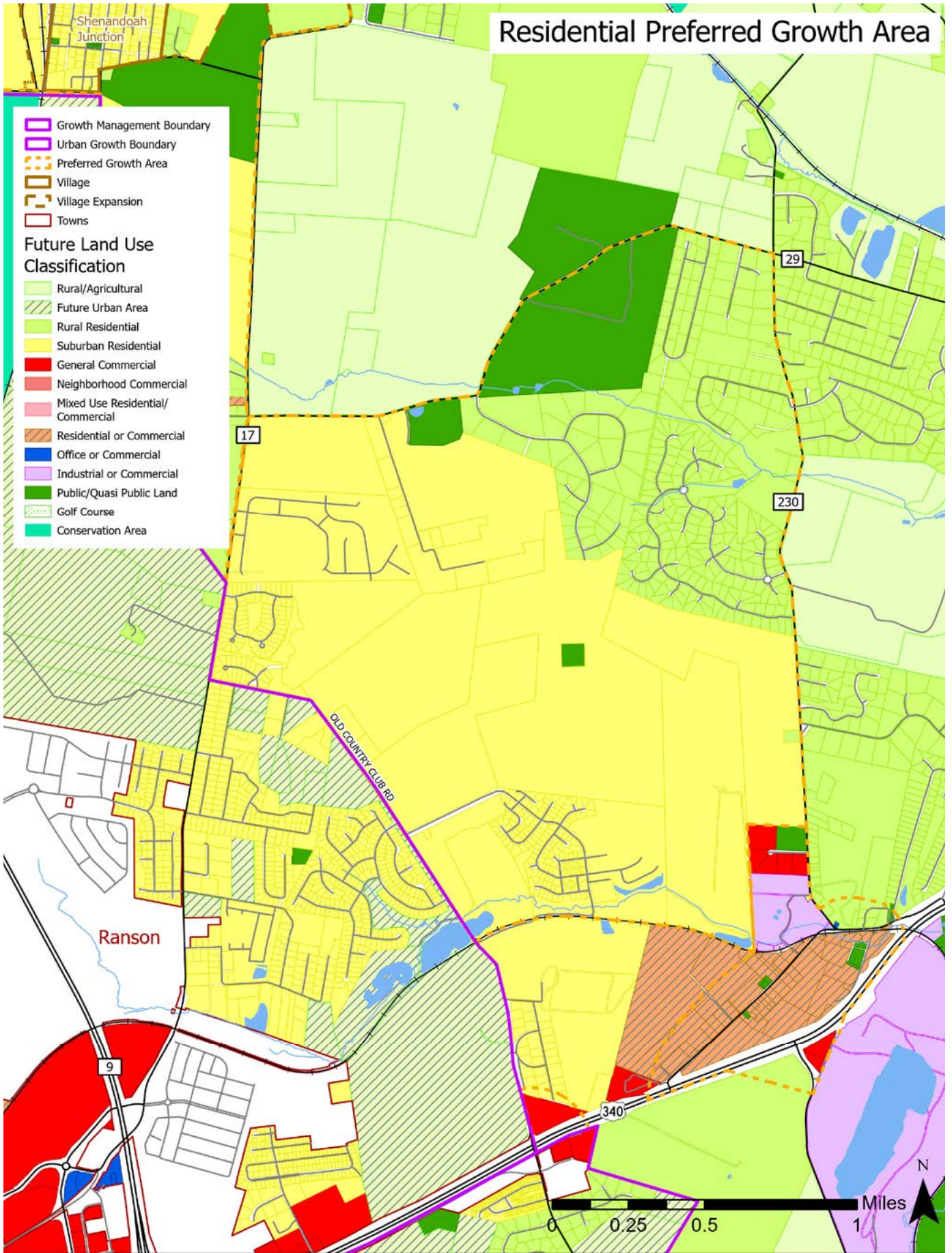
- Growth Management Boundary
- Urban Growth Boundary
- Village
- Village Expansion
- Towns

## Future Land Use Classification

- Rural/Agricultural
- Future Urban Area
- Rural Residential
- Suburban Residential
- General Commercial
- Neighborhood Commercial
- Mixed Use Residential/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course
- Conservation Area

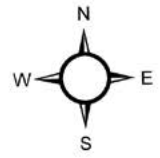


# Residential Preferred Growth Area



# Water & Sewer Service Areas

## Jefferson County, WV



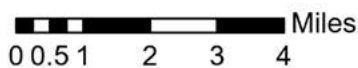
Disclaimer: All service areas are approximate, based on the area maps provided by the Utility Companies shown. Areas are current as of map publication; all service areas may be extended at any time. For detailed boundaries, please contact the Utility Company that provides service for that area.



### Service Areas

#### Company, Type

- Berkeley County Water, Water & Sewer
- Charles Town Utility Board, Sewer Only
- Charles Town Utility Board, Water Only
- Charles Town Utility Board, Water & Sewer
- Harpers Ferry Water Works, Water & Sewer
- American Water, Water Only
- American Water, Water & Sewer
- Shepherdstown Water Department, Water Only
- Shepherdstown Water Department, Water & Sewer
- Preferred Growth Area (EJ2035)
- Municipality Growth Boundary



Map created by Office of GIS and Addressing  
 Jefferson County, West Virginia, July 2024  
 Data Sources:  
 Jefferson County, WV GIS/Addressing Office  
 Jefferson County, WV Office of Planning and Zoning  
 Jefferson County, WV Assessor's Office





# JEFFERSON COUNTY, WEST VIRGINIA

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### MEMO

**TO:** Planning Commission of Jefferson County  
**FROM:** Luke Seigfried, Chief County Planner  
**DATE:** May 13, 2025  
**RE:** Proposed Amendment to Section 24.113.B.10 of the Subdivision & Land Development Regulations.

At their April 29, 2025 meeting, Planning Commission proposed revising the Subdivision Regulations to further elaborate on establishing the necessary criteria regarding Historical Resource Protection. Commissioner Hayes has provided staff with draft text which has been included as an attachment. The following amendment has been drafted by County Staff and is for the Planning Commission's discussion and consideration.

**Note that Subdivision & Land Development Regulations currently states** "(10) A Phase I archaeological study is required. A historic resources impact study shall also be included."

#### Staff Reports and Comments

The Historic Landmarks Commission (HLC) has provided a letter with their recommendation to require subsurface testing and consultation with a licensed archaeologist in the drafting of this text amendment. The HLC also notes that the proposed language contradicts the West Virginia State Historic Preservation Office (SHPO) Guidelines and should be amended. The HLC has sent the Planning Commission letters in the past supporting the requirement of a Phase I archaeological study for Major Subdivisions and is included as an attachment. At the discretion of the Planning Commission, staff can be directed to consult with the HLC or provide the HLC time to present before the Planning Commission.

A Phase I archaeological study is not defined in the Subdivision Regulations but the West Virginia State Historic Preservation Office (SHPO) has Guidelines for preparing the *Phase I, II, III Archaeological Investigations and Technical Report Preparation*. These Guidelines are for ensuring a project's compliance with Section 106 of the National Historic Preservation Act (NHPA). SHPO reviews state and federal projects for compliance with NHPA.

A historic resources impact study is not defined in the Subdivision Regulations and was added to the Subdivision Regulations in 2010.

The 2045 Comprehensive Plan does not speculate specifically on this requirement for Preliminary Plats. Objective 4.1 (see attached) "*Encourages the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.*" The requirement is not included for Minor or Major Site Plans. Staff has proposed changing the requirement for Major Subdivisions, adding the requirement for Major Site Plans, and adding a definition to the Subdivision Regulations.

## “Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The **staff Department** shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the **staff Department** shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
  3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.<sup>6</sup>
  5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
  6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
  7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
  8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer’s engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
  9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection

standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.

10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
  11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, ~~phasing~~, and development option selected if the development is residential.
  12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.<sup>4</sup>
  13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
  14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
  15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
  16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
  2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission

shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.

**Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

#### “Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
  3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
  5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
  6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.
  7. **Water and Sewer Services.** This shall include a declaration of Public Service District’s approval of plans, or approval by the appropriate service provider, and an agreement to operate

the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.

8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.
  9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
  10. **Historic Resource Preservation.** Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
  11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
  12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.<sup>4</sup>
  13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
  14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
  15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
  16. **Additional Information.** The Department shall:
    - a. Review and approve all matters under its jurisdiction.
    - b. Issue a zoning compliance letter.
    - c. Certify that all proffers have been satisfied.
- C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:
1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
  2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
  3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.
- D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

- E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

## **Division 26.200 Definitions of Terms**

**Phase I Archaeological Study.** A study designed to identify and document historical and cultural resources within the entirety of the project area. The study is performed by a principal investigator who meets or exceeds the minimum requirements in accordance with the Secretary of Interior's Professional Qualifications, 36 CFR Part 61 and includes a pedestrian survey. *(Source West Virginia State Historic Preservation Office)*

If the Planning Commission chooses to move forward with this proposed text amendment, a Public Hearing will be required before both the Planning Commission and the County Commission.

### **Attachments**

- Historical Resource Protection - Draft Text Amendment
- 2045 Comprehensive Plan Historical Preservation Excerpt
- West Virginia State Historic Preservation Office Guidelines for Phase I, II, III Archaeological Investigations and Technical Report Preparation (Appendices removed)
- Historic Landmarks Commission Comment Letter



June 4, 2025

Planning Commission Members,

First and foremost, we would like to thank you for carefully considering our letter and the staff of the Jefferson County Zoning and Planning Office for the opportunity to review and comment on the proposed amendments to the Subdivision and Land Development Regulations concerning Historic Resource Protection, as discussed during the April 29, 2025 Planning Commission meeting.

After reviewing the proposed amendment we are concerned that the term “Phase I Archaeological Study” remains unacceptably vague and misleading.

**“Historic Resource Preservation. Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.”<sup>1</sup>**

If the revised language currently being proposed is intended to clarify the requirement for Historic Resource Preservation, it has not done so. A Phase I archeological study is defined in Section IV of the WVSHPO Guidelines as consisting of “a combination of background research and fieldwork designed to identify resources and define site boundaries within the given project area or Area of Potential Effect.”<sup>2</sup> The guidelines go on to state that “Phase I fieldwork consists of a number of methods including pedestrian survey, excavation of shovel test probes, remote sensing, and deep testing of appropriate landscapes.”<sup>3</sup>

While this text might be interpreted to mean that a pedestrian survey could in and of itself satisfy the WVSHPO requirement for Phase I fieldwork, this would only be the case in situations of large-scale disturbance, for example if the property to be developed had previously been graded and paved and the disturbance could be adequately documented via pedestrian reconnaissance.

In Section VI of the Guidelines, six field methodologies are presented.

**Pedestrian Survey:** This methodology involves a controlled walkover of the project area “in order to determine the locations of above-ground resources (i.e. cemeteries, rockshelters,

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<sup>1</sup> Proposed Amendment to Section 24.113.B.10 of the Subdivision & Land Development Regulations, pg. 3.

<sup>2</sup> West Virginia Historic Preservation Office (WVSHPO), *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, Patrick Trader & Joanna Wilson, pg. 3.

<sup>3</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 3.

petroglyphs, pictographs, earthworks and foundation remnants) and to determine the nature of physical and environmental aspects of the project area. This method is most useful in situations where slopes exceed 20%.<sup>4</sup> In practice this means that the entirety of every project area must be examined through pedestrian survey as part of a Phase I survey, and that pedestrian survey is generally acceptable as the sole field method only in areas in which slopes exceed 20%. The proposed Historic Preservation Text Amendment states that “documentation of archaeological sites are required,” however, Pedestrian Survey as a standalone methodology is not able to identify most archeological sites (as reflected in the use of the term “above-ground resources” and the list of sample resource types which are documented in pedestrian survey) and is not sufficient to satisfy the WVSHPO Guidelines for Phase I survey as a standalone methodology. Because it does not involve subsurface testing or collect artifacts, it cannot fulfill the Phase I’s function to “identify resources and define site boundaries within the given project area” as these tasks are not possible without the collection of artifacts from accurately mapped locations within the project area.

