

AGENDA  
JEFFERSON COUNTY PLANNING COMMISSION  
JUNE 12, 2012

**Planning Commission meetings are located in the Old Charles Town Library meeting room at 200 East Washington Street, at the side entrance on Samuel Street at 7:00 PM**

1. Approval of the minutes for the May 15, 2012 meeting.
2. Citizen Communications.
3. Request for postponement.
4. Concept Plan Review and Public Workshop for Briggs Animal Adoption Center (PC File #S12-01). This property is located on the west side of US Route 340 approximately 1300 feet north of its intersection with Route 340/2 (Wheatland Road). This project consists of a 10,000 square foot building designated as a cat house and additional parking area. The property is located in Tax District: Kabletown; Tax Map: 11; Tax Parcel: 1.
5. Final Plat Public Hearing for the Aspen Greens Subdivsion (PC File #07-15). The property is to consist of 20 single-family lots on 17.054 acres. The property is located northeast of the intersection of Route 24 (Old Country Club Road) and Route 17 (Flowing Springs Road). The owner of the property is Maurice Gladhill. This property is designated as Tax District: 2, Map:4, Parcel: 19.
6. Request by James and Barbara Gibson for a variance from the Subdivision Ordinance Article 8, Section 8.1(d) to allow for an extension of time (24 months) to bond and record the Allstadts Corner Subdivision (PC File #07-10). This property is located on the south side of Route 340 (William L. Wilson Freeway); the east side of Route 27 (Millville Road) and on the north side of Route 27/2 (Allstadt's Hill Road) and is designated as Tax District: Harpers Ferry, Map: 9, Parcel: 39.1.
7. Request by Wild Goose Farm, LLC for a variance from the Subdivision Ordinance Article 8, Section 8.1(d) to allow for an extension of time (24 months) to bond and record the Wild Goose Subdivision (PC File #08-18). The property is located on Shepherd Grade Road. The site is located across from Terrapin Neck Road and the National Training Conservation Center and is designated as Tax District: Shepherdstown; Map: 3; Parcel: 13 & 13.6
8. Public Hearing regarding the US 340 East Gateway Plan.  
**\*Note: This public hearing will begin at 8:30 PM.**
9. Continued from the 04/24/2012 PC Meeting: Discussion regarding Proposed Additional Commercial and Industrial Zoning Categories and related amendments to the Jefferson County Zoning and Land Development Ordinance.
10. Reports from Legal Counsel and legal advice to PC.  
Active Litigation:
  - Far Away Farms
  - Cedar Meadows Airpark
11. Director's Report.

AGENDA  
JEFFERSON COUNTY PLANNING COMMISSION  
JUNE 12, 2012  
PAGE 2 OF 2

12. County Commission Liaison Report.

13. Planning Commission Exchange.

- Report from the Health Department Meeting Liaison.
- Report from the Public Service District Meeting Liaison.
- Report from the Parks and Recreation Meeting Liaison.
- Report from the Jefferson County Development Authority Meeting Liaison.
- Report from the Water Advisory Committee Meeting Liaison.

14. President's Report.

15. Actionable Correspondence.

16. Non-Actionable Correspondence.

The Planning Commission welcomes written comments at any time. Our office is open Monday through Friday, 9:00 a.m. to 5:00 p.m., and is located at 116 East Washington Street, P.O. Box 338, Charles Town, WV 25414. Our phone number is (304) 728-3228; our fax number is (304) 728-8126; our email address is [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) and our website is [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes and video recordings of past meetings, Subdivision Regulations, Zoning Ordinance, and the Comprehensive Plan can be found on the website. The office has a file on each project as well as aerial photos of the county. Minutes and audio recordings of older meetings not on the website are available for review in the office.

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
MAY 15, 2012

The Jefferson County Planning Commission met on Tuesday, May 15, 2012 with the following Commission members present: Paul Taylor, President; Eric Smith, Vice-President; Morgan Eppers, Secretary; Daniel Hayes, Kelly Baty, Ed Burns, Gene Taylor, Steve Stolipher and Walt Pellish. Staff members present included Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathon Saunders, County Engineer; Stephanie Grove, Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. P. Taylor called the meeting to order at 7:00 PM.

**1. Approval of the minutes for the April 24, 2012 meeting.**

Mr. Stolipher moved to approve the minutes of the April 24, 2012 Planning Commission meeting. Mr. Pellish seconded the motion which carried 5 for and 2 abstentions (Mr. Hayes and Ms. Eppers).

**2. Citizens Communication.**

Ms. Nance Brisco, speaking on behalf of Patrick Henry Estates, discussed a recent legal case in which Patrick Henry Estates was involved. She explained that the time and cost of litigation could have been avoided if the Planning and Zoning Department would review the covenants and restrictions submitted with subdivision final plats. She also requested that the Planning Commission and County Commission pay close attention to efforts taken by the Attorney General to assist homeowners with financial difficulties.

Mr. Ted Schiltz, of the Potomac Terrace Home Owners Association, objected to expanding the US 340 Corridor Study Area to the Potomac River. Mr. P. Taylor reminded the audience that there would be an opportunity to comment on the US 340 East Gateway Plan at the June 12, 2012 Planning Commission meeting.

Mr. Baty entered the room at 7:06 PM.

Mr. David Tabb, resident of Jefferson County, commented that bike paths and walking trails have taken a bigger priority in the US 340 East Gateway Plan than he had anticipated. He stated that transportation issues should have been the priority within the study. He strongly opposed the proposal of an underpass on US 340 by Allstadts Hill Road. He reported that a bridge in that area would be a better option. He urged that the Planning Commission read the document thoroughly before any decisions are made.

Mr. Smith entered the room at 7:08 PM.

Ms. Kathy Knight, President of Carriage Park Homeowners Association, held up a binder of documentation regarding the US 340 East Gateway Plan from a time period dating approximately midway through the study. She then held up a much larger binder depicting the document as she feels it was presented for the meeting. She stated that she understood

the need for some changes within the document although she advised of the benefits of keeping the report simplistic. She reported that on May 5, 2011, the County Commission voted unanimously to move forward with Option 4, which discussed eminent domain of businesses, private homes and common ground, with regards to the US 340 Corridor study. She stated that she has repeatedly requested that vote be rescinded. She related that a rescinding of that vote has not yet taken place. She inquired as to whether or not Option 4 is still being considered with regards to the US 340 Gateway Plan. She requested a cost analysis of improvements to the road. She also asked how the rerouting of traffic during construction would be addressed.

Mr. Burns asked if reviewing the covenants and restrictions of subdivisions was within the purview of the Planning Commission. Ms. Grove explained that the State of West Virginia has not given the Planning Commission or the County Commission any authority to review or enforce the covenants and restrictions of subdivisions.

3. **Request for postponement.** None.
4. **Request by Ken Lowe Management Company for a variance from the Subdivision Ordinance Article 6, Section 6.3 to allow for an extension of time (24 months) to bond and record the Kensington Townhome Subdivision (PC File #06-41). The property is located on the north side of Lowe Drive, approximately 750 feet west of its intersection with Route 480 (Kearneysville Pike), adjacent to the Clarion Hotel & Conference Center and is designated as Tax District: Shepherdstown, Map: 8, Parcel: 10.9.**

Mr. Rivard presented the variance request and location of the property. He read from his staff report and stated that, while the Planning Commission should consider the policy and planning implications of approving the variance, staff did support the request.

Mr. Dick Klein, of Alpha Associates, gave a short presentation and was available for questions. He requested approval and also voiced his support of the proposed amendment to extend Senate Bill 595 to July 1, 2015.

Mr. Baty questioned whether or not the project could be bonded and recorded by the July 1, 2012 deadline. Mr. Klein stated that it was possible for the project to bond and record although it did not make sense financially to do so with the current state of the economy. Mr. Baty stated he felt that it would set a bad precedent to allow projects a time extension past the sunset clause of July 1, 2012 set in Senate Bill 595. There was a discussion between Mr. Baty and Mr. Klein weighing the risks to the County versus the risks to the developer.

Mr. P. Taylor opened the public hearing.

Mr. David Tabb, Jefferson County resident, spoke in support of the variance request.

Mr. Hayes moved to close the public hearing. Mr. Burns seconded the motion which carried unanimously.

Mr. Burns moved to approve the variance request. Mr. Pellish seconded the motion. Mr. Hayes moved to amend the motion to include that the request meets the four criteria necessary in approving a variance. Mr. Burns accepted the amendment. Mr. Pellish voiced his support of the variance request and stated that approving these types of requests makes sense in the current condition of the economy. The motion carried 8 for and 1 opposed (Mr. Baty).

**5. Discussion regarding draft US 340 Gateway Plan edits for the purpose of approving a Draft for Public Input for use at the Public Hearing scheduled for June 12, 2012.**

Mr. Rivard reviewed the changes made in the US 340 Gateway Plan in accordance with previous edit requests. He reported that any comments or edits made at this meeting would be incorporated to a final draft which would be made available within a couple of days.

Mr. Baty discussed the lack of financing ability from the WV Department of Highways and asked why that is not addressed in the US 340 Gateway Plan. Mr. Rivard explained that the US 340 Gateway Plan would forecast improvements that need to be made so that the WV Department of Highways would be able to place those needs in future budgets. Mr. Baty inquired as to whether or not the Planning Commission should approve a plan that details such improvements without having the infrastructure to be able to handle those improvements. Mr. Burns commented that approving the document would allow the WV Department of Highways to place improvements to the corridor on a list of projected projects.

Mr. Pellish clarified that the purpose of any vote at the present time would be to approve the document to move forward to public hearing and not to approve the contents of the document. He also clarified that even after the public hearing is held, the document would still need to be presented to the County Commission for a vote to approve or deny.

Mr. Hayes moved to approve the draft as presented for public hearing on June 12, 2012. Mr. Stolipher seconded the motion which carried unanimously.

**6. Discussion and possible vote regarding the JCCEP proposed text amendment to allow for an extension of Senate Bill 595 until July 1, 2015.**

Mr. Barney explained that the amendment would allow a time extension for projects that fell within the provisions of Senate Bill 595 from July 1, 2012 to July 1, 2015. He clarified that the role of the Planning Commission is to review and provide a recommendation to the County Commission.

Ms. Ethers voiced concern of the time it may take to have an amendment go through the process and questioned whether or not a variance request would be a better option for that affected projects. Mr. Rivard stated that if the amendment was not approved that the developers would still have the option of a variance if a request was submitted and a public hearing was held before the July 1, 2012 deadline.

Mr. Hayes voiced his support of the amendment.

Mr. Mike Wiley, Jefferson County Citizens for Economic Preservation (JCCEP), gave a short presentation of the proposed amendment.

Mr. Stolipher moved to recommend to the County Commission to allow time extensions as stated in Senate Bill 595 to July 1, 2015. Mr. Hayes seconded the motion which carried 8 for and 1 opposed (Mr. Baty).

**7. Discussion and vote on holding a special called 2nd Planning Commission meeting on June 26th for potential variances regarding time extensions.**

Mr. Rivard explained that staff suggested tentatively scheduling a June 26, 2012 meeting to allow projects with a July 1, 2012 deadline to submit time extension variance requests. He stated that the meeting would be solely for the purpose of hearing those requests and that no other items would be placed on the agenda.

Mr. P. Taylor called a meeting for June 26, 2012 to hear time extension variance requests.

**8. Reports from Legal Counsel and legal advice to PC.**

**Active Litigation:**

- **Far Away Farms**
- **Cedar Meadows Airpark**

Ms. Grove reported that the Far Away Farms case was continued to August of 2012.

Mr. P. Taylor called for a 5 minute break at 8:21 PM. Mr. P. Taylor called the meeting back to order at 8:26 PM.

**9. Director's Report.**

Mr. Rivard reported that the County Commission had directed staff to move forward on both the 2014 Comprehensive Plan and the US 340 South Corridor Study. He reported that staff would provide a time line for both projects for discussion with the County Commission at a future date.

Mr. Rivard reported that the County Commission approved the Planning and Zoning Department to hire one staff member from a temp agency to help organize electronic data files.

Mr. Rivard reported that there would be a tentative public hearing held in June 6, 2012 by the County Commission regarding the potential rezoning of the Capriotti property.

Mr. Rivard reviewed upcoming agenda items for the June 12, 2012 Planning Commission meeting.

10. **County Commission Liaison Report.** None.

11. **Planning Commission Exchange.**

- **Report from the Health Department Meeting Liaison.** None.
- **Report from the Public Service District Meeting Liaison.**  
Mr. Hayes stated he would be attending the Public Service District meetings.
- **Report from the Parks and Recreation Meeting Liaison.** None.
- **Report from the Jefferson County Development Authority Meeting Liaison.**  
None.
- **Report from the Water Advisory Committee Meeting Liaison.** None.

12. **President's Report.** None.

13. **Actionable Correspondence.** None.

14. **Non-Actionable Correspondence.** Mr. P. Taylor presented a letter from Mr. Earl Jackson, Jr. relaying his comments regarding the US 340 East Gateway Plan.



Mr. Hayes moved to adjourn the meeting at 8:35 PM. Mr. G. Taylor seconded the motion which carried unanimously. An audio recording and/or a video recording of the meeting may be found on our website. These minutes were prepared by Amy Puetz, Planning Clerk.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 12, 2012

Item #4 Request by Briggs Animal Adoption Center for a Site Plan Concept Plan Public Workshop for the addition of a cat building (PC File #S12-01). (Subdivision Regulation 24.116)

APPLICANT:	Briggs Animal Adoption Center				
OWNER:	Same				
DEVELOPER:	Same				
SURVEYOR/ENGINEER:	Greenway Engineering, Inc.				
PROPERTY LOCATION:	West side of US Route 340 north of its intersection with Route 340/2 (Wheatland Road).				
LEGAL DESCRIPTION:	District: Kabletown; Map: 11; Parcel: 1				
					
ZONING DISTRICT:	<p>Zoning Map Designation: Industrial/Commercial</p> 				
SURROUNDING PROPERTIES:	<p>Zoning Map Designation:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">North: R/LI/C</td> <td style="width: 50%;">South: I/C</td> </tr> <tr> <td>East: R</td> <td>West: I/C</td> </tr> </table>	North: R/LI/C	South: I/C	East: R	West: I/C
North: R/LI/C	South: I/C				
East: R	West: I/C				
LOT AREA:	23.36 acres				
PROPOSED ACTIVITY:	A new structure consisting of 10,000 square feet designated as a cat building with additional gravel parking area of 11,058 square feet for employee parking only.				

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 12, 2012

### 1. Summary of Request

Briggs Animal Adoption Center proposes to construct a 10,000 square foot cat building. This new detached structure is shown to be located to the side and rear of the existing facility.

### 2. Site Plan Category

This site plan is governed by the newly amended Subdivision Regulations, which amended the definition of a Minor Site Plan and Major Site Plan. The newly amended definition allows all site plans less than 5,000 square feet to process administratively, site plans between 5,000 and 50,000 square feet are required to submit a concept plan and then process as a Minor Site Plan, and all site plans above 50,000 square feet shall process as a Major Site Plan.

Additionally, the Subdivision and Land Development Regulations define Minor Site Developments as “those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure.” Since this site plan does not require development of off-tract infrastructure and is between 5,000 and 50,000 square feet, the site plan shall submit a concept plan and then proceed as a Minor Site Plan.

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

In accordance with the recently amended Subdivision Regulations, the concept plan process is now a single step versus the previous two step process. Previously, an applicant had to have a “sufficient” application before the Completeness Review could commence. Those steps are combined and save the applicant time in the process.

Upon second submission and review of the applicant’s Concept Plan, Staff found the submitted plan “sufficient” (i.e. meeting all requirements of section 24.116). These requirements, as well as the current review status for each requirement for the Briggs Animal Adoption Center application, are provided below:

Required Item from Section 24.116(B)	Description	Status
<b>1. General location</b>	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2. Concept Plan</b>	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
<b>3. Zoning Information</b>	This shall include: a) Determination of the zoning district in which the proposed subdivision or development project is situated. b) Density calculations. c) Site resource map.	Provided
<b>4. Proposal Description</b>	This shall be 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

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 12, 2012

<p><b>5. Traffic Impact Data</b></p>	<p>This shall include:</p> <ul style="list-style-type: none"> <li>a) Average Daily Trip figures for the adjoining or accessible State road.</li> <li>b) Trip generation figures</li> <li>c) Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.</li> <li>d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.</li> </ul>	<p>Provided</p>
<p><b>6. Trip Generation</b></p>	<p>In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.</p>	<p>Provided</p>
<p><b>7. Agency Reviews</b></p>	<p>The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the schedule public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after the review. Reviewing agencies are found in Section 23.203 and 23.204. Applicant shall provide copy of letter sent to outside agencies to the Departments of Planning and Zoning within 7 days of submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.</p>	
<p><b>8. Other Data</b></p>	<p>Any other data or information the applicant believes will assist in the review.</p>	<p>Provided</p>
<p><b>9. Other Reviews</b></p>	<p>Any other staff or agency reviews of the plans.</p>	<p>Provided</p>
<p><b>C. Review Content</b></p>	<p>The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.</p>	<p>See below.</p>
<p><b>D. Department</b></p>	<p>The Department review shall include the following:</p> <ul style="list-style-type: none"> <li>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. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal.</li> <li>2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept</li> </ul>	<p>Staff has determined that the requirements of the Zoning Ordinance and Subdivision and Land Development Regulations are met in the proposed Concept Plan.</p>

## STAFF REPORT

### Jefferson County Planning Commission Meeting

June 12, 2012

	plan for modifications that would improve the plan.	
<b>E. WVDOH</b>	When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.	No letter has been received from the WVDOH to date.
<b>F. Traffic Impact</b>	The review shall indicate whether the traffic impact study follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact	Staff determined that the traffic impact data submitted by the applicant is sufficient.
<b>G. Public Service</b>	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.	The Jefferson County Public Service District has submitted a letter (attached).
<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a preliminary plat or reasons why the plan should be denied.	See below.
<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.
<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 at least fourteen (14) days in advance of the meeting and the applicant shall post notice on the property.	The Concept Plan was scheduled for a public hearing consistent with this requirement.

#### 4. External Agency Reviews

The Jefferson County Public Service District (PSD) has submitted a letter (included in the Planning Commission packet) noting the following:

- The site is to be served by well and septic; as such the PSD will not be serving this site.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 12, 2012

The Jefferson County Historic Landmarks Commission has submitted a letter (included in the Planning Commission packet) stating that the organization has no objection.

### 5. Staff Recommendation of the Concept Plan

The Planning and Zoning Department Staff finds the Briggs Animal Adoption Center Concept Plan complete based on the information provided related to the criteria above. The applicant has either addressed the conditions within the submitted Concept Plan or listed when those conditions will be met in future submittals.

Based on the current amended Subdivision Regulations, noted above, the site plan will be reviewed administratively by Staff after the Concept Plan Public Workshop.

#### Sidewalk Waiver:

As part of the Concept Plan request for approval, the applicant requested a waiver from the sidewalk requirement for non-residential developments as found within the Jefferson County Subdivision and Land Development Regulations.

1. Sections 22.208 and Appendix B 9.6(C) requiring sidewalks to be provided in non-residential developments

The following criteria, as outlined in Section 24.300 of the amended 2008 Subdivision Regulations, have to be met in order to have a waiver granted:

***The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.***

Relief from the sidewalk requirement will provide no increase or decrease in public or County benefit.

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

The waiver will not impact the public health, safety or welfare of the public or affect adjacent owners and residents.

While sidewalks often provide a safe means of travel for pedestrians and increase public health, in this instance, the potential benefit is limited at this time. Based on the little existing pedestrian activity, such a benefit would be minimal.

***The waiver, if granted, will be in keeping with the intent and purpose of these Regulations.***

While the intent of the Subdivision Regulations is to require sidewalks, there are extenuating circumstances where it may not be practical to do so at this point and time. The intent of the Regulations is to have useable sidewalks that provide value to the community.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 12, 2012

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

The effect of the waiver would be neutral, as it relates to quality and character. While sidewalks are nearly always a universal good attribute to a community, appropriate time of installing such sidewalks is important.

### Staff Recommendation of Sidewalk Waiver Request

In the Planning profession, sidewalks are usually considered strongly desirable as they allow for safe pedestrian travel and the added health benefits achieved through walking in both residential and non-residential areas. It is difficult to argue against the need and value for sidewalks in most cases; however, in Rural Planning, there are some valuable planning principles that can be difficult to effectively apply in all instances. Rural planning of villages or modifications of existing non-conforming uses involves different principles than planning for farmstead preservation. Different tools and techniques need to be applied in those instances.

The request for the waiver of sidewalks in this instance requires some additional consideration because of the type of development and where it is located. Currently this area is limited in pedestrian activity and an auto dependent area. As such, requiring that sidewalks be installed in this area at this time would serve a minimal public benefit. However, there is a demand for detached pedestrian/bikeway's along many major routes in the County. Therefore while the installation of sidewalks at this time may not be appropriate, providing a pedestrian/bike easement is a reasonable request.

It's not unreasonable to believe that in the future this site and surrounding area could be develop at a higher intensity where sidewalks area appropriate. This request to provide an easement along the road is *only* for this this specific project, the Briggs Animal Adoption Center Cat Building. With any future site plans on this property, the need for installation of sidewalks or a trail will be reviewed at that time.

As a condition of approval, staff recommends that a ten (10) foot pedestrian/bike easement shall be required for the length of the property along US 340. An easement shall be shown on the across the property in this site plan.

Planners often advocate for sidewalks that initially "lead to nowhere". With good planning, these sidewalks will eventually connect to other locations. It is often true that sidewalks do eventually connect to other paths. However, in this particular location, this report has delineated why sidewalks are unnecessary at this time. This should not be considered a blanket recommendation that sidewalks are not appropriate in rural areas and any such requests should be carefully reviewed on a case-by-case basis.

### 6. Planning Commission Direction

The Site Plan 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.

## STAFF REPORT

### Jefferson County Planning Commission Meeting

June 12, 2012

2. Staff explains outside agency comments and whether the plan has met 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 Site Plan 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 site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed."

It should be noted, that the direction provided to the applicant in the 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.

## Amy Puetz

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**From:** Planning Department <planningdepartment@jeffersoncountywv.org>  
**Sent:** Thursday, April 05, 2012 10:50 AM  
**To:** apuetz@jeffersoncountywv.org  
**Subject:** Fw: Site Review - Briggs Animal Adoption Center

Planning Department  
P.O. Box 338  
116 East Washington Street  
Charles Town, WV 25414  
(304) 728-3228

-----Original Message-----

**From:** "Martin Burke" <[martinburke@frontiernet.net](mailto:martinburke@frontiernet.net)>  
**Sent:** 4/5/2012 10:04:03 AM  
**To:** [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
**Subject:** Site Review - Briggs Animal Adoption Center

Amy,

The Jefferson County Historic Landmarks Commission (JCHLC) has reviewed the concept plan for the Briggs Animal Adoption Center, submitted by Greenway Engineering, Inc. dated March 3, 2012. JHLC has no objections or comments on the location for the proposed new construction; road, parking lot, and building.

If you have any questions or need additional information call or email.

Martin Burke  
Chair, JCHLC  
304-876-3883

# Jefferson County Public Service District

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March 23, 2012

Seth Rivard, Planner  
Jefferson County Dept of Planning and Zoning  
PO Box 338  
116 East Washington Street  
Charles Town, WV 25414

Re: Briggs Animal Adoption Center, Cat Building Addition

Dear Seth:

I write today to inform you that there is no public sewer service available for the abovementioned project. I expect that the septic system requirements will be under the regulations of the Jefferson County Health Department.

Please feel free to contact me should you need additional information from this office.

Sincerely,



Susanne Lawton,  
General Manager

**RECEIVED**

MAR 26 2012

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

From: Mail Delivery System <Mailer-Daemon@elasmtp-scoter.atl.sa.earthlink.net>  
Subject: Mail delivery failed: returning message to sender  
Date: June 1, 2012 12:46:26 PM EDT  
To: dparriswac@earthlink.net

This message was created automatically by mail delivery software.

A message that you sent could not be delivered to one or more of its recipients. This is a permanent error. The following address(es) failed:

planningdepartment@jeffersoncountywv.org  
SMTP error from remote mail server after end of data:  
host cuda.jeffersoncountywv.org [65.210.94.160]:  
554 Service unavailable; Client host [elasmtp-scoter.atl.sa.earthlink.net] blocked by zen.spamhaus.org; http://www.spamhaus.org/query/bl?ip=173.86

*This has been a problem sending you folks e-mail for years*

----- This is a copy of the message, including all the headers. -----

Return-path: <dparriswac@earthlink.net>  
Received: from [173.86.100.145] (helo=[192.168.254.5])  
by elasmtp-scoter.atl.sa.earthlink.net with esmtpa (Exim 4.67)  
(envelope-from <dparriswac@earthlink.net>)  
id 1SaUyp-000854-61; Fri, 01 Jun 2012 12:45:39 -0400  
From: Donald Parris <dparriswac@earthlink.net>  
Content-Type: text/plain; charset=us-ascii  
Content-Transfer-Encoding: quoted-printable  
Subject: Proposed Expansion Of Briggs #S12-01  
Date: Fri, 1 Jun 2012 12:45:38 -0400  
Message-Id: <AA30B09D-069C-4940-9539-40EE297BE35B@earthlink.net>  
Cc: Ken Kurtz <kkurtz@wachester.com>,  
Frank Musick <fmusick@wachester.com>,  
Nicole Johnston <njohnston@wachester.com>  
To: planningdepartment@jeffersoncountywv.org  
Mime-Version: 1.0 (Apple Message framework v1278)  
X-Mailer: Apple Mail (2.1278)

Mr. Rivard

For the record, W.A. Chester L.L.C. which owns property next to the =  
Briggs facility has no objection to any expansion plans Briggs might =  
have. They have been a good neighbor and we respect their rights to =  
develop their property as they deem necessary. We wish them success =  
with the Cat Building Addition.

Donald Parris  
V.P. Underground Transmission  
W.A. Chester, L.L.C.  
703-209-9459=



# JEFFERSON COUNTY, WEST VIRGINIA

Application Number: \_\_\_\_\_

## Departments of Planning and Zoning

Date Application Received: \_\_\_\_\_

116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 338  
Charles Town, WV 25414

Staff Initials: \_\_\_\_\_

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)**RECEIVED**Email [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

MAR 19 2012

Phone: (304) 728-3228

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

Fax: (304) 728-8126

### Concept Plan

The Concept Plan submitted shall be on white paper and shall show in simple form the proposed layout of lots, parking areas, recreation areas, roads, building areas and other features in relation to each other and to the tract boundary. The Concept Plan shall be at a scale acceptable to the Engineer. Contour lines as shown on the appropriate USGS Topographic Quadrangle map should be transferred to the Concept Plan. Natural features such as woods, watercourses, hillsides, prominent rock outcroppings, sinkholes and quarries should be highlighted. The Concept Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules and regulations.

This application and a copy of the concept plan must be submitted to the Jefferson County Departments of Planning and Zoning in order to determine sufficiency. Please refer to Article 24 of the Subdivision Regulations for Concept Plan Requirements.

#### Property owner information

Name of Property Owner: Briggs Animal Adoption Center

Mailing Address: 3794 Berryville Pike

City: Charles Town State: WV Zip Code: 25414

Phone Number: (304) 724-6558 Email: jtaylor@nhes.org

#### Applicant contact information

Applicant Name: Jim Taylor

Mailing Address: 3731 Berryville Pike, Suite 100

City: Charles Town State: WV Zip Code: 25414

Phone Number: (304) 725-0506 Email: jtaylor@nhes.org

#### Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Greenway Engineering / Randy Kepler, P.E.

Mailing Address of Engineer(s) or Surveyor(s): 115 Windy Hill Lane

City: Winchester State: VA Zip Code: 22602

Phone Number: (540) 662-4185 Email: rkepler@greenwayeng.com

#### Physical property details

Physical Property Address: 3731 Berryville Pike

City: Charles Town State: WV Zip Code: 25414

Tax District: Kabletown Map #: M.11 Parcel #: P.1

Parcel Size: 23.362 Ac. Deed Book: 912 Deed Bk. Pg. #: 485

Zoning District:

Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential- Light Industrial- Commercial (R-L-C)	Village (V)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Original signature is required. The information given is correct to the best of my knowledge.*

*[Handwritten Signature]* *3-27-12*

Signature of Property Owner

Date

Received By

Date

**Sufficiency and Completeness (Office Use Only)**

<input type="checkbox"/>	General Location Map
<input type="checkbox"/>	Concept Plan
<input type="checkbox"/>	Zoning Information
<input type="checkbox"/>	Proposal Description
<input type="checkbox"/>	Traffic Impact Data
<input type="checkbox"/>	Additional Data

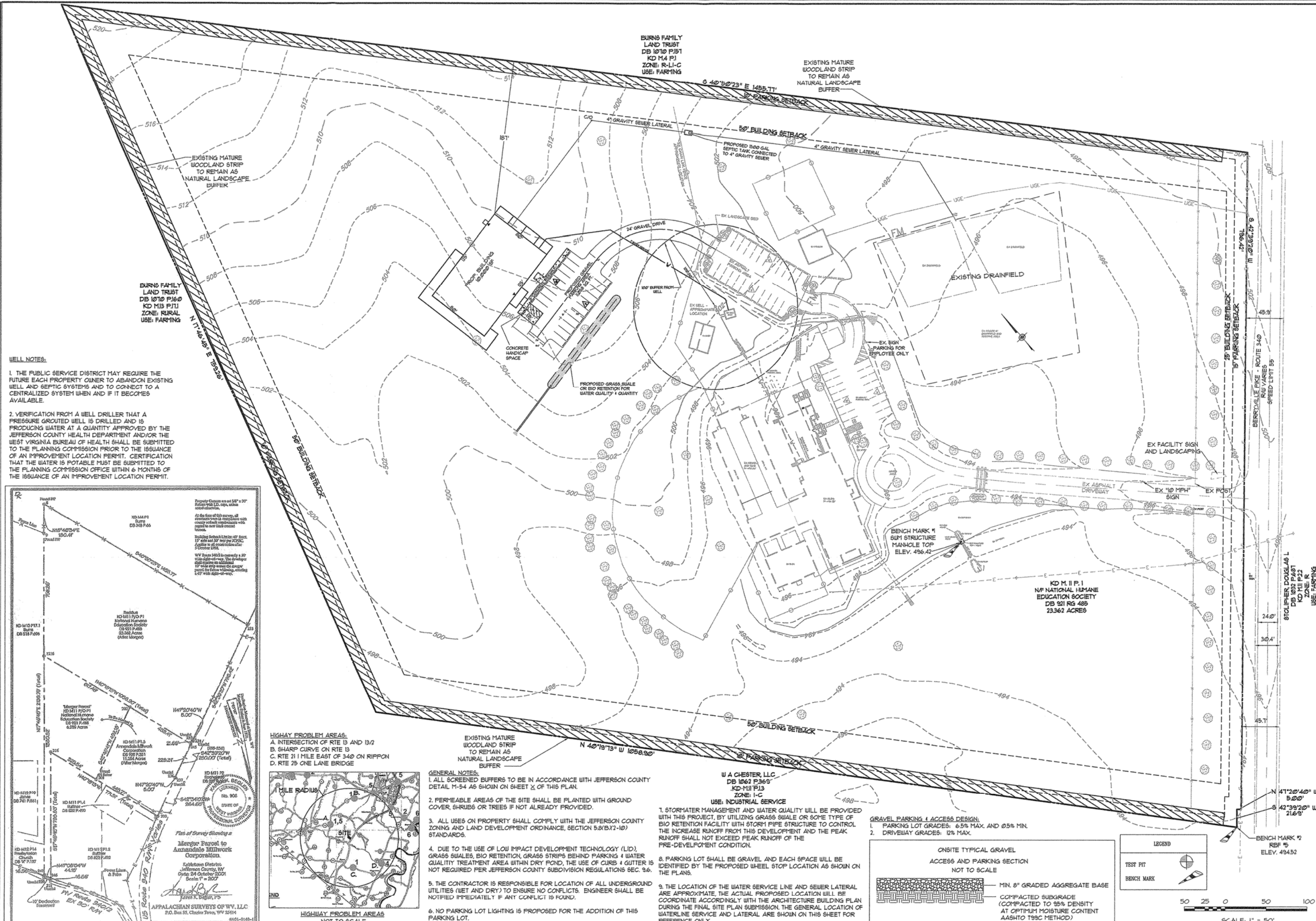
**Additional Agency Review (Office Use Only)**

<input type="checkbox"/>	Jefferson County GIS/Addressing Office
<input type="checkbox"/>	Jefferson County Health Department
<input type="checkbox"/>	Jefferson County Historic Landmarks Commission
<input type="checkbox"/>	Jeffers County Public Service District
<input type="checkbox"/>	West Virginia Department of Environmental Protection
<input type="checkbox"/>	West Virginia Department of Transportation, Division of Highways

Approved/Denied by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (Year)

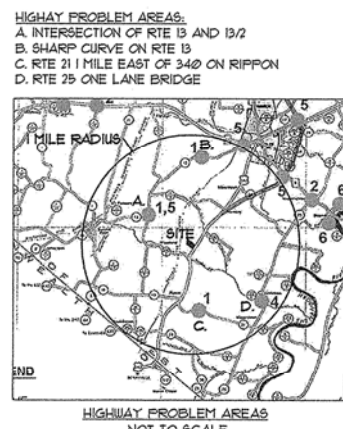
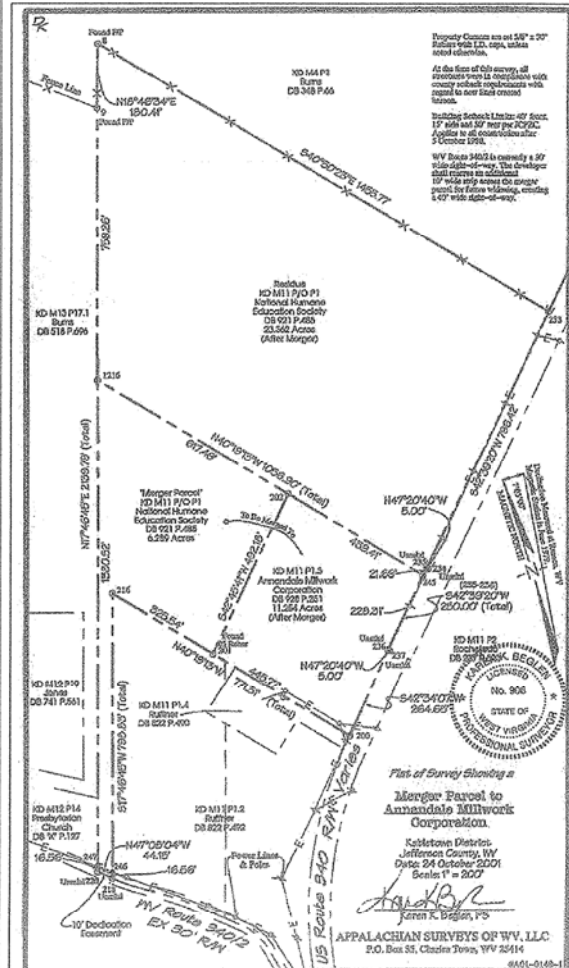
*Approved*       *Denied*

**Direction Given/Planning Commission Comments**

**WELL NOTES:**

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

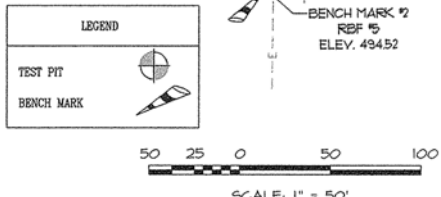
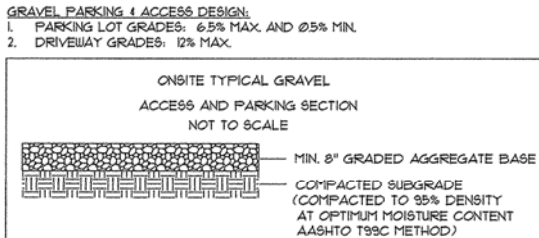


**GENERAL NOTES:**

1. ALL SCREENED BUFFERS TO BE IN ACCORDANCE WITH JEFFERSON COUNTY DETAIL M-54 AS SHOWN ON SHEET 2 OF THIS PLAN.
2. PERMEABLE AREAS OF THE SITE SHALL BE PLANTED WITH GRASS COVER, SHRUBS OR TREES IF NOT ALREADY PROVIDED.
3. ALL USES ON PROPERTY SHALL COMPLY WITH THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE, SECTION 5.2(B)(7-10) STANDARDS.
4. DUE TO THE USE OF LOW IMPACT DEVELOPMENT TECHNOLOGY (LID), GRASS SWALES, BIO RETENTION, GRASS STRIPS BEHIND PARKING 4 WATER QUALITY TREATMENT AREA WITHIN DRY POND, THE USE OF CURB 4 GUTTER IS NOT REQUIRED PER JEFFERSON COUNTY SUBDIVISION REGULATIONS SEC. 9.6.
5. THE CONTRACTOR IS RESPONSIBLE FOR LOCATION OF ALL UNDERGROUND UTILITIES (WET AND DRY) TO ENSURE NO CONFLICTS. ENGINEER SHALL BE NOTIFIED IMMEDIATELY IF ANY CONFLICT IS FOUND.
6. NO PARKING LOT LIGHTING IS PROPOSED FOR THE ADDITION OF THIS PARKING LOT.