**Plow Stripping:** “In project areas which have been previously cultivated, plow-stripping may be used in combination with shovel test probes.”<sup>5</sup> This methodology uses limited controlled surface collection to supplement shovel testing, as described. By definition, this methodology of utilizing surface collection on a portion of a project area does not meet the requirements for Phase I fieldwork unless it is supplementing a shovel testing survey.

**Controlled Surface Collection:** This methodology involves the examination of the ground surface in a controlled fashion (i.e. by using a grid system to ensure that all areas are investigated and finds are appropriately mapped) to recover exposed artifacts. This requires “surface visibility greater than 75% (100% visibility is preferred). Areas which have been previously cultivated may be disked and/or plowed to create greater surface exposure.”<sup>6</sup> This field methodology, in combination with Pedestrian Survey, is sufficient to satisfy the WVSHPO requirements for Phase I fieldwork in project areas which meet the surface visibility requirement. As noted in the Plow Stripping notation above, when surface visibility is not sufficient within the entire project area, shovel testing is required in areas with reduced visibility to meet the Phase I fieldwork requirement.

**Shovel Test Probes:** The WVSHPO Guidelines state that “when ground cover exceeds 25%, shovel test probes (STPs) must be used to locate cultural resources.”<sup>7</sup> This is the standard methodology used to fulfill the Phase I survey requirement to “identify resources and define site boundaries within the given project area.” The WVSHPO Guidelines provide details on how STPs are used to perform these functions. The guidelines also state that “where slope gradients exceed 20%, the ground surface is flooded or waterlogged, or landscapes are extensively altered or disturbed, STPs will not be necessary;”<sup>8</sup> rather, in locations where these conditions apply, pedestrian survey is the appropriate methodology. The WVSHPO Guidelines also stress that

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<sup>4</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 6.

<sup>5</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 6.

<sup>6</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 6.

<sup>7</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 6.

<sup>8</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 7.

“when historic structures greater than 50 years of age are encountered, shovel tests must be placed around the perimeter of each structure in order to determine if historic archaeological deposits are present.”<sup>9</sup> This indicates that even in locations in which STPS may not normally be excavated, for example in areas of 20% or greater slopes or in areas with 75% or better surface visibility which were otherwise surface collected, etc., STPs must still be excavated around any historic structures encountered.

**Remote Sensing and Deep Testing:** These methodologies are not employed in typical Phase I surveys and when used, are done in consultation with WVSHPO staff. The Guidelines state that “the use of a metal detector or any other remote sensing technique should supplement rather than replace shovel testing, and must be coordinated with WVSHPO staff.”<sup>10</sup>

In summary, a Phase I survey that meets WVSHPO guidelines must consist of a pedestrian survey **PLUS** a data-gathering methodology, typically involving shovel testing or, in situations where surface visibility is 75% or greater, controlled surface collection. Shovel testing is required in the vicinity of every historic structure regardless of surface visibility.

As currently written, the proposed language specifies that the Phase I survey must meet WVSHPO guidelines but also that subsurface testing is not required. In order to meet these two stipulations, 100% of every project area would need to have 75% or greater ground surface visibility (as through plowing or disking) and a controlled surface collection performed. This does not reflect the reality of most areas being developed in Jefferson County.

Moreover, relying solely on surface-level review methods without additionally requiring subsurface investigation, has already led to the permanent loss of significant historical and cultural resources within the county. These are not hypothetical risks; they are well-documented, quantifiable losses that could have been prevented. Once a site is disturbed or destroyed, the opportunity to study and understand it is gone forever.

We therefore strongly urge the Planning Commission to require a Phase Ib archaeological survey for all subdivisions. This recommendation represents a responsible, established planning approach, already in place in jurisdictions such as Loudoun and Fairfax Counties, where development has continued successfully alongside strong preservation measures. There is no credible evidence that such requirements have impeded economic growth or investment in those communities.

The decision before the Planning Commission is not a matter of choosing between preservation and progress, it is a matter of choosing between responsible planning and irreversible loss. Failing to proactively identify and protect our shared archaeological and cultural heritage is a short-sighted policy decision with permanent consequences.

Accordingly, we oppose the proposed amendment in its current form and respectfully urge the Planning Commission to adopt stronger, more precise language, such as that found in Section 7.810 “Archaeological Survey” of Loudoun County’s *Facilities Standards Manual*, included below, and to

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<sup>9</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 7.

<sup>10</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 7.

require that Phase Ib archaeological surveys be conducted in addition to Phase Ia surveys for all subdivisions in Jefferson County.

If the Planning Commission intends to proceed with a requirement limited only to surface-level investigation, we request that the Jefferson County Historic Landmarks Commission be formally consulted, and that a qualified archaeological professional be engaged to assist in redrafting the proposed amendment to ensure that it aligns with established archaeological standards and accurately reflects the terminology and intent of the WVSHPO Guidelines.

Sincerely,

*A.R.*

Addison Reese  
Historic Landmarks Commission Chair

*David Carroll*

David Carroll  
Historic Landmarks Commissioner, Archaeologist



# Facilities Standards Manual

As amended through  
January 1, 2025

## 7.800 ARCHAEOLOGY

### 7.810 ARCHAEOLOGICAL SURVEY

The purpose of an archaeological survey is to identify the locations of existing archaeological and historic resources, including cemeteries, burial grounds, and graves on a property subject to the application.

- A. All archaeological surveys required by this Section shall be conducted by a qualified professional meeting the Qualification Standards as set forth in “the Secretary of the Interior’s [Standards and Guidelines for Archaeology and Historic Preservation](#)” as defined in 36 CFR 61, Appendix A.
- B. Archaeological survey and reporting shall meet the standards set forth in the [Virginia Department of Historic Resources \(VDHR\)](#) “Guidelines for Conducting Historic Resources Survey in Virginia.”
- C. A Phase I archaeological survey is required for areas of proposed subsurface disturbance, including, but not limited to, the house/outbuilding footprints, drainfields, roads and paved areas, sidewalks, utility lines, borrow pits, staging areas, and stockpiling areas, but is recommended for the entire property. If areas of proposed subsurface disturbance are changed to include areas not previously tested, additional Phase I Archaeological testing of the non-tested areas will be required. A reconnaissance level (“walkover”) survey of any area of the property not subject to the Phase I Archaeological Survey shall be conducted to identify potential cemeteries, burial grounds, and/or graves. The results of the reconnaissance level survey shall be provided with the Phase I archaeological report.
- D. If the Phase I Archaeological Survey is limited only to areas of proposed subsurface disturbance or if multiple Phase I Archaeological Surveys are submitted for an application, a separate sheet for informational purposes only and not for recordation shall be submitted at a maximum 1:2400 scale (1 inch = 200 feet) delineating existing parcel boundaries, proposed development layout, and boundaries of the Phase I Archaeological Survey testing areas.
- E. The Director may approve a Phase I Archaeological Management Summary Report, in lieu of the reporting required by VDHR’s “Guidelines for Conducting Historic Resources Survey in Virginia,” if the Phase I archaeological survey does not result in the identification of archaeological sites, or results in the identification of archaeological resources that are determined by the consultant to warrant no further archaeological investigation. The Phase I Archaeological Management Summary Report must include the following:
  1. A brief description of the property with a vicinity map.

2. The testing methodology and rationale, including a summary of previously identified sites in the vicinity and results of historic map research.
  3. A topographic map of project area showing areas tested, with the shovel test locations delineated.
  4. The results of fieldwork including artifact inventory and brief description of any identified sites.
  5. The rationale for site recommendations if applicable.
  6. Results of the reconnaissance level survey.
- F. The Director may waive or modify the requirement for Phase I archaeological survey and reporting after determining that a site has little or no potential for cultural resources based on a finding such as (a) the site has been subject to prior significant grading or ground disturbance beyond normal agricultural use, or (b) the site contains environmental characteristics (such as slopes, wetlands, hydric soils) that would have rendered previous human occupation reasonably unlikely. Variations (WAIV) of the requirement for the reconnaissance level survey shall not be permitted.

#### 7.820 PRESERVATION OF HISTORIC CEMETERIES, BURIAL GROUNDS, AND GRAVES

- A. In order to preserve existing cemeteries, burial grounds, and graves for human remains, all preliminary plats of subdivision, and all site plans and construction plans and profiles if not previously provided with a preliminary plat of subdivision, shall include a professionally prepared archaeological delineation of the perimeter boundary of all burials if any cemeteries, burial grounds, or graves are identified during the archaeological survey. The delineation shall be conducted in accordance with standard archaeological practices, such as, but not limited to, shallow mechanical trenching extending outward from location of the visible areas of the identified cemetery, burial ground, or grave to remove topsoil so that soil discolorations indicative of burials may be viewed, or systematic probing with rods to detect differences in soil compaction indicative of burials. The perimeter boundary of the cemetery, burial ground, or grave shall be delineated five (5) feet from the edge of the identified burials, and any future burial locations if applicable.
- B. The cemetery, burial ground, or grave and associated buffer area as required by the Zoning Ordinance shall be located within an easement granted to Loudoun County in a form approved by the County. The perimeter boundary of a cemetery, burial ground, or grave as determined by the archaeological delineation and the associated easement shall be indicated on the site plan, construction plans or profiles, preliminary plat of subdivision, and associated plat applications as required by Chapter 8. A digital file of the boundary of the cemetery, burial ground, or grave

prepared in accordance with the Office of Mapping and Geographic Information Digital Data Submission Guidelines for Cemeteries shall be submitted prior to approval of the site plan, construction plans or profiles, or preliminary plat of subdivision.

- C. Unimproved pedestrian access to the cemetery, burial ground, or grave shall be provided on the site plan, construction plans or profiles, preliminary plat of subdivision, and associated plat applications as required by Chapter 8, either by a minimum of 15 feet of frontage on a street or by an access easement that shall be a minimum of 15 feet wide from a street or other point of public ingress.
- D. Prior to any land disturbance, protective barriers, such as Super Silt Fence as shown in Figure 3, or welded wire fence as shown in Figure 6, shall be installed along the limits of clearing and grading proximate to the cemetery, burial ground, or grave.
- E. Subsections A. through D., above, shall not preclude exhumation and re-interment of burials in accordance with the Code of Virginia. The plan approved by the Virginia Department of Historic Resources for such exhumation and re-interment shall be provided to the County Archaeologist prior to exhumation.

#### 7.830 CEMETERY, BURIAL GROUND, AND GRAVE TREATMENT PLAN

A Treatment Plan shall include the following:

- A. A map depicting the perimeter boundary of the cemetery, burial ground, or grave; all associated burial site elements (such as fences, walls, gates, landscape features, plantings associated with burials, fieldstones, and tombstones); the required and proposed Cemetery, Burial Ground, and Grave Buffers; existing vegetation to be preserved or conserved and proposed landscaping, opaque barriers, or hardscaping; proposed grading; proposed pedestrian access easement; and existing and proposed surrounding uses.
- B. An inventory of existing burial site elements depicted on the map and their condition.
- C. A description of the existing vegetation to be preserved or conserved, or removed, treatment of invasive species excluding any species planted in association with burials, and any proposed landscaping within the buffer.
- D. A description of the physical demarcation of the perimeter boundary.
- E. A description of any proposed opaque barriers, fencing, or hardscaping.
- F. A description of any proposed interpretive signage documenting the cultural and historical significance of the cemetery, burial grounds, or graves.

- G. A description of how the modified buffer will achieve the purpose and intent of the required Cemetery, Burial Ground, and Grave Buffers, and address how the cemetery, burial ground, or grave and its historic context is being preserved through alternative mitigation techniques.





# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

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### MEMO

**TO:** Planning Commission of Jefferson County  
**FROM:** Andy Beall, Jefferson County Zoning Administrator  
**DATE:** June 10, 2025  
**RE:** Proposed Amendment to Section 20.104 Exceptions of the Subdivision and Land Development Regulations

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Following the adoption of the 2045 Comprehensive Plan, Planning and Zoning staff began discussing text amendments to support park land expansion. In order to support the development of public park facilities in Jefferson County, the following text amendment proposes to allow developers to proffer land to Jefferson County Parks and Recreation and to exempt Jefferson County Parks and Recreation from the Subdivision and Land Development Regulations.

The *2045 Comprehensive Plan Update* Objective 11.3 supports the expansion of park lands and supporting existing parks. In the Subdivision and Land Development Regulations adopted October 9, 2008 and amended July 11, 2024, Section 20.104 identifies Public Schools, public and private utility easements, and Federal, State, and Municipal Governments as the only organizations exempt from the Subdivision Regulations. By adding Jefferson County Parks and Recreation to this list the development of park facilities will be facilitated and brought into operation sooner.

As the drafting process has been ongoing, the Parks and Recreation Commission (PRC) has been notified but has not supplied comment at this time. At the discretion of the Planning Commission, staff can be directed to consult with the PRC or provide the PRC time to present before the Planning Commission.

**In reference to WV Code 8A-4-2. Exemptions of certain types of land development**, may be included in a Subdivision and Land Development ordinance. This amendment would allow Jefferson County Parks and Recreation to establish parklands on the properties they own without adhering to the requirements set forth in the Subdivision and Land Development Regulations, except those regarding encroachments into Public Easements as specified in Section 21.402(D).

**In reference to WV Code 8A-6-2. Conditions as part of final plat approval**, this amendment would allow Jefferson County Parks and Recreation to accept real property as a “voluntary proffer” from landowners as a requirement of final plat approval.

#### **Proposed Text Amendment to the Subdivision and Land Development Regulations**

##### Sec. 20.104 Exceptions<sup>5</sup>

A. **General.** There shall be no exception from these Regulations for activities that involve the creation of lots, revision of lot lines that affect other properties other than the otherwise exempted uses, the creation or abandonment of roads, the provision of access to exterior roads, the vacating of public road right-of-ways,

or the creation or abandonment of other easements, unless provided for in Section 20.107, Conservation Easements, or in subsection “C” below.

**B. Public Schools.** By Statute, public schools are exempt from these Regulations, but are encouraged to voluntarily conform.

**C. Public Utilities.** Public utilities and private utility firms, including wastewater treatment and water supply facilities, regulated by the West Virginia Public Services Commission, shall also be required to conform to the standards of these Regulations; however, easements for public utilities and private utility firms, including wastewater treatment and water supply facilities, shall be exempt from this requirement, unless otherwise required as a part of a subdivision plat and/or site plan.

**D. Land Owned by Government Entities.** Land owned by the Federal Government, State Government, or Municipal Government is exempt from the provisions of these Regulations. The County government has placed its own uses under the jurisdiction of these Regulations **unless provided for in Section 20.104 Exceptions, subsection “E” below.**

**E. Land Owned by Jefferson County Parks and Recreation.** Land owned and operated by Jefferson County Parks and Recreation is exempt from the provisions of these Regulations, except those regarding encroachments into Public Easements as specified in Section 21.402(D).

This includes land given to Jefferson County Parks and Recreation as a “voluntary proffer” from landowners as a requirement of a Major Subdivision final plat approval.

### **Text Amendment Process**

If the Planning Commission chooses to move forward with this proposed text amendment, a Public Hearing will be required before both the Planning commission and the County Commission.

### **Attachments**

- 2045 Comprehensive Plan Parks and Recreation Excerpt

Jefferson County schools are primarily funded by property taxes and a voter approved excess levy that is required to be renewed every five years. The specific use of excess levy funds is set out in the election notice to ensure the JCBOE is able to meet the desired quality of services and facilities for its students. Additional funding can be available in Jefferson County through impact fees for schools. It is important to note that impact fees are only able to be used on capital improvements that relate directly to cost of providing additional resources due to the growth generated by students in new homes built in the County. Impact fees for new buildings were reduced to \$1 in 2021 by the Jefferson County Commission then updated in 2024 with rollout to begin on June 1, 2025.

Jefferson County has a wide variety of public and private recreational options, including municipal and county parks, West Virginia Wildlife Management Areas, the Harpers Ferry National Historical Park, and various private camping and outfitter operations. The parks and recreational facilities present in Jefferson County are a key asset for residents to enjoy public events, get exercise, and socialize with other members of the community. These Parks and Recreation provide the County with a variety of both active and passive recreation opportunities.

Courtesy: Jefferson County Development Authority





# Goal 11

Align expansion of County park facilities and programs with federal, state, municipal, and non-profit recreation providers to ensure that a wide variety of park and recreation opportunities are available throughout Jefferson County.

Courtesy: JC Office of Planning and Zoning

As Jefferson County has grown, residents of the community have recognized the need to provide a greater range of park and recreational services to visitors and County residents. Jefferson County is home to and surrounded by quality state and federal recreational areas, including Bolivar, Loudoun, and Maryland Heights, the Appalachian National Scenic Trail, Harpers Ferry National Historical Park, and the C & O Canal National Historical Park. By having places for year round recreation, County residents are provided with opportunities to exercise and to socialize with each other. Recreation is important for the physical and mental health of the public. Parks and recreational facilities can also serve as sites for festivals and sporting events, providing another economic development benefit and stimulate community between residents. An additional role for parks and recreational facilities is to serve as gathering places for younger residents. Having facilities and programs for teens and young adults fosters community involvement and is of particular interest to County residents. When safe places to meet, play, and exercise are provided, children, teens, and young adults can have recreation facilities and activities close to their homes. These parks and recreational facilities can also be used to encourage public wellness programs for residents of all ages, improving physical and mental wellbeing in the County.

The Jefferson County Parks and Recreation Commission (JCPRC) owns and operates nine parks, totaling 471 acres

across the County, which meet a wide variety of active and passive recreation needs with related programming for the area in which each park is located. Many of these programs include options for children, such as swimming classes, gymnastics training, or coed sports. The County also has a large number of playgrounds in its parks, increasing the free recreation opportunities for young families. However, as the number of residents has increased in recent years, the available park and recreation space may not be enough to serve the needs of all residents. Jefferson County must explore new ways to provide healthy and accessible recreation opportunities for residents of all ages.

Jefferson County has a wide variety of public and private recreational options, including municipal and county parks, West Virginia Wildlife Management Areas, the Harpers Ferry National Historical Park, and various private camping and outfitter operations. The parks and recreational facilities present in Jefferson County are a key asset in supporting the County's quality of life.

One such option for public recreation is non-profit organizations. Jefferson County already has several of these, including the Boys and Girls Club of the Eastern Panhandle in Charles Town. However, the number of non-profit recreation organizations is not large, and would certainly not be enough to

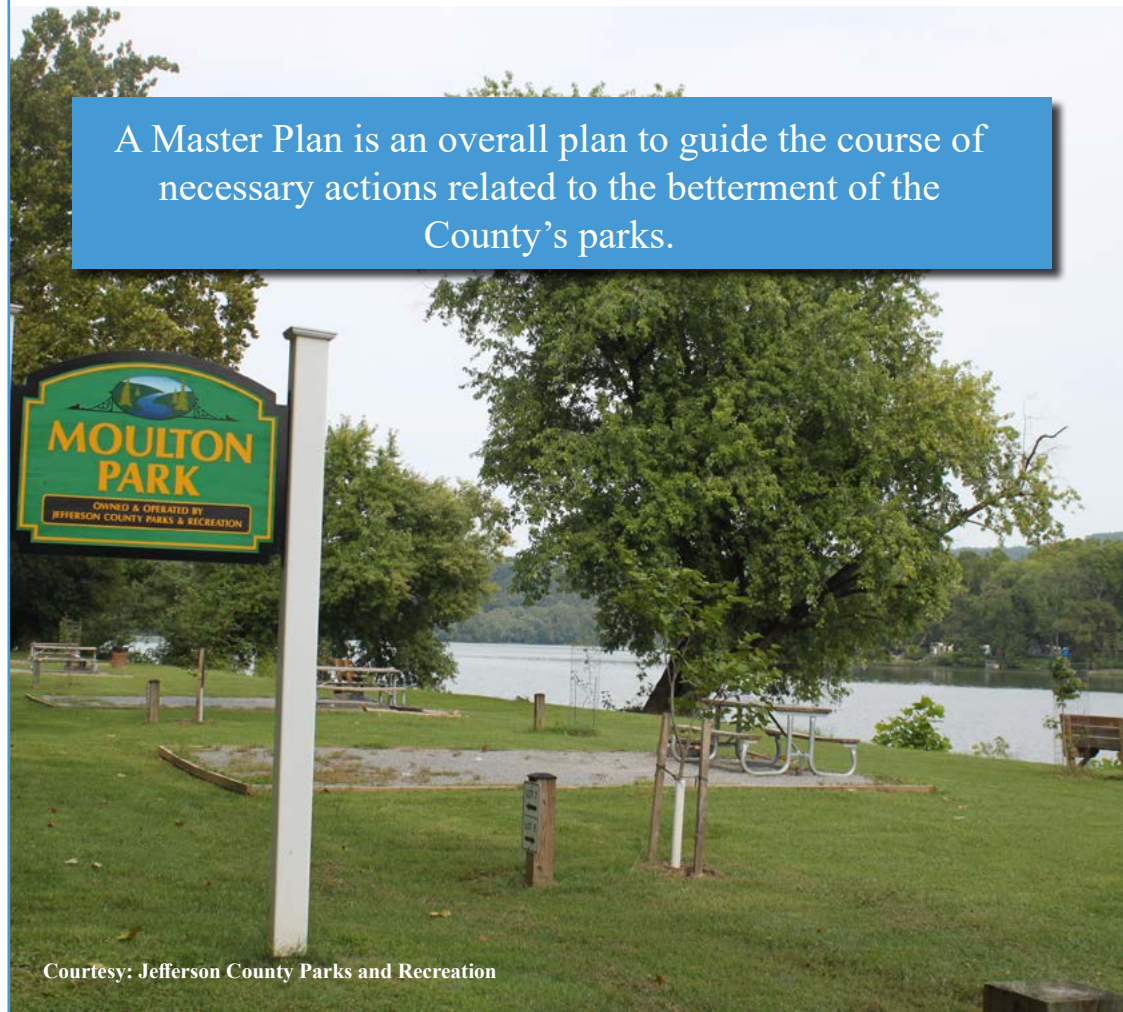
service all residents of the County who would be interested in participating. One example of a non-profit recreation provider that is not currently available in Jefferson County is the YMCA, which offers both childcare and early learning services, and coed recreation opportunities for the public. Beyond this, the YMCA also offers adult programs and classes to educate participants about establishing a healthy lifestyle or encouraging positive youth development. Many people may not otherwise have access to such classes or be able to afford to attend those offered by learning institutions. These accessible programs encourage a physically and mentally healthy community for both adults and children. Promoting non-profit recreation providers like the YMCA to locate in Jefferson County is another way to invite more recreation opportunities for residents.

Another potential recreation facility would be a public pool. Residents have identified the need for more access to aquatic recreation. Jefferson County has a public pool in Jefferson Memorial Park, and several neighborhoods in the County have private community pools, but these do not serve the needs of all residents. The installation of a new public aquatic center would provide better access to water recreation activities and allow for enhanced and expanded programs like swimming lessons for children or water aerobics classes for adults.

One difficulty that Jefferson County faces when considering the expansion of parks and recreational facilities is that of

funding. New facilities can incur great costs and ongoing maintenance are a long-term expense. Jefferson County Parks and Recreation is responsible for finding partnerships with local organizations and funding through federal and state programs. It is important that Jefferson County continue both financial support and cooperation with the Parks and Recreation Commission, particularly the priorities laid out in their Master Plan. When working together with local partners, Jefferson County can expand recreational access and amenities for all County residents.

A Master Plan is an overall plan to guide the course of necessary actions related to the betterment of the County's parks.



Courtesy: Jefferson County Parks and Recreation

## Objective 11.1

Continue to evaluate the need for and financing of a public or non-profit pool or aquatic center.

1. Support efforts to create an aquatic center that includes a competition pool and aquatic programming for swimmers of all ages.

JCPR • JCDA | 6-10 years

## Objective 11.2

Coordinate with local, state, and regional governments, non-profits, and community groups to identify funding sources for recreational facilities.

1. Expand park and recreational programming options for children, teenagers, young adults, and all residents of Jefferson County.

JCPR | Yearly

## Objective 11.3

Support the expansion of park lands and adoption of Master Plans or existing park utilization.