**W A CHESTER, LLC**  
 DB 1062 P 365  
 KD-M11 F13  
 ZONE: I-C  
 USE: INDUSTRIAL SERVICE

1. STORMWATER MANAGEMENT AND WATER QUALITY WILL BE PROVIDED WITH THIS PROJECT, BY UTILIZING GRASS SWALE OR SOME TYPE OF BIO RETENTION FACILITY WITH STORM PIPE STRUCTURE TO CONTROL THE INCREASE RUNOFF FROM THIS DEVELOPMENT AND THE PEAK RUNOFF SHALL NOT EXCEED PEAK RUNOFF OF THE PRE-DEVELOPMENT CONDITION.
2. PARKING LOT SHALL BE GRAVEL AND EACH SPACE WILL BE IDENTIFIED BY THE PROPOSED WHEEL STOP LOCATION AS SHOWN ON THE PLANS.
3. THE LOCATION OF THE WATER SERVICE LINE AND SEWER LATERAL ARE APPROXIMATE. THE ACTUAL PROPOSED LOCATION WILL BE COORDINATE ACCORDINGLY WITH THE ARCHITECTURE BUILDING PLAN DURING THE FINAL SITE PLAN SUBMISSION. THE GENERAL LOCATION OF WATERLINE SERVICE AND LATERAL ARE SHOWN ON THIS SHEET FOR REFERENCE ONLY.



**GREENWAY ENGINEERING, INC.**  
 151 Wandy Hill Lane  
 Winchester, Virginia 22602  
 Telephone: (540) 665-8185  
 Fax: (540) 722-9538  
 www.greenwayeng.com



DATE	REVISION	PER PLANNING COMMENTS
3/30/2012		



**CONCEPT PLAN**  
**BRIGGS ANIMAL ADOPTION CENTER**  
 2012 Peace Plantation Animal Sanctuary  
 KABLETOWN MAGISTERIAL DISTRICT  
 JEFFERSON COUNTY, WV

DATE: 03/19/12  
 SCALE: 1" = 50'  
 DESIGNED BY: RLK/TNA  
 FILE NO. 5334  
 SHEET 2 OF 2  
 12-02

**GENERAL NOTES**

- Methods and materials used in the construction of the improvements herein shall conform to the current County construction standards and specifications and/or current WVDOT standards and specifications. Specification for road improvements shall be the latest edition of the West Virginia Division of Highways "Standards Specifications for Road & Bridges"
- Measures to control erosion and siltation, including detention ponds serving as silt basins during construction, must be provided prior to issuance of the site development permit. The approval of these plans in no way relieves the developer or his agent of the responsibilities contained in the USDA - Soil Conservation Erosion and Sediment Control Handbook for Developing Areas.
- A permit must be obtained from the Office of the Resident Engineer, West Virginia Department of Transportation (WV DOT) and Jefferson County prior to construction in existing State right-of-way.
- No stand alone signs are being proposed with this plan. The property owner shall submit request and plans to Jefferson County Planning, Zoning, and Engineering if a sign is requested after plan approval. Sign shall meet all Jefferson County ordinances.
- All water and sewer lines shall have a minimum horizontal separation of 10' and if crossing, a 18" vertical separation. All fire hydrants shall be compatible with local fire department specifications and equipment.
- An approved set of plans and all applicable permits must be available at the construction site. Also, a representative of the developer must be available at all times.
- Warning signs, markers, barricades or flagmen should be in accordance with the "Traffic Control for Street and Highway Construction and Maintenance Operations" dated November 1994 as published by WV DOT.
- All unsuitable material shall be removed from the construction limits of the roadway before placing embankment.
- All pavement sections on the approved plans are based on a minimum CBR value of 10. CBR values less than 10 will require revised pavement section prepared by Greenway Engineering and approved by the owner.
- All water mains and appurtenances shall be constructed in accordance w/ the current standards and specifications of the City of Charles Town. Hydrants shall be threaded per local fire department requirements.
- All springs shall be capped and piped to the nearest storm sewer manhole or curb inlet. The pipe shall be minimum 6" diameter and conform to WV DOT standards.
- Construction debris shall be containerized in accordance with State laws; no less than one litter receptacle shall be provided at the construction site.
- The contractor shall provide adequate means of cleaning mud from trucks and/or other equipment prior to entering public streets, and it is the contractor's responsibility to clean streets, alley dust, and to take whatever measures are necessary to insure that the streets are maintained in a clean, mud and dust free condition at all times.
- \* Notification shall be given to the appropriate utility company prior to construction of water and/or sanitary sewer lines. Information should also be obtained from the appropriate authority concerning permits, cut sheets, and connections to existing lines.
- All sanitary sewers and appurtenances shall be constructed in accordance with the current standards and specifications of the State of West Virginia Board of Health. (Sewage Treatment and Collection Systems Design Standards)
- The location of existing utilities shown in these plans are taken from existing records. It shall be the contractor's responsibility to verify the exact horizontal and vertical location of all existing utilities as needed prior to construction. The contractor shall inform the engineer of any conflicts arising from his existing utility verification and the proposed construction.
- The developer will be responsible for any damage to the existing streets and utilities which occurs as a result of his construction project within or contiguous to the existing right-of-way.
- When grading is proposed within easements of utilities, letters of permission from all involved companies must be provided to Jefferson County prior to issuance of grading and/or site development permits.
- The developer will be responsible for the relocation of any utilities which is required as a result of his project. The relocation should be performed prior to construction.
- In the event gravesites are discovered during construction, the owner and engineer must be notified immediately. Gravesites, if found on this property, will be protected in accordance with State of WV law.
- The contractor is to verify field conditions prior to and during construction and notify Greenway Engineering at (540) 662-4185 immediately of any discrepancies between actual field conditions and the approved plan.
- Controlled fills shall be compacted per Jefferson County Engineering Department Standards shown herein. Density shall be certified by a registered professional engineer and results submitted to Jefferson County prior to pavement construction. If a geotechnical report has been prepared, it should supersede the requirements in this note.
- Contractors shall notify operators who maintain underground utility lines in the area of proposed excavation or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition.
- All existing easements, ROWs, buildings, and floodplains have been located by the Surveyor and are shown on the plans. There are no proposed easements or future easements needed for this project. No wetlands have been located within the project area per review of the WV DEP GIS documents (<http://gis.dep.wv.gov/index.html>).
- The Project Area is not located within the 100 yr Flood Plain as shown by the Jefferson County FIRM Map Panel No. 5400650050C.
- Water and Sewer Generation - 20 new part time employees will be added with this project. See Sheet X for sewer flows. Jefferson Co. Health Dept. installation permit #XXXXXX (SEWER) #XXXXX (WATER).
- All existing physical features: woods, water courses, rock outcroppings, sinkholes, quarries, culverts, bridges and drains are shown on this site plan.
- There are no flowing streams within 500' of the project.
- See Sheet X of the plans for the Sequence of Construction.
- Engineer will entertain "or equal" request from contractor at time of construction.
- State of West Virginia, Department of Environmental Protection, Division of Water and Waste Management National Pollutant Discharge Elimination System-Water Pollution Control Permit #\_\_\_\_\_ (To be submitted prior to construction)
- Any new utility transmission lines (e.g. electric, phone, cable water, sewer etc.) and service lines within the site development shall be located underground.
- The Developer is responsible for attaining structural drawings, designed by a Professional Structural Engineer, and providing Jefferson County Department of Engineering with copies of such design before erecting any structure not already detailed on this plan.
- There are no key intersections within a one-mile radius of this site.

Water: Private - Well System  
 Telephone: Frontier Communications  
 250 W. Pratt Street  
 Baltimore, MD 21201  
 (410)783-5050

Sewer: Private - SEPTIC SYSTEM

Soil Conservation: Office of the County Engineer, Jefferson County  
 116 E. Washington St.  
 Charles Town, WV 25414 (304) 728-3257

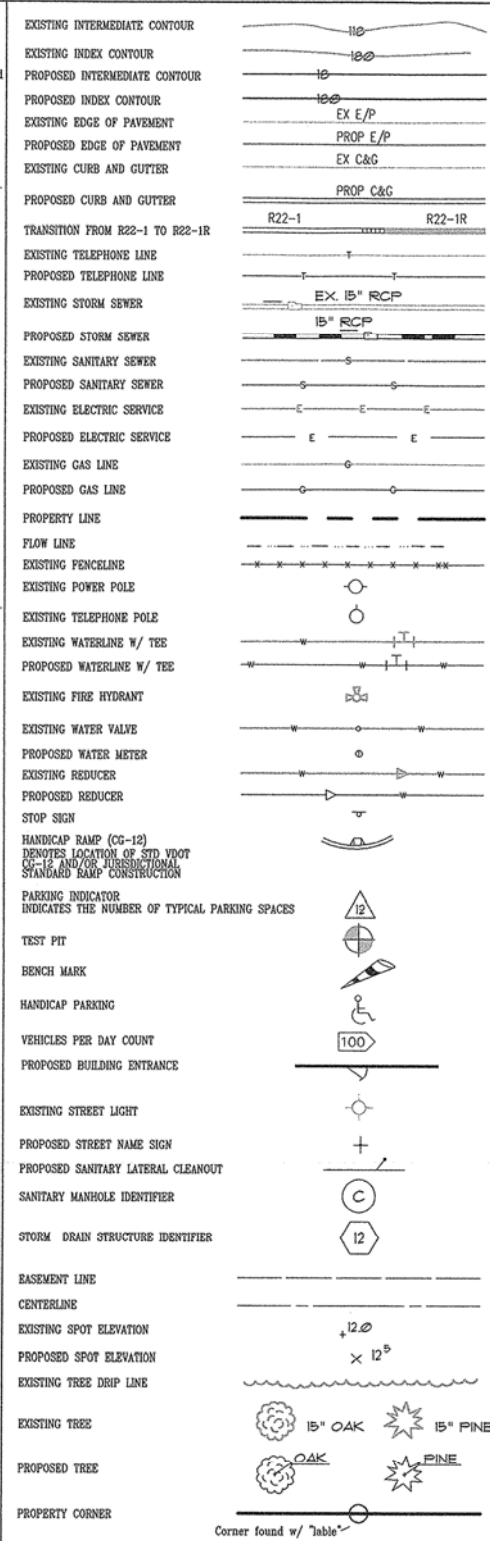
Electric: Allegheny Power  
 4500 Tanneko Drive  
 Frederick, MD 21703  
 (800)255-3443

**SHEET INDEX**

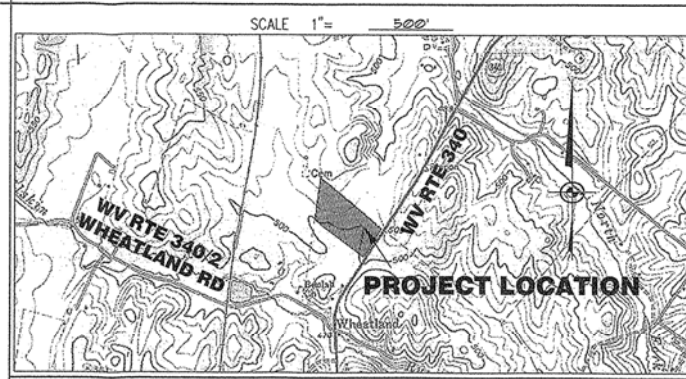
SHEET TITLE	REV. DATE
1. COVER SHEET	
2. OVERALL VIEW & RECORDED PLAT, CONCEPT PLAN, NOTES	

- POTENTIAL WAIVER REQUESTS FOR:**
- EMPLOYEE ONLY GRAVEL PARKING SURFACE WAIVER
  - SIDEWALK WAIVER

**LEGEND**



**VICINITY MAP**



**CONSTRUCTION NOTES**

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

**General Construction Notes**

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

Table of Milestone Inspections		
No.	Description	Date Inspected
1.	Installation of Sediment Control Devices prior to beginning site grading*	
2.	Roadway and/or Parking lot subgrade proof roll prior to stone base	
3.	Roadway and/or parking lot stone base depth check prior to surface	
4.	Water and Sewer inspection and approval by PDS/Utility prior to backfill	
5.	Final Inspection per Table 1.2-1 of Construction Notes Below (8-H)	

\* Must be inspected prior to any other work.  
 \*\* Must be inspected prior to being covered.

B. Erosion and Sediment Control measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading.

C. Earthwork shall be compacted to the percentages of maximum dry density (according to AASHTO T99C) as shown below:

a. Roadways	98%
b. Building pads	100%
c. Parking lots for passenger vehicles	95%
d. Parking lots for heavy trucks	98%
e. Utility trenches	98%

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

D. Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.

E. Traffic control signs shall comply with the standards of the West Virginia Department of Highways.

F. Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and storm water management systems, traffic control signs & pavement markings, landscaping, etc.

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

H. The following variances have been approved by the Jefferson County Planning Commission:

Section	Description	Date Approved
NO WAIVERS HAVE BEEN APPROVED FOR THIS PROJECT		

Jefferson County Planning Commission - Waivers (Table 1.2-2)

Section of Ordinance	Description of Waiver	Date Granted

**NO WAIVERS HAVE BEEN APPROVED FOR THIS PROJECT**

Jefferson County Planning Commission - Waivers (Table 1.2-2)

Section of Ordinance	Description of Waiver	Date Granted

**SEAL**

PROFESSIONAL SEAL & SIGNATURE

THESE PLANS ARE IN CONFORMANCE WITH COUNTY OF JEFFERSON STANDARDS AND ORDINANCES ANY DEVIATION OR CHANGE IN THESE PLANS SHALL BE APPROVED BY THE ZONING ADMINISTRATOR AND/OR DIRECTOR OF PLANNING PRIOR TO CONSTRUCTION.

**WV DOT GENERAL NOTES**

- All work, construction methods and materials shall conform with the West Virginia Division of Highways "STANDARD SPECIFICATIONS ROADS AND BRIDGES Adopted January 1, 2000" and Supplemental Specifications dated January 1, 2001.  
 All work on this project shall also conform with The Soil Conservation Service Erosion and Sediment Control Regulations and any other state, federal, or local regulations applicable. In the event of conflict between any of these standards, specifications, or plans, the most stringent shall govern.
- All construction shall comply with the latest U.S. Department of Labor Occupational Safety & Health Administration.
- When working on WV DOT right-of-way, all traffic control, whether permanent or temporary, shall be in accordance with "Traffic Control for Street and Highway Construction and Maintenance Operations" dated November 1994 as published by WV DOT.
- Design features relating to construction or to regulation, control and safety of traffic may be subject to change as deemed necessary by WV DOT.
- Prior to initiation of work, Contractor shall be responsible for acquiring all necessary WV DOT land use permits for any work on WV DOT right-of-way.
- If required by the local WV DOT Residency Office, a preconstruction conference must be arranged and held by the engineer and/or developer with the attendance of the contractor, various County agencies, utility companies and WV DOT prior to initiation of work.
- Contractor shall notify the local WV DOT Residency Office when work is to begin or cease for any undetermined length of time. WV DOT will also require 48 hours notice for any inspection.
- The Contractor will be responsible for maintaining adequate access to the project from the adjacent public roadway through construction and maintenance of a construction entrance in accordance with the West Virginia Best Management Practices Manual. Furthermore, access to other properties affected by this project shall be maintained through construction.
- Contractor shall ensure adequate drainage is achieved and maintained on the site during and at the end of construction.
- All water and sewer lines within existing or proposed WV DOT right-of-way are to have minimum 36" cover and, when possible, to be installed under roadway drainage facilities.
- Any unusual subsurface conditions encountered during the course of construction shall be immediately brought to the attention of the engineer and WV DOT. Work shall cease in that vicinity until an adequate design can be determined by the engineer and approved by WV DOT.
- All undercut areas and borrow material shall be inspected and approved by WV DOT Inspector prior to placement of fill.
- All roadway fill, base, subsurface material and backfill of utility/storm sewer trenches shall be compacted in 6" lifts to 98% of theoretical maximum density as determined by AASHTO T-99 Method A, within plus or minus 2% of optimum moisture for the full width of any dedicated street right-of-way. At the direction of WV DOT Inspector density tests performed by a qualified independent agency shall be conducted as required in the WV DOT Road and Bridge Specifications. A copy of all tests shall be submitted to WV DOT prior to final WV DOT approval.
- WV DOT Standard CD and UD underdrains shall be installed where indicated on these plans and further where determined necessary by WV DOT Inspector.
- The installation of any entrances and mailboxes within any dedicated street right-of-way shall meet WV DOT minimum design standards and is the developer's responsibility.
- If required by the local WV DOT Residency Office, copies of all invoices for materials within any dedicated street right-of-way must be provided to the WV DOT Inspector prior to acceptance of work. Unit and total prices may be obscured.
- Prior to acceptance by WV DOT of any streets, any required street signage and/or pavement markings must be installed by the developer.
- WVDOH Highway Entrance Permit #5-98-0687 (TO BE UPDATED FOR THIS PLAN)

**PROJECT INFORMATION**

PARCEL IDENTIFICATION NO: KABLETOWN DISTRICT  
 TMA's M11 F.1.  
 DEED BOOK & PAGE: DB 912 PG 485  
 TOTAL AREA: 23.362 AC.  
 PROJECT AREA: 23.362 AC.  
 DISTURBED AREA: 1.1 AC. (APPROXIMATELY)  
 CURRENT ZONING: INDUSTRIAL-COMMERCIAL (I-C)  
 CURRENT USE: KENNEL  
 PROPOSED USE: KENNEL  
 SETBACKS: LISTED BELOW  
 PROPOSED HEIGHT OF STRUCTURES SAME AS EXISTING - BLDGS  
 APPROX. - 35' HEIGHT

THERE ARE NO RESERVATIONS OF LAND IN THIS PROJECT FOR PUBLIC OR SEMI-PUBLIC USE.  
 NUMBER OF EMPLOYEES - 20 NEW PART TIME EMPLOYEES (TWO SHIFTS), SEE SHEET X.  
 TRAFFIC GENERATION - (ITE630 - CLINIC)  
 58 TOTAL EMPLOYEES = 52/71 AM/PM PEAK HR TRIPS AND 405 ADT

SETBACKS	FRONT	SIDE	REAR
BUILDING	25'	50'	50'
PARKING	15'	10'	10'
LANDSCAPE SCREEN**	NONE	10'	10'
LANDSCAPE SCREEN**	NONE	15'	15'
HISTORIC BLDG	NONE	75'	75'

\* REQUIRED FOR SIMILAR USES  
 \*\* REQUIRED FOR NON SIMILAR USES/RESIDENTIAL

**PARKING CALCULATIONS:**  
 1. PARKING SPACE REQ. / EMPLOYEE  
 EX 41 EMPLOYEES(max)@1 PER = 41 SP  
 20 PROP EMP (MAX)@1 PER = 20 SP  
 TOTAL SPACES REQUIRED = 61 SPACES  
 TOTAL SPACES EXISTING = 43 SPACES  
 TOTAL SPACES PROPOSED = 21 SPACES  
 TOTAL SPACES PROVIDED = 64 SPACES

**HANDICAP PARKING REQUIREMENTS**  
 4% OF TOTAL REQUIRED SPACES = 2.56  
 TOTAL HC SPACES REQUIRED = 3  
 TOTAL HC SPACES PROVIDED = 3

**IMPERMEABLE SITE COVERAGE CALCULATIONS:**  
 TOTAL LOT = 23.362 AC  
 GREEN SPACE PROVIDED = 21.773 AC  
 GREEN SPACE REQUIRED = 4.672 AC  
 IMPERVIOUS AREA = 1.589 AC  
 % IMPERMEABLE = 6.8%  
 LESS THAN 80% ALLOWABLE-OK

**SURVEY AND TOPOGRAPHIC INFORMATION**

- Horizontal control survey was performed by APPALACHIAN SURVEYS, PLLC 8-16-10 (Year)
- All elevations are reference to (choose one)
  - The National Geodetic Vertical Datum of 1929 (NGVD 29)
  - The National Geodetic Vertical Datum of 1988 (NOVD)
  - Other (specify) NAD 27
- Source of original topographic mapping is APPALACHIAN SURVEYS, PLLC dated 8-16-10
- Source of supplemented topographic mapping is \_\_\_\_\_ dated \_\_\_\_\_
- Source of Boundary survey by APPALACHIAN SURVEYS, PLLC dated 10-24-01

6. The application of the professional's seal and signature as required by the STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS RULES AND REGULATIONS shall be evidence that the boundary data is correct to the best of the land surveyor's knowledge, and complies with the minimum standards and procedures of the said Board; the topographic information is accurate to within one-half of the contour interval, as shown. Application of the seal and signature indicates acceptance of responsibility for the work shown herein.

**APPROVALS**

**OWNERS APPROVAL**  
 THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY THE CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON.

OWNER/DEVELOPER \_\_\_\_\_

Jefferson County, West Virginia

PRELIMINARY PLAN APPROVAL  
 SITE DEVELOPMENT PLAN APPROVAL

BY \_\_\_\_\_ DATE \_\_\_\_\_  
 COUNTY ENGINEER

BY \_\_\_\_\_ DATE \_\_\_\_\_  
 COUNTY PLANNER

**JEFFERSON COUNTY COVER SHEET**

**RECEIVED**  
 APR 02 2012  
 JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING

Project Name: BRIGGS ANIMAL ADOPTION CENTER-2012 CAT BUILDING

Magisterial District: KABLETOWN DISTRICT

Date of Plan: (Month, Day, Year) MAR 19, 2012

Owner: BRIGGS ANIMAL ADOPTION CENTER  
 Address, Including Zip Code & Telephone No. 3794 BERRYVILLE PIKE CHARLES TOWN, WV 25414 (304) 724-6558

Developer: SAME  
 Address, Including Zip Code & Telephone No. FACILITY STREET ADDRESS - 3731 BERRYVILLE PIKE, SUITE 100 CHARLES TOWN WV 25414

Engineer Certifying Plan: GREENWAY ENGINEERING  
 Address, Including Zip Code & Telephone No. 151 WINDY HILL LANE WINCHESTER, VA 22602 (540) 662-4185

**GREENWAY ENGINEERING, INC.**  
 151 Windy Hill Lane  
 Winchester, VA 22602  
 Telephone: (540) 662-4185  
 Fax: (540) 722-9538  
 www.greenwayeng.com

REVISION

DATE	REVISION
3/30/2012	PER PLANNING COMMENTS

DATE: 3/30/2012

PROFESSIONAL ENGINEER

COVER SHEET - CONCEPT PLAN

**BRIGGS ANIMAL ADOPTION CENTER**  
 2012 Peace Plantation Animal Sanctuary  
 KABLETOWN MAGISTERIAL DISTRICT  
 JEFFERSON COUNTY, WV

DATE: 03/19/12

SCALE: N/A

DESIGNED BY: RLK/TNA

FILE NO. 5334

SHEET 1 OF 2

12-02

#2 Review Print

Staff Report  
 Jefferson County Planning Commission Meeting  
 June 12, 2012  
**Aspen Greens Final Plat**

Item #5: Final Plat Public Hearing for Aspen Greens Subdivision (PC File #07-15).

APPLICANT:	Roderick Planes, LLC
OWNER:	Maurice Gladhill
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Gates Associated, Inc.
PROPERTY LOCATION:	This property is located northeast of the intersection of Old Country Club Road with Flowing Springs Road.
LEGAL DESCRIPTION:	District: Charles Town; Map: 4; Parcel(s): 19
ZONING DISTRICT:	2011 Zoning Map: Rural
SURROUNDING PROPERTIES:	2011 Zoning Map North: Rural South: Rural East: Residential Growth West: Rural
LOT AREA:	110.71 acres
PROPOSED DENSITY:	203 single-family lots
APPROVALS:	
Conditional Use Permit	Submitted: 08/08/02 Site Assessment Passed: 10/02/02 1 <sup>st</sup> Neighborhood Compatibility Scheduled: 10/30/02 2 <sup>nd</sup> Neighborhood Compatibility Scheduled: 05/10/06 Public Hearing Scheduled: 06/15/06 PH & BZA Action: Approved CUP Official Issuance Signature: 12/20/07 Expiration Date: 06/20/09 BZA Extended to: 12/20/10 BZA Extended to: 7/1/2012

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 12, 2012**

<b>Community Impact Statement</b>	Submitted: 06/15/07 Staff Review Meeting: 07/06/07 County Planner Approval: 02/2008 County Engineer Approval: 01/14/08 PC Approval: 03/25/08 Expires on: 07/06/09 PC Extended to: 12/31/09; 12/20/10; 07/01/2012
<b>Preliminary Plat</b>	04/10/2012
<b>Final Plat</b>	Submitted: 5/2/12 Public Hearing Scheduled: 6/12/12 60-Day Provision Ends: 7/1/12
<b>Variance History</b>	05/26/09 - PC approved variance to extend the file expiration date from 07/06/09 to 12/31/09. 06/18/09 - BZA approved a CUP extension request from 06/20/09 to 12/20/2010. 08/11/09 – PC approved variance to extend the file expiration date from 12/31/09 to 12/20/10. 11/09/10 – PC approved variance to extend the file expiration date from 12/20/10 to 07/01/12. 11/18/10 – BZA approved an extension of the CUP to 7/01/12.
<b>OTHER APPROVALS:</b>	N/A

**Background:**

Aspen Greens Subdivision is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. Since this Subdivision began processing before the 2008 Subdivision Regulations were adopted, the Subdivision is being reviewed under the 1979 Subdivision Regulations. This is the first phase of Aspen Greens Subdivision, known as Phase 1A. The applicant is seeking Final Plat approval for 20 lots and a residue of 93.654 acres.

**The Request:**

All developments approved under the 1979 Subdivision Regulations are required to have Final Plat approval every 2 years, which allows the Community Impact Statement (CIS) to remain valid and the development itself to retain its vested rights. The applicant is complying with that time requirement by submitting a Final Plat for approval prior to the expiration date.

**Recommendation:**

The Final Plat complies with the approved Community Impact Statement and Preliminary Plat. Staff recommends approval.

If the Final Plat is approved by the Planning Commission, the applicant shall have 90 days from time of approval to bond and record the Final Plat.

Staff Report  
Jefferson County Planning Commission Meeting  
June 12, 2012

Per the 1979 Subdivision Regulations, the following excerpt details the Planning Commission responsibility for a Final Plat Public Hearing.

FINAL PLAT PUBLIC HEARING held before the Planning Commission during a regular meeting. New or revised information not previously considered at the Community Impact Evaluation stage is solicited from the public. The Planning Commission, after considering public comment, all previous information and comment, the provisions of this Ordinance, and the provisions of Section 8-24-30 of the West Virginia Code, approves, approves with conditions or disapproves the subdivision proposal and Final Plat.

The Planning Commission shall approve, approve with conditions, or disapprove a subdivision proposal and Final Plat within 60 days from the day the final plat and support material are submitted to the Planning Commission office. Failure to take action within the 60 day period shall result in final plat approval, unless a waiver of the 60 day period is granted to the Planning Commission by the subdivider.

# **Engineering Report**

**Planning Commission Meeting  
06/12/2012**

**Aspen Green Phase 1A  
Final Plat Approval**

## **Request:**

Roderick Plain is requesting approval of a final plat for the Aspen Green Subdivision, Phase 1A; Jefferson County file number 07-15.

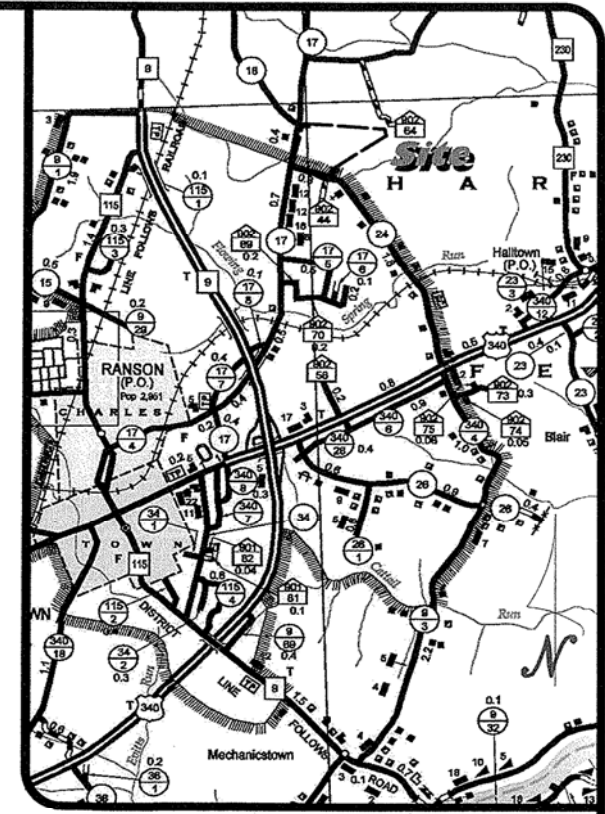
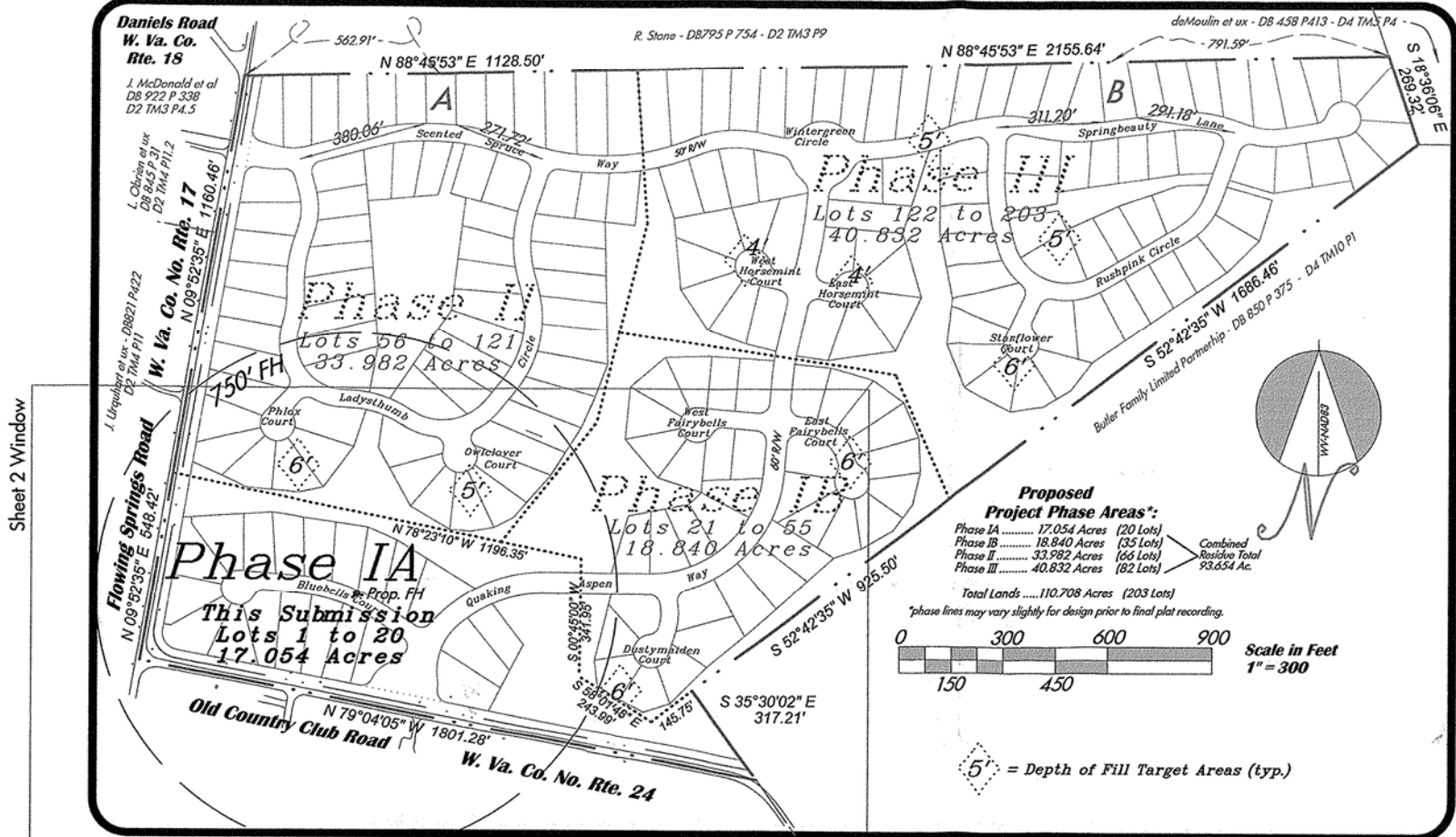
## **Findings:**

The final plat appears to meet the JEFFERSON COUNTY SUBDIVISION ORDINANCE (1979).

## **Conclusion:**

The County Engineer recommends approval of the final plat.

Note: Lots bearing letters 'A' & 'B' below shall be re-designed to include 50 foot wide 'Stub Roads' to lands lying directly to the north when included in a phase submission. See Sheet 3, Note 43. This may impact the lot count as can be adjusted in Phase Submissions not to exceed the 203 originally planned. It may also impact the overall areas of dedicated roads and lots in a minor amount from that shown.



**Location Map**  
1" = 5280'

**Sheet Index :**

- 1 - Title Sheet, Signatures, Phasing Plan, Location
- 2 - Lot Plan @ 100, Boundary Bearings & Distances
- 3 - Site Information Development Notes

**Proposed Phase Limits, Sheet Window & Fire Hydrant Coverage**

CONDITIONAL USE PERMIT  
Approval Date: 20 December 2007

CUP Condition:	How Addressed:
1. Installation of a left turn lane for the proposed entrance to Aspen Greens off of Old Country Club Road (Route 24) unless prohibited by the WVDOT.	Per Larry Alt, WVDOT, Improvement is not needed at this phase of the development.
2. Installation of a left turn lane for the proposed entrance to Aspen Greens off of Flowing Springs Road (Route 17) unless prohibited by WVDOT.	Per Larry Alt, WVDOT, Improvement is not needed at this phase of the development.
3. Installation of a left turn lane off of Flowing Springs Road (Route 17) to Daniel Road (Route 18) unless prohibited by WVDOT.	Per Larry Alt, WVDOT, Improvement is not needed at this phase of the development.
4. Installation of a left turn lane off of Flowing Springs Road (Route 17) to Old Country Club Road (Route 24) unless prohibited by WVDOT.	Per Larry Alt, WVDOT, Improvement is not needed at this phase of the development.
5. Provide a minimum 8' paved shoulder along Flowing Springs Road (Route 17) and Old Country Club Road (Route 24).	Per Larry Alt, WVDOT, applicant is requested to reduce shoulder to 4' due to the increased amount of maintenance it would require of DOT.
6. Provide a note on the plat indicating a 50' easement along Flowing Springs Road (Route 17) and Old Country Club Road (Route 24) starting at the centerline of the road for potential location of sidewalks and trails. (Condition amended by BZA 2/16/12)	Sheet 3, Notes 7g, 14 & 43
7. Letter Submission to WVDOT notifying them about the potential growth and ask their thoughts about a traffic light at the intersection of Daniels Road (Route 18) and Flowing Springs Road (Route 17).	Email Acknowledgment provided for JCPC File
8. Any further change in use or expansion processing through the Jefferson County Departments of Planning, Zoning and/or Engineering to update this certificate and all other applicable County regulations being followed.	Extension granted; see Sheet 3, Note 44.
9. Revise the plat to show two points of pedestrian and vehicular access that would allow future connections between Aspen Greens Subdivision and the property located to the north of the subdivision. (Condition added by BZA 2/16/12)	See Note to above; see Sheet 3, Note 43.

**Jefferson County  
Final Plat Approval**

Final Plat Approved: \_\_\_\_\_ (Date)

Jennifer M. Brockman, AICP Director  
JEFFERSON COUNTY PLANNING & ZONING DEPARTMENT  
116 East Washington Street; 2nd Floor (POB # 338)  
Charles Town, WV 25414 (Ph. 304-728-3228)  
Email - planningdepartment@jeffersoncountywv.org

Seal

**Owner/Developer Compliance**

Having reviewed these drawings and support documents using due care, including legal or other independent professional review as to all express or implied obligations contained herein, this owner/developer now indicates his agreement to abide by all conditions, terms, and specifications on behalf of the present and future owners, heirs or assigns:

\_\_\_\_\_  
6/4/12 (Date)

Maurice Gladhill, Manager  
RODERICK PLANES, L.L.C.  
5509 Mount Zion Road  
Frederick, MD 21705 (Ph. 800-245-0691)  
Email: mgladhill@aol.com

**Surveyor's Certificate**

This is to certify that I have reviewed the Final Plat sheets listed above and find them acceptable with my responsible charge of the Land Surveying contained.

\_\_\_\_\_  
6/4/12 (Date)

Fred W. Gates, WVPS #539  
GATES ASSOCIATED, Inc.  
153 Venice Way  
Shepherdstown, WV 25443 (Ph. 876-6124)  
Email: gatesassociated@aol.com

Seal

**Final Plat of Phase IA  
Aspen Greens**

**P/O Deed Book 952 Page 565; PB 10 P 106;  
Tax District CT-2, Map 4, Parcel 19**

**Project Owner/Developer: Roderick Planes, L.L.C.  
5509 Mount Zion Road; Frederick, MD 21705  
(Ph. 800-245-0691)**

Situate northeasterly of the intersection and along both Flowing Springs Road (WV Co. Rte. 17) and Old Country Club Road (WV Co. Rte 24) approximately one mile northeasterly of Charles Town, within the Charles Town Magisterial District, in Jefferson County, West Virginia.

Plat: A10900J  
Date: 17 April 2012  
Scale: 1" = 100'  
Tax Map: 4  
Charles Town - 2  
Computer Entry: F.G.

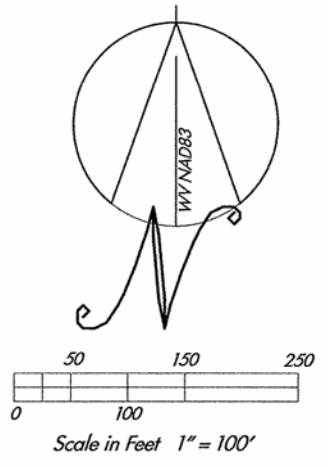
**Gates Associated, Inc.**  
153 Venice Way (Rte. 45)  
Shepherdstown,  
West Virginia, 25443  
Tel: 1-304-876-6124 Email: gatesassociated@aol.com

Lot Notes:

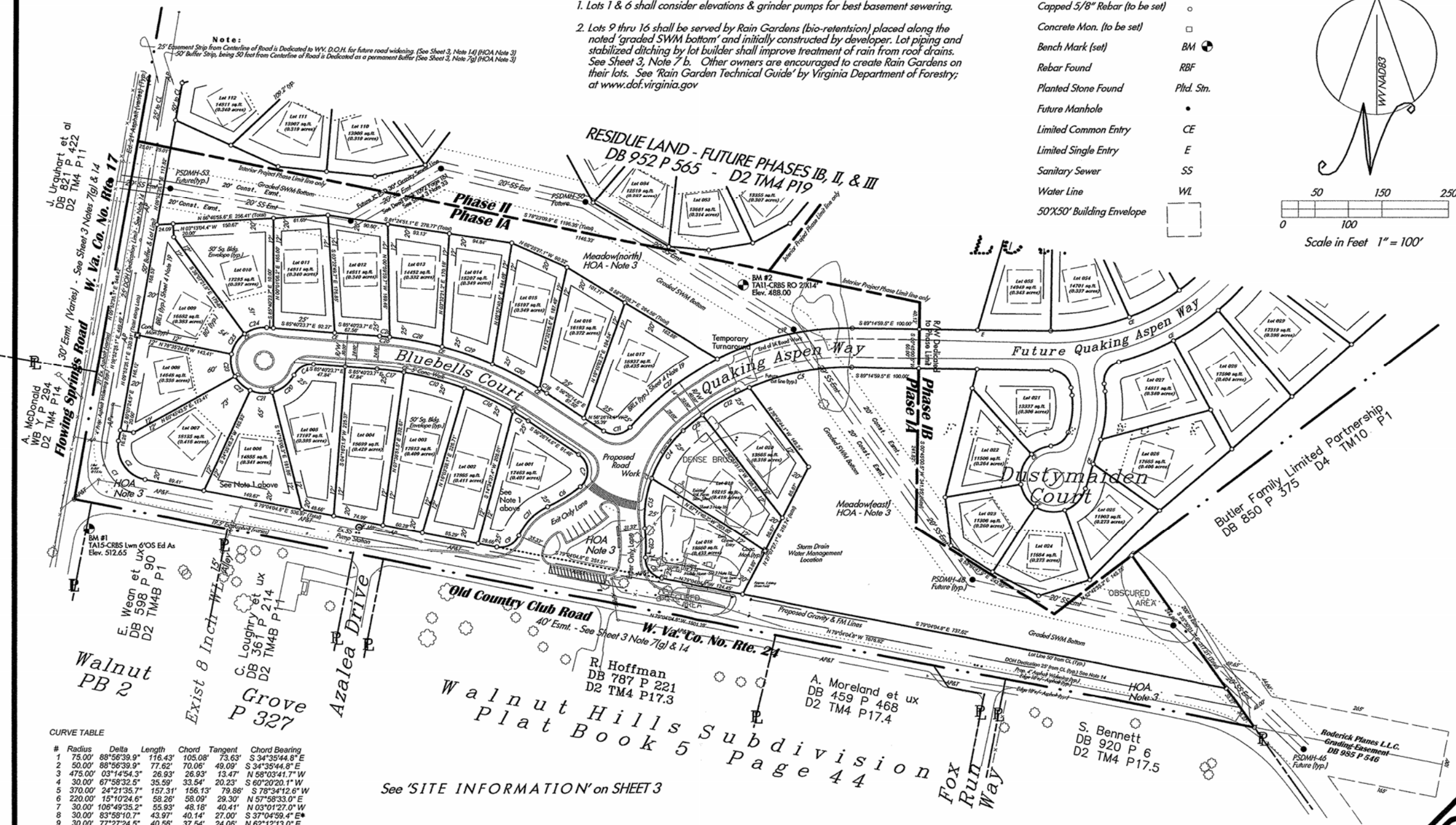
- 1. Lots 1 & 6 shall consider elevations & grinder pumps for best basement sewerage.
- 2. Lots 9 thru 16 shall be served by Rain Gardens (bio-retention) placed along the noted 'graded SWM bottom' and initially constructed by developer. Lot piping and stabilized ditching by lot builder shall improve treatment of rain from roof drains. See Sheet 3, Note 7b. Other owners are encouraged to create Rain Gardens on their lots. See 'Rain Garden Technical Guide' by Virginia Department of Forestry; at www.dof.virginia.gov

Symbols:

- Capped 5/8" Rebar (to be set) ○
- Concrete Mon. (to be set) □
- Bench Mark (set) BM ⊕
- Rebar Found RBF
- Planted Stone Found Pltd. Stn.
- Future Manhole ●
- Limited Common Entry CE
- Limited Single Entry E
- Sanitary Sewer SS
- Water Line WL
- 50'X50' Building Envelope [ ]



Note:  
 25' Easement Strip from Centerline of Road is Dedicated to WV D.O.H. for future road widening. (See Sheet 3, Note 14) (FOA Note 3)  
 50' Buffer Strip, being 50 feet from Centerline of Road is Dedicated as a permanent Buffer. (See Sheet 3, Note 7g) (FOA Note 3)



CURVE TABLE

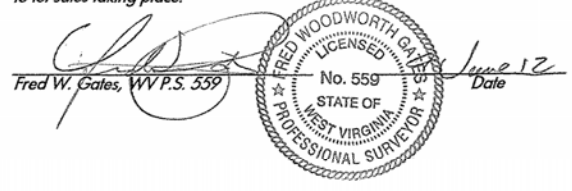
#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	75.00'	88°56'39.9"	116.43'	105.08'	73.63'	S 34°35'44.8" E
2	50.00'	88°56'39.9"	77.62'	70.06'	49.09'	S 34°35'44.8" E
3	475.00'	03°14'54.3"	26.93'	26.93'	13.47'	N 58°03'41.7" W
4	30.00'	67°58'32.5"	35.59'	33.54'	20.23'	S 60°20'20.1" W
5	370.00'	24°21'35.7"	157.31'	156.13'	79.86'	S 78°34'12.6" W
6	220.00'	15°10'24.6"	52.26'	52.09'	29.30'	N 57°58'33.0" E
7	30.00'	108°49'35.2"	55.93'	55.93'	48.18'	N 03°01'27.0" W
8	30.00'	83°58'10.7"	43.97'	40.14'	27.00'	S 37°04'59.4" E
9	30.00'	77°27'24.5"	40.56'	37.54'	24.06'	N 62°12'13.0" E
10	475.00'	11°22'10.2"	94.26'	94.10'	47.28'	N 75°06'57.1" W
11	30.00'	83°07'58.8"	43.53'	39.81'	26.60'	N 81°59'45.1" E
12	370.00'	12°43'05.4"	62.13'	62.13'	41.23'	S 60°01'52.0" W
13	370.00'	05°49'19.3"	37.60'	37.58'	18.81'	S 50°45'38.6" W
14	182.00'	27°09'15.5"	86.26'	85.45'	43.95'	S 33°07'08.4" W
15	182.00'	24°28'54.2"	77.77'	77.18'	39.49'	S 07°18'03.5" W
16	475.00'	09°44'43.0"	80.79'	80.69'	40.49'	N 64°33'30.4" W
17	475.00'	04°52'21.5"	40.40'	40.38'	20.21'	N 85°14'12.9" W
18	525.00'	01°23'24.0"	12.74'	12.74'	6.37'	N 74°07'58.6" W
19	430.00'	27°57'15.8"	209.80'	207.72'	107.03'	S 76°46'22.6" W
20	50.00'	49°23'49.8"	43.11'	41.78'	23.00'	N 51°02'58.8" E
21	50.00'	38°50'54.6"	33.90'	33.26'	17.63'	S 84°49'39.0" E
22	50.00'	36°09'55.2"	31.58'	31.04'	16.33'	S 47°19'14.1" E
23	50.00'	40°38'51.7"	35.47'	34.73'	18.52'	S 08°54'50.7" E
24	50.00'	40°25'58.2"	35.30'	34.57'	18.42'	S 74°06'07.2" W
25	50.00'	42°28'02.9"	37.06'	36.22'	19.43'	S 32°38'36.6" W
26	525.00'	01°38'13.3"	15.00'	15.00'	7.50'	N 84°51'17.0" W
27	430.00'	22°21'58.0"	167.86'	166.79'	85.01'	S 51°36'45.7" W
28	525.00'	08°43'49.2"	80.00'	79.92'	40.08'	N 79°40'15.8" W
29	525.00'	08°44'21.3"	80.08'	80.00'	40.12'	N 78°58'10.5" W
30	525.00'	08°44'21.3"	80.08'	80.00'	40.12'	N 62°11'45.2" W
31	85.11'	42°05'17.3"	62.52'	61.12'	32.75'	S 44°31'09.4" W
32	208.00'	12°07'05.3"	43.99'	43.91'	22.08'	N 01°07'16.4" W

\* Note: C8, C32, & C15 are intentionally broken back curves. Compute PC's & PT's from Curve Table chord bearing and distances for correct placement of Lot 18 right-of-way boundary.

See 'SITE INFORMATION' on SHEET 3

Surveyor's Certificate

I, Fred W. Gates, hereby certify that this plat correctly represents surveys made by me beginning in 9 May 2001, with continuing field work as needed to date, initially aligned to Polaris observations with USGS elevations; now realigned to WVNAD83 to coincide with JCPSD field projects and county GIS oversight requirements; that said survey work and boundary control had greater accuracy than 1 foot in 10,000 feet horizontal closure and that the monuments shown hereon shall actually exist prior to lot sales taking place.



P/O D2 TM4 P19  
 Phase IA - Lots 1 thru 20

ASPEN GREENS

RODERICK PLANES, L. L. C.  
 P/O Deed Book 952 Page 565

Situate northeasterly of the intersection and along both Flowing Springs Road (WV Co. Rte. 17) and Old Country Club Road (WV Co. Rte. 24) approximately one mile northeasterly of Charles Town, within the Charles Town Magisterial District, in Jefferson County, West Virginia.

Plat: A10900J  
 Date: 17 April 2012  
 Scale: 1" = 100'  
 Tax Map: 4  
 Charles Town - 2  
 Computer Entry: F.C.

**Gates Associated Inc.**  
 153 Venice Way (Rte. 45)  
 Shepherdstown,  
 West Virginia, 25443  
 Tel: 1-304-876-6124 Email: gatesassociated@aol.com

# Site Information:

1. **OWNERSHIP:** Being the lands of Roderick Planes, L.L.C., a West Virginia limited liability company, by deed dated the 28th September 2001, and recorded among the Jefferson County, West Virginia, Land Records, in DEED BOOK 952 at PAGE 565. These lands are all of Lot 3 RESIDUE LAND shown in Plat Book 10 Pages 106; and Part of Charles Town District 2 Tax Map 4 Parcel 19.
2. **PROPOSED PROJECT:** Phase IA is 20 detached single-family dwellings (Lot Nos. 1-20) about 0.40 acre (varies), individual lots served by public water, public sewer and buried utilities. Open Space to have interconnecting hiker-biker trails and play fields. Roadside walks link pedestrians to a unique multifunction entrance that accommodates school bus, off state road stop, school bus boarding staging area for children and parents, limited parent parking, rain shelter, mail access off traffic pickup, as well as landscaping options. The layout design is of a curving style for optimum land use. Coordinated tree plantings of hemlock/aspens/redbud trees present themed roadside tree asymmetrical clusters.
3. **AREA SCHEDULE TABLE**
- | ASPHEN GREENS, Phase IA (17.0537 Ac.):                   | ACRES:         | Tract Total |
|--|----------------|-------------|
| Street Dedication- HOA                                   | 1.9930         | 110.708 Ac. |
| Meadow (North)- HOA                                      | 1.9524         |             |
| Meadow (East)- HOA                                       | 2.8829         |             |
| Lots 1 - 20  | 7.6038         |             |
| State Road Dedication (25' Wide)- HOA                    | 1.3532         |             |
| Buffer Strip (25' Part not in State Road Ded.)- HOA      | 1.2683         |             |
| <b>Total Lands Phase IA Residue (Phases IB, II, III)</b> | <b>17.0537</b> |             |
4. **SERVING UTILITIES SHALL BE BURIED.** Electric to be provided by Allegheny Power. Public Water served by Jefferson Utilities, Inc. by interconnecting to Walnut Grove with fire flow capacity. Sewer to be served by upgrading existing JCPSD pump station into Walnut Grove gravity lines or by proposed cross county gravity lines shown hereon by crossing site easements. Individual lot wells or septic systems are prohibited.
5. **TOPOGRAPHY** used for design is a July 25, 2001 aerial survey 3Di (.com). North alignment was to True North by Polaris Observation 17 April 1988. In 2008, ties to WYNAD83 control permitted vertical and horizontal data shown. U.S. Government National Map Accuracy standards indicate aerial rendered vertical contours may vary within half the contour interval shown either + or -.
6. **CALLING MISS UTILITY @ 1-800-245-4848** shall precede any excavation in public rights-of-way or areas served by underground utilities by five (5) days.
7. **COMMON USE AREA RIGHTS:**
- a. **COMMON POINTS OF LOT ENTRY (CE)** shall be limited to where marked on plan(E = single). Concrete access ramp shall be provided for drive-ways to diverge of this point. 20' width for "CE" and 12' width for "E" shall allow for safe owner access. Homes shall be constructed in mirror design to allow direct driveway garage access. Homeowner Association shall be responsible for concrete ramps within the street right-of-way and the lot homeowner shall be responsible for asphalt driveway connecting to each access ramp. Driveway cross slopes from roadside ramps to dwelling envelope shall direct rain runoff water towards side lot property line ditching easements.
- b. **COMMON REAR RAIN GARDEN EASEMENTS** shall be placed where shown in Preliminary Plans to mitigate the impact of impervious sheet flow of two lots. Active maintenance and planting shall be equally shared by lot owners served with either party retaining the right to add water absorbing herbaceous plantings and trees to facilitate transpiration and subsurface infiltration. The Home Owners Association shall also retain the right and obligation to maintain oversight of the active working function, regenerate non-working conditions and bill the serving owners should that body deem this to be necessary. The act of mitigating lot runoff impact and the aquifer is the goal. Any included bio-retention facilities are not a necessary part of the Storm Water Management plans approved for this project. All lots may also consider similar or other means of runoff control mitigation.
- c. **CUL-DE-SAC BIO-RETENSION EASEMENTS** within each road terminus are shown to control surface water in that area. Plantings here shall be a primary oversight and maintenance of the Homeowners Association. Fronting lots retain the right to engage in added plantings or care with HOA approval. Limited water retention storage shown in the construction plans shall be aided with overflow directed to storm drains.
- d. **REAR LOT BUFFER TREE PLANTING RIGHTS ALONG STATE ROADS** shall be retained by lot owners above and beyond the plantings by the developer for authorized tree motif types (hemlock/aspens/redbud). Trees need be planted within a lot's immediately adjacent 25' buffer in asymmetrical random clusters, avoid linear rows. HOA oversight decision shall prevail where questions arise. On-plot plantings are each owner's choice. Other Common Area plantings, other than motif trees, by individual homeowners shall need HOA approval.
- e. **MAINTAINING THE PRIVATE RIGHT-OF-WAYS, BUFFERS AND OPEN SPACE** shall be the sole obligation, cost and expense of the Home Owners Association being divided equally among the lot owners in the subdivision and paid by the lot owner, heirs, or assigns. The parties hereto state and acknowledge that access roads or access easements are private and their maintenance including snow removal, is not a public responsibility or the responsibility of Jefferson County. A Common Interest Agreement shall be established to provide for maintenance of commonly owned land.
- f. **FUTURE DEVELOPMENT COMMON USE RIGHTS** shall mature over other phases of ASPEN GREENS concept at such point that construction on them is complete. This includes use of all open space, paths and walks once transferred to a properly organized Home Owners Association.
- g. **A 50' WIDE BUFFER** is hereby dedicated along the northerly and easterly side of both state frontage roads from approximate road center perpendicularly distant for 50 feet extending to the back of lots. This land shall be conveyed in fee to the HOA. It is subject to a WVDOH future road widening easement strip 25 feet from centerline (Note 14). The buffer shall be subject to current and future easements for utilities or future pedestrian walks/trails (by others). See Note "e," and 43.
- h. **UTILITY REPAIR AND MAINTENANCE ACCESS** shall be provided by HOA and lot owners after alerted of need for the common good of all for the appropriate service persons including owner restraint of dogs or animals of concern.
8. **LIMITED YARD FENCING** - Yard fencing no farther forward than the rear corner lot dwelling. Fences shall be visually open; not higher than four feet. A rail fence with welded wire attached for animal yard enclosure is permissible. Blockade fencing is prohibited. Fences may be placed at the boundary lines. Pool fences limited to area above. Visual privacy shall be limited to plantings. Consult confirming professional surveys prior to all construction. Only county fencing ordinance requirements shall be a county enforcement responsibility.
9. **NO UNLICENSED MOTORIZED VEHICLES** are permissible. Non-motor devices are fine if acceptable to HOA oversight. Always use due care for the mutual health and safety of others.

10. **RESTRICTIVE COVENANTS:** No title search provided by owner. Owner/developer has been apprised of merits of "Quiet Title Suit" to remove any undisclosed, unknown or other title issues, including legal counsel determination of all possible residue rights. Title search is advised by all future owners prior to purchase. Intended added covenants beyond those directly or indirectly created herein shall be referred to in the individual lot deeds recorded within the Jefferson County, West Virginia, Land Records. West Virginia Common Interest Code, applicable court decisions and recorded chain of title documents, interpreted by legal counsel, may apply.
11. **OWNER/DEVELOPER RETAINS THE RIGHT** to create new easements, add utilities, paths, or access use as needed over the phases created and recorded for the benefit of this development.
12. **SITE SOILS** - USDA Web Soil Survey NCSS indicates all site Soil Ratings are "B" having a moderate infiltration rate, being deep soils moderate to well drained, and having a moderate rate of water transmission. Soil Map names include Funkstown, Poplimento, Ryder-Poplimento Complex, and Urban land-Hagerstown Complex with slopes predominantly lying in the 10% and lower range.
13. **TRASH REMOVAL** is by Apple Valley Waste (304-267-1280) as lot side pickup. Recyclable materials will be homeowner directed to drop points including paper drop at Halltown Paper Mill off Route 230.
14. **EXISTING STATE ROAD EASEMENTS** are 15' from centerline along Flowing Springs Road (WV Rte. 17) and 20' from centerline along Old County Club Road (WV Rte. 24) per Deed Book 293 Page 200. These EASEMENTS are hereby acknowledged by the owner/developer as widened by dedication to 25' from centerline along both roads. See also plat reference in Note 1 hereon.
15. **MODEL HOMES** without staff shall be permitted throughout this development. Staffed model homes shall be limited to lots located on either side of entry to a new phase. Phase IA Lots 1 and 18 are reserved for Staffed Model Homes. Building permits shall reflect use and model use termination when sold for domestic home ownership.
16. **ONLY ONE SINGLE FAMILY DWELLING** shall be permitted on each lot. Existing structures and utilities shall be razed and removed prior to sale of Lots 18 & 19 hereon.
17. **BUILDING SETBACK LIMITS (BRLs)** shown for these lots served by public water and sewer are 25' Front, 12' Side and 20' Rear. Shown fifty foot square building envelopes shall be used to place primary residences where shown. Only county BRL ordinance requirements shall be a county enforcement responsibility.
18. **PROPERTY BOUNDARY SURVEY AND CORNER MONUMENTATION** were established by a network of traverse control having a relative error of closure of 1:7500 or better and are to be set 5/8" X 30" rebar with identification caps (ICRS). Concrete monuments are to be set where shown on Sheet 2. See Note 34. All others are as noted. Corner markers shall be set prior to sale of individual lots.
19. **LOT ACCESS IS LIMITED** to interior subdivision roads. See also Note 7a. Public Road access shall be over interior roads only at entries determined by WV D.O.T. after direct site and plan reviews.
20. **HOMEOWNERS ASSOCIATION (HOA)** shall be formed after 100 lots are sold. Every lot owner shall become a member. Upon formation the HOA shall petition the County Commission to adopt a "leash law". The HOA shall maintain Storm Water Management areas on this plan. Completed phase internal road right-of-ways, greenspace, and buffers shall be dedicated to the HOA after 100 lots are sold.
21. **BUILDINGS IN COMMON AREAS** shall be limited to use & maintenance activities deemed necessary by the HOA. Temporary structures shall be replaced, after two years, with brick masonry permanent structures consistent with development use, subject to necessary county oversight.
22. **ACCESSORY STRUCTURES** such as decks, pools, sheds, etc. shall need special consideration when placing any house within the building envelopes on these lots. See Note 17. Service line access may require future homeowner cost, if where structures exist. Lot limits and county ordinances may also restrict later additions. Confirm options before proceeding.
23. **APPARENT EXISTING EASEMENTS AND RIGHT-OF-WAYS** on this property are shown. Proposed and future easements are also shown herein. See note 11 above.
24. **EASEMENTS: A BLANKET EASEMENT** shall be given to the appropriate Public Service District within all subdivision right-of-ways for the purpose of constructing water and/or sewer lines and any utilities. **UTILITY-DRAINAGE GRADING EASEMENTS** 12' WIDE along all front and side lot lines and 20' WIDE along all rear lot lines are now created. Structures, fences or landscaping within these easements are subject to being moved or replaced at lot owner expense should an unforeseen necessary access be required. Lot owner use exclusion is not intended. This easement on Lot 17 shall be 20' along road frontage lines as needed for waterline maintenance access.
25. **FEMA FLOOD PLAIN MAP** - FIRM Panel 540065 0035 B indicates that this land is located in Zone C and does not lie in the 100 year flood plain. No observed across site water flow has been detected during stronger rain events. No scour channels are visible. On-site sheet flow is being anticipated and directed through the property to recorded grading easements in the current natural watershed outflow. Development runoff is being managed by county required methodology with added on lot bio-retention to benefit aquifer restoration and mitigate impacts within phase design. Builders are hereby advised to avoid possible impacts of water flow when grading homes. Karst moisture impacts remains unpredictable variable as conditions vary.
26. **NATIONAL WETLAND INVENTORY WEBSITE** shows no wetlands are apparent on or adjacent to this site. (See <http://137.227.85/wetland/wetland.htm>)
27. **DWELLING MOISTURE:** Karst Topography during high antecedent moisture conditions (heavy prior ground rain saturation buildup) is a considered home impact that may require a homeowner to seek a certified architectural temporary or permanent remediation that deals with post construction site specific conditions. All roof drains and ground slopes must drain runoff away from buildings towards the side or rear lot drainage easements. Off property surface drainage across ASPEN GREENS does show active flow or scour channel. Flows through the existing 18" CMP under Flowing Springs Road (Rte. 17) bottom are not active. As mentioned in above Note 25, FEMA FLOOD INSURANCE MAP indicates this project lies in Zone C, indicating "areas of minimal flooding". FEMA Maps show this to be true for all watershed land elevated above this site. The nearest 100 year mapped flood plain in this same watershed is 7500 feet to the east approximately 50 feet below this site per USGS Charles Town Quad Map. No stream lies within 500 feet of this development.
28. **AN HOA BLANKET TRAFFIC SIGHT DISTANCE VISIBILITY CLEARANCE** right shall be retained at all intersections. Within the dedicated street rights-of-way, sight obstructions > 2.5 feet in height may be removed to assure safe intersection traffic visibility. Complete Stop Sign stops are mandatory.
29. **CONSTRUCTION EASEMENTS SHOWN** by definition are limited for use during and for initial construction of the easement utility. See pertinent documents of record.
30. **CULVERTS ADDED TO THESE PLANS** need be a minimum of 15 inches in diameter, galvanized, set on a 0.5% slope with rip-rap aprons, if appropriate, having 12" minimum cover; or equal.
31. **WEST VIRGINIA STATE OVERSIGHT APPROVAL PERMIT NUMBERS:**  
WVDEP - Reg. # WVRI05696 & WVNDES # WV 0115924  
WVHD - WL # 18,883 & SS # 18,882  
WVDOH Entry Permit # 5-12-0172.