1. Encourage the location of new community public facilities (such as schools, libraries, parks) within Municipalities, UGBs, PGAs, or Villages.

P&Z • PC • CC | Ongoing

2. Update and implement the current and future recommendations of the County's Parks and Recreation Master Plan.

P&Z • JCPR | 6-10 years





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**MEMORANDUM**

TO: Jefferson County Planning Commission  
FROM: Charles Cain, Summer Planning Intern  
DATE: June 10, 2025  
RE: Draft Zoning Ordinance Amendments – Proposed New Zoning Districts and Changes to Existing Districts

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**Background**

Jefferson County Zoning Ordinance currently contains the Residential – Light Industrial – Commercial (RLIC) district, which allows a broad range of uses and becomes the only alternative for many developments with commercial land use. This lack of mixed-use alternatives presents issues as RLIC has many incompatible permitted land uses. The following proposals are for simplified residential and commercial zoning options consistent with Objective 1.1 and 1.2 of the 2045 Comprehensive Plan.

**Proposed New Districts and Amendments to Existing District**

1. Existing Section 5.17 – Office / Commercial (OC) Mixed-Use – Amendments intend to clarify the mixed-use district as a higher density residential area and higher-intensity commercial or office area.
2. New Section 5.18 – Rural Residential (RR) – Intended for clustered low-density housing in open or rural areas with no farming activity.
3. New Section 5.19 – Residential Commercial (RC) – Intended to provide multiple residential options as well as various commercial options, allowing for mixed-use developments.

**Attached Documents and Information**

1. More details and research concerning the proposed new districts and amendments to OC.
2. Comments on the proposed changes' alignment with the 2045 Comprehensive Plan.
3. A draft of the amendments to the zoning ordinance, including revisions to Sections 5.1, 5.17, Appendices A, B, and C, and the additions of Sections 5.18 and 5.19.

**Next steps**

These amendments will be reviewed by the Planning Commission during a regular meeting. If the Planning Commission chooses to move forward with the proposed text amendment, a public hearing will be required before the Planning Commission. Following a public hearing, the Planning Commission can recommend the amendment to the County Commission or make additional revisions to the amendment prior to recommendation.

## **Descriptions of New Districts, Research and Other Changes**

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### **1. Creation of new Rural Residential (RR) district**

Jefferson County's Rural district does not allow for a differentiation between housing built on land for agricultural use and rural residences that do not have ongoing farming activities or rural economic activity. The Rural district's minimum lot size is based on availability of central water and sewer for that lot. It also has clustering requirements in Section 5.7D-2 for some new subdivisions. These clustering requirements justify the creation of a Rural Residential district that includes these same clustering characteristics but ensures only residential use in the area and not other rural uses. Jefferson County's future land use guide also designates many rural areas with housing as "rural residential" meaning many rural areas in Jefferson County would be appropriate for this district.

Shenandoah County, VA Code §165-12.1 establishes a Rural Residential – Agriculture District, which does not allow agricultural activity or other non-residential uses, exceptions being essential utilities, residential farms, and playgrounds. These permitted uses give a good understanding of what uses to permit and allow conditional uses for in the new RR district, but the minimum lot area of 3.5ac would interfere with the desired clustering requirements. Clarke County, VA also utilizes a Rural Residential district and only requires 25ft rear setbacks, 10ft side setbacks, and other small distances per Table 4.1.3[2] in Clarke County Code Chapter 200, Article I §4.1.3. To preserve rural character and provide adequate space for family life and comfort, Clarke County requires a minimum area of 1 acre for lots not served by central sewer, and this decreases to 30,000 square feet in areas served by central sewer. Clarke County Code Article I §4.1.3, Table 4.1.3[2] contains similar requirements to Jefferson County's Residential Growth (RG) district, meaning density enough for clustering requirements can be met while preserving the open space typical of rural areas in Jefferson County. Furthermore, a study by Newburn & Berck in 2006 of residential density in Sonoma County, CA found that rural-residential areas with minimum lot restrictions may encourage sprawl, and that multiple densities should be considered to minimize the loss of habitat or farmland (p. 27-28). This indicates the minimum area requirement is especially important to any RR district, and that different densities should be considered based on lot access to water and sewer, with those lots served by utilities being smaller.

### **2. Creation of new Residential Commercial (RC) district**

The primary function of a new Residential Commercial district is to provide an alternative to using the Residential-Light Industrial-Commercial (RLIC) for mixed commercial and residential developments. This will be accomplished by addressing key issues with mixed-use development in Jefferson County. An APA report concerning commercial corridor development by Luis Nuñez states "Industrial uses typically generate the greatest number of land-use compatibility concerns" (p. 19). This is a relevant concern for RLIC because it permits residential and commercial uses, but it also permits all light industrial uses. RLIC also permits every type of housing, including mobile home parks and model home sales. These two uses of land are not typically compatible with other types of residences, and many residential areas may not be desirable around permitted industrial uses even with large setbacks.

Washington County, MD establishes a series of Mixed-Use districts, one of which is named 'MXC Mixed-Use Commercial' which is intended to "permit a mixture of residential uses and limited commercial development to provide goods and services necessary to the neighborhood" (Zoning Ordinance §16.0.b, 2018) but must be approved first under a master plan. This process is detailed in their Zoning Ordinance §16.5 and includes further stipulations for the characteristics of the proposed development. These requirements indicate that significant effort is required to have a new development approved using this overlay, however further sections indicate its flexibility for change.

The MXC overlay is applied to residential and business districts, meaning it has a broad range of allowed uses. Combining aspects of the established Neighborhood Commercial, including setbacks, buffer requirements and permitted uses with the characteristics of MXC will result in increased flexibility of land use and hopefully more adoption of this district than Neighborhood Commercial.

### 3. Amendments to Office / Commercial (OC) Mixed-Use District

The current function of the existing Office-Commercial (OC) Mixed-Use district is to provide employment centers and office buildings. Given the size of towns in Jefferson County and their general rural character, this district may be better suited to incorporate more residential use and less office and higher-intensity commercial space. A general issue pertaining to mixed uses are the standards for interaction between different uses. Specific buffer requirements and other requirements for design depend on which uses of land abut which other uses of land. These concerns are addressed in Section 5.17D Site Development Standards and 5.17E Additional Requirements in the Zoning Ordinance.

Amendments to Office Commercial (OC) district are intended to provide another option for residential, commercial and office space in mixed-use developments. Washington County has another mixed use overlay, Mixed-Use Employment (MXE), which is permitted to overlay onto local business districts, industrial parks and ORT (office parks, health centers, and university research offices). MXC does not allow employment space, and MXE mandates too much of it, meaning Jefferson County's OC district is somewhere between the previously mentioned MXC overlay and MXE. To find this balance, the requirements for the Transition Community Center (TCC) from Loudoun County, VA's Zoning Ordinance can be used. Table 02.03.04-1 in the TCC description allows the following mix of uses: 0-30% residential or mixed, 65%-96% non-residential, and minimum 4% institutional (p. 86). These percentages indicate that the current OC requirements are strict and thus have been lowered from 75% to 65% non-residential, and 50% to 35% office use.

The limited areas where overlays can be applied results in few re-zonings that would be useful to residents and developers. (Washington County, MD currently does not have any Mixed-Use overlays in use). Still, a study from the University of Washington by Majors et. al states that for most common purposes, overlays are better than rezoning entirely (2007, p. 6). With this in mind, introducing small amendments to the OC district accomplishes this, because small changes are similar to the small changes brought about by an overlay district. These changes include the language to the description, to reflect that the district should be mixed-use, not employment-heavy, and that pedestrian traffic should be prioritized, not just allowed. Further changes include relaxation of requirements for proportions of office space or commercial space in each building or development.

### 4. Other changes to the Zoning Ordinance

The table of contents has added two sections, 5.18 and 5.19 for the new districts. Section 5.1 defines the two new districts as well. Changes are necessary in Appendices A, B and C, both to add rows in A and B and columns in C for the new districts. In Appendix C, changes to permitted/not permitted and conditional use designations in existing districts and new districts will provide clear standards for land use. These designations will ideally allow enough permitted or conditional uses that ultimately result in avoidance of the RLIC district in accordance with Objective 1.2.1 of the 2045 Comprehensive Plan.

## Ongoing Priorities

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1. Although new mixed-use or commercial options may exist in the future, the RLIC zoning district still allows more land uses than the new RC and OC districts and cannot be removed as around 2% of Jefferson County is currently zoned as RLIC. The introduction of alternative districts will allow zoning map amendments to focus on pursuing compatible land uses and not expanding the wide and potentially incompatible uses of the RLIC district as per Objective 1.2.1 in the Comprehensive Plan.
2. The Rural (R) District has clustering requirements which are relevant to the Rural Residential (RR) District. As a result, rural landowners now have a choice to subdivide using existing rights under Section 5.7D, to make clusters of Rural zoned land, and the choice to subdivide and re-zone as Rural Residential clusters. This may result in landowners choosing not to re-zone to RR as the Rural district permits a few more uses and owners have development rights specific to the Rural district.
3. Appendices A, B, and C are sometimes difficult to read when some districts refer to others for setbacks or other specific requirements. Furthermore, the zoning ordinance makes numerous references to these tables throughout the document and readers must read the descriptions of districts or other information and the table of site development standards separately. An update to the Zoning Ordinance to address such problems is supported by the Comprehensive Plan in Objective 1.1.
4. Staff would note, based on the direction provided by the Planning Commission, additional text amendments will be required to amend the Subdivision Regulations based on the proposed Zoning Ordinance text amendments. Staff would further recommend that adding additional uses to Appendix C would be appropriate based on the proposed Rural Residential Zoning district.

## References

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- Clarke County, VA, Code of Clarke County Chapter 200, Article I §4.1.3 (2025).
- Frederick County, VA County Code Part II §165-705 (2023).
- Loudoun County, VA Zoning Ordinance, Chapter 2, §2.03.04 (2023).
- Majors, C., Hill, J. R., Stewart, C., & Tovey, J. D. Planned Unit Developments and Overlay Zoning.
- Newburn, D. A., & Berck, P. (2006). Modeling Suburban and Rural-Residential development beyond the urban fringe. *Land Economics*, 82(4), 481–499. <https://doi.org/10.3368/le.82.4.481>
- Nuñez, L. (2021). *Commercial corridor redevelopment Strategies*.
- Shenandoah County, VA, County Code Part II §165-12.1 (2023).
- Washington County, MD, Zoning Ordinance §16 (2018).

## **Alignment with 2045 Comprehensive Plan**

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Objective 1.1.4 in the 2045 Comprehensive Plan states Planning & Zoning must update the current zoning ordinance so that it includes recommendations in the Plan. References to the 2035 Comprehensive Plan in the Zoning Ordinance will be reviewed and/or replaced with recommendations from the 2045 Comprehensive Plan. Details of changes and objectives that are pertinent are below.

### **New Districts**

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1. Rural Residential (RR) – Intended for low-density detached housing in open or rural areas with no agricultural activity.

This new district accomplishes part of Objective 1.1.3 by establishing a zoning district that allows rural residential land uses. Although the current Rural District allows residential land uses, Objective 1.2.2 may be better accomplished by requiring clusters of residences in rural areas. Objective 1.2.2 allows residential development outside of urban growth boundaries and preferred growth areas in clusters so this district aligns closely to the objective. Alternatives like Residential Growth are mainly intended for development within urban growth boundaries, which is not appropriate for rural developments.

2. Residential Commercial (RC) – Intended to address shortcomings of NC, PND, and OC Districts.

Originally, Neighborhood Commercial, Planned Neighborhood Development, and Office / Commercial Mixed-Use were intended to provide residential options as well as low intensity commercial activity to give options for commercial and mixed use development. These districts are less than 1% of land in Jefferson County so they have not been utilized enough.

Objective 1.1.3 establishes the need for residential and commercial land use in one zoning district. Many localities close to Jefferson County use district overlays to accomplish this but these overlays are often not implemented. Additionally, Objective 1.2.1 states that future use of the Residential-Light Industrial-Commercial district should be avoided, showing the need for options to eventually replace this mixed-use district. Therefore the RC district will allow diverse residential options and low- to medium-intensity commercial options.

### **Amendments to Existing Districts**

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3. Office / Commercial (OC) Mixed-Use District – Amendments allow for more residential options while restricting the uses most likely to disturb a residential population.

The existing Office / Commercial Mixed-Use District (OC) can add features of a mixed-use district overlay in Washington County, MD to ensure a focus on mixed-use development. Requirements for the minimum percentage or other metric of land used for a residential, commercial, or office purpose can be incorporated to ensure an appropriate mix of uses. These changes are necessary to accomplish Objective 1.1.3 because this district has not been used yet in Jefferson County. Since this and Residential Commercial are two districts that can support multiple uses, increased use of the OC district can accomplish Objective 1.2.1, avoiding future use of RLIC.

## List of Text Changes to Zoning Ordinance

### Section 5

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4. **5.1** - List of zoning districts now includes RR and RC

### Section 5.17

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5. **5.17A** – Purpose statement for OC updated to reflect increased residential and pedestrian use.  
6. **5.17E** – Additional requirements for office space reduced. Ground floor commercial space requirement now does not apply to residential buildings.

### Section 5.18 - This is a proposed new section for RR

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7. **5.18A** – Purpose statement added for Rural Residential  
8. **5.18B** – Desired location statement added  
9. **5.18C** – Permitted uses added  
10. **5.18D** – Site development standards, including clustering requirements, added  
11. **5.18E** – Height requirement from Rural district kept

### Section 5.19 – This is a proposed new section for RC

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12. **5.19A** – Purpose statement added for Residential Commercial  
13. **5.19B** – Desired location statement added  
14. **5.19C** – Permitted uses added  
15. **5.19D** – Site development standards added  
16. **5.19E** – Residential building height restriction added, statement to ensure mixed-use buildings must prioritize resident security added.

### Appendices

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17. **Appendix A** – Row 3 created (under Rural) to insert site development standards for RR  
18. **Appendix A** – Row 8 created (under Neighborhood Commercial) to insert site development standards for RC – refers to RG District.  
19. **Appendix A** – Footnote changed to include townhouse deck exception for RC district.  
20. **Appendix B** – Row 7 created (under Neighborhood Commercial) to insert site development standards for RC – Mostly the same as Neighborhood Commercial and IC.  
21. **Appendix C** – Column 9 created (right of OC) to insert permitted uses of RC district.  
    a. Residential Uses – same as V  
    b. Institutional Uses – Mostly permitted, CU for convention center, recycling drop-off.  
    c. Industrial Uses – None allowed  
    d. Commercial Uses – Mostly permitted, CU for vehicle involved (drive-thru, auto parts store, etc.) and noise-prone (bar, pub)  
    e. Agricultural Uses – Mostly permitted as these uses are permitted almost everywhere.  
22. **Appendix C** – Column 11 created (right of R) to insert permitted uses of RR district.  
    a. Residential Uses – All low-density options allowed

- b. Institutional Uses – Some permitted, CU for schools, retirement homes, church, etc.
  - c. Industrial Uses – None allowed
  - d. Commercial Uses – All CU except some more intrusive options
  - e. Agricultural Uses – Mostly permitted as these uses are permitted almost everywhere.
- 23. Appendix C** – Column 8 (OC) uses changed to allow a few more commercial uses:
- a. Antique Shop, Grocery Store NP to P
  - b. Bank Drive-Thru, Fast Food Drive-Thru P to CU to reflect prioritizing pedestrians
  - c. Retail Sales/Service General, Movie Theater NP to CU

### **Other Changes**

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- 24. Appendix B** – Fixed typo in footnotes.
- 25. Appendix C** – Added RR and RC to list of districts under table.

Attached pages of ZTA – Page 6, 73, 89-93, 132, 134, 136-139



## Objective 1.1

Establish a simplified variety of commercial, residential, and mixed-use zoning categories and Land Use Classification appropriate to the County's needs.

1. Educate the public about the County's Zoning, Subdivision, and land development processes and regulations through educational materials, presentations, and digital tools.

P&Z | 1-2 years

2. Introduce text amendments to remove the Major Industrial and Planned Neighborhood Development zoning districts.

P&Z • CC | 1-2 years

3. Establish or modify zoning district options that allow residential and commercial land uses, residential and mixed use land uses, and rural residential land uses.

P&Z • CC | 1-2 years

4. Complete and enact an update to the Subdivision & Land Development Regulations and the Zoning & Land Development Ordinance to include the recommendations in the 2045 *Comprehensive Plan*.

P&Z • PC • CC | 1-2 years

## Objective 1.2

Continue to encourage the utilization of cluster subdivisions as the preferred form of residential development within rural areas.

1. Avoid future use of the Residential-Light Industrial-Commercial district as a zoning district for zoning map amendment requests.

PC • CC | Ongoing

2. Allow residential development outside of the Urban Growth Boundaries or Preferred Growth Areas to develop as rural cluster subdivisions or minor subdivisions, in accordance with existing land use rights.

P&Z • CC | Ongoing

## Objective 1.3

Align existing land use regulations with West Virginia State code and make the land development processes consistent with the County ordinances and regulations.

1. Perform a yearly review of relevant changes to West Virginia Code 8A following the end of the West Virginia state legislative session.

P&Z | Yearly

# Land Use Guide Classifications

The following land use classifications, utilized on the Existing Land Use Map and Future Land Use Guide, are intended to provide guidance to the Planning and County Commission when considering owner-initiated zoning map amendments (rezoning requests). The Future Land Use Guide is also intended to provide guidance for the Board of Zoning Appeals when considering Conditional Use Permits. While some of the land use classifications may result in new zoning categories, this is not a comprehensive list of possible zoning districts.

## Residential Densities, Mixed Use, Commercial, and Industrial Definitions

### Rural/Agriculture

**Primary Uses:** The Rural/Agriculture classification is for working agricultural operations and single family residences.

**Intensity:** Residences are primarily served by on-site well and septic systems.

**Mobility:** Agricultural equipment and auto orientated access are prioritized.



Courtesy: JC Office of Planning and Zoning

### Future Urban Area

**Primary Uses:** This land use classification is used to identify locations that are Rural/Agriculture level development and are within the Urban Growth Boundaries of the City of Charles Town or the Corporation of Ranson. Urban Growth Boundaries facilitate owner initiated annexations into the relevant municipality and as a result the County identifies these areas as suitable for higher intensity development.

**Intensity:** Residential and non-residential uses may be served by on-site well and septic systems or public water and/or sewer system.

**Mobility:** Agricultural equipment and auto orientated access are prioritized with future developments requiring bike and pedestrian access.



Courtesy: JC Office of Planning and Zoning

### Rural Residential

**Primary Uses:** The Rural Residential classification is for larger lot residential developments and can include single family residences, duplexes, accessory dwelling units, and residences east of the Shenandoah River.

**Intensity:** Residences may be served by on-site well and septic systems or public water and/or sewer system.

**Mobility:** Agricultural equipment and auto orientated access are prioritized with pedestrian mobility provided within residential subdivisions.



Courtesy: JC Office of Planning and Zoning

# Land Use Guide Classifications

## Suburban Residential

**Primary Uses:** The Suburban Residential classification identifies higher intensity residential developments. This can include single family residences on small lots, townhomes, apartment complexes, and assisted living communities.

**Intensity:** Residences are served by public water and sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.



Courtesy: JC Office of Planning and Zoning

## Mixed Use Residential/Commercial

**Primary Uses:** This land use classification is for mixed use developments with commercial ventures or office businesses on ground level and residences on additional floors. The development should connect to the pedestrian and auto transportation networks of adjacent properties and commercial ventures can include gyms, convenience stores, and bakeries.

**Intensity:** Residences and commercial uses are served by public water and sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.



Courtesy: JC Office of Planning and Zoning

## Conservation Area

**Primary Uses:** This land use classification reflects the use of historic, conservation, and farmland preservation easements.

**Intensity:** Residences on conservation areas are primarily served by on-site well and septic systems.

**Mobility:** Agricultural equipment and auto orientated access are prioritized.



Courtesy: Jefferson County HLC

# Land Use Guide Classifications

## Office or Commercial

**Primary Uses:** The Office or Commercial category is intended to support a mix of business and office uses. Developments can include mixed use projects, a mix of office or commercial buildings, or solely an office or commercial use.

**Intensity:** Commercial or office uses are served by public water and sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments. Access to public transit is encouraged.



Courtesy: JC Office of Planning and Zoning

## Neighborhood Commercial

**Primary Uses:** The Neighborhood Commercial classification is for small scale commercial uses that are compatible with residential uses. Developments in this classification should serve the convenience needs of residential neighborhoods and commercial developments within walking distance and should connect to the pedestrian and auto transportation networks of adjacent properties.

**Intensity:** Neighborhood commercial uses may be served by on-site well and septic systems or public water and/or sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.



Courtesy: JC Office of Planning and Zoning

## Residential or Commercial

**Primary Uses:** This land use classification is for Suburban Residential and Neighborhood Commercial level development. Developments can include mixed use projects, a mix of residences and convenience businesses, or solely office, commercial, and residential uses that should connect to the pedestrian and auto transportation networks of adjacent properties. It includes gyms, convenience stores, townhomes, commercial and residential uses on adjoining lots, and mixed use projects with commercial ventures on ground level and residences on additional floors.

**Intensity:** Residences and commercial uses are served by public water and sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.



Courtesy: JC Office of Planning and Zoning

# Land Use Guide Classifications

## Golf Course

**Primary Uses:** The golf course land use classification depicts two existing locations. The classification is distinguished as they both exist in residential neighborhoods but cannot be further developed as residential or commercial. There are no future sites for this land use type depicted on the Future Land Use Guide.

**Intensity:** Commercial uses on golf courses are primarily served by on-site well and septic systems.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.



Courtesy: JC Office of Planning and Zoning

## Public/Quasi Public Land

**Primary Uses:** This land use classification is for locations occupied by non-profits and governmental agencies. It includes churches, cemeteries, water towers, utility substations, city, county, state and federal lands, parks, and schools.

**Intensity:** Public or quasi-public uses are served by on-site well and septic systems or public water and/or sewer system. Municipal, state, and federal entities are exempt from processing through local land use regulations.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along.



Courtesy: JC Office of Planning and Zoning

## Industrial or Commercial

**Primary Uses:** The industrial or commercial classification is intended for industrial uses and destination businesses uses. It includes light and heavy industrial applications, automotive repair shops, warehousing that requires frequent truck traffic, and shooting ranges.

**Intensity:** Industrial or commercial uses are served by public water and sewer system.

**Mobility:** Truck auto orientated access are prioritized. Access to public transit and bike paths is encouraged.



Courtesy: Jefferson County Development Authority

## General Commercial

**Primary Uses:** The General Commercial category is for general destination business uses including a broad range of commercial products, services, and structure size.

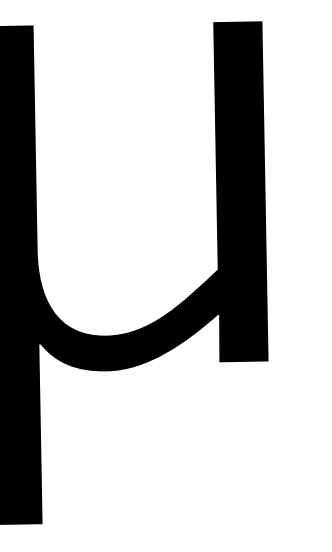
**Intensity:** Commercial uses are served by public water and sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments. Access to public transit is encouraged.