32. **ALL POTENTIAL FUTURE LOT OWNERS** have a duty to appraise all information within all approval review documents relating to ASPEN GREENS. This includes any and all oversight, legal or other reviews, through County, State, Courts or other. It shall be each lot owners express obligation to obtain sufficient necessary independent legal or other professional counsel under their own direction and expense to assure their complete understanding prior to purchase. All parties creating this project open and release all reviewed information to potential lot owners with unconditional transparency. Lot purchase shall constitute full notice and acceptance of this duty that might affect their ownership both directly or indirectly, both pendente lite and permanent, of any concerns or issues pertaining thereto, either express or implied. Conditional Use Permit, it's inclusions & modifications pertinent to development processing documentation is specifically included.
33. **PSD SEWER EASEMENT SHOWN** is recorded where shown on Sheet 3 among the Jefferson County Land Records. The placement of this easement is determined as 10 feet each side of the constructed pipe. An additional 20' temporary construction easement during the period of initial construction is also shown. See Note 22. Agreement between the developer and JCPSD prior to signing the easements places the manholes at the following coordinates in WV-NAD83 for initial vertical coordination efforts of this work with ASPEN GREENS development plans. Actual construction may vary.
- |               |                |         |
|---------------|----------------|---------|
| 305661.379400 | 2439392.888600 | SSMH-54 |
| 305649.228000 | 2439482.059100 | SSMH-53 |
| 305599.808400 | 2439752.634500 | SSMH-52 |
| 305679.269800 | 2439887.484400 | SSMH-51 |
| 305628.855800 | 2440104.233400 | SSMH-50 |
| 305438.460400 | 2440417.119800 | SSMH-49 |
| 305059.828300 | 2440685.174500 | SSMH-48 |
| 304991.741700 | 2440985.972700 | SSMH-47 |
| 304805.743700 | 2441181.637300 | SSMH-46 |
34. **SHOWN CONCRETE BOUNDARY MONUMENTS** are to be set at the following WV-NAD83 coordinate locations:
- |               |                |                             |
|---------------|----------------|-----------------------------|
| 305428.090615 | 2439433.296040 | Rear Corner of Lots 8 & 9   |
| 305103.078720 | 2440375.267102 | Rear Corner of Lots 18 & 19 |
35. **SCALING OF PLATS IS AN IMPROPER USE OF WORK** - Reprographics today change printed copy scales unknowingly both by chosen medium, weather, digitization, & copy feed, often disproportionately along several axes. A paper print will vary measurably with humidity. All survey plot use shall be measured and reconstructed from the math only. Bar scales are shown for confirming variations of scale on any copy one is using; however, creep across a full sheet will multiply scaling errors. Do not render decisions based on scaling. Seek professional advice for math interpretation. For correct bar scale use, one should divide the decimal inches of bar scale into called feet for the nearest one inch equivalent of feet actually showing, subject to variant points above.
36. **FLAG POLES ON LOTS** within BRLs are encouraged with the understanding that the Stars and Stripes Flag of the USA be flown topmost and of predominant size whenever any flags are exhibited. Handling shall be consistent with national flag standards. Flag pole height shall be limited to no more than ten feet above the existing structure and shall comply with any County, State or other oversight. Traditional flag flying days are encouraged. Signage displays or other politically persuasive displays shall first obtain HOA approval.
37. **ENTRANCE ACTIVITY SAFETY** is of primary concern especially given the variety of events that will transpire. Developer and later HOA oversight shall monitor all usage for optimum public safety taking reasonably prudent precautions to address all concerns. Although the plans envision the activities shown, actual use and safety may require changes. The County School Bus Personnel shall determine their preferred point of pickup which may change given development child ages, bus student ages, addition of internal loop roads, driving pickup time limits, maintenance of roads and paint lines, individual student needs, safety issues they observe and individual driver preferences. Owners should be prepared to adjust this facility to permit and optimize only the safest possible use.
38. **BLANKET EASEMENT FOR ALL UTILITIES** shall exist over all Buffers, Open Space, or other common HOA ground. Common lands, by definition, shall be conveyed to the development HOA being subject to the common use of individual lot owners including any and all utilities commonly used by part, or all lot owners. Additional utility easements within the lot boundaries, other than as previously delineated along all boundaries, shall be permitted so long as costs to that lot are covered and actual work replaces, in kind without lot owner cost, any new construction impacts. This shall include tree replacement (6' Max.) where disturbance results in loss of current owner choice. Utility location or need shall be the sole discretion of either the utility, developer or active HOA. Utilities herein shall be all co-existent activities that are used by all or groups (>2 lots) of lot owners. Utilities shall include SWM and all rainwater drainage activities.
39. **ALL DEVELOPMENT LIGHTING** shall be indirect @ 5' high. No direct bulb offsite visibility to neighbors or passing persons. Sodium, Phosphor or Hologen lights are prohibited. Indirect timed or motion sensitive exterior lighting needs HOA and neighbor consent. All flood lights require direct visibility off-property shields. Christmas or Holiday lighting between December 1st and January 5 in moderate amounts are acceptable. Avoid pulsating holiday lights. Otherwise use only indirect, non-bulb-visible, of lower intensity wattage shielded from off property direct view. HOA decisions by majority vote shall decide issues of concern.
40. **ACTIVITIES OF OFFSITE NEIGHBORS FOR SCHOOL BUSES, MAIL BOX PLACEMENT ACCESS AND STATE ROAD SAFETY** often are directed at the preference of authorities that may include activities within this development. These activities may include mail box locations, varying school bus stop use, cross walk signage or other markings for best safe use by all.
41. **HOME ALTERATIONS FOR OWNER FAMILY VETERAN DISABILITY ACCESS** shall be exempt from HOA, individual owners or other oversight design controls or reviews so long as national standards are met for safe construction and use.
42. **FUTURE CONSTRUCTION WITHIN THE 50' BUFFER** herein may include grading, tree replanting, utility installations or maintenance, walk or trail construction or landscaping, berm re-design, state road widening and possible tree re-location without immediately specific adjacent lot owner permission. Lot owners may continue non-interfering activities indicated hereon within said buffer which extends fifty feet from the rear lot line along state roads to their approximate centerline.
43. **REVISION TO WORDING OF CUP** (See Note 32 above) BY JCBZA MEETING OF 16 FEB 2012 are:  
A) REVISED CONDITION #6 - Provide a note on the plat indicating a 50' easement along Flowing Springs Road (Route 17) and Old County Club (Route 24) starting at the centerline of the road for the potential location of sidewalks and trails. (Note 7g this sheet) AND  
B) NEW CONDITION #9 - Revise the plat to show two points of pedestrian and vehicular access that would allow future connections between Aspen Greens Subdivision and the property located to the north of the subdivision. (Sheet 1 Note above Phase Limits Insert border)
44. **VARIANCES APPROVED** by the Jefferson County Planning Commission are list here as:
- | Section:            | Date Approved: | Description:                                  |
|---------------------|----------------|---|
| Art. 6, Sec. 6.3    | 05/26/09       | PC Var. Extend File from 07/06/09 to 12/31/09 |
| Art. 3, Sec. 3.2(g) | 06/18/09       | BZA Var. Extend CUP from 06/20/09 to 12/20/10 |
| Art. 6, Sec. 6.3    | 08/11/09       | PC Var. Extend File from 12/31/09 to 12/20/10 |
| Art. 6, Sec. 6.3    | 11/09/10       | PC Var. Extend CIS from 12/20/10 to 07/01/12  |
| Art. 3, Sec. 3.2(g) | 11/18/10       | BZA Var. Extend CUP from 12/20/10 to 07/01/12 |

Plat:  
A10900J  
Date:  
17 April 2012  
Scale:  
1" = 100'  
Tax Map: 4  
Charles Town - 2  
Computer Entry: F.G.

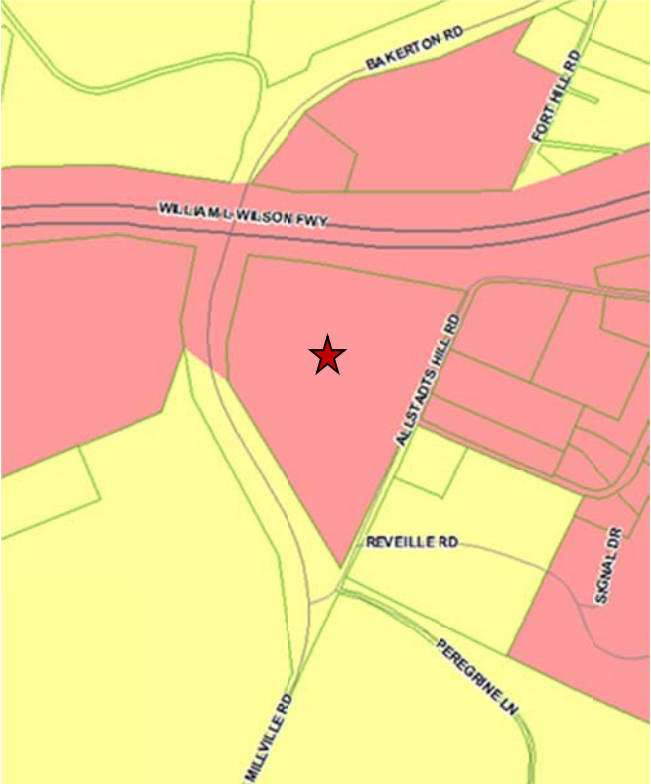
**Gates Associated Inc.**  
153 Venice Way (Rte. 45)  
Shepherdstown,  
West Virginia, 25443  
Tel: 1-304-876-6124 Email: gatesassocia@net.net



**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 12, 2012**

**Allstadt's Corner Subdivision PC File # 07-10**

Item #6: Request by James G. & Barbara S. Gibson, owner/developer, for a variance to extend the time to bond and record the Allstadt's Corner Subdivision (PC File#07-10). The applicant is requesting an extension of time from July 1, 2012 to July 1, 2014.

APPLICANT:	James G. & Barbara S. Gibson
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Dewberry
PROPERTY LOCATION:	The property is located on the south side of Route 340 (William L. Wilson Freeway); the east side of Route 27 (Millville Road) and on the north side of Route 27/2 (Allstadt's Hill Road).
LEGAL DESCRIPTION:	District: Harpers Ferry; Map: 9; Parcel: 39.1 
ZONING DISTRICT:	2011 Zoning Map Designation: Residential Light Industrial Commercial
SURROUNDING PROPERTIES:	2011 Zoning Map North: R/LI/C                      East: R/LI/C and RG South: RG                              West: R/LI/C
LOT AREA:	12.967 acres
PROPOSED DENSITY:	Lot 1: 16 units; Lot 12: 8 units; Lot 31: 3 units; Lots 2-11 & 13-30: Duplex units (28 total units) Total number of units: 55

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 12, 2012**

**Allstadt's Corner Subdivision PC File # 07-10**

<b>PERMIT APPROVALS:</b>	
Health Department	Permit No.: 17,962; 17,963
Dept. of Highways	Permit No.: 5-08-0346, 5-08-0347, 5-08-0348, 5-08-0349
<b>APPROVALS:</b>	
Community Impact Statement (CIS) <i>PC File #07-10</i>	Submitted: 04/19/07 County Engineer Approval: 04/30/07 Staff Review Mtg.: 05/04/07 County Planner Approval: 05/31/07 PC Approval: 06/26/07 Expires on: 05/04/09; PC Extended: 06/09/09
Preliminary Plat	Submitted: 10/18/07 Staff Review Mtg.: 11/02/07 County Engineer Approval: 08/20/08 County Planner Approval: 08/28/08
Site Plan	Will be processed in a different phase.
Final Plat	Submitted: 03/06/09 County Planner Approval: 04/24/09 County Engineer Approval: 05/21/09 Final Plat 60-day Provision: 08/14/09 (extended twice) Public Hearing Held: 07/14/09 PC Action: 07/14/09 PC approved the final plat.
Variance History	08/28/07- PC approved a variance to permit the residue parcel to retain two existing entrances off existing Allstadt's Hill Road. 04/14/09 - PC approved a variance for an extension of time within which to advance through the final plat public hearing stage. The PC extended the 60-day provision until 06/09/09. 06/09/09 – PC approved a variance for an extension of time within which to advance through the final plat public hearing stage. The PC extended the 60 day provision until 08/14/09. 08/25/09 – PC denied a variance request for an extension of time to bond and record. 7/7/12 – Per an agreed court order Allstadt's Corner was permitted to fall within the provisions of SB 595 and therefore is required to bond and record by July 1, 2012.
<b>OTHER APPROVALS:</b>	None required

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 12, 2012**

Background

Allstadt's Corner is located at the intersection of US 340 and Millville Road, where the flea market is currently located. The approved Final Plat is for a 31 lot development. There are 28 lots designated for attached single family homes, 2 lots are proposed to for multi-family units and the residue contains the historic Allstadts House and Ordinary. As outlined in the Community Impact Statement (CIS), Allstadt's Corner is proposed to be strictly a residential development.

Allstadt's Corner Subdivision received Final Plat approval at the July 14, 2009 Planning Commission meeting. The applicant then applied for an extension to bond and record the Final Plat. On August 25, 2009 the Planning Commission denied the variance request for an extension of time to bond and record. This resulted in legal action by the applicant. A resolution came as the result of an agreement order between the Planning Commission and the applicant in July 2011. The court ordered agreement granted an extension to the Allstadt's Corner Subdivision to January 14, 2010. As a result of this extension, Allstadt's Corner came under the provision of Senate Bill 595. Consequently, the project received an automatic extension to bond and record the Final Plat to July 1, 2012.

Additionally, it should be noted that this property was rezoned from Residential Growth to Residential-Light Industrial-Commercial on January 12, 2012.

The Request

The applicant is requesting a 24 month extension, from July 1, 2012 to July 1, 2014, to bond and record the Final Plat. Per Section 8.1(d) of the Jefferson County Subdivision Ordinance of 1979, an approved Final Plat shall be bonded and recorded within 90 days.

Variance Criteria

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Regulations. In order to grant a variance the following four criteria must be met:

***The request is not contrary to the public interest.***

The request for a variance of 24 months to extend the time limit to bond and record the Final Plat is not contrary to the public interest. In view of the fact that the applicant intends to continue the development as approved by the Planning Commission, no change has occurred to the site which would negatively impact the public interest.

***A literal enforcement of this Ordinance will result in unnecessary hardship.***

A literal enforcement of the ordinance would require the applicant to start the project anew if it is not bonded and recorded by July 1, 2012. As outlined in the applicant's submittal and above, Federal Group, Inc. has completed the preliminary and Final Plat approval process and is requesting a delay in the recordation and bonding of the approved project. If the appellant is denied an extension, the process would have to start over as outlined in the new Subdivision Regulations. Beginning the process over would not be likely to change the layout of proposed use of the project from the currently approved Final Plat.

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 12, 2012**

***The request is not the result of a self-imposed hardship.***

The request is not a self-imposed hardship. As noted above the applicant has received approval of the Final Plat for this development. The applicant's efforts required to process the approvals shows a vested interest to proceed forward.

***The spirit of this Ordinance will be observed and substantial justice done.***

Since the variance is for a time extension and not a variance of the site layout, the spirit of the ordinance will be observed.

**Recommendation**

Due to the significant investment to get through the Final Plat approval, Staff believes the request is reasonable. However, this is also a policy decision for the Planning Commission to consider. Does the Planning Commission feel comfortable extending projects into the future, without being sure when and how the development may occur in the future? Throughout the County, there is a significant number of lots that are either preliminarily approved, Final Platted, and/or in a tolling agreement. It is the Planning Commission's role to determine if leaving so many potential lots around the County is the best option for the County.

If the Planning Commission votes to extend the time to bond and record the Final Plat for this project, staff suggests the following conditions be added to the approval.

On January 12, 2012, the property was rezoned from Residential Growth to Residential-Light Industrial-Commercial. The uses permitted in the Residential-Light Industrial-Commercial District are more extensive than the uses permitted in the Residential Growth District. Although there has been a rezoning of the property, the Allstadt's Corner Subdivision Final Plat is permitted in the Residential-Light Industrial-Commercial District. There is no material change to the development as all residential uses in the Residential-Light Industrial-Commercial District shall follow the standards found in the Residential Growth District.

Since there has been a rezoning of the property, there will need to be two notes added to the Final Plat before it is recorded. First, the zoning designation shall be changed to reflect the current zoning. Second, since Allstadt's Corner is a residential development and limited to residential uses by the Community Impact Statement (CIS), any uses permitted under the current zoning are not permitted in this development. If a use permitted under the current zoning wanted to be established within the development, the lot establishing the new use shall be required to lift the single family restriction by a public process.

Conditions of approval

1. Change zoning designation on Final Plat from Residential Growth to Residential-Light Industrial-Commercial.
2. Add the following note "Any use not specifically listed in the CIS shall be prohibited on any of the lots in the development known as Allstadt's Corner. If a use not listed in the CIS is to be established on any lot, a public process shall be required to lift the single family restriction for that individual lot."

S. Groh

RECEIVED

JUL 11 2011

JEFFERSON COUNTY  
CIRCUIT CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

DR. JAMES GIBSON and  
BARBARA GIBSON  
Plaintiffs,

v.

Civil Action No. 09-C-364

COPY

THE JEFFERSON COUNTY  
PLANNING COMMISSION,  
A Public Body,  
Defendant.

FINAL ORDER

THIS MATTER came on this 7<sup>th</sup> day of July, 2011, upon the papers and proceedings formerly read and had herein; upon the appearance of the Plaintiffs by J. Michael Cassell, and upon the appearance of the Defendant, by Stephen Groh, Assistant Prosecutor.

It appearing that the parties have entered into a Settlement Agreement as follows:

The Planning Commission agrees to grant a ninety (90) day extension to the Plaintiffs for the purpose of bonding and recording the Final Plat for the Allstadt's Corner Subdivision. This extension would cover the time period from October 2009, through and including January 14, 2010. The extension would place the Allstadt's Corner Subdivision within the provision of Section 8A-4-2, West Virginia Code as Amended, which provides for an extension of Subdivision Rights through July 1, 2012.

The Plaintiffs agree to the dismissal of this Civil Action with prejudice including a discharge and release of any and all claims which have been asserted or which could be asserted in this matter.

The parties have agreed to pay and be responsible for their own attorney's fees, costs and expenses.

The Court has reviewed the case in detail and the Court concludes that the Settlement Agreement is fair and just and accordingly all of the foregoing is hereby ORDERED.

It is further ORDERED an attested copy of this Order shall be recorded in the Land Record<sup>s</sup> of Jefferson County, West Virginia.

It is further ORDERED that this matter is dismissed with prejudice.

The Clerk shall place this matter among the causes ended.

The Clerk shall enter the foregoing as of the day and day first above-written and shall transmit attested copies to all counsel of record, *and the undersigned.*

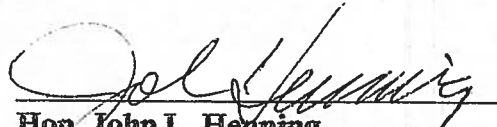
3 cc's

M. Cassell

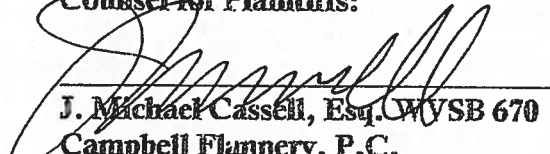
S. Groh

Judge Henning

7-12-11-2011

  
Hon. John L. Henning  
Judge of the Circuit Court of  
Jefferson County, West Virginia

Counsel for Plaintiffs:


  
J. Michael Cassell, Esq. WVSB 670  
Campbell Flannery, P.C.  
201 N. George Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414  
304-725-5325 / telephone

A TRUE COPY  
ATTEST:

LAURA E. RATTENNI  
CLERK, CIRCUIT COURT  
JEFFERSON COUNTY, W.VA.

BY B. Clark  
DEPUTY CLERK

Counsel for Defendants:

  
Stephen Groh, Esq. WVSB 6831  
Assistant Prosecutor  
P. O. Box 729  
Charles Town, West Virginia 25414



# JEFFERSON COUNTY, WEST VIRGINIA

PCV12-03  
Application Number: \_\_\_\_\_

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 338  
Charles Town, WV 25414

Fees Paid: \$ \_\_\_\_\_  
Date Application Received: \_\_\_\_\_  
Staff Initials: \_\_\_\_\_

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

### Subdivision Ordinance Variance Request

*To be used in accordance with the 1979 Subdivision Ordinance - 8/94 Salvage Yard Ordinance*

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance. Sketch on a separate sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date sketch. Provide a vicinity map.

*I/We request a variance from the provisions of the 1979 Jefferson County Subdivision Ordinance*

#### Property owner information

Name of Property Owner: James and Barbara Gibson  
Mailing Address: 201 Needwood Farm Lane  
City: Harpers Ferry State: WV Zip Code: 25425  
Phone Number: 304/267-6059 Email: \_\_\_\_\_

#### Applicant contact information

Applicant Name: James and Barbara Gibson  
Mailing Address: 201 Needwood Farm Lane  
City: Harpers Ferry State: WV Zip Code: 25425  
Phone Number: 304/267-6059 Email: \_\_\_\_\_

#### Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Dewberry Prepared the Original Plat  
Mailing Address of Engineer(s) or Surveyor(s): 1503 Edwards Ferry Road  
City: Leesburg State: VA Zip Code: 20176  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

#### Physical property details

Physical Property Address: Southeast Corner of the Route 340 and Route 27 (Millville Road) Intersection  
City: Harpers Ferry State: WV Zip Code: 25425  
Tax District: Harpers Ferry Map No: 9 Parcel No: 39.1  
Parcel Size: 12.967 Acres Deed Book: 913 Deed Bk. No: 643

**RECEIVED**

Zoning District: **MAY 22 2012**

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential- Light Industrial- Commercial (R-L-C)	Village (V)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Section of Ordinance for which the variance is requested:**

Article 8, Section 8.1(d)

**Please describe the nature of the variance request:**

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

**Original signature is required. The information given is correct to the best of my knowledge.**

*James H. Shu*                      5/21/12  
Signature of Property Owner                      Date

\_\_\_\_\_  
Received By                      Date

**Approved/Denied by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (Year)**

**Approved**

**Denied**

**Allstadt's Corner Subdivision (File #07-10)  
Extension Request  
Jefferson County Subdivision Ordinance  
Article 8, Section 8.1 (d)  
May 20, 2012**

**BRIEF DESCRIPTION OF THE VARIANCE REQUEST**

Article 8, Section 8.1 (d) requires that a subdivision be bonded and recorded within 90 days after the Planning Commission's approval. The Planning Commission approved the Allstadts Corner Subdivision on July 14, 2009. By virtue of an agreed upon order between the County and the Applicant, Allstadt's Corner was permitted to proceed under Senate Bill 595. This Bill allowed many subdivision files to be extended until July 1, 2012. The Applicant is respectfully requesting an additional 24 months (July 1, 2014) to bond and record the Allstadt's Corner Subdivision. The subdivision consists 55 residential units with the first phase containing 14 single family lots, 2 multi-family lots, and a multi-family residue.

This is a similar request to the Kensington Townhouse Extension Request that was granted at the last Planning Commission Meeting on May 15, 2012. The Applicant also understands that the County Commission is reviewing a request to extend all subdivision files through July 1, 2015; and that the Planning Commission endorsed that endeavor at the May 15, 2012 meeting, as well.

However, regardless of the outcome of the County Commission's decision, the Applicant recognizes that the June 12 Planning Commission meeting is the last available meeting to receive an extension prior to the July 1, 2012 deadline. Therefore, the Applicant would like the Planning Commission to approve the variance request and grant the extension of 24 months (July 1, 2014) to bond and record the Allstadt's Corner Subdivision. If the County Commission approves the new policy that would extend the files through July 1, 2015, the Applicant understands that Allstadt's Corner would also be extended to that new deadline.

Allstadt's Corner Subdivision (File #07-10)  
Jefferson County Subdivision Ordinance  
Article 8, Section 8.1 (d)  
May 20, 2012

1. The request is not contrary to the public interest.

This extension request will not have any effect on the public's health, safety or welfare; or the rights of the adjacent property owners, since the project has already processed through the entire subdivision process that included several public hearings. The subdivision is not being altered from what was originally developed and approved by the Planning Commission. Since the Applicant intends to continue the development as approved by the Planning Commission, no change will occur to the site which would negatively impact the public.

2. A literal enforcement of this ordinance will result in unnecessary hardship.

If the extension is denied, the Applicant and the County would incur thousands of dollars and many staff hours in the review of the same plat through the subdivision process. This process would take many months to complete. If the Applicant is denied the extension, the process would have to start over and be processed under the new subdivision ordinance. Beginning the process over would not change the layout of the project that already has Final Plat approval from the Planning Commission.

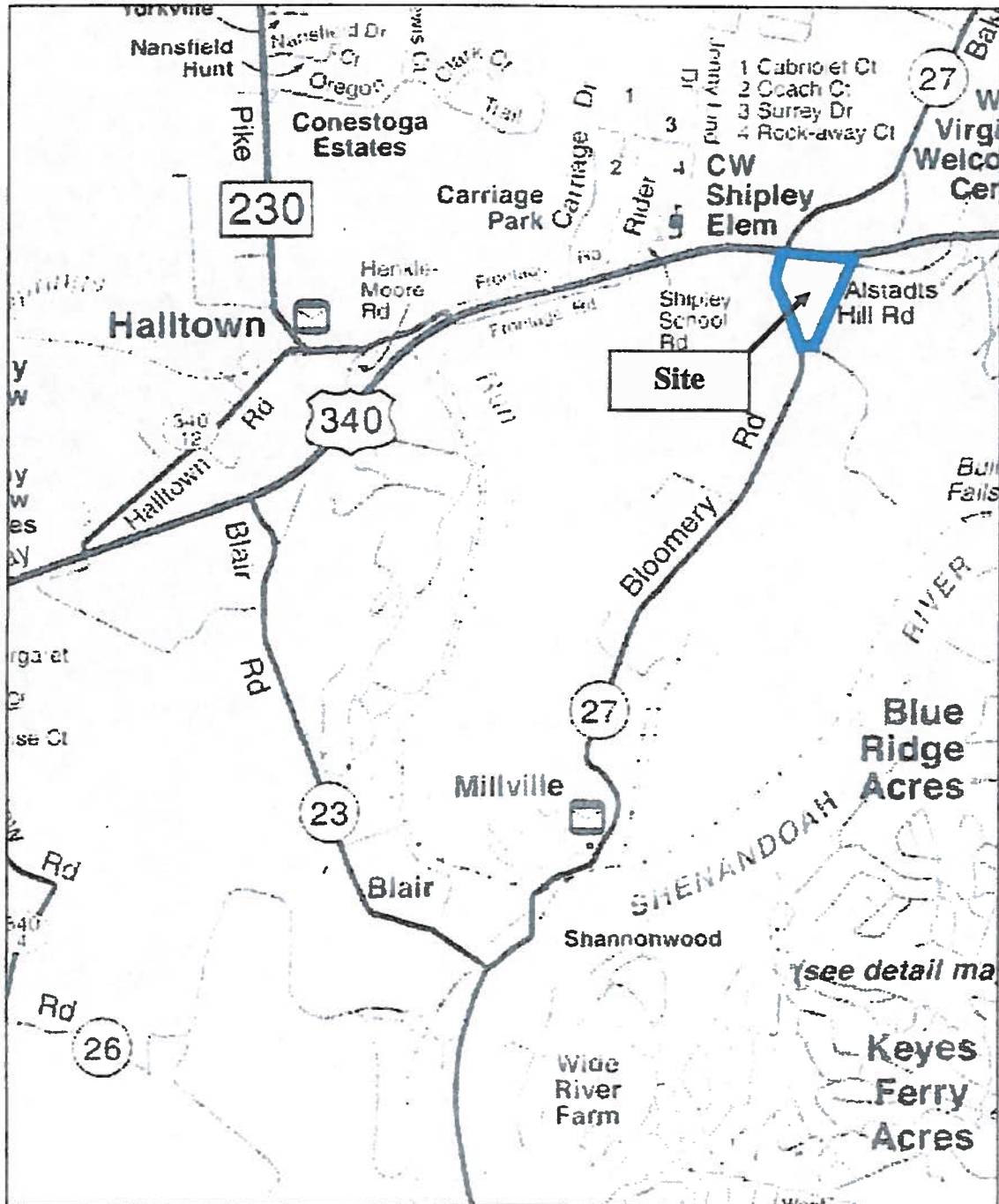
3. The request is not the result of a self-imposed hardship.

This request is a result of a poor housing market that exists in the region and in the nation as a whole. As such, it is not self-imposed. The Applicant was responding to a supply and demand market and would like to be ready to continue. As noted above, the Applicant has received Planning Commission approval of the Final Plat. This effort required the processing through the many stages of the process and would hope that that is an indication of a vested interest in completing the project.

4. The spirit of this Ordinance will be observed and substantial justice done.

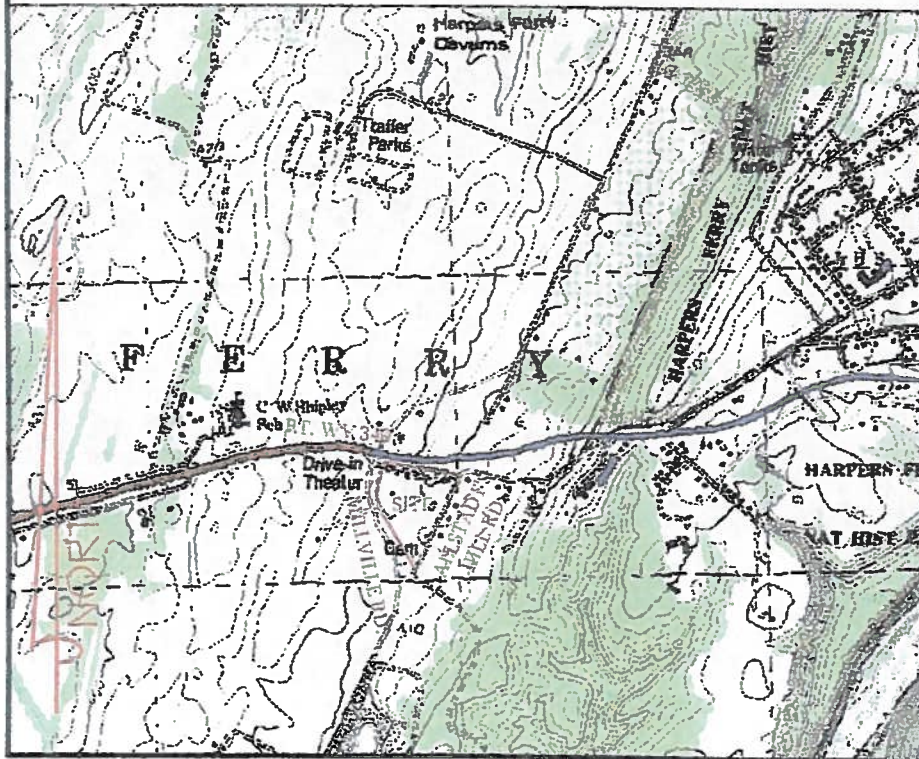
The Applicant believes that this request is consistent with the spirit of the ordinance, since it is a request for an extension of time as opposed to a request for a variance that would alter the approved nature of the subdivision.

The Applicant also believes that the extension would be consistent with the latest actions of the Planning Commission and County Commission regarding extensions. Both Commissions seem to recognize the need to give more time to complete the subdivision process. It would not serve any purpose to record a subdivision if the market isn't ready to sustain the lots. Accordingly, the Applicant believes that substantial justice would be to grant the extension to record Allstadt's Corner until July 1, 2014 (or July 1, 2015 if the County adopts the new policy).



Location of Gibson/Flea Market Property

LOCATION INSET  
SCALE: 1"=2000'





**Location Inset**  
Scale: 1" = 2000'

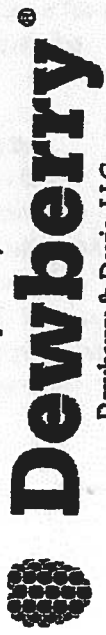
Phase I, Lots 1-12 & 27-31(Residue)  
**Allstadts Corner**

Harpers Ferry District  
 Jefferson County, West Virginia

HFD M9 P39.1 D.B. 913 PG. 643

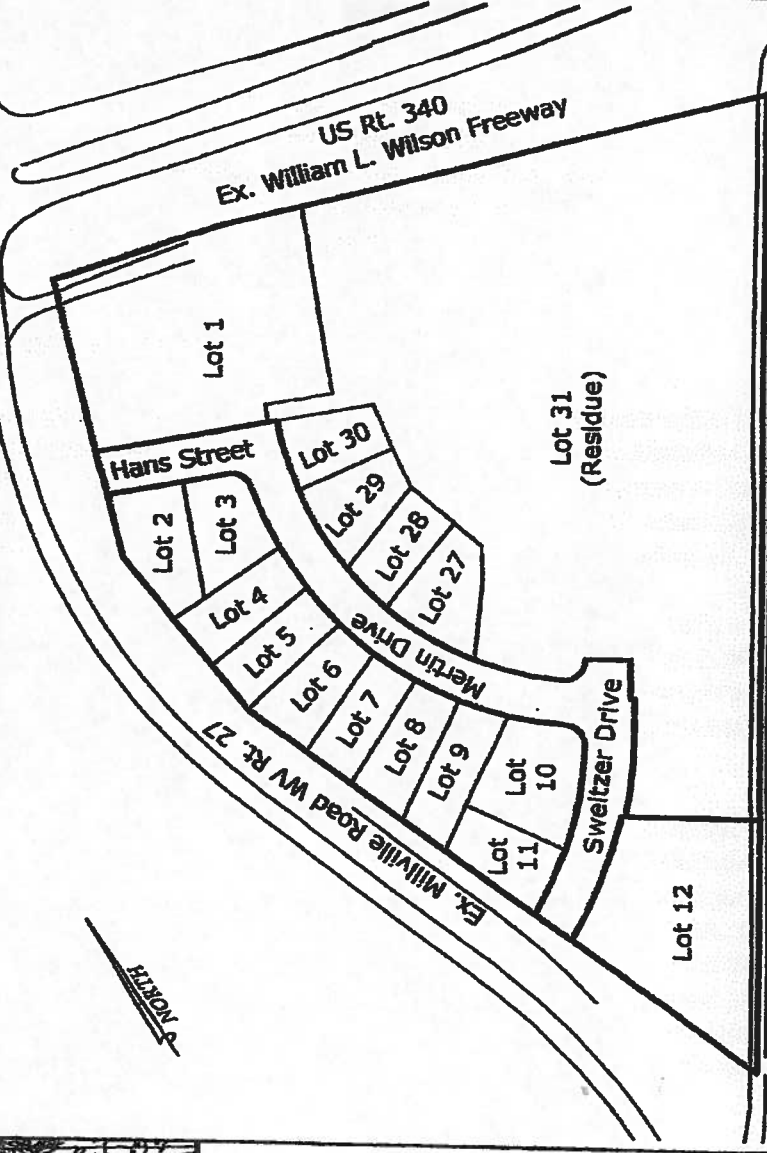
February 26, 2009

Prepared By:



Dewberry & Davis, LLC  
 401 S. FAIRFAX BOULEVARD, SUITE 3  
 RANSON, WV 25438-1611  
 PHONE: 304.725.4572  
 FAX: 304.725.6896  
 WWW.DEWBERRY.COM

**Subdivision Inset**  
 HFD M9 P39.1 D.B. 913 PG. 643  
 Scale: 1" = 200'



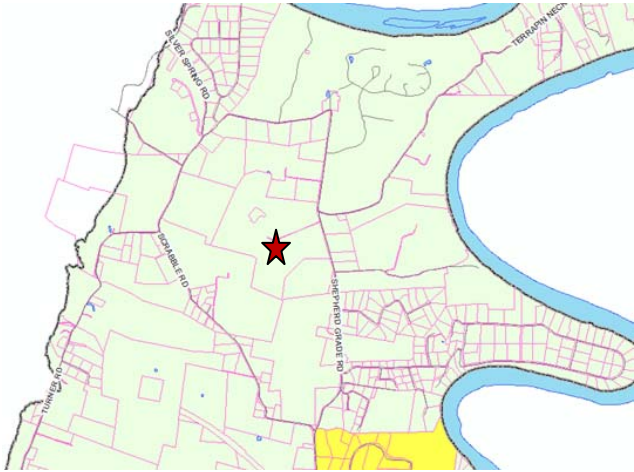

Ex. Allstadt's Hill Road WV Rt. 27/2

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 12, 2012

Item #7 Request by Wild Goose Farm, LLC, owner/developer, for a variance to extend the time to bond and record the Wild Goose Subdivision (PC File#08-18). The applicant is requesting an extension of time from July 1, 2012 to July 1, 2014.

DEVELOPER:	Same
SURVEYOR/ENGINEER:	Appalachian Surveys, PLLC
PROPERTY LOCATION:	The property is located on Shepherd Grade Road. The site is located across from Terrapin Neck Road and the National Training Conservation Center.
LEGAL DESCRIPTION:	<p>District: Shepherdstown, Map: 3, Parcels: 13 and 13.6</p> 
ZONING DISTRICT:	<p>Zoning Map Designation: Rural</p> 
SURROUNDING PROPERTIES:	<p>Zoning Map Designation:  <i>North:</i> Rural                      <i>South:</i> Rural  <i>East:</i> Rural                         <i>West:</i> Rural</p>
LOT AREA:	173.80 acres

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 12, 2012

APPROVED ACTIVITY:	13 single-family lots and 1 multi-use lot for horse breeding/boarding containing a riding/training facility and 2 residences (per 9/23/08 variance).
DEVELOPMENT HISTORY:	<u>Wild Goose Subdivision (PC File # 08-18)</u> <ul style="list-style-type: none"><li>• January 10, 2012 – Final Plat approved.</li><li>• January 2011 – Project falls under SB 595 allowing an extension provided that the Final Plat Public Hearing is held by July 1, 2012.</li><li>• April 3, 2009 – Staff Review Meeting for Preliminary Plat/Site Plan.</li><li>• Sept. 23, 2008 – Variance granted to allow more than 1 principle structure on the lot.</li><li>• Aug. 26, 2008 – Variance granted to waive the requirement that a subdivision must be served by internal roads.</li><li>• Aug, 26, 2008 – CIS accepted by the Planning Commission.</li><li>• June 27, 2008 – Staff review meeting for CIS.</li></ul>

### Background:

Wild Goose Subdivision is located on Shepherd Grade Road near the intersection of Terrapin Neck Road and consists of 13 lots and a residue parcel. Since this Subdivision started before the 2008 Subdivision Regulations were adopted, this Subdivision is governed by the 1979 Subdivision Regulations. This is a cluster development in the Rural District with a remaining residue of 141 acres.

### The Request

The applicant is requesting a 24 month extension, from July 1, 2012 to July 1, 2014, to bond and record the Final Plat. Per Section 8.1(d) of the Jefferson County Subdivision Ordinance of 1979, an approved Final Plat shall be bonded and recorded within 90 days. The applicant received Final Plat approval on January 10, 2012 at a regularly scheduled Planning Commission meeting. With Senate Bill 595, the applicant was granted an automatic extension until July 1, 2012 to bond and record Wild Goose Subdivision.

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Regulations. In order to grant a variance the following four criteria must be met:

#### ***The request is not contrary to the public interest.***

The request for a variance of 24 months to extend the time limit to bond and record the Final Plat is not contrary to the public interest. In view of the fact that the applicant intends to continue the development as approved by the Planning Commission, no change has occurred to the site which would negatively impact the public interest.

#### ***A literal enforcement of this Ordinance will result in unnecessary hardship.***

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 12, 2012

A literal enforcement of the ordinance would require the applicant to start the project anew if it is not bonded and recorded by July 1, 2012. As outlined in the applicant's submittal and above, Federal Group, Inc. has completed the preliminary and Final Plat approval process and is requesting a delay in the recordation and bonding of the approved project. If the appellant is denied an extension, the process would have to start over as outlined in the new Subdivision Regulations. Beginning the process over would not be likely to change the layout of proposed use of the project from the currently approved Final Plat.

***The request is not the result of a self-imposed hardship.***

The request is not a self-imposed hardship. As noted above the applicant has received approval of the Final Plat for this development. The applicant's efforts required to process the approvals shows a vested interest to proceed forward.

***The spirit of this Ordinance will be observed and substantial justice done.***

Since the variance is for a time extension and not a variance of the site layout, the spirit of the ordinance will be observed.

**Recommendation**

Due to the significant investment to get through the Final Plat approval, Staff believes the request is reasonable. However, this is also a policy decision for the Planning Commission to consider. Does the Planning Commission feel comfortable extending projects into the future, without being sure when and how the development may occur in the future? Throughout the County, there is a significant number of lots that are either preliminarily approved, Final Platted, and/or in a tolling agreement. It is the Planning Commission's role to determine if leaving so many potential lots around the County is the best option for the County.



# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 338  
Charles Town, WV 25414

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

#PCV12-04

Application Number: \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_

Date Application Received: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

### Subdivision Ordinance Variance Request

*To be used in accordance with the 1979 Subdivision Ordinance - 8/94 Salvage Yard Ordinance*

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance. Sketch on a separate sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date sketch. Provide a vicinity map.

*I/We request a variance from the provisions of the 1979 Jefferson County Subdivision Ordinance*

#### Property owner information

Name of Property Owner: Wild Goose Farm, LLC  
Mailing Address: 767 East Washington Street  
City: Charles Town State: WV Zip Code: 25414  
Phone Number: 304/725-0009 Email: \_\_\_\_\_

#### Applicant contact information

Applicant Name: Wild Goose Farm, LLC  
Mailing Address: 767 East Washington Street  
City: Charles Town State: WV Zip Code: 25414  
Phone Number: 304/725-0009 Email: \_\_\_\_\_

#### Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Dewberry  
Mailing Address of Engineer(s) or Surveyor(s): 1503 Edwards Ferry Road, Suite 200  
City: Leesburg State: VA Zip Code: 20176  
Phone Number: 703/840-1933 Email: \_\_\_\_\_

#### Physical property details

Physical Property Address: Shepherd Grade Road Across from Terrapin Neck Road and the NCTC  
City: Shepherdstown State: WV Zip Code: 25443  
Tax District: Shepherdstown Map No: 3 Parcel No: 13 and 13.6  
Parcel Size: 173 Acres Deed Book: 1040 Deed Bk. No: 157

Zoning District:

**RECEIVED**

MAY 22 2012

Rural (R-A)  Residential Growth (R-G)  Industrial Commerical (I-C)  Residential-Light Industrial-Commercial (R-L-C)  Village (V)

**Section of Ordinance for which the variance is requested:**

Article 8, Section 8.1(d)

**Please describe the nature of the variance request:**

Attached

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

Attached

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

Attached

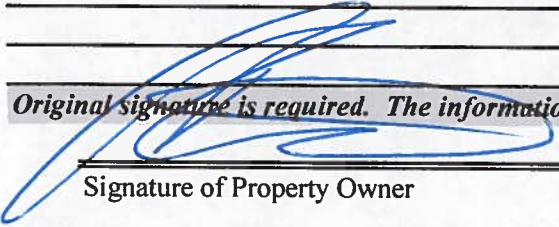
**Explain how this request is NOT the result of a self-imposed hardship:**

Attached

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

Attached

**Original signature is required. The information given is correct to the best of my knowledge.**

 5/22/12

Signature of Property Owner

Date

Received By

Date

**Approved/Denied by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (Year)**

**Approved**

**Denied**

Wild Goose Subdivision (File #08-18)  
Request for a 24 Month Extension to Bond and Record  
Article 8, Section 8.1 (d)  
Jefferson County Subdivision Ordinance  
May 21, 2012

**BRIEF DESCRIPTION OF THE VARIANCE REQUEST**

The Applicant is requesting a 24 month extension to bond and record the Wild Goose Subdivision. The section of the ordinance that this variance request deals with is Article 8, Section 8.1 (d). This section of the ordinance requires that a subdivision be bonded and recorded within 90 days after the Planning Commission's approves the Final Plat. The Planning Commission just recently approved Wild Goose on January 10, 2012. The Applicant has until July 1, 2012 to bond and record the Final Plat under Senate Bill 595. The Applicant is requesting an additional 24 months (July 1, 2014) to bond and record the Wild Goose Subdivision. The subdivision consists of a little over 170 acres with only 24 acres being developed into 13 single family lots. The remaining approximate 146 acres will remain as a horse farm and equestrian center. The balance of the farm is seeking inclusion into the Jefferson County Farmland Preservation Program.

The Applicant is aware of a similar request being granted at the last Planning Commission and also understands that the County Commission is considering a policy that will allow all project files to be extended through July 1, 2015. Although the Applicant is requesting a variance for an extension of 24 months to bond and record Wild Goose Subdivision, the Applicant would also like to be included in the July 1, 2015 policy if adopted by Jefferson County.

Wild Goose Subdivision (File #08-18)  
Request for an Extension of 24 Months to Bond and Record  
Article 8, Section 8.1 (d)  
Jefferson County Subdivision Ordinance  
May 21, 2012

1. The request is not contrary to the public interest.

The Applicant believes that the public's interest will not be affected since this project has already been vetted through the Subdivision Process. Wild Goose went through the normal subdivision process that included several public hearings. However, Wild Goose, at its own initiative, also held several neighborhood meetings to solicit neighbors' comments and incorporated those comments into the subdivision by making numerous changes requested by the neighborhood.

Furthermore, since the project is not being changed from what the Planning Commission approved in January, there should be absolutely no effect on the public health, safety or welfare. The Applicant plans to continue the development as it was approved by the Planning Commission. The development is well laid out with an incredible amount of open space for a horse farm and equestrian center.

2. A literal enforcement of this ordinance will result in unnecessary hardship.

The Applicant will endure considerable hardship if the variance for the additional time to record is denied. Wild Goose Farm just finished processing this subdivision in January. If the variance is denied, the Applicant would have to reprocess the entire project under the new Subdivision Ordinance. This would serve no purpose since the development is not going to change. This subdivision only includes 13 lots on 170+ acres. However, the reprocessing of the development would cost the applicant tens of thousands of dollars if the variance is denied. It would also cause additional staff time to re-review the subdivision under the new ordinance.

3. The request is not the result of a self-imposed hardship.

The request is due to a slow economy and the fact that it is harder and more time consuming to make bonding arrangements with banks that are leery of the housing market. The Applicant is also hoping for more time to properly negotiate with the Farmland Protection Board regarding their application for Farmland Preservation Easement funds.

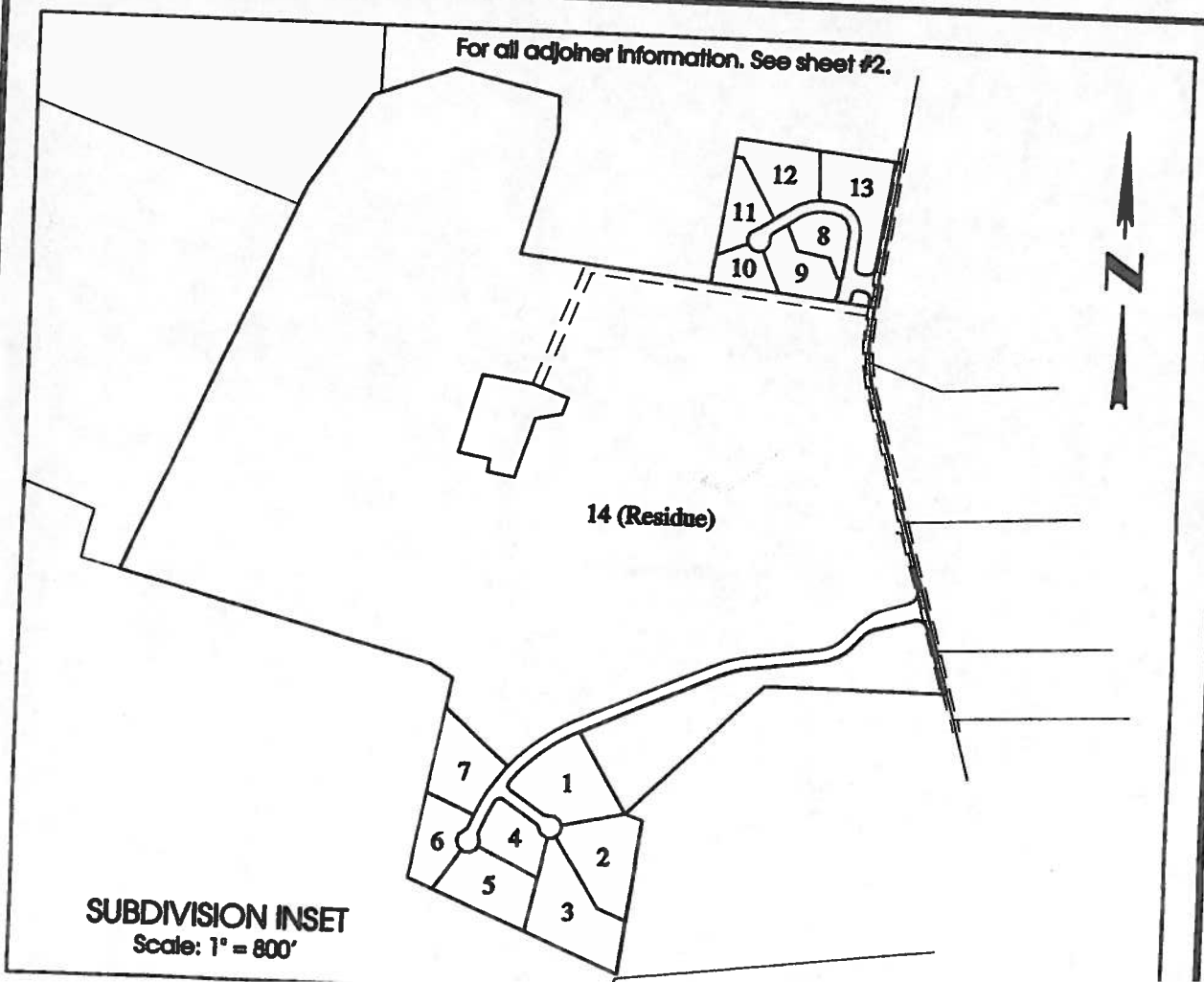
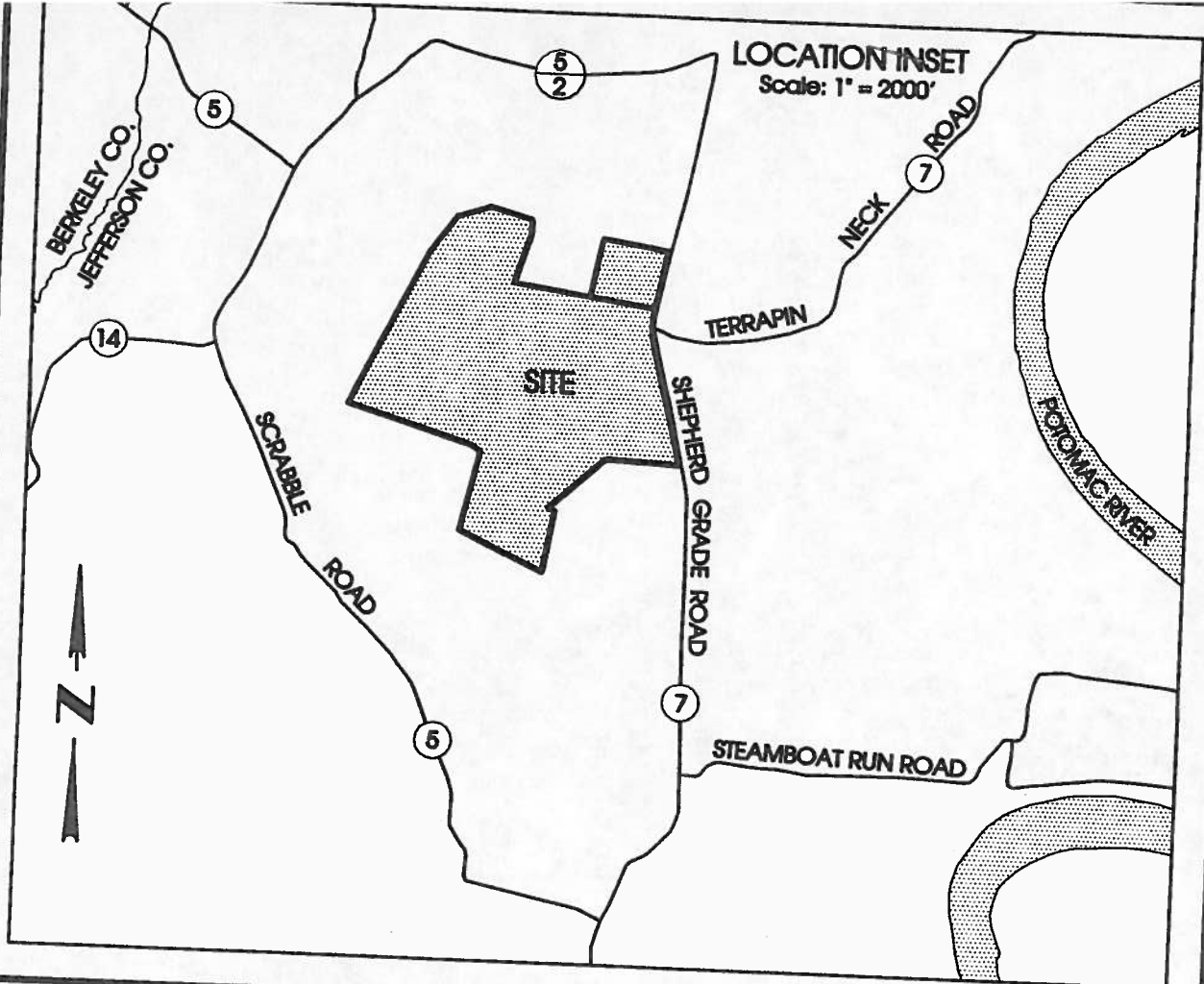
This subdivision processed entirely through the Planning Commission, which included many approvals along the way. Hopefully, this demonstrates that the Applicant is prepared to go forward with the vested right to record the plat within the additional 24 months' time.

4. The spirit of this Ordinance will be observed and substantial justice done.

The spirit of the Ordinance is to make sure that a subdivision is planned and built pursuant to specific standards. In this case, the development did meet all of those standards. This is a variance to allow additional time. It is not a variance from any of the standards of the ordinance. Therefore, the Applicant believes that the spirit and the intent of the ordinance will continue to be met if they were given more time to bond and record the Final Plat. This development is a very good example of what the County has been endorsing. It is a development that only uses a small portion of land for lots, while preserving the balance of the property as a farm.

Although the Applicant is seeking a variance to extend the time to bond and record Wild Goose until July 1, 2014, they would also like to be under the new County policy, if adopted, which will extend the project file until July 1, 2015.

Based on the above, the Applicant feels that substantial justice would be to grant the variance for an additional 24 months to bond and record the subdivision. Furthermore, if the County adopts the extension policy through July 1, 2015, the Applicant respectfully requests that Wild Goose be included in that policy. Thank you for your consideration of this request.





# US 340 Corridor East Gateway Plan



**DRAFT** Received by Jefferson County Commission on March 8, 2012

Jefferson County  
Departments of Planning and Zoning  
116 East Washington Street, Suite 200  
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departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

## Table of Contents

	Executive Summary.....	6
<b>Section 1.0</b>	<b>INTRODUCTION</b>	<b>9</b>
Section 1.1	Plan Vision.....	9
Section 1.2	Background.....	9
Section 1.3	Definition of Plan Area.....	10
Section 1.4	History of the US 340 Corridor Study.....	11
Section 1.5	Plan Methodology.....	13
<b>Section 2.0</b>	<b>PUBLIC OUTREACH STRATEGY</b>	<b>15</b>
Section 2.1	Public Meetings.....	16
Section 2.2	Other Outreach Methods.....	23
<b>Section 3.0</b>	<b>EXISTING CONDITIONS</b>	<b>25</b>
Section 3.1	Community Services and Infrastructure.....	25
Section 3.2	Economic Conditions.....	28
Section 3.3	Environmental and Natural Resources.....	29
Section 3.4	Historic Resources and Viewshed.....	32
Section 3.5	Land Use and Zoning.....	34
Section 3.6	Parks, Trails, Greenways.....	39
Section 3.7	Transportation.....	41
<b>Section 4.0</b>	<b>GOALS AND OBJECTIVES</b>	<b>61</b>
Section 4.1	Community Services and Infrastructure.....	61
Section 4.2	Economic Opportunities.....	63
Section 4.3	Environmental and Natural Resources.....	64
Section 4.4	Historic Resources and Viewshed.....	65
Section 4.5	Land Use and Zoning.....	67

Section 4.6	Parks, Trails, Greenways.....	69
Section 4.7	Transportation.....	70
<b>Section 5.0</b>	<b>PLAN RECOMMENDATIONS</b>	<b>74</b>
Section 5.1	Community Services and Infrastructure.....	74
Section 5.2	Economic Opportunities.....	77
Section 5.3	Environmental and Natural Resources.....	79
Section 5.4	Historic Resources and Viewshed.....	80
Section 5.5	Land Use and Zoning.....	82
Section 5.6	Parks, Trails, Greenways.....	96
Section 5.7	Transportation.....	99
<b>Section 6.0</b>	<b>IMPLEMENTATION STRATEGIES</b>	<b>126</b>
Section 6.1	Introduction.....	126
Section 6.2	Implementation Tools.....	128
Section 6.3	Table of Recommendations.....	131
<b>Section 7.0</b>	<b>APPENDICES</b>	<b>138</b>
Appendix A	Technical Advisory Committee and Citizens Advisory Committee.....	139
Appendix B	Major Subdivisions within Corridor.....	140
Appendix C	Land Use Scenarios.....	142
Appendix D	County Commission and Planning Commission Members.....	147
Appendix E	Map Disclaimer and Map Sources.....	148
Appendix F	Definitions.....	149

<b>LIST OF TABLES</b>		
Table 1	2004 Comprehensive Plan Recommendations List of Priorities.....	12
Table 2	Planning Process Milestones.....	13
Table 3	2012 School Enrollment Statistics.....	26
Table 4	Brunswick Line Eastbound Monday through Friday only.....	43
Table 5	Worker Inflow/Outflow for the East Gateway Corridor.....	44
Table 6	Summary of East Gateway Study Survey Responses.....	46
Table 7	Priority Levels for Transportation Needs.....	49
Table 8	Un-Signalized Intersection Approaches of Concern.....	52
Table 9	Analysis Results of Future Traffic Growth Scenario.....	57
Table 10	Benefits of Transportation Options.....	58
Table 11	Summary of Recommended Roadway Improvement Projects.....	103 104
Table 12	Improvement Project Types of Un-Signalized Intersections.....	108
Table 13	Transit Improvement Recommendations.....	121
Table 14	Where Workers Are Employed Who Live in East Gateway Corridor.....	122
Table 15	Estimated Cost of Recommended Improvements.....	125
<b>LIST OF FIGURES</b>		
Figure 1	Overview of Plan Recommendations.....	7 8
Figure 2	US 340 Corridor East Gateway Planning Process.....	14
Figure 3	What We Heard on March 26, 2011.....	17
Figure 4	What We Heard on June 16, 2011.....	18 19
Figure 5	What We Heard on September 17, 2011 Pros and Cons.....	20
Figure 6	What We Heard on September 17, 2011 Key Points.....	21
Figure 7	What We Heard on December 6, 2011.....	22
Figure 8	MetroQuest Web-Based Tool.....	23
Figure 9	Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEMPO) US 340 Corridor Survey (October 2002).....	45
Figure 10	Summary of US 340 Traffic Speeds by Season and Time Period.....	48
Figure 11	The Transportation Planning Process.....	100
Figure 12	Improvements Most Needed Along the US 340 Corridor.....	101
Figure 13	Harpers Ferry Bridge.....	102
Figure 14	Examples of Advanced Warning Flashers.....	106
Figure 15	Examples of Restricted Crossing U-Turn (RCUT) Intersections.....	109
Figure 16	Stressing Options and Attractiveness of New Roadway Design.....	112
Figure 17	US 340 Right-of-Way.....	112
Figure 18	Flowing Springs Road / WV 9 / WV 9 Ramp.....	119
Figure 19	Bakerton Road Railroad Underpass.....	120
Figure 20	Components of Streetscape Design.....	124

<b>LIST OF MAPS</b>		
Map 1	US 340 Corridor East with Study Areas.....	10
Map 2	Fire Company Response Areas.....	27
Map 3	Land Cover Green Infrastructure (GI).....	29
Map 4	Land Cover (University of Vermont).....	30
Map 5	Hydrologic Features.....	31
Map 6	Historic Resources.....	32
Map 7	Existing Land Use.....	34
Map 8	Large Properties with US 340 Frontage.....	37
Map 9	2011 Zoning Map Jefferson County, WV.....	38
Map 10	Parks and Trails.....	39
Map 11	Transportation System.....	41
Map 12	Pan Tran Orange Route.....	43
Map 13	Existing Average Daily Traffic Volumes.....	47
Map 14	Fatalities within the US 340 Corridor East Gateway .....	50
Map 15	Peak Congested Speeds and Traffic Queuing on US 340.....	54
Map 16	Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEMPO) Regional Travel Demand Model.....	56
Map 17	Future Land Use.....	83
Map 18	Proposed Projects.....	105
Map 19	US Customs & Border Protection (USCBP Proposed Intersection Improvements) – Option 1.....	110
Map 20	US 340 Turning Lane Extension (WV 9 to Jefferson Terrace Road).....	111
Map 21	Recommended Improvements Near US 340 and Millville-Bakerton Roads Intersection.....	113
Map 22	Additional Frontage Roads on Western Portion of US 340.....	114
Map 23	Alternative East-West Roadway Linkages in Northern Sections of Corridor.....	115
Map 24	Additional Roadways Connecting Keyes Ferry Road to US 340 and to Somerset Blvd.....	116
Map 25	Additional Access Roads to Shenandoah Springs Road.....	117
Map 26	US 340 and Old Country Club Road Intersections.....	118
Map 27	Major Subdivisions.....	140
Map 28	Alternative Land Use Scenario 1: Growth within the Urban Growth Boundary.....	143
Map 29	Alternative Scenario 2: Planned Mixed-Use.....	144
Map 30	Alternative Scenario 3: Full Build-Out.....	146

## Executive Summary

The US 340 Corridor – East Gateway Plan was created to guide Jefferson County leadership, businesses, residents and tourists to achieve a shared community vision of the future of this vital corridor. The County’s 2004 Comprehensive Plan recommended that “the County should study the US 340 Corridor, including land use, viewscape, economic development and traffic design and management in order to create an effective strategy for the long term management of this important mixed-use corridor; initiate a cooperative planning effort with the WV DOT to improve the US 340 Corridor, and to improve traffic flow, appearance and land use coordination in the US 340 Corridor east of Charles Town.”

In 2010, the Jefferson County Commission initiated this small area planning effort as an opportunity to engage the public in a process to develop a common vision to guide future land use and zoning decisions, encourage a vibrant economy, and manage the related transportation impacts. This stretch of the US 340 Corridor is an important gateway into the County and the



State as well as a prime commuter route. Development along the corridor has a significant impact on the flow of traffic for residents, employees and visitors. The intent of this plan is for it to act as a small area plan for this seven mile stretch of road and to be incorporated into the 2014 Comprehensive Plan when it is adopted.

The analysis of existing conditions fell into six broad categories that were utilized throughout the five public meetings and two web-based outreaches at which issues and opportunities, and recommendations and implementation strategies were discussed. These

categories include Land Use/Zoning; Transportation; Community Services/Infrastructure; Economic Development; Historic Resources/Viewsheds; and Parks, Trails and Greenways. An additional category of Environmental and Natural Resources was added later in the process due to public comments related to Environmental and Natural Resources that were not adequately addressed in the other categories. Primary issues identified related to traffic flow and safety; the need for better trail access along the corridor; and the need to better guide the relationship between land development patterns and traffic issues.

Based on public input received, three alternative land use scenarios were developed for discussion and consideration. The three scenarios had various levels and intensities of urban level development at various locations along the corridor. The land use alternatives were analyzed through an exercise at the September meeting and through one of the two web-based

input opportunities. The preferred land use alternative was one that primarily focused the highest intensity development inside the Charles Town and Ranson Urban Growth Boundaries (UGBs), where growth can be served by existing utilities and transportation infrastructure, but allows for high-quality development to occur along the US 340 Corridor at key intersections. The preferred scenario supports the concept that the area outside of these growth boundaries and the noted commercial nodes should be retained as agricultural land, open space, or low-density residential uses. This preferred growth scenario acts as the vision for this planning document.

The choice of the preferred land use alternative allowed the development of goals and recommendations related to the other categories previously discussed. A brief overview of the recommendations which are detailed in this plan document is as follows (Figure 1).

#### ***Community Services/Infrastructure***

- A. Enhance Emergency Services
- B. Enhance Area Schools and Libraries
- C. Utilize and Enhance Existing Water / Sewer Service
- D. Promote Expanded Health Services
- E. Improve Wireless Service in the 340 Corridor

#### ***Economic Opportunities***

- A. Promote Economic Development along the US 340 Corridor
- B. Promote Business Development and Retention

#### ***Environmental/Natural Resources***

- A. Preserve Sensitive Natural Resources from the Negative Impacts of Development
- B. Preserve and Improve the Scenic Quality Along the Corridor including Rural/Agricultural and Scenic/Natural Areas.

#### ***Historic Resources and Viewshed***

- A. Protect Historic Structures/Resources
- B. Enhance Cultural/Heritage Activities
- C. Protect the Rural and Historic Viewshed/Landscape
- D. Create Gateway/Entrance

#### ***Land Use***

- A. Retain Open Space and Land in Agricultural Use
- B. Encourage Development Within Existing Urbanized Areas and at Specific Commercial Nodes
- C. Permit Mixed-Use Development in Targeted Areas
- D. Encourage Appropriate Development Opportunities in Rural Areas
- E. Improve Planning Coordination with Other Agencies

### ***Parks, Trail and Greenways***

- A. Improve Existing Trail Network
- B. Beautify the US 340 East Corridor
- C. Develop Additional Parks and Enhance Existing Parks
- D. Improve Signage and Mapping
- E. Identify Financial Resources for Passive and Active Recreational Opportunities

### ***Transportation:***

- A. Maintain and Enhance the Efficiency and Capacity of the Developed and Underdeveloped Segments of the Corridor
- B. Promote Traffic Safety
- C. Improve Traffic Flow
- D. Promote Transportation Alternatives
- E. Develop an Access Management Strategy in Conformance with State Law
- F. Improve Mobility for Pedestrians, Hikers, and Bicyclists
- G. Provide Safe and Convenient Transportation Opportunities

**Figure 1: Overview of Plan Recommendations**

The key to the effectiveness of this planning effort is the review and adoption of the Plan by the Jefferson County Commission as well as implementation of the recommendations. The policies proposed will be implemented in part through adoption of the future land use map using land use categories related to this corridor. Further, implementation will occur through revisions to the Zoning Ordinance and Subdivision Regulations, including a recommended design overlay. Some of these implementation strategies provide additional opportunities for citizen participation in working towards the preferred vision.



## 1.0 Introduction

The purpose of the US 340 Corridor East Gateway Plan is to develop a shared community vision for the future of this vital corridor. This segment of US 340, between Charles Town/Ranson and Harpers Ferry/Bolivar, is an important artery in Jefferson County. It acts not only as the East Gateway into Jefferson County, but also the State of West Virginia. It is important to ensure that future development along the US 340 corridor is appropriate for the area's historic and rural context, while maintaining adequate transportation facilities. The 2004 Comprehensive Plan identified this corridor as an important planning priority.

### 1.1 Plan Vision

The vision for the US 340 Corridor East Gateway Plan is to attain a balanced approach to the built and natural environment by creating an effective strategy to promote the long-term management of the corridor. A mixed land-use concept will lay the groundwork to deliver several opportunities for residents and tourists to gather and socialize in restaurants, cultural and recreational facilities, farmers markets, nationally significant historical parks, and other areas that serve to bring lifelong and new residents together. This plan builds upon the cultural, historical, and social diversity of the current and future residents of the corridor. The plan envisions a blend of old and new businesses and providing quality experiences.

The plan includes the following seven categories:

1. Community Services/Infrastructure
2. Economic Conditions
3. Environmental/Natural Resources
4. Historic Resources/Viewshed
5. Land Use and Zoning
6. Parks, Trails and Greenways
7. Transportation



### 1.2 Background

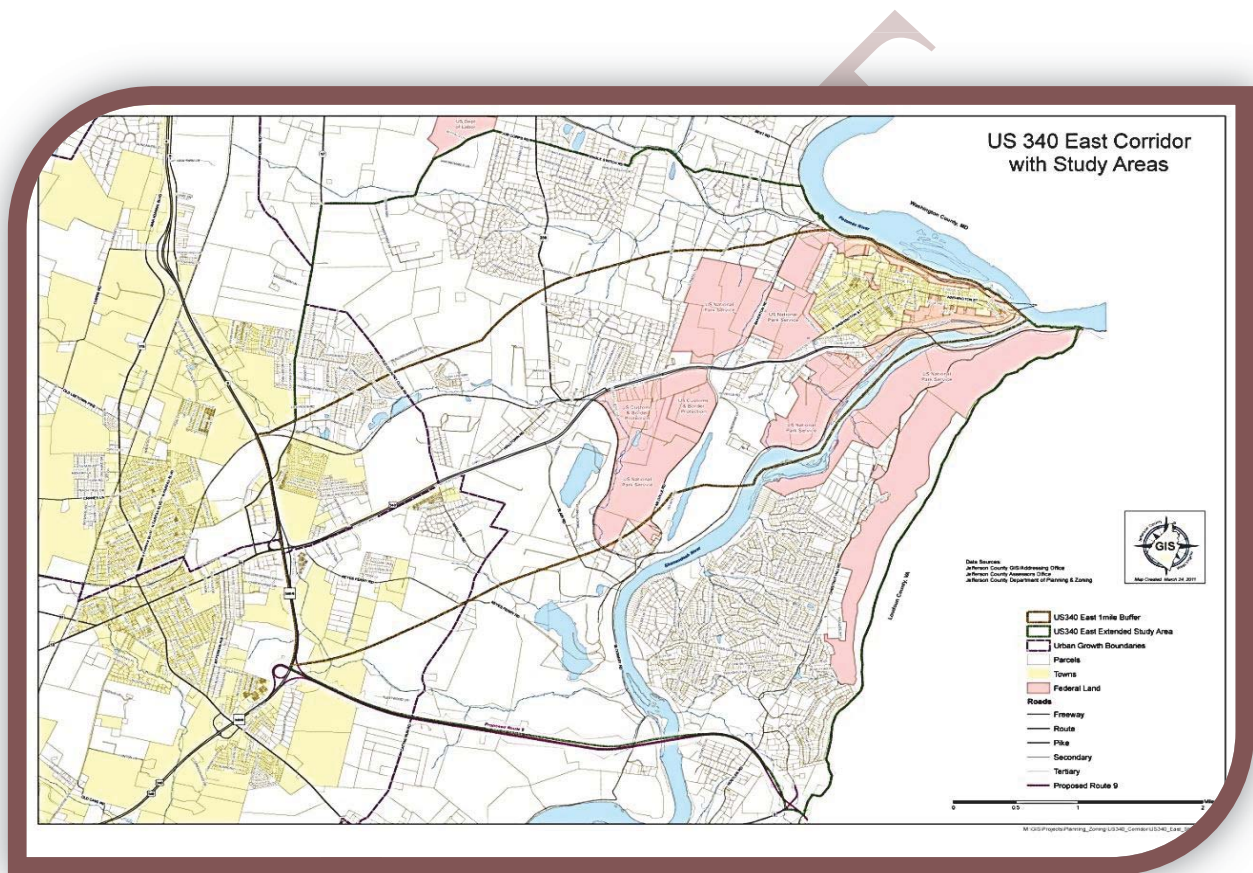
In 2010, the Jefferson County Commission authorized the Planning and Zoning Department to conduct a collaborative process for the development of the US 340 Corridor East Gateway Plan. The purpose of the plan is to create an effective strategy for the long term management of the corridor to promote economic opportunities and to improve the quality of life for lifelong residents, newcomers, visitors, and tourists. The plan contains a vision for the future and

supporting goals, objectives, and recommendations that honor Jefferson County's multifaceted character.