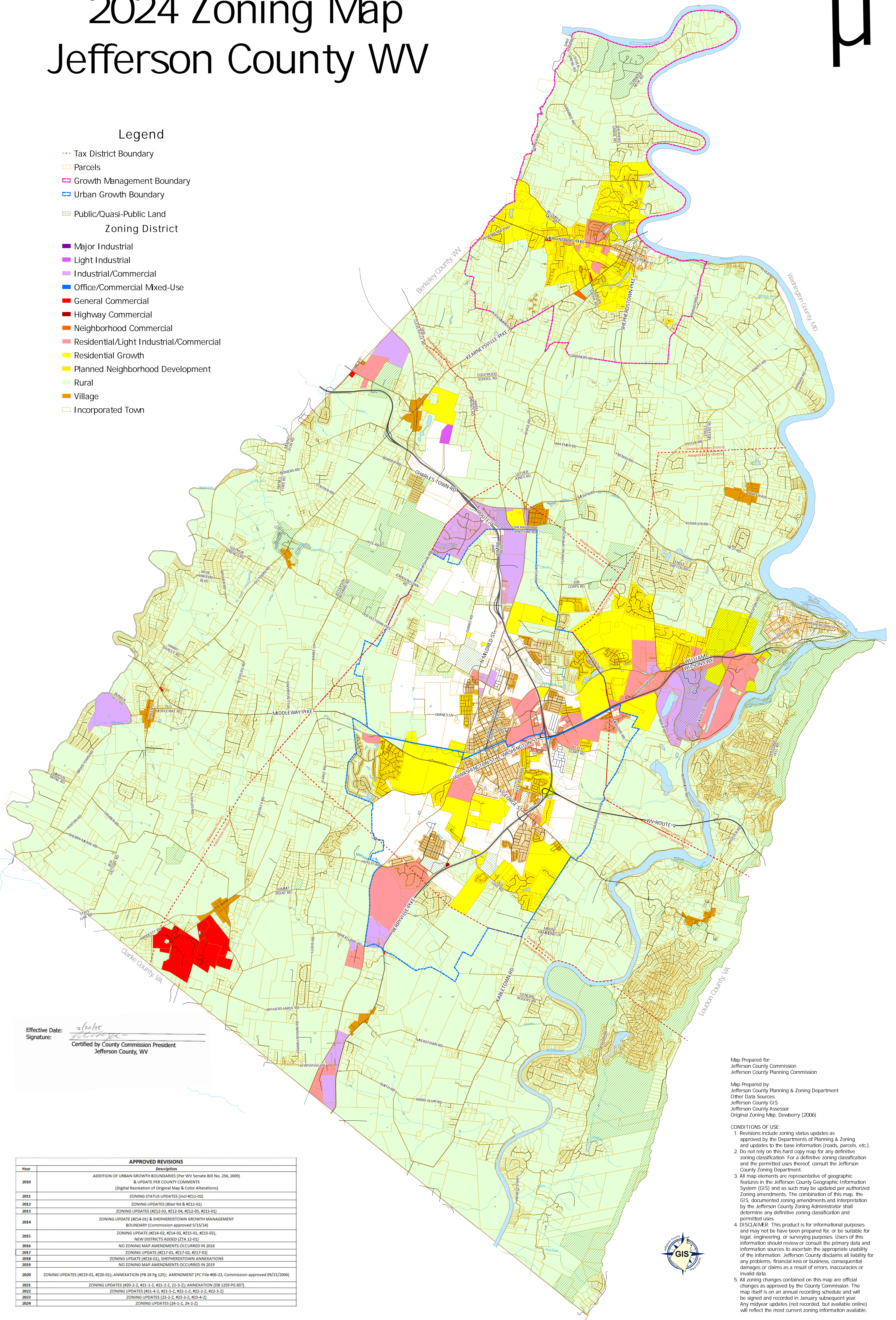
Courtesy: JC Office of Planning and Zoning

# 2024 Zoning Map Jefferson County WV



## Legend

- Tax District Boundary
  - Parcels
  - Growth Management Boundary
  - Urban Growth Boundary
  - Public/Quasi-Public Land
- ### Zoning District
- Major Industrial
  - Light Industrial
  - Industrial/Commercial
  - Office/Commercial Mixed-Use
  - General Commercial
  - Highway Commercial
  - Neighborhood Commercial
  - Residential/Light Industrial/Commercial
  - Residential Growth
  - Planned Neighborhood Development
  - Rural
  - Village
  - Incorporated Town



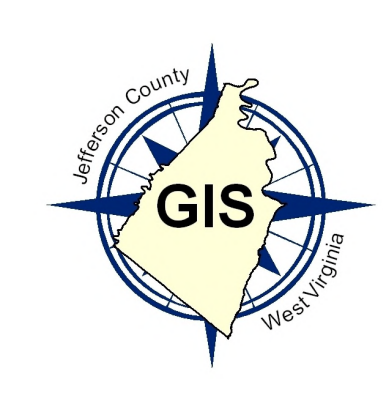
Effective Date: 2/20/25  
 Signature: [Signature]  
 Certified by County Commission President  
 Jefferson County, WV

Map Prepared for:  
 Jefferson County Commission  
 Jefferson County Planning Commission

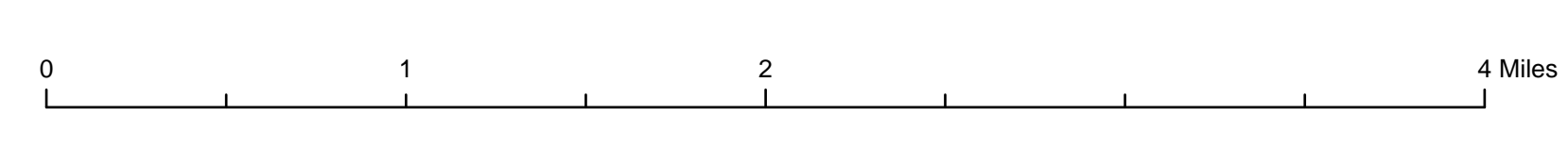
Map Prepared by:  
 Jefferson County Planning & Zoning Department

Other Data Sources:  
 Jefferson County GIS  
 Jefferson County Assessor  
 Original Zoning Map, Dewberry (2006)

- CONDITIONS OF USE:**
- Revisions include zoning status updates as approved by the Departments of Planning & Zoning and updates to the base information (roads, parcels, etc.).
  - Do not rely on this hard copy map for any definitive zoning classification. For a definitive zoning classification and the permitted uses thereof, consult the Jefferson County Zoning Department.
  - All map elements are representative of geographic features in the Jefferson County Geographic Information System (GIS) and as such may be updated per authorized zoning amendments. The combination of this map, the GIS, documented zoning amendments and interpretation by the Jefferson County Zoning Administrator shall determine any definitive zoning classification and permitted uses.
  - DISCLAIMER:** This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the appropriate usability of the information. Jefferson County disclaims all liability for any problems, financial loss or business, consequential damages or claims as a result of errors, inaccuracies or invalid data.
  - All zoning changes contained on this map are official changes as approved by the County Commission. The map itself is on an annual recording schedule and will be signed and recorded in January subsequent year. Any midyear updates (not recorded, but available online) will reflect the most current zoning information available.



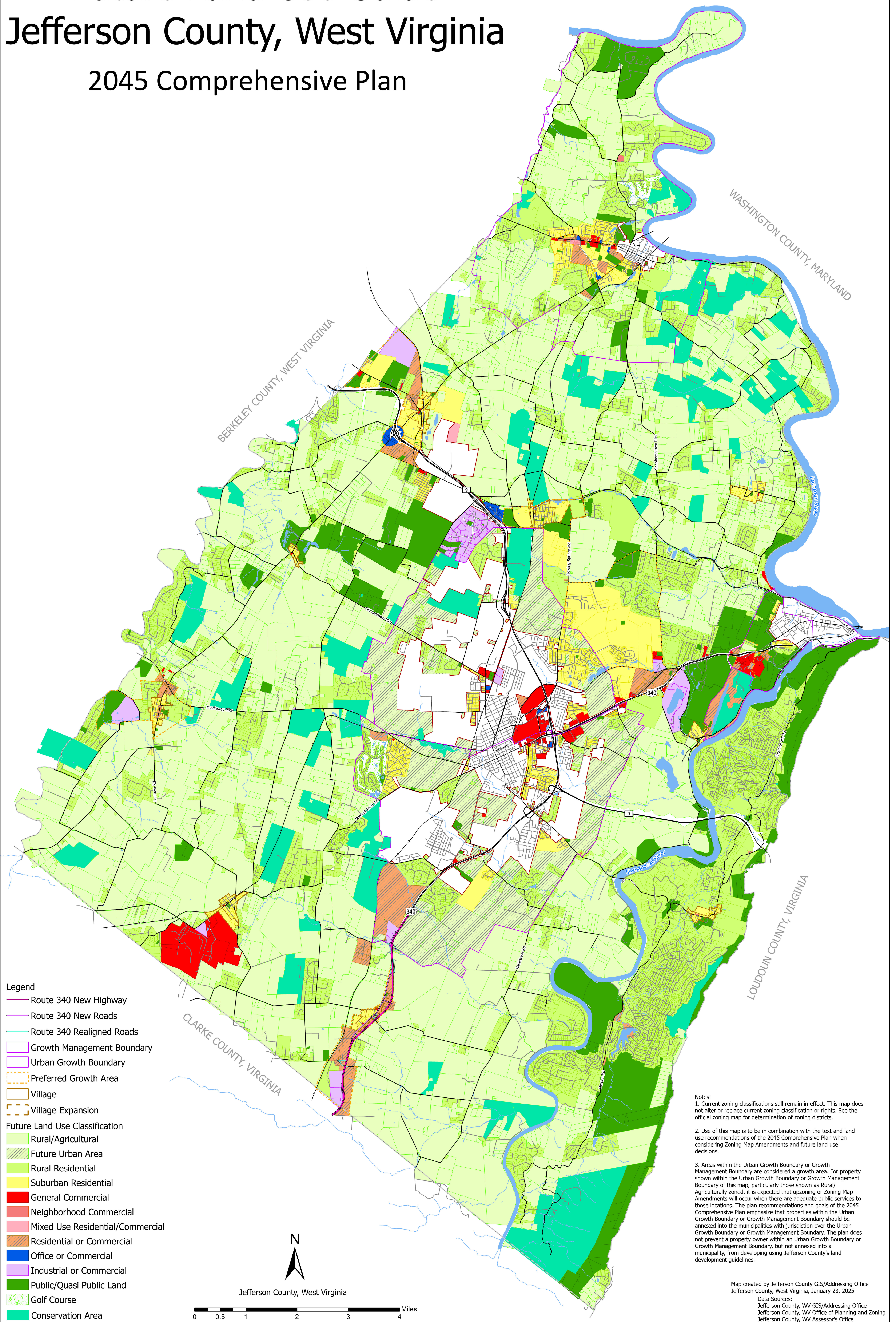
Year	APPROVED REVISIONS
2010	ADDITION OF URBAN GROWTH BOUNDARIES (Per WV Senate Bill No. 256, 2009) & UPDATE PER COUNTY COMMENTS (Digital Recreation of Original Map & Color Alterations)
2011	ZONING STATUS UPDATES (incl #211-02)
2012	ZONING UPDATES (Blair rd & #212-01)
2013	ZONING UPDATES (#212-03, #212-04, #212-05, #213-01)
2014	ZONING UPDATE (#214-01) & SHEPHERDSTOWN GROWTH MANAGEMENT BOUNDARY (Commission approved 5/15/14)
2015	ZONING UPDATE (#214-02, #214-03, #215-01, #215-02), NEW DISTRICTS ADDED (ZTA 12-01)
2016	NO ZONING MAP AMENDMENTS OCCURRED IN 2016
2017	ZONING UPDATE (#217-01, #217-02, #217-03)
2018	ZONING UPDATE (#218-01), SHEPHERDSTOWN ANNEXATIONS
2019	NO ZONING MAP AMENDMENTS OCCURRED IN 2019
2020	ZONING UPDATES (#219-01, #220-01); ANNEXATION (PB 26 Pg 125); AMENDMENT (PC File #06-23, Commission approved 09/21/2006)
2021	ZONING UPDATES (#20-2-Z, #21-1-Z, #21-2-Z, 21-3-Z); ANNEXATION (DB 1259 PG 697)
2022	ZONING UPDATES (#21-4-Z, #21-5-Z, #22-1-Z, #22-2-Z, #22-3-Z)
2023	ZONING UPDATES (23-2-Z, #23-3-Z, #23-4-Z)
2024	ZONING UPDATES (24-1-Z, 24-2-Z)



# Future Land Use Guide

## Jefferson County, West Virginia

### 2045 Comprehensive Plan



- Legend**
- Route 340 New Highway
  - Route 340 New Roads
  - Route 340 Realigned Roads
  - Growth Management Boundary
  - Urban Growth Boundary
  - Preferred Growth Area
  - Village
  - Village Expansion
- Future Land Use Classification**
- Rural/Agricultural
  - Future Urban Area
  - Rural Residential
  - Suburban Residential
  - General Commercial
  - Neighborhood Commercial
  - Mixed Use Residential/Commercial
  - Residential or Commercial
  - Office or Commercial
  - Industrial or Commercial
  - Public/Quasi Public Land
  - Golf Course
  - Conservation Area

**Notes:**

1. Current zoning classifications still remain in effect. This map does not alter or replace current zoning classification or rights. See the official zoning map for determination of zoning districts.
2. Use of this map is to be in combination with the text and land use recommendations of the 2045 Comprehensive Plan when considering Zoning Map Amendments and future land use decisions.
3. Areas within the Urban Growth Boundary or Growth Management Boundary are considered a growth area. For property shown within the Urban Growth Boundary or Growth Management Boundary of this map, particularly those shown as Rural/Agriculturally zoned, it is expected that upzoning or Zoning Map Amendments will occur when there are adequate public services to those locations. The plan recommendations and goals of the 2045 Comprehensive Plan emphasize that properties within the Urban Growth Boundary or Growth Management Boundary should be annexed into the municipalities with jurisdiction over the Urban Growth Boundary or Growth Management Boundary. The plan does not prevent a property owner within an Urban Growth Boundary or Growth Management Boundary, but not annexed into a municipality, from developing using Jefferson County's land development guidelines.