This small area plan will be an amendment to the Comprehensive Plan.

Because the study area includes Bolivar, Charles Town, Harpers Ferry, Ranson, and Jefferson County, the planning process must continue to be highly participatory. Collaboration among County-wide departments and public outreach is paramount as implementation proceeds.

### 1.3 Definition of Plan Area



Map 1: US 340 Corridor East with Study Areas, Source: Jefferson County, WV GIS/Addressing

The Route 340 Corridor for this study extends from the WV 9 Bypass in Charles Town east to the two-lane segment near Harpers Ferry and the Shenandoah River Bridge, extending approximately 1 mile north and south of US 340 (Map 1). The length of the corridor is 7 miles.

There are two boundaries that frame the study area. The first boundary is one mile on either side of the corridor. This is considered the primary impact area. The second boundary, defined as the scenic view, is much larger and follows the new WV 9 to the south and Job Corps Road and Engle Switch Road to the north.

This segment is an important artery as it acts as a gateway into West Virginia from Maryland and Virginia. The US 340 corridor boundary is highlighted within the Management of the Built

and Natural Environment section of the 2004 Jefferson County Comprehensive Plan. With respect to transportation improvements and planning, US 340 gains funding by the Hagerstown/Eastern Panhandle Metropolitan Organization planning area.

This area is populated with a mixture of single family residences, townhomes, commercial and retail spaces, agricultural land, open space, federal agencies and national park lands. The corridor is situated a short drive from Harpers Ferry National Historical Park, Appalachian National Scenic Trail, American Public University System (APUS), Shepherd University, National Conservation Training Center (NCTC), Charles Town Hollywood Casino, historic Harpers Ferry, Bolivar, Shepherdstown, Antietam National Battlefield, and Loudoun County wine country. Located within the corridor is the Brunswick/MARC line which provides easy access to Washington D.C. via the stations at Harpers Ferry and Duffields. The corridor is within approximately 60 miles of three major airports: Baltimore-Washington International (BWI), Reagan National (DCA), and Washington-Dulles International (IAD).

Being accessible to a variety of vast and diverse locations, the corridor is experiencing growth pressures.

## 1.4 History of the US 340 Corridor Study

### *Jefferson County 2004 Comprehensive Plan*

The 2004 Comprehensive Plan recommends a study of the US 340 corridor from the Shenandoah River Bridge to the Charles Town bypass. The precise name given to this area in the Comprehensive Plan, "*Historic Gateway Special Study Area*," is itself an indication of the nature of the corridor. The Plan summarizes particular elements of the corridor that should be considered. Recommendation 2.25 of the Comprehensive Plan notes:

**"The County should study the US 340 corridor, including land use, viewscape, economic development and traffic design and management in order to create an effective strategy for the long term management of this important mixed-use corridor."**



During the course of the US 340 Corridor East Gateway Study, care has been taken to honor the elements noted in the Comprehensive Plan in addition to other components that effect the US 340 corridor. Along the 7 mile corridor there are unique and identifiable areas that are distinct from other sections of the corridor. At the western edge of the corridor, there is an urban style development pattern. That end of the corridor has land within the jurisdiction of Jefferson County and both the cities of Charles Town and Ranson, which have the right and

ability to annex additional area. The eastern end of the corridor is dominated by a significant amount of property under the control of the National Park Service and the U.S. Customs and Border Patrol. A vast majority of federally owned land is comprised of open space highlighting the history of Harpers Ferry and the Battle of Harpers Ferry.

Acknowledging the unique character of the corridor, the US 340 Corridor East Gateway Study has been guided by the following notation found in the 2004 Comprehensive Plan describing the “Historic Gateway Special Study Area”:

“...the purpose of this study is not to turn US 340 into an undeveloped parkway. Rather, it is stated here that the purpose of the study is to identify ways to ensure that the residential and commercial development that occurs along this corridor is designed and constructed in such a way where the development does not cause visual blight and major traffic problems along the eastern entrance corridor to the State.”

The following is an excerpt from the 2004 Comprehensive Plan Recommendation List of Priorities (Table 1):

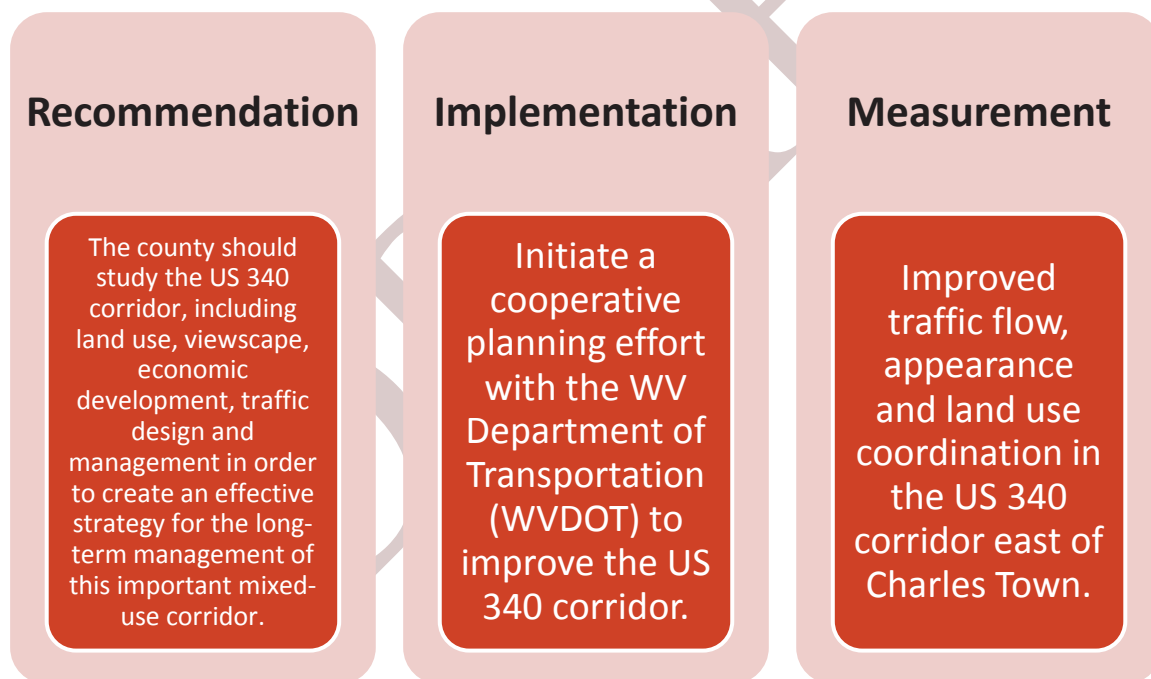


Table 1: 2004 Comprehensive Plan Recommendation List of Priorities

## 1.5 Plan Methodology

In 2010, the Jefferson County Commission authorized undertaking the US 340 Corridor East Gateway Plan, which included planning activities such as community outreach, research, and evaluation of land use and transportation scenarios for the plan (Table 2).

The Jefferson County Departments of Planning and Zoning led the planning and outreach effort for the corridor plan, with the support of the GIS/Addressing Department and the Engineering Department. Additionally, the Departments of Planning and Zoning worked directly with transportation consultants, Michael Baker Jr., Inc. (Baker) and the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) in assessing future transportation needs in support of the East Gateway Plan for the US 340 Corridor. The Departments of Planning and Zoning held five public workshops, and conducted regular meetings with the Technical Advisory Committee and Citizens Advisory Committee.

Baker teamed with MetroQuest, a firm with expertise in public involvement software, to assist Jefferson County in obtaining public insights, analyzing land use scenario impacts related to transportation, and conveying analysis results to key stakeholders and the public. This project focuses on unique methods for public involvement and visioning using MetroQuest customized software through a web-based portal. Baker performed the regional travel demand modeling for the Long-Range Transportation Plan (LRTP) that included developing the latest land use / demographic data for Jefferson County and integrated the travel model and simulation tools for this study. The planning process chart outlines major project milestones with the 2 year approved schedule. (Figure 2).

<b>2010</b>	<b>PREPLANNING</b>
	<ul style="list-style-type: none"><li>•Transportation consultant research and selection</li><li>•Review of 2004 Comprehensive Plan</li><li>•Overview of existing conditions</li><li>•Identification of strengths and weaknesses</li><li>•Establish planning team</li></ul>
<b>2010-2012</b>	<b>PLANNING</b>
	<ul style="list-style-type: none"><li>•Project approved by County Commission</li><li>•Research and preparation of small area plan</li><li>•Public outreach meetings</li><li>•Technical and Citizen Advisory Committee meetings</li><li>•Transportation consultant meetings</li></ul>
<b>2012</b>	<b>REVIEW AND ADOPTION</b>
	<ul style="list-style-type: none"><li>•Joint County Commission/Planning Commission Work Session</li><li>•County Commission review</li><li>•Planning Commission review</li><li>•County Commission adoption</li></ul>

Table 2: Planning Process Milestones

# US 340 Corridor East Gateway Planning Process

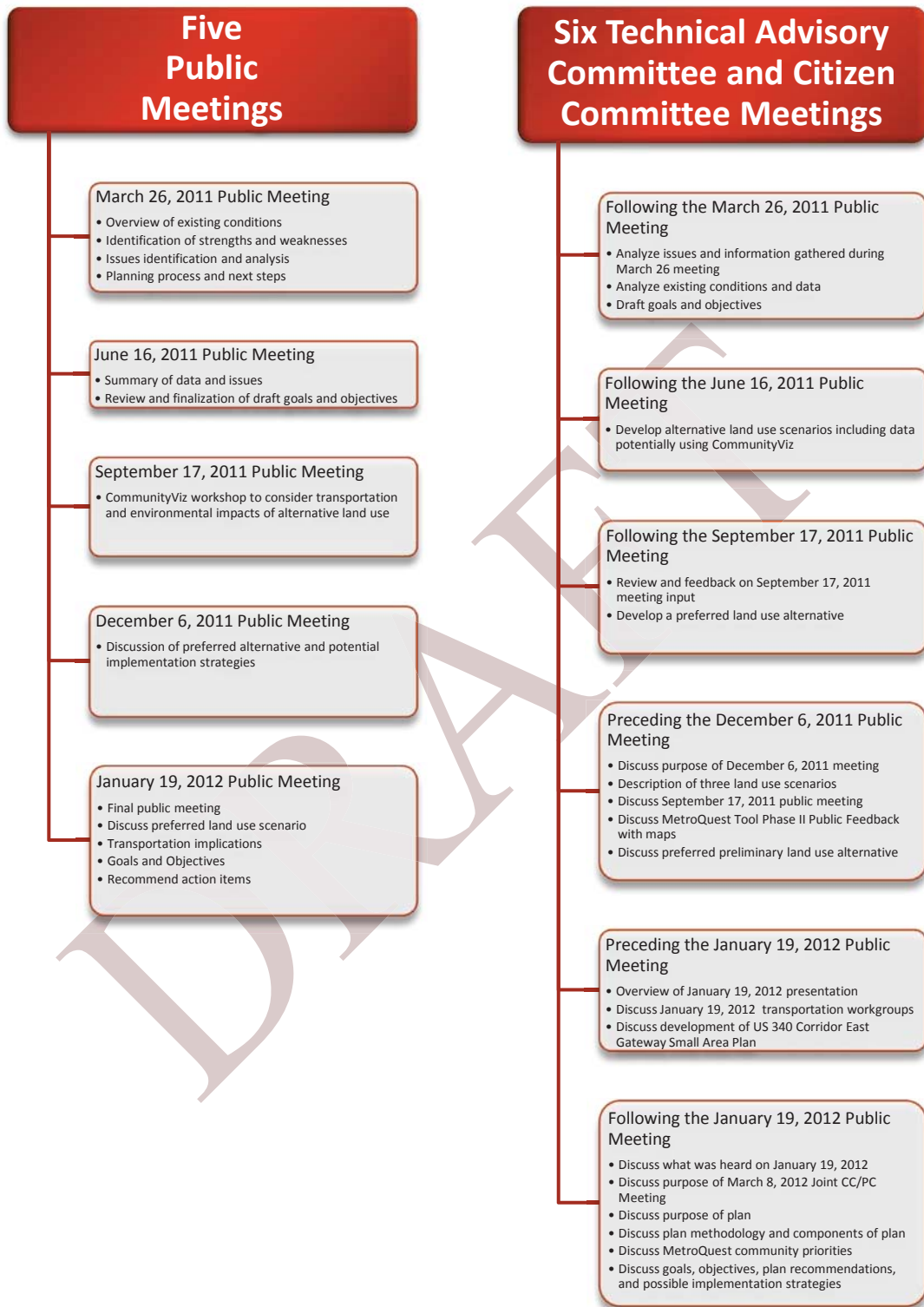


Figure 2: US 340 Corridor East Gateway Planning Process

## 2.0 Public Outreach Strategy

Public outreach and citizen participation were instrumental in this planning effort. Various methods were utilized to raise awareness to the US 340 Corridor study, attain comments in an open manner, and encourage citizens to work in groups to build relationships and commitment to the project.

In late 2010 and early 2011, the preliminary planning began for the US 340 Corridor East Gateway Study. A Technical Advisory Committee, made up of active working Jefferson County professionals from the Jefferson Public Service District, Jefferson County Economic Development Authority, Charles Town and Ranson Planners, National Park Service, U.S. Customs and Border Patrol, Freshwater Institute and Jefferson County GIS Department was created in the Fall of 2010 to assist in very preliminary components of the study. Their roles included providing their technical expertise as applicable to gather information to begin the study.



Once the technical and preliminary planning elements had been determined, the process of soliciting public involvement began.

## 2.1 Public Meetings

### March 26, 2011

This first public kick-off meeting for the US 340 Corridor East Gateway Study was highly attended by over 130 stakeholders. This meeting presented an overview of the upcoming planning process for the study. Stakeholders were asked to provide comments on the following 6 broad topics:

- ✓ **Community Services**
- ✓ **Economic Development**
- ✓ **Historic Resources and Viewsheds**
- ✓ **Land Use and Zoning**
- ✓ **Parks, Trails and Greenways**
- ✓ **Transportation**

Those who attended the meeting were asked to discuss growth along the corridor, identify and discuss issues, determine strengths and weaknesses of the corridor, brainstorm possible solutions and alternative development and transportation patterns. Attendees were also asked why they moved to this area, live in this area or work within this area. The input received from the public was significant and valuable and allowed for a starting point for the process. Stakeholders who attended this meeting were asked to leave their contact information if they were interested in being part of a Citizens Advisory Committee (CAC). The Citizens Advisory Committee (CAC) was established to assist Planning and Zoning Staff to analyze issues, process information gathered at each meeting, examine existing conditions and data, and draft goals and objectives.



What We Heard on March 26, 2011 (Figure 3):

- Community Services
  - Improve Wireless Service in the 340 Corridor
  - Enhance Area Schools and Libraries
  - Emergency Services
  - Water / Sewer Service
  - Health Services
- Economic Opportunities
  - Promote Economic Development along the US 340 Corridor
  - Promote Business Development, Attraction, and Retention
- Historic Resources and Viewshed
  - Protect Historic Structures/Resources
  - Enhance Cultural/Heritage Activities
  - Protect the Rural and Historic Viewshed / Landscape
  - Create Gateway/Entrance
  - Improve Planning Coordination with Other Agencies
- Land Use Planning
  - Preservation
  - Allow New, Compatible Development
  - Minimize Development in Key Areas
  - Enhance Planning Efforts
- Parks, Trails and Greenways
  - Improve Existing Trail Network
  - Beautify the US 340 East Corridor
  - Develop Additional Parks and Enhance Existing Parks
  - Improve Signage and Mapping
- Transportation
  - Promote Traffic Safety
  - Improve Traffic Flow
  - Promote Transportation Alternatives
  - Improve Mobility for Pedestrians, Hikers, and Bicyclists
  - Truck Traffic Compatibility

Figure 3: What We Heard on March 26, 2011

## June 16, 2011

At the June 16, 2011 meeting, the purpose of the meeting was to summarize the information gathered at the March meeting and ask participants the following questions:

1. What are some features of the US 340 planning area that should be preserved?
2. Are there aspects of the planning area that you feel should change?
3. Looking ahead twenty years, how do you envision the US 340 planning area?
4. What kinds of land uses do you see along this corridor in the year 2030?

Attendees were assigned to different tables and each table had a map of the corridor. They were then asked to draw on the map using the information gathered at the March meeting and questions listed above as guidance as they detailed information on the maps.

What We Heard on June 16, 2011 (Figure 4):

- What are some features of the US 340 planning area that should be preserved?
  - Farms and farmland
  - Historical elements
  - Open spaces
  - Scenic vistas
  - Cultural features (flea market, farm market, etc.)
  - National Park
  - Local small businesses (economic activities)
- Are there aspects of the planning area you feel should change?
  - Improve road safety and traffic congestion
  - Improve / create service roads
  - Build additional parking for commuters and tourists
  - Create pedestrian / bike corridor
  - Promote mixed-use / cluster development
  - Create architectural review board and design standards
  - Vegetative buffers along US 340 with trees, shrubs, grasses, etc.
  - Comprehensive and integrated planning process
  - Uniform application of zoning regulations
- Looking ahead 25 years, how do you envision the US 340 Planning Area?
  - Integrated planning techniques/smart growth
  - Commercial design appropriate for historic and rural context
  - New businesses (entertainment, grocery, office/medical parks, artisans' farmers markets, B&B's, etc.)

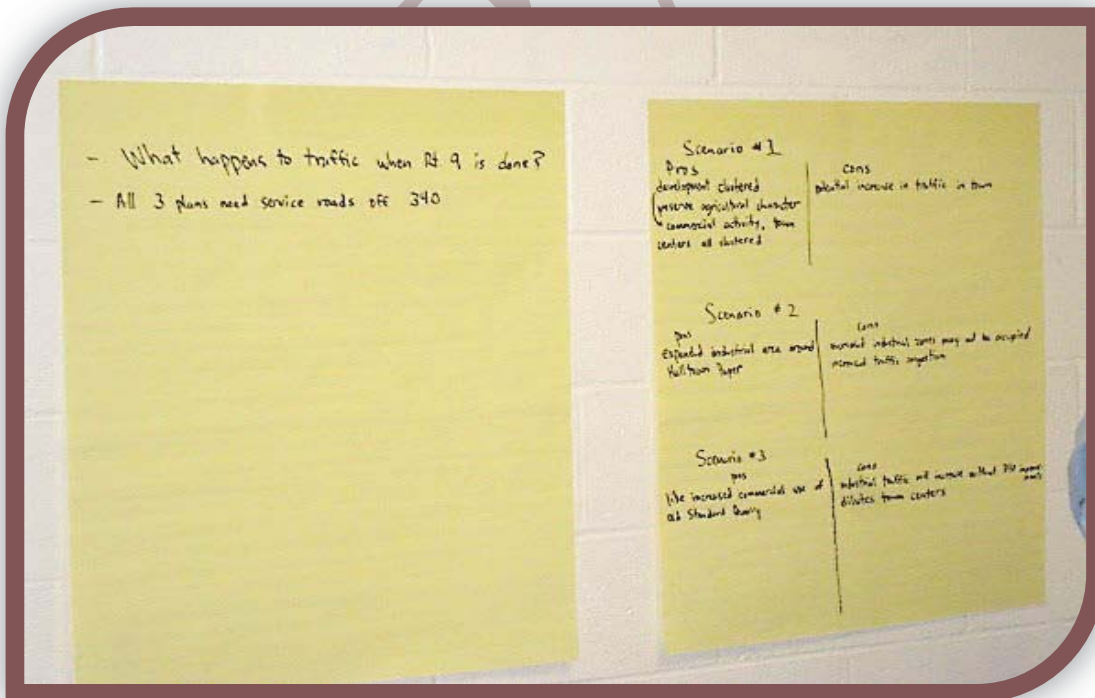
- Renovation of vacant commercial properties
- Development concentrated at major intersections
- Bike and walking trails between Charles Town/Ranson, Harpers Ferry/Bolivar and Shepherdstown
- Enhanced public transportation
- More historical and educational tourism

Figure 4: What We Heard on June 16, 2011

### September 17, 2011

In studying public input gathered at the March and June meetings and the MetroQuest online participation tool, three broad land use scenarios were developed. Those scenarios are (1) Growth within the Urban Growth Boundary, (2) Planned Mixed Use and (3) Full Buildout. The goal of this meeting was for the public to respond to the three scenarios developed, choose their preferred scenario and make amendments to their chosen scenario. Additionally citizens were asked to discuss potential transportation and environmental impacts of alternative land use scenarios. Participants were asked the following questions when reviewing the three scenarios:

1. What were the pros and cons of each scenario?
2. Looking ahead 25 years in the future, which of the 3 scenarios best describes your vision of how the US 340 corridor should grow and develop?
3. What changes or modifications would you make to the preferred scenario?



What We Heard on September 17, 2011:

➤ What were the pros and cons of each scenario?



Figure 5: What We Heard on September 17, 2011 Pros and Cons

- Looking ahead 25 years in the future, which of the three scenarios best describes your vision of how the US 340 corridor should grow and develop?
  - Of the four break out groups, two groups selected the Planned Mixed Use scenario and 2 groups selected the Growth within the Urban Growth Boundary scenario.
- What changes or modifications would you make to the preferred scenario (Figure 6)?

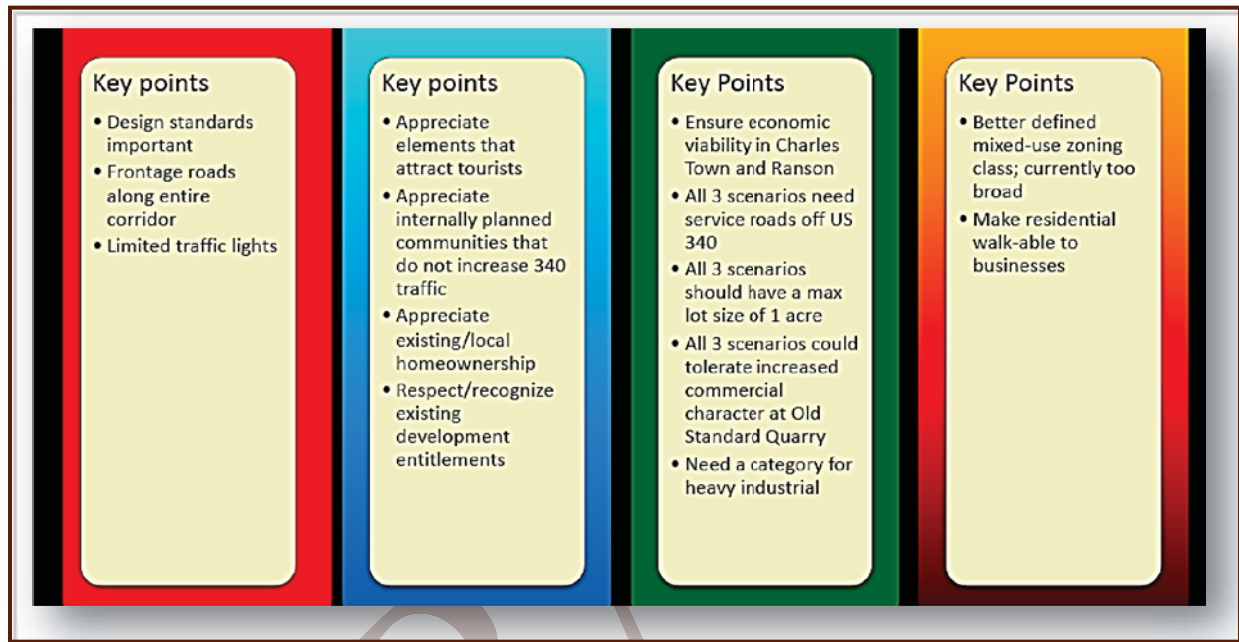


Figure 6: What We Heard on September 17, 2011 Key Points

From this meeting and the use of public comment from the MetroQuest website, the three scenarios were further refined to create one preferred land use scenario, which is discussed below.

The TAC/CAC convened two additional times to discuss an alternative land use scenario and next steps.

### December 6, 2011

The purpose of the December 6<sup>th</sup> meeting was to present one preferred land use scenario, developed from all the public comment received from the previous 3 outreach meetings and the two different versions of the MetroQuest. Attendees were asked to ensure that the preferred land use scenario was in keeping with the public input. The following questions were asked to guide their participation:

1. List any priorities and/or concepts that are MISSING from this Preferred Land Use Scenario map.
2. List any CONCERNS you foresee with this Preliminary Preferred Alternative map.
3. List 2-7 possible PARTNERS that can support the goals of the corridor study (individuals, local groups/schools, nonprofits, local, state, and/or federal agencies; other organizations).

What We Heard on December 6, 2011 (Figure 7):

- Generally, participants stated that the preferred alternative represented previous public input. There were a few minor comments that were suggested and staff made amendments to the preferred land use scenario. Those suggested changes resulted in the Final Land Use Map, discussed in the Land use Recommendations section of this plan. Comments at this meeting included:

- Re-evaluate mixed use density ranges; consider increasing residential and commercial percentages
- Retain existing residential development rights
- Nice balance of proposed land-use throughout the corridor
- Landscape buffers
- Design standards
- Cluster development in residential areas
- Bike/walking trails
- Preservation is needed near Millville Road and US 340

Figure 7: What We Heard on December 6, 2011

consultants to discuss the Final Land Use Scenario, transportation priorities and implications, and recommended action items.

### January 19, 2012

This purpose of this meeting was to present the Future Land Use Map that had been developed and refined during the previous ten months of public involvement, and also to present the preliminary transportation recommendations. Michael Baker, Inc., the transportation consulting firm, described results of the preliminary modeling of the corridor and outlined possible solutions. The consultants also discussed potential transportation funding strategies and described how state transportation projects are selected. Attendees were asked to prioritize a list of 30 potential transportation improvements, which were suggested at previous public meetings.



**March 8, 2012**

The draft US 340 East Corridor Gateway Plan was presented to a joint County Commission and Planning Commission on March 8, 2012.

**2.2 Other Outreach Methods**

In addition to the public meetings described above, the Outreach Strategy involved three major components:

**MetroQuest – A Web-Based Interactive Tool**

MetroQuest software platform is a web-based tool (Figure 8) that can be accessed via the internet by stakeholders and the general public. The web-based tool allowed users to share

insights and recommendations regarding the future vision of the corridor. To save costs, the tool utilized concepts and interface designs that MetroQuest had already developed for other clients across the country.

The key components of MetroQuest tool were to (1) allow users to rank key land use and transportation priorities, (2) allow users to provide transportation and land use comments and attach geographically to the map, (3) provide survey questions for transportation and land use.



**Figure 8: MetroQuest Web-Based Tool**

**Media/Website/E-Mail Distribution**

The media was used to publicize the planning and public outreach process. It included press release communications to major regional newspapers prior to each of the five public meetings and in-person media interviews. For this project, a website was created to host all public meeting agendas, presentations, maps, and outcomes. An e-mail distribution list was created to communicate repeatedly with interested and new stakeholders. Additionally, over 1,800 post cards were mailed to all property owners within the 1-mile boundary of the US 340 corridor.

## Community Events and Public Outreach

Planning and Zoning staff participated in several community events, including Charles Town Heritage Festival, Jefferson County Day and Jefferson County Fair. The Citizen Advisory Committee members provided outreach to friends, family and neighbors. Planning and Zoning staff also attended five public meetings, and led intermittent technical and public advisory committee meetings throughout the planning process.

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### 3.0 Existing Conditions

As part of the background for this plan, staff examined existing conditions for the planning area. Members of the Technical Advisory Committee also assisted in this effort, and the GIS/Addressing Department produced numerous maps relating to specific topic areas.

The following seven topical categories are discussed and organized by alphabetical order. There is no hierarchical order to this list.

#### 3.1 Community Services and Infrastructure

##### *Water and Sewer*

The principal water and sewer provider in the US 340 Corridor is the Jefferson County Public Service District (JCPSD). The JCPSD is authorized to service all unincorporated areas of Jefferson County. The JCPSD currently serves areas of Charles Town, Ranson and additional areas along US 340 to Shepherdstown Pike (Rt. 230). There JCPSD does have the ability to expand their service area along the entire corridor. The development of Sheridan Estates, which includes Chickamauga Drive, Lookout Mountain Court and Five Forks Drive is served by Old Standard, LLC. While Old Standard, LLC only services Sheridan Estates, the treatment plant could handle additional capacity. The County Commission appoints the three-member PSD board.

Other water and sewer providers in the US 340 area include the City of Charles Town, the Harpers Ferry Corporation, and Jefferson Utilities (a privately owned, public water utility; does not provide sewer).

Significant wastewater treatment plants near the US 340 corridor are owned by the City of Charles Town (1.75 million gallons per day or MGD); PNG Gaming at Ranson, also known as Hollywood Casino at Charles Town Races (0.225 MGD); and the Harpers Ferry-Bolivar PSD (0.3 MGD). Wastewater from Charles Town, Ranson and the Jefferson County P.S.D. is treated at the Charles Town plant. Additionally, a wastewater plant owned by Old Standard, LLC is located near the south end of the Old Standard Quarry Lake.

It is anticipated that many of these plants will require updates to address increased flows from future developments and to comply with federal Chesapeake Bay requirements.

In recent years, the PSD proposed a major wastewater treatment project known as the Flowing Springs Sewer Project. The proposed project would have entailed a one million gallon per day wastewater treatment plant adjacent to the Halltown paperboard plant to serve the Flowing Springs drainage shed. However, in August, 2011, the West Virginia Public Service Commission ruled against allowing the development of the plant, based on projections of cost and anticipated need for the plant. The plant would have allowed the equivalent of 1,400 homes now receiving treatment at the Charles Town wastewater treatment plant to be diverted to the new plant for treatment. The plant was also intended to serve subdivisions located on Flowing Springs Road.

*Wireless Services*

There are three cell phone towers within the US 340 Corridor Study Area. One tower is located off Keyes Ferry Road, one is located near Prospect Avenue in Harper’s Ferry, WV and one is located off Potomac Street in Harper’s Ferry, WV.

*Schools*

Schools within the study area include two elementary schools (Driswood and C.W. Shipley) and one Middle School (Harpers Ferry). Table 3 below provides enrollment statistics for 2012.

C.W. Shipley Elementary School	• 395 students
Driswood Elementary School	• 501 students
Harpers Ferry Middle School	• 387 students

**Table 3: School Enrollment Statistics**

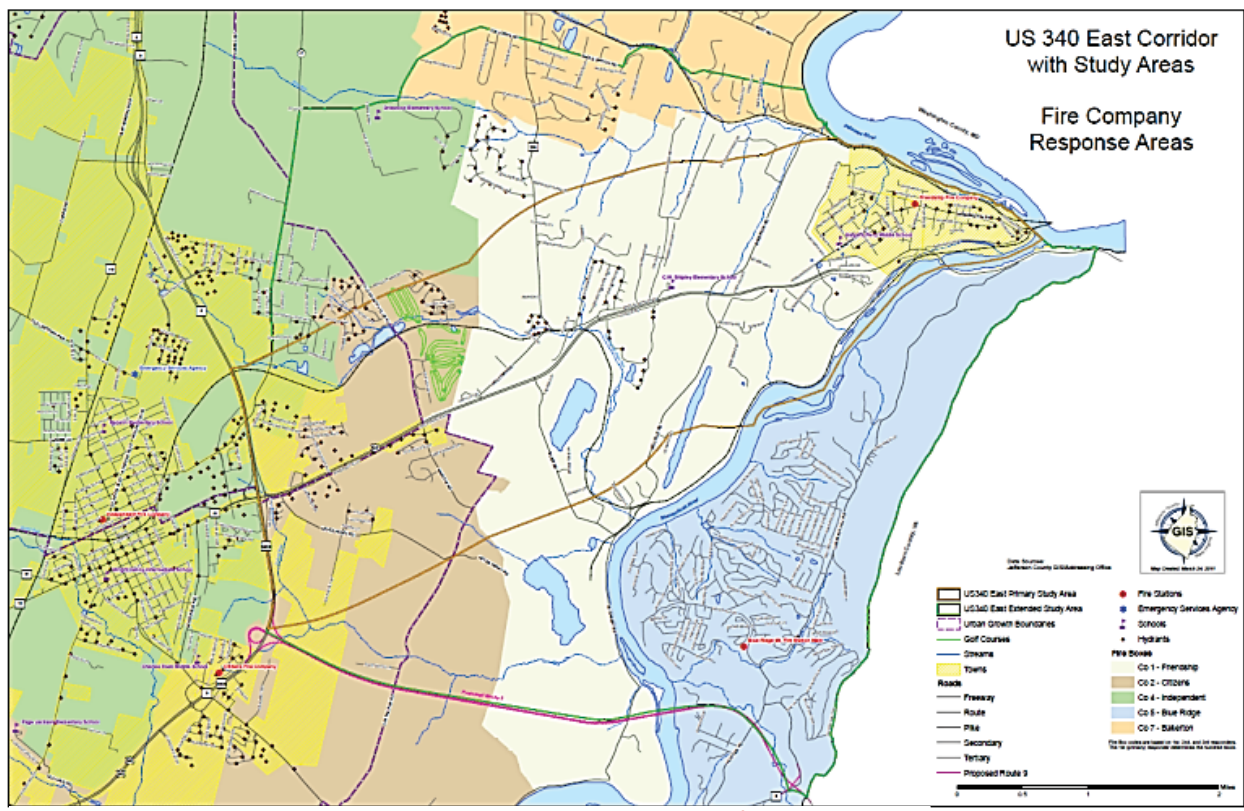
*Libraries*

The two libraries near the US 340 study area are the Old Charles Town Library (which is funded through a private endowment fund) and the Bolivar-Harpers Ferry Public Library.

## Fire

The study area (Map 2) includes portions of the service areas of several volunteer fire companies (Citizens, Blue Ridge, Independent, Friendship, and Bakerton).

Friendship Fire Company in Harpers Ferry is seeking an expanded facility, and plans to build a new fire station on land provided by the US Customs and Border Patrol.



## 3.2 Economic Conditions

Currently, the US 340 corridor is host to a diverse mix of existing economic activity. The study area is significantly influenced by Jefferson County's role as a tourist destination. The elements of tourism near the corridor include entertainment tourism in the form of the Hollywood Casino at Charles Town Races, heritage tourism involving the Harpers Ferry National Park and other noteworthy historic sites, and recreational tourism associated with the County's natural features and rivers. Jefferson County's tourist activity greatly exceeds tourism levels for any other county in the State of West Virginia in terms of dollars spent on tourism-related activities.

The Federal Government has a strong economic impact on the US 340 corridor, with the notable presence of facilities for the US Customs and Border Patrol and the National Park Service. Additionally, a large, viable and active quarry is located within the one mile study area. Halltown is home to a 130-year-old paper plant that continues to thrive. The corridor is also home to several active farming operations.

A number of commercial uses are also located along the corridor. Much of the commercial space along the corridor is occupied by retail uses, and the majority of this commercial area is located within the Urban Growth Boundaries of Charles Town and Ranson. This area is characterized by a traditional pattern of strip mall development. While most of the commercial developments along the corridor are active, viable uses, there are also opportunities for redevelopment in some locations.

The communities of Bolivar and Harpers Ferry provide a blend of unique destination shops and restaurants. While these services tend to be oriented to tourists at the Harpers Ferry National Park, local residents also benefit from the richness these establishments provide to the County.

While closed at this time, the Hilltop House Hotel in Harpers Ferry has traditionally been a regional attraction for diners and those seeking lodging.

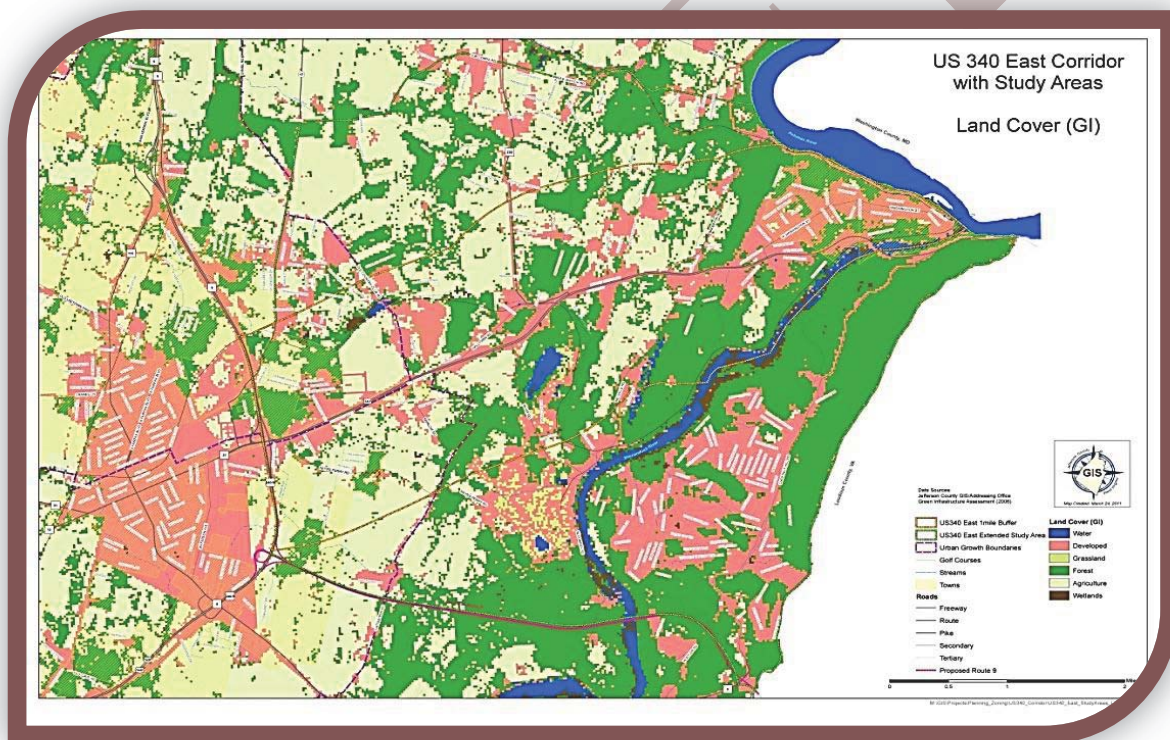
The Brunswick line of the MARC commuter train – with stations located in Harpers Ferry and Duffields – provides another form of connection to the economic opportunities located in the Washington D.C. area.

### 3.3 Environmental and Natural Resources

Existing conditions data for the County's environmental and natural resources was acquired through coordination with the Technical Advisory Committee. Two Jefferson County Commission projects provided the land cover data used to analyze existing landscape conditions; the Green Infrastructure Study (Freshwater Institute, 2007) and the Urban Tree Canopy (UTC) and Land Cover Assessment (University of Vermont, 2010).

#### Green Infrastructure

The US 340 East Corridor Study Area Land Cover Green Infrastructure (GI) (Map 3) illustrates an aerial picture of this part of Jefferson County, West Virginia. It was created using data from a 2006 Green Infrastructure (GI) Assessment funded by the Jefferson County Commission. This map of the US 340 Corridor Study Area divides land cover into six categories: Water, Developed, Grassland, Forest, Agriculture, and Wetlands.



Map 3: Land Cover (Green Infrastructure), Source: Jefferson County, WV GIS/Addressing

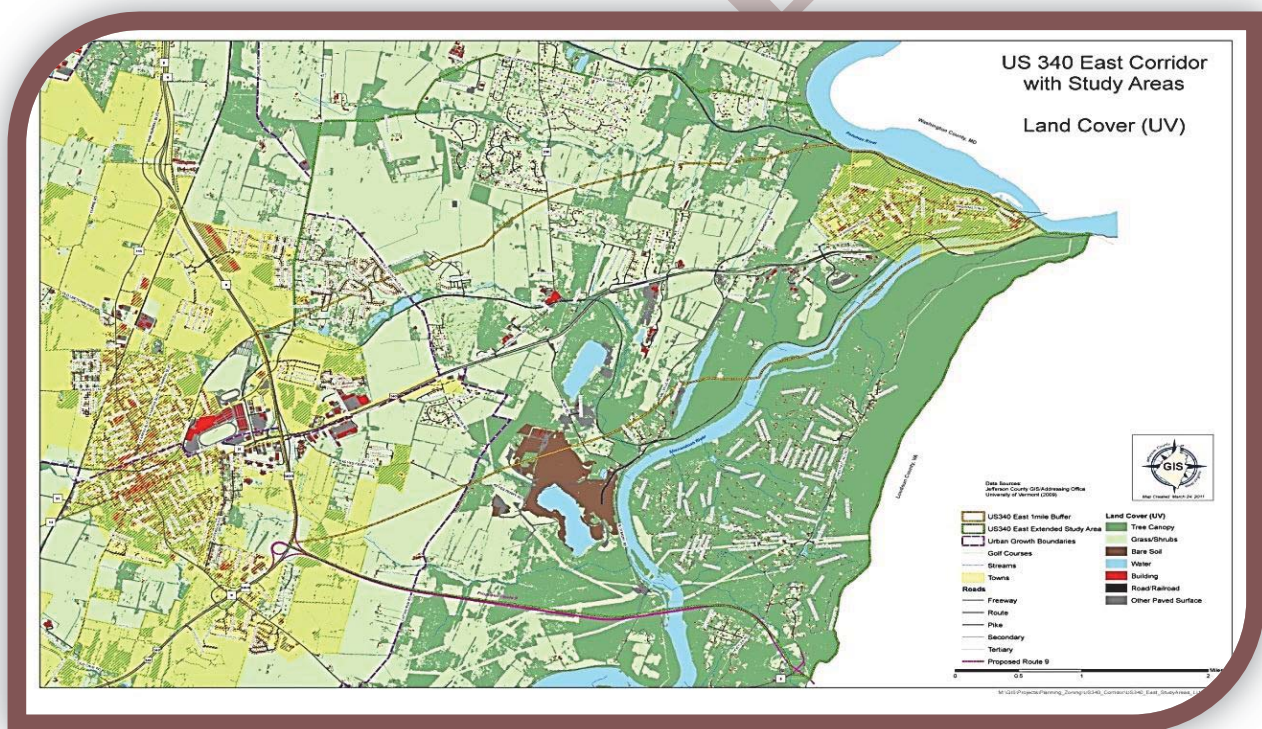
The majority of the study area is covered in Agriculture. The next largest category of land cover is Developed land. The third most expansive land cover type in the US 340 Corridor Study area is Forest followed by Wetlands and Water.

## Land Cover

A Jefferson County Urban Tree Canopy (UTC) assessment was completed by the University of Vermont's (UVM) Spatial Analysis Laboratory in January 2010, while under contract to Jefferson County. This County-wide study, the largest of its kind in the U.S. at that time, utilizes the U.S. Forest service's premier UTC assessment protocol.

The US 340 Corridor East Gateway Study Area is the location of a variety of land cover types. The Land Cover (Map 4) was created using data collected by the University of Vermont in 2009. Land cover types found within the US 340 Corridor Study area are:

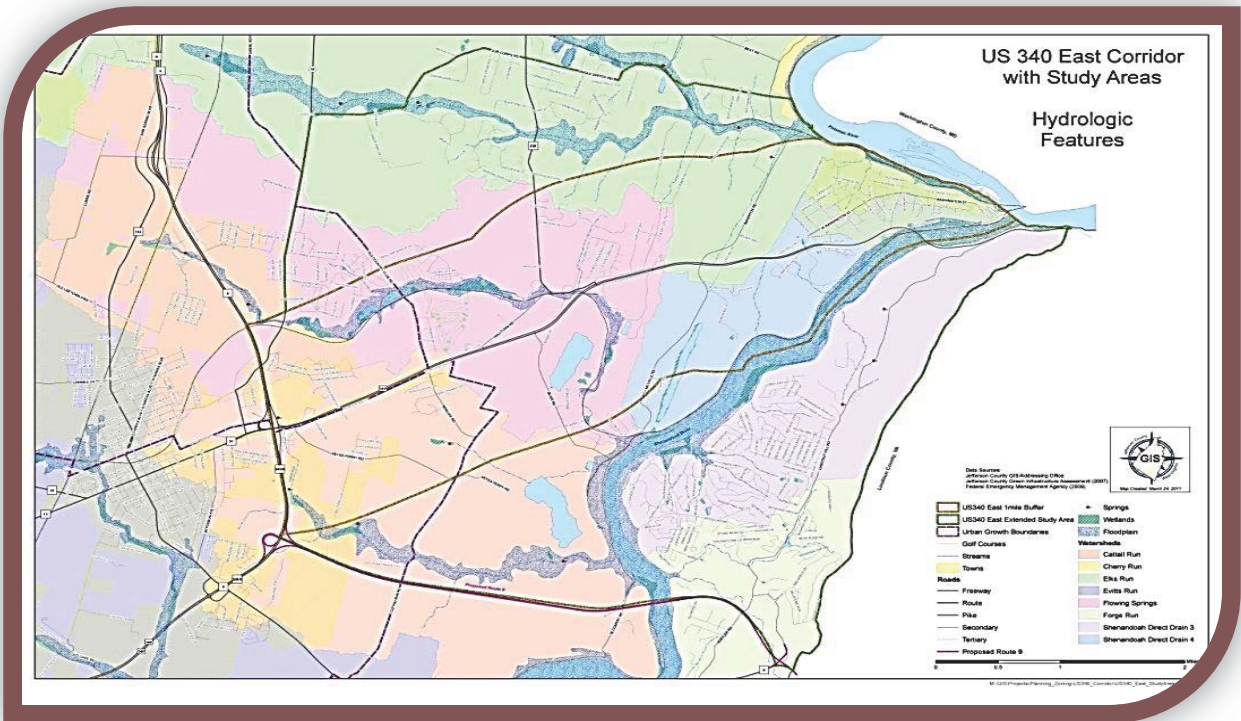
- Tree Canopy
- Grass and Shrubs
- Bare Soil
- Water
- Building
- Road and Railroad
- Other Paved Surface



Map 4: Land Cover (University of Vermont), Source: Jefferson County, WV GIS/Addressing

The most expansive land use type is the Grass and Shrubs category. This reflects the historical land use which was agrarian based. The second largest land cover group is Tree Canopy. Bare Soil, Water, Building, Road and Railroad, and Other Paved Surface are distributed fairly evenly over the County.

The geology of Jefferson County is distinct karst topography. Karst is a geologic formation shaped by soluble bedrock. One of the major features of karst topography is the presence of limestone caverns, formed by groundwater cutting through the rock. Other features include vertical shafts, sinkholes, reappearing springs, inconsistent surface water flow, and tendency for a decline in water quality due to lateral movement of water from many sources.



Map 5: Hydrologic Features, Source: Jefferson County, WV GIS/Addressing

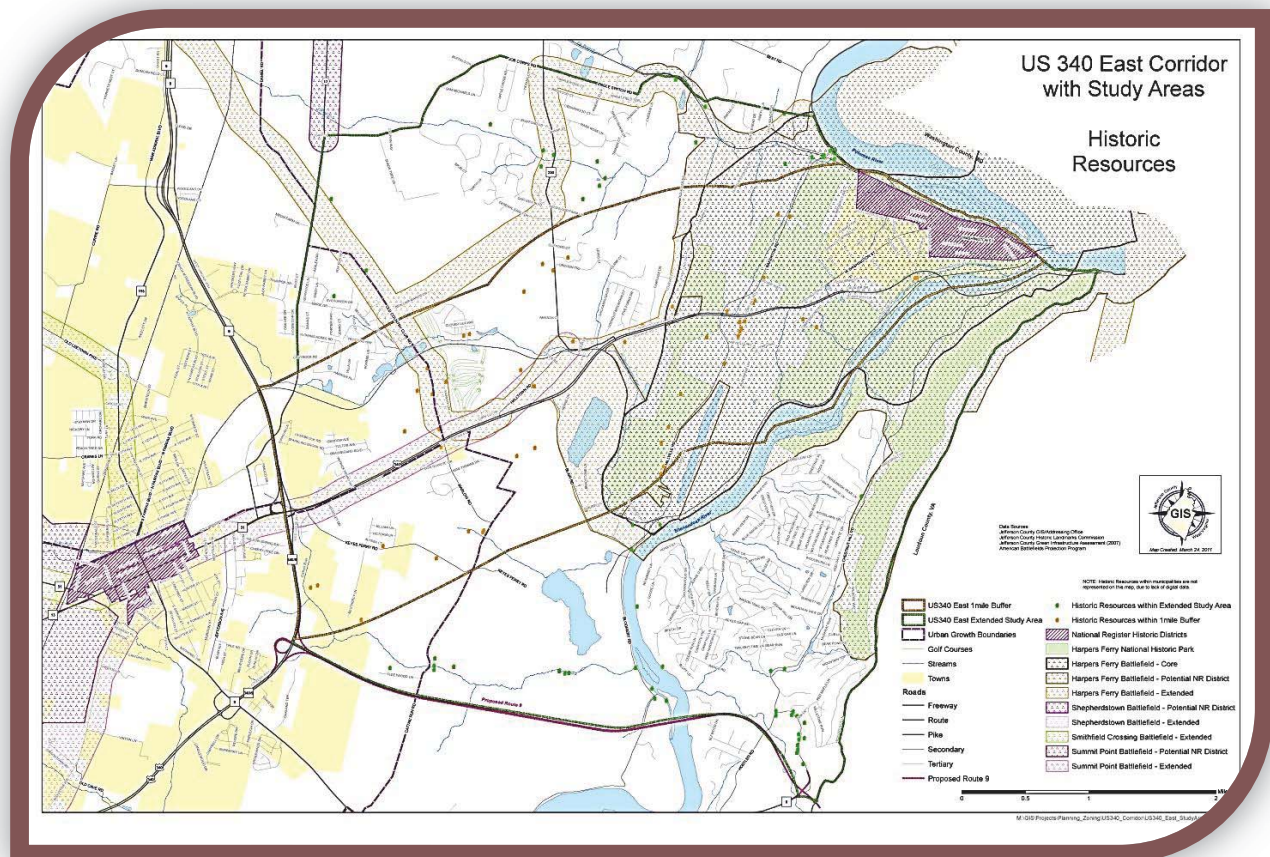
## Hydrology

The hydrologic features (Map 5) of the US 340 Corridor East Study Area consist of springs, wetlands, floodplain, and several watersheds. There are four known springs found within the primary study area and seven known springs found within the Extended Study area. Four of the watersheds are found within the primary study area, while two are found within the extended study area.

Watersheds within the Primary Study Area include Cattail Run, Elks Run, Evitts Run, and Flowing Springs. Watersheds in the Extended Study Area include Cherry Run and Forge Run.

### 3.4 Historic Resources and Viewshed

History is a major contributor to the current culture and landscape of Jefferson County, West Virginia. There are many Historic Resources found within both the primary study area and the secondary study area (Map 6). The US 340 Corridor East primary study area is home to approximately fifty historic resources. The US 340 Corridor East secondary study area contains an additional fifty-four historic resources.



Map 6: Historic Resources, Source: Jefferson County, WV GIS/Addressing

As the Comprehensive Plan notes, “In term of environmental resources, Jefferson County suffers from an embarrassment of riches.” and “It (Jefferson County) has arguably been referred to as the most historic rural county in America.” The area consisting of US 340 East Corridor Gateway Plan embraces those characteristics. Notably, the scenic entrance into West Virginia and Jefferson County on US 340 is through the Potomac Water Gap. As travelers continue to the west, they crest the hill near the Quality Inn, also commonly referred to as Cliffside Inn, and the picturesque view emerges over the valley. From this vantage point, visitors to the State and County get their first impression of the region.

The Potomac Water Gap is the lowest crossing of the Blue Ridge Mountains, providing a path of least resistance to those traveling west. The Town of Harpers Ferry is notable for being an early location for the US Armory and Arsenal, C&O Canal traversing the opposing river edge,

John Brown's Raid, and Civil War battles for control of the town. Due to the rich history of the town, there are two national parks, the Harpers Ferry National Historic Park and the Chesapeake and Ohio Canal National Historic Park, surrounding the community. The Appalachian National Scenic Trail traverses the Town of Harpers Ferry.

Several historic resources have undergone rehabilitation along the corridor.

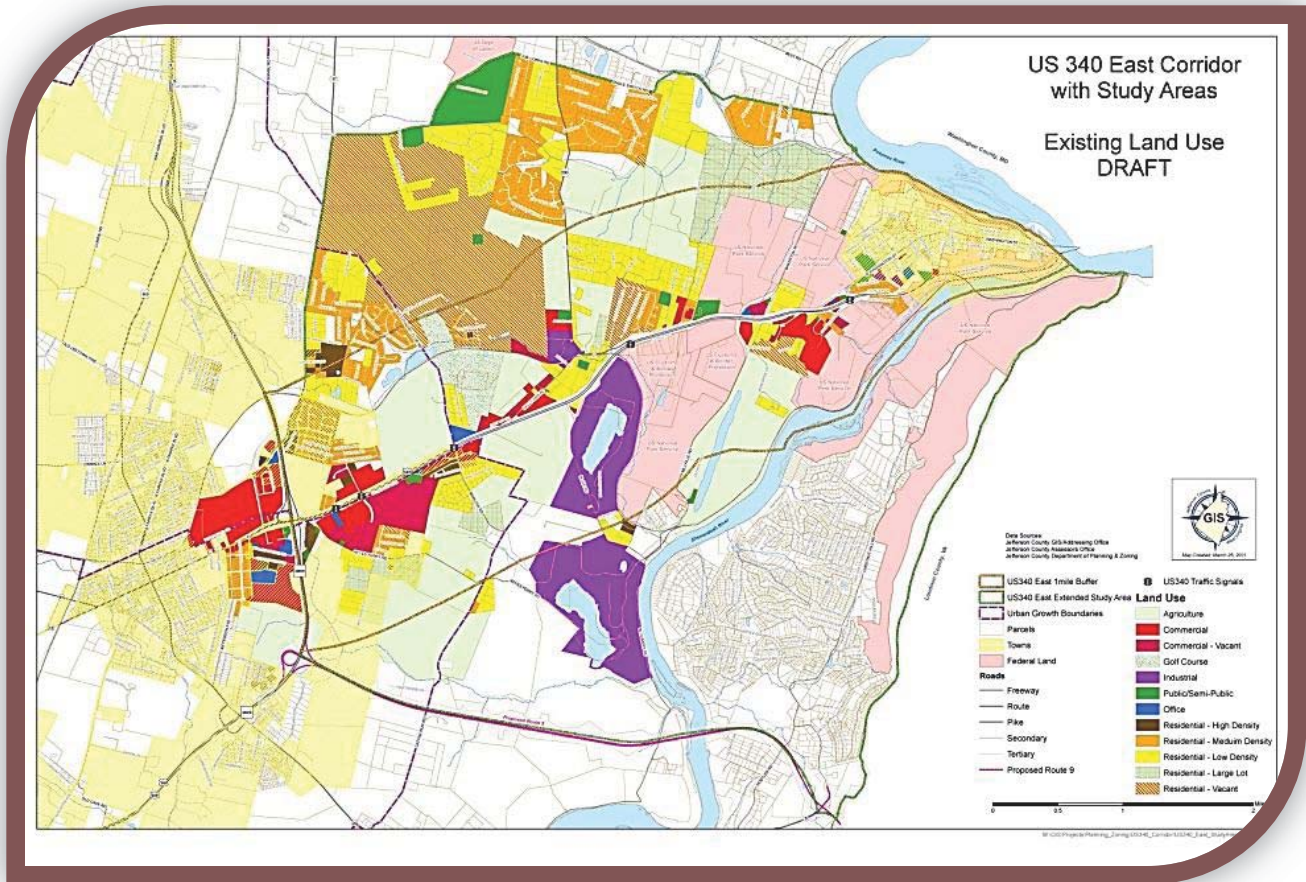
A historic Washington Family plantation known as Beallair is being developed into a residential subdivision. During development of the property, care has been taken to improve and maintain the historic Beallair house for use by the Homeowners Association. At least two large farm properties are on the property. The community of Halltown has its own assorted collection of historic resources.

DRAFT

### 3.5 Land Use and Zoning

#### Land Use

The existing land use (Map 7) in the corridor is a patchwork of suburban development, both residential and commercial, industrial uses, underutilized commercial buildings and farm land.



Map 7: Existing Land Use, Source: Jefferson County, WV GIS/Addressing

The land uses along this corridor have either been established prior to the adoption of zoning in 1988 or have been permitted under the zoning districts that were created in 1988.

As a main gateway into the State and corridor in the County, development pressures have historically been present along this route. Over time, the corridor itself has been realigned. This is most visible in Halltown, where US 340 went directly through the Halltown community and now the corridor bypasses the community, leaving commercial uses disconnected from the current alignment.

## *Commercial and Industrial – Existing Land Uses*

In the study area, along the western edge of the corridor, there are two large shopping plazas situated diagonally across US 340 from each other. This area is within the Urban Growth Boundary of both the cities of Charles Town and Ranson. The intersection at Old Country Club Rd/Marlow Road and US 340 in the last 5 years has seen increased commercial development. New commercial developments include Aldi's, Sheetz, Tractor Supply and additional lots for commercial development.

In the Halltown area, there are older and underutilized buildings that have the potential for redevelopment. In recent years a small plaza has been built in that location and has the ability to expand. Halltown is home to a 140 year old paper mill processing plant. This industrial operation is the hallmark of the unincorporated community. Near Shipley Elementary School, there has been an expansion of commercial uses.

Along Blair Road is an active quarry operation. Near the intersection of US 340 and Blair Road there is a quarry that is no longer active. These industrial mining operations hve little visual or noise impact upon US 340.

The intersection of Millville Road/Bakerton Road and US 340 has seen an expansion of existing activity. Two properties with historic resources at this intersection have been rezoned recently. The outdoor flea market continues to be a weekly attraction, being a regional landmark. River Riders continues to flourish and attracts over 35,000 visitors per year, with much of the visitors arriving during the summer season. Within this location, Quality Inn and KOA have provided lodging and rest to visitors for decades.

On Millville Road, there is an inactive quarry that has not been used in several decades. The site is commonly referred to as Old Standard Quarry. It is located on a 407 acre lot with a long linear quarry which has been subject to different proposed developments. None of those developments have received local approval. In 2010, under a Brownfield Redevelopment Act, the West Virginia Development Office permitted the ability for site development on the property. With approximately 1.5 billion gallons of cool fresh water in quarry, the water provides options energy options depending upon the needs of the facility. This development proposal is bound by a statutory deadline.

In summary, this section of the corridor has seen new businesses, expansion of existing businesses and pressure for addition commercial and industrial operations in the past decade.

## *Housing – Existing Land Uses*

Both within the 1-mile study area and scenic viewshed boundary, there are existing subdivisions, subdivisions in progress and housing developments that have been approved but construction has not yet started. Many of the older subdivisions prior to 2000, tend to be located north of US 340 and most gain access from secondary roads extending off of US 340. Generally the lots are greater than 3/4 of an acre and the housing stock within these developments is well maintained. The few residential developments that take direct access to US 340 are located behind Wal-Mart on Patrick Henry Way, such as Jefferson Terrace, an existing development near Shipley School.

Since 2000, there has been a significant increase in housing development along the corridor, particularly along the secondary roads of Flowing Springs Road, Old Country Club Road and Shepherdstown Pike. A substantial land area in the vicinity of these roads has been developed

into subdivisions, partially started and now delayed by the economy or have preliminary approval for development. Traversing along the above mentioned roads, a traveler may only see vacant land or farm fields; however, much of that property has vested rights for development at this time.

In addition to the commercial node that has developed at Old Country Club Road/Marlow Road and US 340, a townhome development has been constructed in that location. Toward Shipley School, additional residential development activity has taken place.

Many of the post 2000 residential developments have lots that are less than 1 acre in size.

As discussed above, the unincorporated community Halltown has its own unique history of development. The community is a mix of commercial and residential structures. Many of the residential structures are pre-1950 and many have favorable architectural elements. However, the passage of time has resulted in a number of these structures needing improvements.

### *Federal Lands – Existing Land Uses*

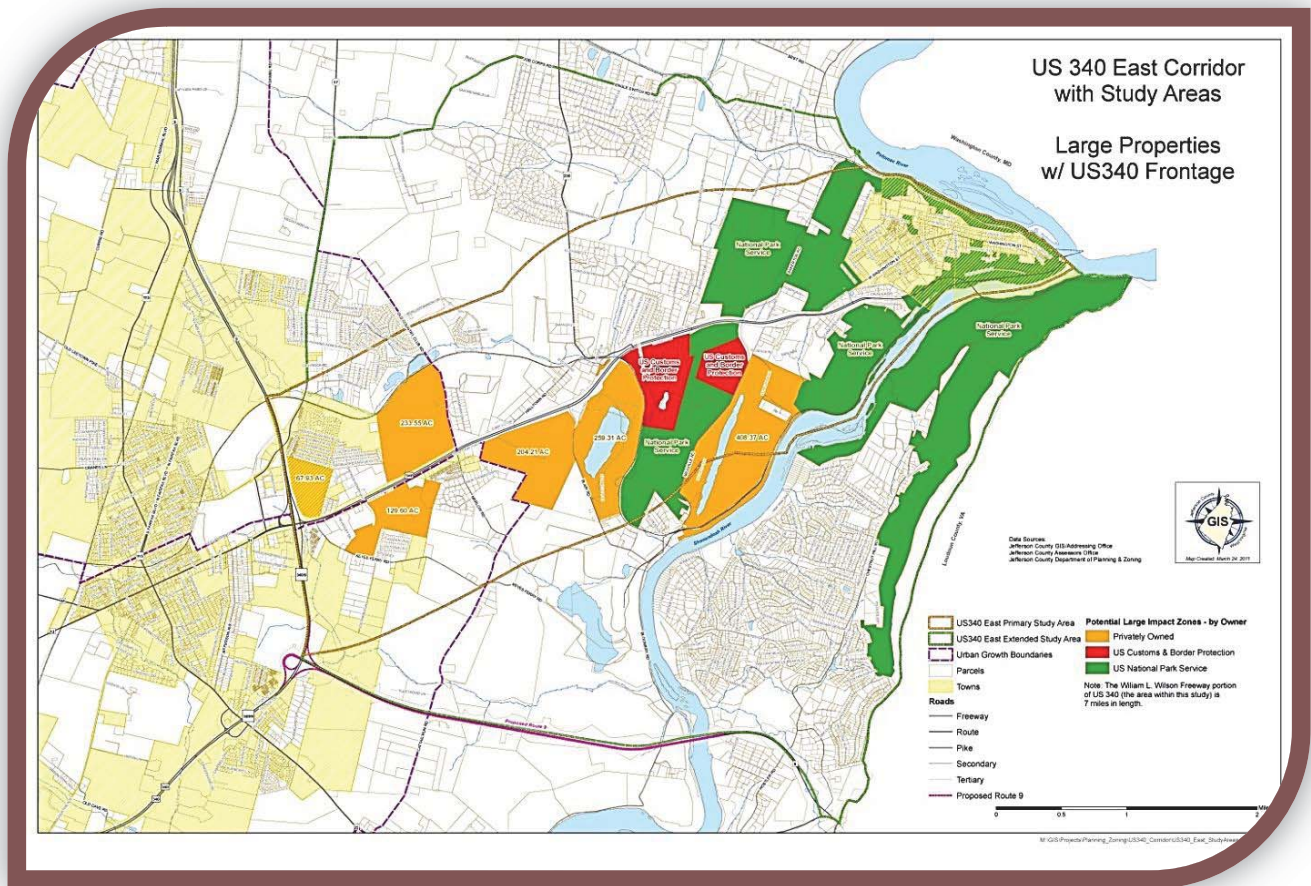
A significant presence along the corridor, particularly on the eastern section, is the considerable amount of land owned by the National Park Service and the U.S. Customs and Border Patrol. Since 2000, the National Park Service has expanded through a series of acquisitions of large tracts of land and the Custom and Border Patrol has established itself on the corridor. A majority of the Federal land is under the control of the National Park Service and is open space. The area under control of the park service is roughly from the Virginia state line down the mountain, across the Shenandoah River, encircling both Bolivar and Harpers Ferry and stretches across Bakerton Road to the North and across Millville Road to the South. The property under control of the Customs and Border Patrol located across from the residential developments near Shipley Elementary School. The property is bound by US 340 to the north, railroad tracks to the west and National Park Service property to the south and east. The following map depicts the Federal lands in green. Currently the site is under extensive construction. A sizable berm and landscaping plan is proposed to screen the Custom and Border Patrol from public view.

The meaningful impact of the Federal lands upon the US 340 corridor is that the intersection of Millville Road/Bakerton Road and US 340 and the few remaining private properties at that intersection are surrounded by Federal Lands which are not anticipated to be developed. As a result, this area is disconnected from the towns of Bolivar and Harpers Ferry, and existing and potential development to the west.

### *Farmland and Vacant Parcels –Existing Land Uses*

Along the corridor there are five or six large tracts of land (Map 8) that are either vacant or farmed and there is the possibility the current uses could change. Collectively these tracts consist of 1299.6 acres. Three of the parcels are located to the west of Old Country Club Road/Marlow Road and US 340. These tracts are adjacent to existing commercial centers. As previously noted, this area is within the Urban Growth Boundary of Charles Town and Ranson. On south side of the corridor, near Halltown, there is a parcel that is currently farmed and another containing the Shenandoah quarry. The last remaining parcel is the property known as Old Standard.

In addition there are a number of smaller parcels which are either vacant or underutilized in this area which could potentially be assembled into a larger tract and converted into other use(s). While initially appearing to be less of an impact, an assemblage of these smaller parcels could have a real impact upon the corridor.

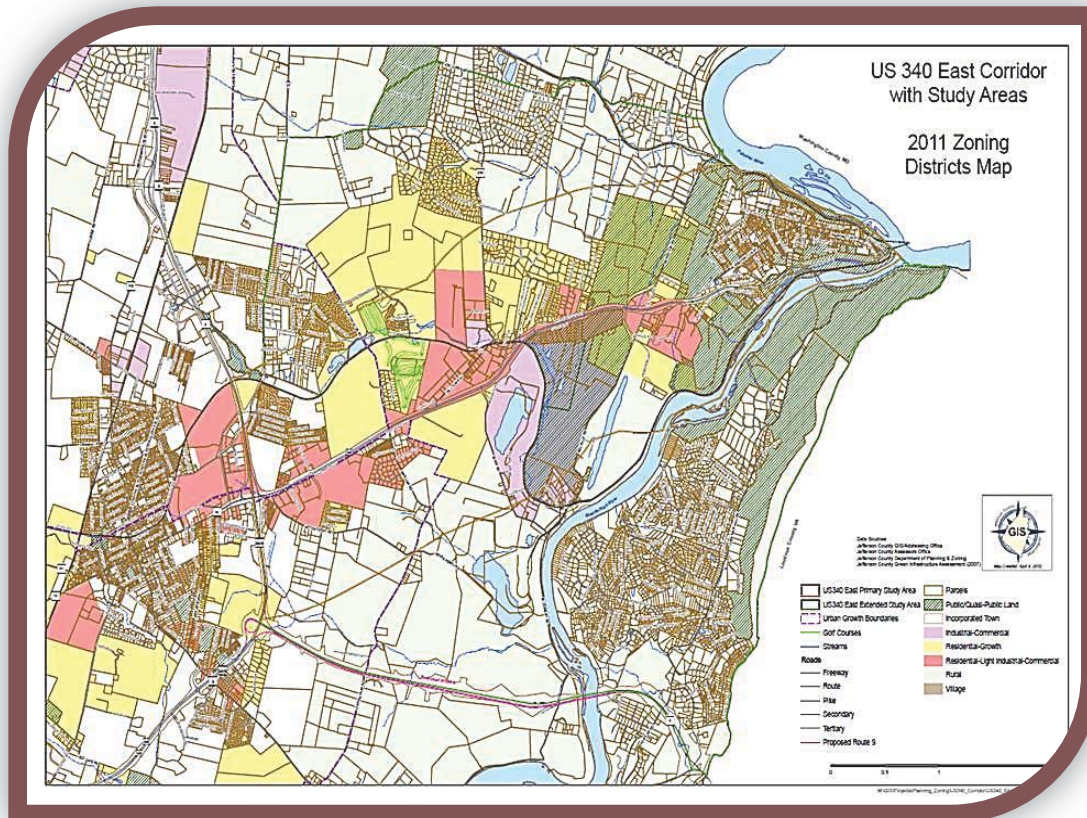


Map 8: Large Properties along US 340, Source: Jefferson County, WV GIS/Addressing

## Zoning

Zoning within the US 340 Corridor Study Areas is divided into five unique districts (Map 9):

- The Industrial-Commercial zoning district
- The Residential Growth zoning district
- Industrial-Commercial zoning district
- The Rural zoning district
- Village zoning district



Nearly all of the current zoning classifications along the corridor were established in 1988. As such, the development that has occurred could have and should have been expected. Only very recently have there been Zoning Map amendments along the corridor.