Map created by Jefferson County GIS/Addressing Office  
 Jefferson County, West Virginia, January 23, 2025  
 Data Sources:  
 Jefferson County, WV GIS/Addressing Office  
 Jefferson County, WV Office of Planning and Zoning  
 Jefferson County, WV Assessor's Office





# Jefferson County Zoning and Land Development Ordinance

Jefferson County,  
West Virginia

Prepared By  
The Jefferson County  
Planning Commission

Adopted July 7, 1988, As Amended  
Amendments adopted by the County Commission, June 16, 2022

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**ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES;  
DISTRICT REGULATIONS**

**Section 5.1 Establishment of Districts<sup>1</sup>**

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

- RG Residential Growth District
- I-C Industrial-Commercial District
- R Rural (Agricultural) District
- R-LI-C Residential-Light Industrial-Commercial District
- V Village District<sup>23</sup>
- NC Neighborhood Commercial<sup>27</sup>
- GC General Commercial<sup>27</sup>
- HC Highway Commercial<sup>27</sup>
- LI Light Industrial<sup>27</sup>
- MI Major Industrial<sup>27</sup>
- PND Planned Neighborhood Development<sup>27</sup>
- OC Office / Commercial Mixed-Use<sup>27</sup>
- RR Rural Residential
- RC Residential Commercial

**Section 5.2 Boundaries of Districts**

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

**Section 5.3 District Maps**

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.<sup>23</sup>

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.<sup>23</sup>

- i. Approval of the change in zoning designation;
  - ii. Approval of the Preliminary PND Plan;
  - iii. Approval of any modifications to the Subdivision and Land Development Regulations and the Zoning Ordinance; such modifications being associated with the Preliminary PND Plan; and
  - iv. Establishment of any conditions of approval applied by the County Commission.
4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.
- a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other County ordinances must be met, including but not limited to any applicable site plan and subdivision requirements.
  - b. Consistency with Preliminary PND Plan. All applications submitted for the site must be consistent with the requirements of the approved Preliminary PND Plan and shall clearly state any modifications granted.
  - c. Any modifications to the Zoning Ordinance or the Subdivision and Land Development Regulations approved by the County Commission are associated with and indivisible from the approved Preliminary PND Plan.
5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approved administratively if the Office of Planning and Zoning determines that such changes are consistent with the purpose and general character of the Preliminary PND Plan. An applicant's request for revisions determined substantive by Staff shall follow the approval process for a Preliminary PND Plan as described in this Article. Substantive changes include but not are limited to changes that would exceed one or more of the percentages noted in a-c below.
- a. A change in total square footage of the development by  $\pm 10\%$
  - b. A change in the area of any land use by  $\pm 10\%$
  - c. A change in the residential density by  $\pm 5\%$

**Section 5.17 Office / Commercial (OC) Mixed-Use District<sup>27, 32</sup>**

- A. Purpose. The purpose of the OC district is to allow for well-designed employment centers [in conjunction with providing multiple options for dense residential uses](#). Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for [and prioritize](#) pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.
- B. Location. This zoning category is intended for use on properties:
  - 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  - 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses

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

#### D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
2. For a non-residential use abutting a commercial or industrial use at a side lot line:
  - a. No side yard building setback is required, unless required by the Building Code or other law or regulation.
  - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
  - a. A rear yard building setback may be reduced to 10 feet.
  - b. Section 4.11.A-B does not apply to the rear property line.
4. Section 4.11.A-C does not apply to the front lot property line.
5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this Ordinance.
6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this Ordinance.

#### E. Additional Requirements

1. Of the gross floor area of land uses in a development in this district, at least ~~75%~~65% shall be non-residential uses, and at least ~~50%~~35% shall be office uses.
2. Buildings fronting a principal street must be at least 2 stories in height.
3. For buildings containing a non-residential use, a~~A~~ minimum of 75% of the total gross floor area located on the ground floor of buildings in a development in this district shall be composed of non-residential space.
4. Any off-street parking shall be located in the rear or on the side of buildings and may not be located between a street and the front façade of a building.
5. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail may be installed.
6. One bicycle parking space shall be provided for each ten vehicular parking spaces. Said bicycle spaces shall not be located within the required sidewalk or in a manner that impedes pedestrian access to the building and may be located within the landscape buffer area provided that it occupies less than 10% of the length of the required buffer, or may be located at the side or rear of the building.

7. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
8. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.
9. Where mixed-use buildings are planned, appropriate measures should be taken to prioritize resident security, which may include isolating residential areas from commercial areas like loading docks.

## **Section 5.18 Rural Residential (RR) District**

### **A. Purpose**

The purpose of this district is to provide a location for low-density single family or two family residences in open space where no farming or large-scale rural economic activity is taking place. Residential development in this district shall preserve the rural character of the County by encouraging clusters of residences and minimizing the use of prime agricultural land, and also prohibiting commercial and industrial uses. This district is not generally served with public water or sewer facilities, but lots that are served have different restrictions as specified in Appendix A.

### **B. Location: This zoning category is intended for use on properties:**

1. Outside of the Preferred Growth Areas (PGAs) as shown on the Future Land Use Map in the 2045 Comprehensive Plan.
2. In rural lots intended to be subdivided into clustered residences.

### **C. Permitted Uses**

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

### **D. Site Development Standards**

#### **1. Purpose and Intent**

- a. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the Rural Residential District to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space<sup>32</sup>.
- b. To provide for a well planned development while minimizing the use of prime agricultural land.

#### **2. Lot Area, Setbacks and Other Requirements**

- a. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.<sup>27</sup>
- b. A minimum of 50% of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance. A note to this effect shall be placed on all cluster subdivision plats.<sup>32</sup>
- c. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central

sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.<sup>17, 21, 32</sup>

d. Maximum Lot Area Requirements

- i. The maximum area of a lot served by central water AND sewer will be 1 acre.
- ii. The maximum area of a lot served by central water OR sewer will be 2 acres.
- iii. The maximum area of a lot NOT served by central water or sewer will be 2 acres.

e. Setbacks shall be 25' front, 12' sides, and 20' rear.

f. Clusters of three (3) or more lots shall not be along an existing public road.

g. All clusters of three (3) or more lots shall be served by an internal road; this internal road shall have direct access to a public road identified as a Major Collector or a Minor or Principal Arterial on the 2024 Highway Problem Areas Map in the 2045 Comprehensive Plan.

3. Procedures

- a. Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.<sup>17, 21, 23</sup>
- b. The Concept Plan for a proposed Cluster Development can be combined with the required submittal and process requirements for a Concept Plan for a Major Subdivision as outlined in the Subdivision Regulations, provided that the Concept Plan includes all requirements of the Concept Plan in the Subdivision Regulations and includes the necessary soils and topographic data, together with a written narrative, required for the analysis listed below.<sup>32</sup>
- c. The Staff shall review and make a recommendation to the Planning Commission regarding the proposed design and layout of the proposed Cluster Development. Staff shall consider the following when reviewing the Cluster Concept Plan:<sup>32</sup>
  - i. Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.
  - ii. Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
- d. If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating "The land lies within an approved rural residential development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation".<sup>23</sup>

E. Additional Requirements

No structure shall exceed 45 feet in height except as provided in Section 9.2.<sup>32</sup>

**Section 5.19 Residential Commercial (RC) District**

A. Purpose

The purpose of this district is to permit varied residential uses, including detached single-family residences and higher-density mixed-use buildings, in the same areas as low- to medium-intensity

commercial uses, where the commercial uses are appropriate in scale, designed and landscaped or buffered in a way that ensures compatibility with neighboring land uses.

B. Location: This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

C. Permitted Uses

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

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.<sup>27</sup>
2. Buffer Requirements and other site development standards are stated in Appendix A for residential use and Appendix B for non-residential uses.

E. Additional Requirements

1. A residential structure having no attached or included commercial use, excluding permitted Home Occupations, shall not exceed 40 feet in height.
2. A non-residential land use in this district may include residential uses on building levels located above the ground floor.
3. Where mixed-use buildings are planned, appropriate measures should be taken to prioritize resident security, which may include isolating residential areas from commercial areas like loading docks.

**APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 42</sup>**

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20		
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
	Townhouse Dwelling <sup>42</sup>	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30		
Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12	N/A	N/A	
	30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	‡	12			
	Under 30,000 sq. ft.	N/A	N/A	N/A	40	20	8	‡	12			
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	‡	50	N/A	N/A
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	‡	50		
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	‡	12		
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	‡	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	‡	12		
Cluster Subdivision	See RG District											
Rural Residential (RR)	Dwellings	<a href="#">Public/Central water and sewer</a>	<a href="#">10,000</a>	<a href="#">N/A</a>	<a href="#">N/A</a>	<a href="#">45</a>	<a href="#">25</a>	<a href="#">12</a>	<a href="#">‡</a>	<a href="#">12</a>	<a href="#">N/A</a>	<a href="#">N/A</a>
		<a href="#">Public/Central water or sewer</a>	<a href="#">20,000</a>	<a href="#">N/A</a>	<a href="#">N/A</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">‡</a>	<a href="#">-</a>	<a href="#">N/A</a>	<a href="#">N/A</a>
		<a href="#">No Public/Central water or sewer</a>	<a href="#">40,000</a>	<a href="#">N/A</a>	<a href="#">N/A</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">-</a>	<a href="#">‡</a>	<a href="#">-</a>	<a href="#">N/A</a>	<a href="#">N/A</a>
Village (V)	Residential uses	See RG District										
Residential-Light Industrial-Commercial (RLIC)	Residential uses	See RG District <sup>φ</sup>										
Industrial-Commercial (IC)	Residential uses	See Rural setbacks for lots not previously stipulated by the Planning Commission.										
Neighborhood Commercial (NC)	Residential uses	See RG District										
Residential Commercial (RC)	<a href="#">Residential uses</a>	<a href="#">See RG District<sup>φ</sup></a>										
General Commercial (GC)	Residential uses	See RG District										
Highway Commercial (HC)	Residential uses	N/A										
Light Industrial (LI)	Residential uses	N/A										
Major Industrial (MI)	Residential uses	N/A										
Office / Commercial Mixed Use (OC)	Residential uses	See RG District										
Planned Neighborhood Development (PND)	Residential uses	See RG District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).										

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

For all lots approved prior to Sept. 1, 1989, lots under 40,000 sq. ft. side & rear setbacks for residential accessory structures shall be 6'. NOTE: In RG district side & rear setbacks for accessory structures under 144 sq. ft. shall be 6'. See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.

All dimensions are in feet unless otherwise indicated.

φ In the RLIC and RG and RC districts, townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

‡ See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

\* Maximum height subject to Section 9.2

\*\* Exterior side only.

\*\*\* The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.

\*\*\*\* The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 35</sup>**

Zoning District	Development Type <sup>⓪</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
											A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use		
											Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear	
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
<b>Residential-Light Industrial-Commercial (RLIC)</b>	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**	See IC District																
Village (V)	Commercial <sup>¥</sup>	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
<b>Residential Growth (RG)</b>	Commercial or Industrial**	See IC District			35	See IC District												
<b>Neighborhood Commercial (NC)</b>	Commercial	N/A	N/A	35	70%	15 min 25 max	10 <sup>£</sup>	10 <sup>⓪</sup>	See I-C District			25	See IC District					
<a href="#">Residential Commercial (RC)</a>	<a href="#">Commercial</a>	<a href="#">N/A</a>	<a href="#">N/A</a>	<a href="#">35</a>	<a href="#">70%</a>	<a href="#">15</a>	<a href="#">10<sup>£</sup></a>	<a href="#">10<sup>⓪</sup></a>	<a href="#">15</a>	<a href="#">4</a>	<a href="#">4</a>	<a href="#">25</a>	<a href="#">Street Trees</a>	<a href="#">Narrow Buffer Detail No. M-54</a>	<a href="#">N/A</a>	<a href="#">10(S)</a>	<a href="#">N/A</a>	<a href="#">N/A</a>
<b>General Commercial (GC)</b>	Commercial	N/A	N/A	75	80%	20	10	25	See IC District									
<b>Highway Commercial (HC)</b>	Commercial	N/A	N/A	75	80%	25	25	25										
<b>Light Industrial (LI)</b>	Commercial or Industrial	N/A	N/A	75	80%	25	25	25										
<b>Major Industrial (MI)</b>	Commercial	N/A	N/A	75	90%	25	10	50										
	Industrial	3 ac***	N/A	75	90%	25	50	50										
<b>Office/Commercial Mixed Use (OC)</b>	Commercial	N/A	N/A	75	80%	15 min 25 max	10 <sup>£</sup>	10 <sup>⓪</sup>										
<b>Planned Neighborhood Development (PND)</b>	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by “ac” (acres).

\* Maximum building height is subject to Sec. 9.2.

\*\* If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

\*\*\* MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

\*\*\*\* Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⓪ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

ⓧ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⓪ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

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

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	<u>RC</u>	R	<u>RR</u>	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>															
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	<u>P</u>	P	<u>P</u>	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	<u>P</u>	NP	<u>P</u>	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	<u>P</u>	P	<u>P</u>	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	<u>P</u>	NP	<u>P</u>	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	<u>CU</u>	NP	<u>NP</u>	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	<u>CU</u>	NP	<u>NP</u>	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	<u>P</u>	P	<u>P</u>	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	<u>P</u>	P	<u>P</u>	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	<u>P</u>	NP	<u>NP</u>	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	NP	<u>P</u>	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	<u>NP</u>	P	<u>NP</u>	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>															
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	<u>P</u>	P	<u>P</u>	P	P	P	P	Art. 4A
<b>Institutional Uses</b>															
Airport	NP	NP	NP	P	P	NP	NP	<u>NP</u>	CU	<u>NP</u>	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	CU	<u>NP</u>	NP	CU	CU	NP	
Church <sup>38</sup>	P	P	P	P	CU	P	P	<u>P</u>	P	<u>CU</u>	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	<u>CU</u>	CU	<u>NP</u>	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	<u>P</u>	P	<u>P</u>	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	<u>P</u>	P	<u>P</u>	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	<u>P</u>	P	<u>P</u>	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	<u>NP</u>	NP	<u>NP</u>	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	<u>P</u>	P	<u>NP</u>	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	<u>NP</u>	P	<u>CU</u>	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	<u>P</u>	CU	<u>CU</u>	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	<u>P</u>	P	<u>P</u>	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	<u>P</u>	P	<u>P</u>	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	<u>CU</u>	NP	<u>NP</u>	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	<u>P</u>	P	<u>P</u>	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	<u>P</u>	P	<u>NP</u>	P	P	NP	NP	
<b>Land Use</b>															
	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	<u>RC</u>	R	<u>RR</u>	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>															
															Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	P	NP	

Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	<u>NP</u>	NP	<u>NP</u>	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	<u>NP</u>	NP	<u>NP</u>	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	<u>NP</u>	NP	<u>NP</u>	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	<u>NP</u>	CU	<u>NP</u>	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	<u>NP</u>	CU	<u>NP</u>	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	CU	<u>NP</u>	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	<u>NP</u>	NP	<u>NP</u>	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	<u>NP</u>	NP	<u>NP</u>	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>															<b>Sec. 8.9</b>
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>															
Adult Uses	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>															
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	<u>NP</u>	P	<u>NP</u>	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>															<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	<del>NP</del> <u>P</u>	<u>P</u>	CU	<u>CU</u>	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	<u>P</u>	CU	<u>CU</u>	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	<u>NP</u>	CU	<u>CU</u>	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	<del>PC</del> <u>U</u>	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b><u>RC</u></b>	<b>R</b>	<b><u>RR</u></b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>															<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	<u>CU</u>	NP	<u>NP</u>	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	<u>P</u>	P	<u>CU</u>	CU	P	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	Sec. 8.5

Business Equipment Sales and Service	CU	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	<u>NP</u>	CU	<u>NP</u>	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	<u>NP</u>	P	<u>CU</u>	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	<u>CU</u>	CU	<u>CU</u>	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	NP	<u>NP</u>	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	<u>CU</u>	CU	<u>NP</u>	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	<u>CU</u>	CU	<u>CU</u>	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	<u>NP</u>	P	<u>NP</u>	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	<u>CU</u>	CU	<u>NP</u>	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	<u>NP</u>	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	<u>NP</u> <u>P</u>	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	<u>NP</u>	CU	<u>CU</u>	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	<u>P</u>	P	<u>CU</u>	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	<u>NP</u>	CU	<u>NP</u>	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	<u>NP</u> <u>CU</u>	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	<u>NP</u>	CU	<u>CU</u>	CU	P	P	CU	
Non-Profit Commercial Uses	P	P	P	P	NP	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	<u>CU</u>	P	<u>CU</u>	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	<u>CU</u>	CU	<u>CU</u>	CU	CU	P	CU	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b><u>RC</u></b>	<b>R</b>	<b><u>RR</u></b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>															<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	<u>PC</u> <u>U</u>	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	<u>NP</u> <u>CU</u>	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	<u>CU</u>	CU	<u>CU</u>	CU	CU	CU	CU	

Shipping and Mailing Services	P	P	P	P	CU	P	P	<u>P</u>	CU	<u>CU</u>	CU	P	P	CU	
Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	<u>P</u>	P	<u>P</u>	P	P	NP	P	Sec. 8.16
Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20		
Special Event Facility	P	P	P	P	NP	P	P	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	<u>CU</u>	CU	<u>CU</u>	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	<u>P</u>	P	<u>CU</u>	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>															
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	<u>NP</u>	P	<u>NP</u>	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	<u>CU</u>	P	<u>CU</u>	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	<u>P</u>	P	<u>CU</u>	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	<u>CU</u>	P	<u>NP</u>	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	<u>P</u>	P	<u>NP</u>	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	<u>P</u>	P	<u>NP</u>	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	<u>NP</u>	P	<u>CU</u>	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>															
Accessory Uses	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

RC Residential Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

OC Office / Commercial Mixed-Use

R Rural

RR Rural Residential

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District

P Permitted Uses

NP Not Permitted Uses

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

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

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

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

**PLANNING COMMISSION POLICY REGARDING THE CONDUCT OF  
PUBLIC HEARINGS AND PUBLIC HEARING PROCEDURES FOR APPLICATIONS**

**Approved by Planning Commission 01/08/13**

**CONDUCT OF PUBLIC HEARINGS**

The Planning Commission establishes its own rules for the conduct of public hearing to ensure a smooth and orderly process. The public hearing procedures and policies adopted by the Planning Commission are listed below:

All persons planning to testify shall sign up on the designated Speaker's list prior to the meeting. When called upon to speak, you must be recognized by the President, and you must state your name and address for the public record.

All presentations are timed and limited to a three (3) minute period. If you do not finish your presentation, be sure to provide a copy of your statement to the Planning Commission office as soon as possible. The entire presentation will then be entered as part of the public record.

In order to minimize repetitive testimony, organizations are encouraged to have only one person speak for their group, with other members of the organization standing to show their support.

The allotted time will only be given to the individuals that are signed up and cannot be dedicated to other individuals, groups or organizations. Each person may testify only once per application, unless called back to the podium at the request of a Commission member.

## **PUBLIC HEARING PROCEDURES FOR APPLICATIONS**

The following is an outline of the public hearing procedures followed by the Commission when a land use application is presented. The items are listed in the order in which they usually occur.

1. The President will call for the public hearing by naming the specific case and the application by its proper name. At this time, the President will ask the applicant, or the authorized agent for the application, to reaffirm that the information stated is correct and accurate as of the hearing date. The President will then ask if any members of the Commission need to make disclosures based on the application before them.
2. The President will ask the County Planning Staff to present the case. The staff will describe the property and describe the application request and action required.
3. The President will then allow the applicant, or authorized agent, to make his\her presentation. The time limit for the applicant's presentation is normally ten (10) minutes; however, the President may allow up to fifteen minutes (15) for complex cases.
4. The President will ask the County Planning Staff to present the staff's recommendation.
5. After reviewing the public hearing procedures, the President will call for citizen testimony. Persons will be recognized in the order in which their names appear on the Speakers List. A written statement to the Planning Commission Staff may be submitted if you do not want to speak directly to the Commission. All written correspondence is entered into the public record for each application.
6. Following the completion of the citizen testimony, the applicant will have the opportunity to respond to questions and/or issues raised by the Commission and/or citizens. The time limit for the applicant's rebuttal testimony is normally five minutes.
7. After the applicant's rebuttal, the President will recognize the staff for closing comments and/or responses to questions. In addition to the closing remarks from staff, Commission members will be recognized for their questions, concerns, or comments on this application.
8. Following all comments, the President will call for a motion for Commission discussion and action.

PLANNING COMMISSION POLICY REGARDING THE  
SUBMITTAL OF DOCUMENTS FOR AGENDA ITEMS

Approved by the Planning Commission 12/08/2015

SUBMISSION OF DOCUMENTS

The Planning Commission establishes deadlines for the submittal of supplemental information presented to the Commission for Public Hearings.

Submissions regarding all items for Commission consideration shall be received by the Departments of Planning and Zoning no later than 1 week prior to the scheduled Planning Commission meeting to allow ample time for the review of comments submitted.

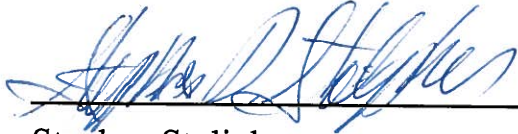
Late submissions, including submissions made the day before or the day of any meeting by this Commission, may not receive full consideration due to lack of time for proper Commission review.

Any documents received after the public comment period, or any documents received that do not pertain to an agenda item will be filed but not submitted to PC members and placed under non-actionable correspondence on the next meeting agenda.

Recommended this 8<sup>th</sup> day of December, 2015

By vote of the Jefferson County Planning Commission

By a vote of  8  Yes  0  No



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Stephen Stolipher  
Planning Commission President





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

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## Planner's Memorandum Planning Commission Meeting June 10, 2025

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

BUILDING PERMITS & INSPECTIONS 304-725-2998 [permits@jeffersoncountywv.org](mailto:permits@jeffersoncountywv.org)

IMPACT FEES 304-728-3331 - [mmason@jeffersoncountywv.org](mailto:mmason@jeffersoncountywv.org)

ENGINEERING 304-728-3257 - [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

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

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

### 2) Update on Planning Commissioner Emails

- During the June 5, 2025 County Commission meeting the County Commission approved the Planning Commission request for email accounts to use for County business. Rollout is expected in Fall 2025 as the County adopts “.gov” email accounts. Training will be given to Planning Commissioners on the use of the emails.

### 3) Upcoming PC meetings

- Next Regular meeting date: **July 8, 2025**
  - 7:00 pm Planning Commission Meeting