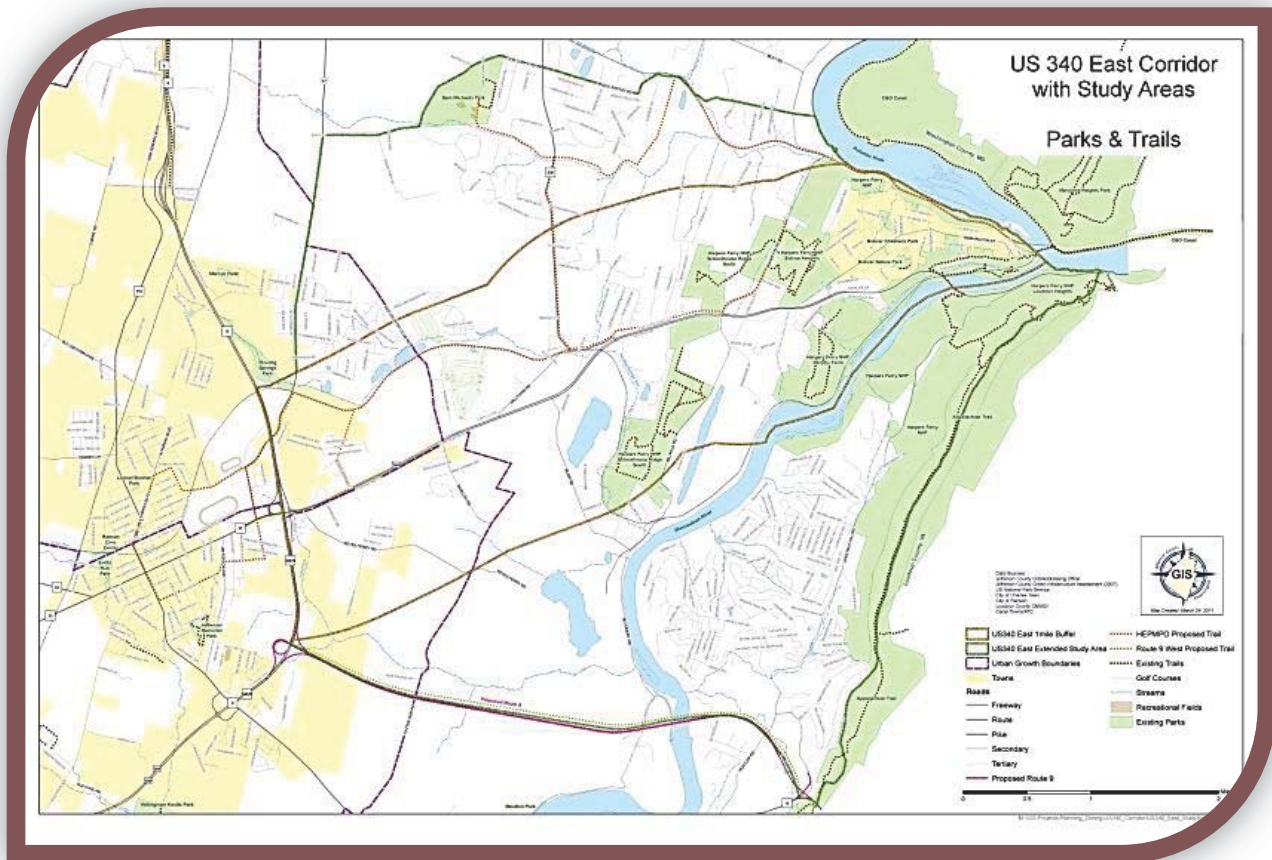
The majority of land located south of U.S. Route 340 is within the Rural zoning district. The next prominent zone is the Residential-Light Industrial-Commercial zoning district followed by the Industrial-Commercial zoning district and the Residential Growth zoning district.

North of US 340, the majority of land is falls into the Residential Growth zoning category. The remainder of property falls into the Residential-Light Industrial-Commercial zoning district, then the Rural Zoning district and then the Industrial-Commercial zoning district.

### 3.6 Parks, Trails and Greenways

The Jefferson County Parks and Trails system (Map 10) plays an important role in the US 340 Corridor Study Area.

The US 340 Study Area includes three parks, as shown on the map below.



Map 10: Parks and Trails, Source: Jefferson County, WV GIS/Addressing

1. Flowing Springs Park (City of Ranson)  
The 29.7 acre Flowing Springs Park is located between Home Depot and Flowing Springs Road, adjacent to WV 9. According to the City's website, the park is intended "to provide wildlife viewing areas, a pedestrian trail network, a bike route, and interpretive markers, while maintaining a more natural environment in this future urban area."
2. Sam Michael's Park (Jefferson County Parks & Recreation)
3. This 131-acre park, located south of Job Corps Road, features the Jefferson County Community Center as well as a public picnic pavilion, including picnic tables, kitchen, and grill. The park also contains little league fields, a playground, horseshoe pits, and a sand volleyball court; and has a ½ mile walking trail and dog park area.
4. Harpers Ferry National Historical Park  
This nearly 4,000 acre park is managed by the National Park Service and includes the historic town of Harpers Ferry. Restored 19th century buildings in the Lower

Town Historic District provide space for several historical museums. The Appalachian Trail runs through Harpers Ferry. A footbridge across the Potomac River connects trail users to the continuation of the trail in Maryland, as well as to the C&O Canal. Nearly half a million people visit the Harpers Ferry National Historical Park annually.

The US 340 Corridor Study Area contains at least nine individual trails. These trails are located in the primary and secondary study areas. In addition to current existing trails, the Parks and trail map shows both the proposed WV 9 East trail and the HEPMO trail.

Trails found within US 340 Study Corridor include:

- Appalachian National Scenic Trail
- Harpers Ferry Schoolhouse Ridge
- Loudoun Heights
- Murphy Farm
- Bolivar Heights
- Bolivar Nature Park Trail

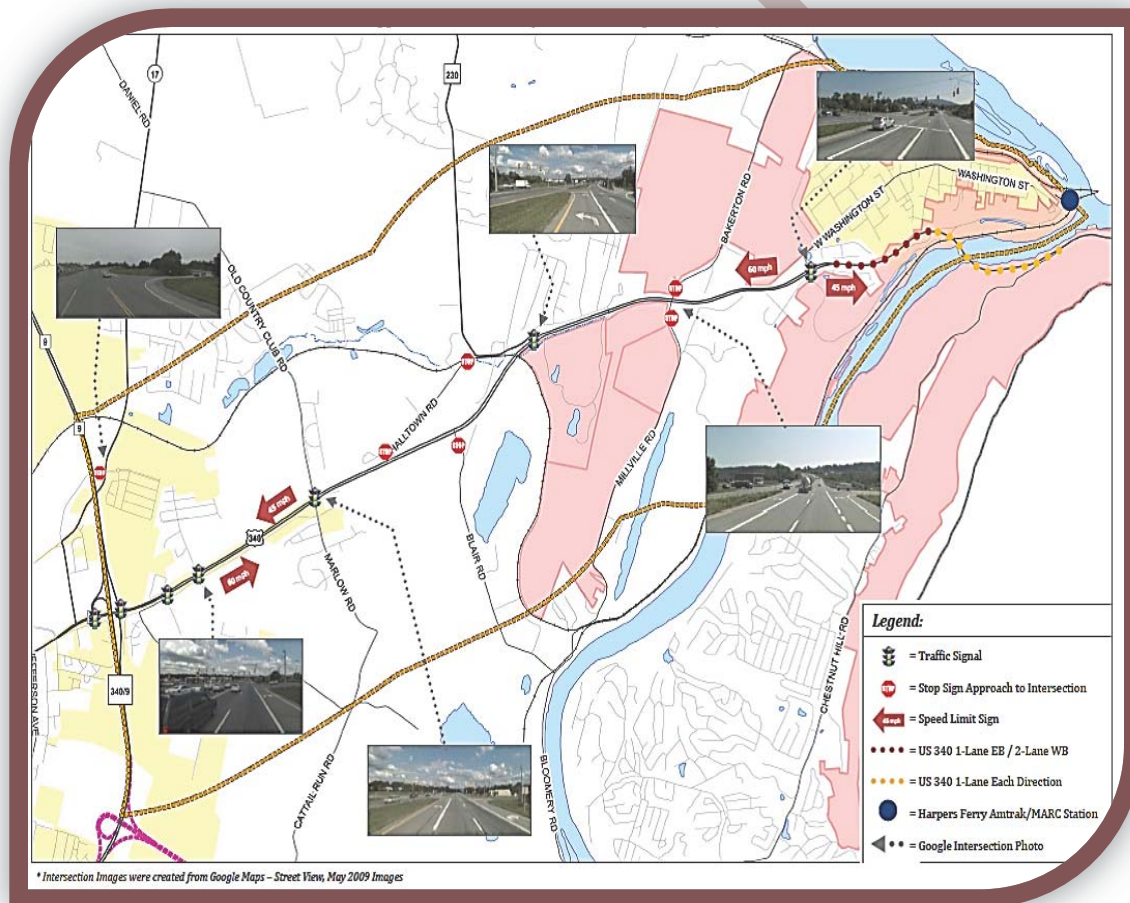


Source: Joe Liles

### 3.7 Transportation

This section discusses the transportation system (Map 11) within the US 340 East Gateway corridor including key roadways and available transit bus and rail service. Although they can have an impact on regional transportation, bike and pedestrian trails are not addressed within this section. Such improvements and associated discussions are included within the *Parks, Trails and Greenways* section of this study.

Data was collected from available sources such as aerial photos, land use information, roadway geometry and land configurations, truck percentages, posted speed and operating speed limits, traffic signal and other traffic device parameters, and available traffic volume data. Speed observations from 2008-2010 along the corridor was collected from TomTom GPS (Global Positioning System). Consultants also conducted field visits and worked closely with County staff to collect key observations and insights regarding corridor congestion and future corridor traffic volume growth. Regional travel modeling was used to assess traffic volume growth and intersection turning movements along the corridor. The model utilized the latest version of the HEPMPO regional 3-county travel demand model (includes Washington County, MD; Berkeley County, WV; Jefferson County, WV).



Map 11: Transportation System, Source: Baker

## Summary Brief of this Section

The following existing conditions have been identified:

- US 340 is the primary route through the corridor and carries on average between 29,000-38,000 vehicles per day
- US 340 serves many travel purposes including regional throughfare, seasonal and recreational, and work commute travel.
- A large number of corridor residents work in Maryland and Virginia.
- Regional transit service within the corridor is provided by PanTran, MARC and AMTRAK; however service schedules are limited.

The following transportation issues and concerns have been identified:

- There are significant safety concerns at un-signalized approaches to US340 that will become an even greater concern with future corridor development.
- The bridge crossing capacity deficiencies result in significant weekday and weekend traffic congestion that impacts eastern portions of the corridor.
- US 340 congestion and safety concerns exist on western portion of the corridor near the Patrick Henry Way intersection due to existing and future growth in commercial development.
- Future development will continue to degrade corridor operations and safety during peak periods.
- Viable transportation options including bike, pedestrian and transit modes must be improved within the corridor to reduce vehicular travel and promote a more livable community.

The Transportation System (Map 11) illustrates key roadways, signalized intersections, speed limits and travel lanes along US 340, the primary roadway within the corridor and part of the U.S. Highway System. The highway links Frederick County, Maryland and Loudoun County, Virginia with Harpers Ferry and Charles Town and continues south to the West Virginia/Virginia state border. The east-west stretch of US 340 between Charles Town and Harpers Ferry is designated the William L. Wilson Freeway, although it does not share the same characteristics as a traditional freeway and includes traffic lights, at-grade intersections, and speed limits ranging from 45-60 miles per hour (mph). Within the East Gateway corridor, US 340 is primarily a four-lane facility; however, there are key capacity constraints at the eastern and western termini. On the western side, a partial-cloverleaf interchange facilitates the movements between US 340, WV 9, and WV 51.

On the eastern side of the corridor, US 340 crosses the Shenandoah River at the Harpers Ferry Bridge. The bridge crossing and roadway sections in Virginia and Maryland currently have two travel lanes. The north-south roadways within the East Gateway Corridor are provided by lower class roadway facilities. CR 17 (Flowing Springs Road) and WV 230 (Shepherdstown Pike) provide connections from Shepherdstown in the north to WV 9 and US 340 respectively. Other north-south roadways provide access from residential and rural areas within the corridor to commercial development along US 340.

The East Gateway corridor includes access to several transit alternatives. The Duffields station lies just north of the corridor on the MARC Brunswick line and includes nearly 300 parking spaces. The MARC train service is a commuter rail system whose service areas include counties in West Virginia, Maryland, and Washington D.C. The MARC train service only operates Monday through Friday. The Brunswick Line (Table 4) operates between Brunswick, Maryland and Washington Union Station. This line also includes an extension to Frederick,

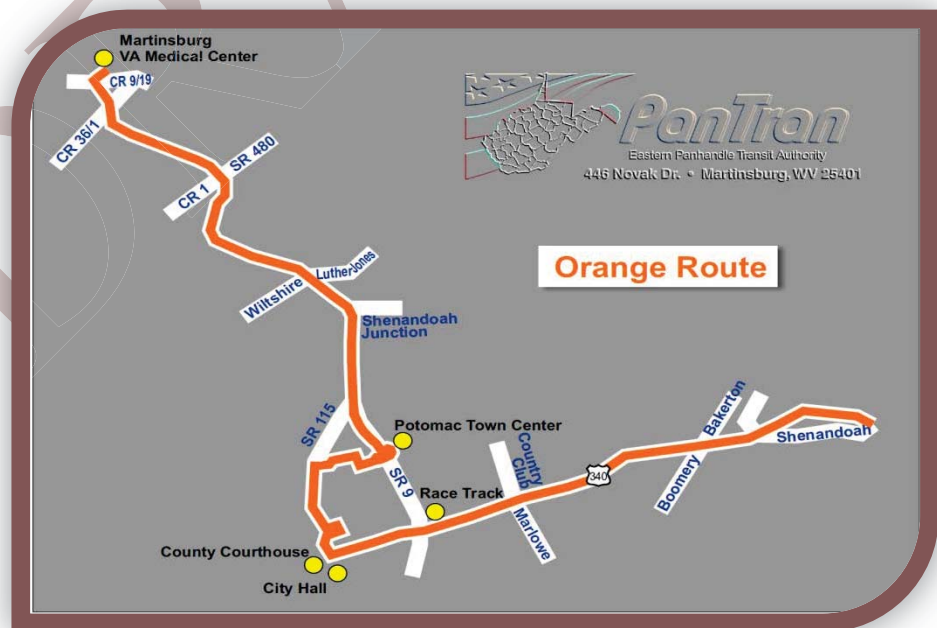
Maryland and Martinsburg. The Harpers Ferry station (on Potomac Street) also provides access to the MARC Brunswick line as well as AMTRAK's Capital Limited train. The Capitol Limited train runs daily between Washington, D.C. and Chicago. These trains typically stop only once per day at the station and are not useful for daily commuting or shopping trips to Maryland or Washington, D.C. The National Park Service may initiate special train service during peak seasonal periods to assist in accessing the Harpers Ferry

BRUNSWICK LINE EASTBOUND		Monday through Friday only									
TRAIN NUMBER	AR/DP	P870 S/Q	P890 Q	P872 Q	P874 S/Q	P892 S/Q	P876 Q	P878 S/Q	P894 S/Q	P880 S/Q	
City/AM-PM	DP	AM	AM	AM	AM	AM	AM	AM	AM	AM	
Martinsburg, WV	DP				5:25			6:30			
Duffields	DP				5:41			6:46			
Harpers Ferry, WV	DP				5:51			6:56			
Brunswick, MD	DP	5:00		5:38	6:02		6:33	7:07		7:40	
Frederick	DP		5:12			6:06	6:40	7:10			
Monocacy	DP		5:18			6:11		7:16			
Point of Rocks	DP	5:10		5:48	6:13		6:43	7:17		7:50	
Dikerson	DP		5:43				6:51			7:58	
Barnesville	DP	5:21		5:58		6:39	6:55		7:44	8:03	
Boyd's	DP		5:51				7:02			8:09	
Germantown	DP	5:30	5:56	6:08	6:33	6:49	7:07	7:36	7:54	8:14	
Metropolitan Grove	DP	5:35	6:01	6:13	6:39	6:55	7:13	7:42	8:00	8:20	
Galthersburg	DP	5:41	6:06	6:18	6:43	7:01	7:19	7:47	8:06	8:26	
Washington Grove	DP			6:21			7:22			8:29	
Rockville	DP	5:49	6:13	6:26	6:52	7:08	7:28	7:58	8:13	8:34	
Garrett Park	DP	5:54				7:13	7:33			8:40	
Kensington	DP	5:58		6:33		7:17	7:38		8:21	8:44	
Silver Spring	DP	L6:06	L6:27	L6:42	L7:08	L7:27	L7:47	L8:14	L8:29	L8:54	
Washington Union Station	AR	6:25	6:45	7:00	7:28	7:45	8:05	8:30	8:47	9:12	

Table 4: Brunswick Line Eastbound Monday through Friday only

National Park.

The Eastern Panhandle Transit Authority (EPTA), known more popularly as "PanTran," operates bus routes (Map 12) in Martinsburg and in surrounding Berkeley and Jefferson counties. PanTran's Orange "Charles Town" route includes several



Map 12: Pan Tran Orange Route

service stops in or near the East Gateway corridor including the Hollywood Casino at Charles Town Races, Walmart (Patrick Henry Way) and the Harpers Ferry rail station. Bus service

headways vary by the service stop location but typically range from 2-3 hours with no available nightly service.

### *Travel Characteristics*

Understanding the current regional travel patterns is important in evaluating and addressing future transportation improvements in the corridor. The West Virginia Department of Highways (WVDOH) will be conducting future studies to identify operational issues and travel usage characteristics along the US 340 corridor, including an origin-destination survey. These studies and results will further improve the planning and evaluation process as they become available. Until then, other available data sources can be used to provide insights into regional travel patterns. The Longitudinal Employment Household Dynamics On-the-Map (LEHD-OTM) tool synthesizes the home to work commuting patterns for specified areas based on the Quarterly Census of Employment and Wages (QCEW) records. This data has some documented inaccuracies but can still serve as a valuable tool in understanding commuting patterns at levels lower than the county. Table 5 provides a summary of the LEHD-OTM data and illustrates that only a small share of work commuting includes both origins and destinations within the East Gateway Corridor. Future growth within the corridor may significantly alter these results as more jobs may become available for residents within the corridor.

#### **Worker Inflow/Outflow for the East Gateway Corridor**

<b>Category</b>	<b>Share (%)</b>
<b>INFLOW</b>	
<b>Employed in the Corridor but Living outside Corridor</b>	<b>95.8%</b>
<b>Employed and Living in the Corridor</b>	<b>4.2%</b>
<b>Total</b>	<b>100%</b>
<b>OUTFLOW</b>	
<b>Living in the Corridor but Employed outside Corridor</b>	<b>96.5%</b>
<b>Living and Employed in the Corridor</b>	<b>3.5%</b>
<b>Total</b>	<b>100%</b>

**Table 5: Worker Inflow/Outflow for East Gateway Corridor, Source: US Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2<sup>nd</sup> Quarter of 2009)**

In October 2002, the HEPMPO conducted a cordon survey at select border locations in the 3-county MPO area (Berkeley and Jefferson counties in West Virginia, and Washington County in Maryland). The survey was developed to support regional planning and the development of the MPO travel demand model. A video data collection and mail out survey was conducted at the Harpers Ferry Bridge to identify characteristics of travelers using US 340 during a sample weekday. For this location, 860 surveys were obtained and used to estimate vehicle occupancies, trip purposes, and the amount of trips “thru” the MPO (3-county) area. Figure 9 summarizes the survey results.

### HEPMPO US 340 Corridor Survey (October 2002)

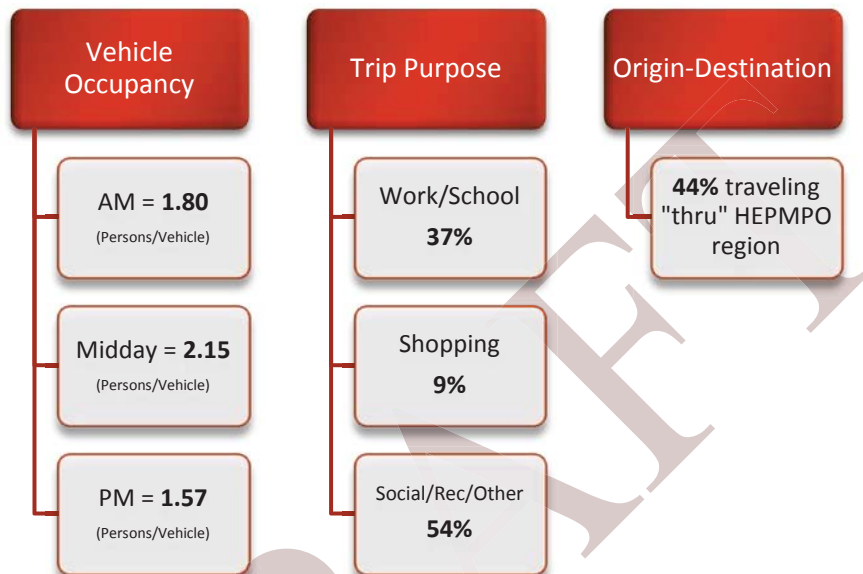


Figure 9: HEMPO US 340 Corridor Survey, Source: Chapter 3.3 from the Long-Range Multimodal Transportation Plan, HEMPO March 2005

The origin-destination information from the above survey does not provide sufficient detail to estimate the number of US 340 travelers driving “thru” the East Gateway Corridor. The information does indicate that nearly 45% of US 340 travelers at this location have both an origin and destination outside of Berkeley and Jefferson counties. Of these travelers most are traveling long distances to/from the southern end of US 340 and I-81 at the West Virginia/Virginia border. Based on these results, it may be inferred that a much greater percentage of travelers are simply traveling “thru” the East Gateway Corridor section of US 340. As expected, recreational and social trips are a high percentage at this location due to the various recreational opportunities and the Harpers Ferry National Park. In addition, work commuters are using US 340 on a daily basis, with the primary work destinations being outside the East Gateway Corridor.

As part of this study, public input was obtained using an interactive web site. The website included several questions to obtain travel characteristics of those who responded to the survey (approximately 160 responses obtained) including the location of residence/work and travel frequencies within the corridor. The results of these survey questions are summarized in Table 6. The majority of survey respondents regularly travel on US 340 and provided useful comments and corridor improvement recommendations that have been integrated within other sections of this plan document.

## Summary of East Gateway Study Survey Responses

Where do you live?	Which option best describes where you live?	Percent of Total Responses
	<i>Within the East Gateway Corridor</i>	30%
	<i>In Jefferson County</i>	58%
	<i>In West Virginia</i>	6%
	<i>Outside of West Virginia</i>	5%
Where do you work?	Which option best describes where you work?	Percent of Total Responses
	<i>Along the 340 East Gateway cor</i>	8%
	<i>In Jefferson County</i>	26%
	<i>In West Virginia</i>	7%
	<i>Outside of West Virginia</i>	59%
Travel frequency	How often do you travel within the East Gateway Corridor?	Percent of Total Responses
	<i>5 or more days / week</i>	60%
	<i>1 to 4 days / week</i>	26%
	<i>Less than once / week</i>	9%
	<i>Less than once / month</i>	4%
	<i>Never</i>	1%

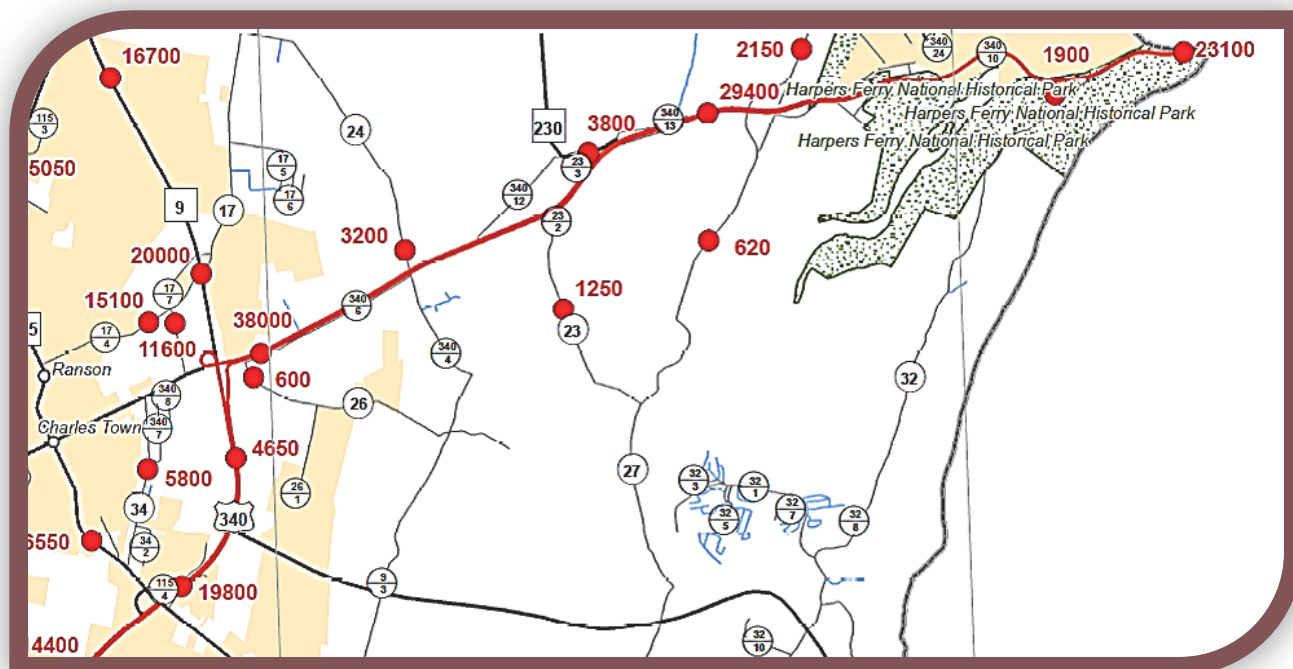
**Table 6: Summary of East Gateway Study Survey Responses, Based on input received from 2011 interactive MetroQuest-based study website**

### Current Traffic Conditions

As illustrated in Map 13, the East Gateway Corridor section of US 340 has the highest traffic volume as compared to any other roadway in Jefferson County. Just east of the interchange with WV 9, US 340 carries its highest traffic volume, approximately 38,000 average daily traffic (ADT). This section is influenced by a high level of commercial traffic (e.g. Walmart, strip malls, etc.) mixed with regional “thru” travel. On the eastern sections of the corridor, US 340 carries approximately 29,000 ADT and is influenced heavily by traffic at the National Park especially during peak seasonal periods. These high traffic volumes, mixed with at-grade signalized intersections and lane reductions west of the Harpers Ferry Bridge, cause congestion and queuing during peak hours both on weekdays and weekends. Traffic volumes on the north-south roadways within the corridor are much lower than on US 340 and are generally lower than 4,000 ADT.

As part of this study, intersection traffic counts for weekday peak periods were also collected for all key intersections on US 340. These counts were used for traffic analyses. This included WVDOH intersection counts and several consultant counts at select intersection locations. The highest US 340 PM peak period count is at the Patrick Henry Way intersection, where the hourly count is over 2,600 vehicles per hour (about 7% of the daily volume) with truck percentages less than 5% of the total traffic. At this same intersection during the AM peak period, US 340 hourly counts are about 1,500 vehicles per hour. An evaluation and analysis of traffic count data is discussed in later sections within this study.

## Existing Average Daily Traffic Volumes



Map 13: Existing Average Daily Traffic Volumes, Source: WVDOH, 2008 Average Daily Traffic Volumes from Portable Cnt. Machines, [www.transportation.wv.gov/highways/programplanning/preliminary\\_engineering/traffic\\_analysis/trafficvolume/dists\\_4\\_5\\_6/](http://www.transportation.wv.gov/highways/programplanning/preliminary_engineering/traffic_analysis/trafficvolume/dists_4_5_6/)

TomTom GPS speed data (2008-2011) was obtained for US 340 from Charles Town to the state border as an alternative to conducting travel time runs. The speed data was used to assess current congestion and served as a primary data source for the calibration of traffic analysis tools. The nearly 25,000 observations obtained from TomTom allowed for the assessment of travel speed variations across the corridor by season, day and time period. In addition, the level of detail of the data allowed for the evaluation of typical traffic queue lengths at individual intersections.

Figure 10 illustrates the variances of the average corridor speed on US 340 by season and time period. For the eastbound direction, the highest travel times (lowest speeds) typically occur during the summer weekends between 4-7 PM. This includes extensive traffic queuing from the Harpers Ferry Bridge back to as far as the Millville/Bakerton intersection. During weekdays, worst case conditions typically occur during the Fall PM Peak period. The TomTom data did not indicate substantial queuing during this period as averaged over the 2008-2011 years. However, public comments indicated that significant traffic queues often do occur on the weekday and may extend back to the W. Washington Street intersection.

For the US 340 westbound direction, the highest travel times within the corridor occurred during midday hours on summer weekends. The travel times are significantly better than the eastbound direction since much of the traffic queues occur outside of the corridor. Typical traffic queues on the weekend can extend back to the interchange with MD 67 in Frederick County, Maryland. Similar conditions occur during peak weekday conditions in the Fall PM Peak periods. For those time periods traffic queues have also typically extended east of the MD67 interchange.

### Summary of US 340 Traffic Speeds by Season and Time Period

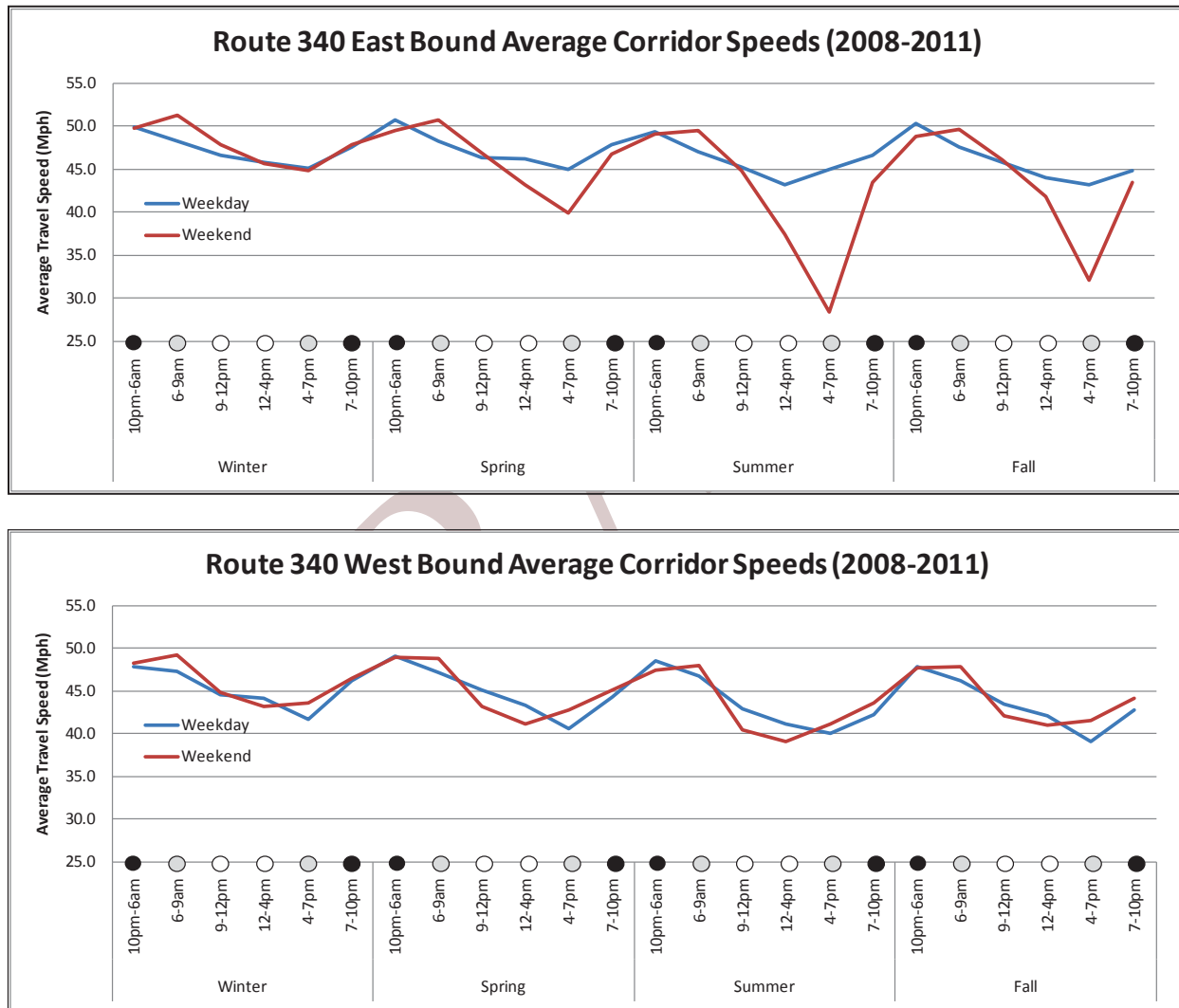


Figure 10: Summary of US 340 Traffic Speeds by Season and Time Period, Based on TomTom Traffic Stats Custom Travel Times (2008-2011 average conditions)

## Assessing Current Conditions

An evaluation of the current transportation system is an important first step in identifying potential transportation needs and projects. This section has reviewed the transportation network, typical travel patterns, travel demand, and typical travel congestion in the corridor. The following sections of this study will evaluate these current conditions with future forecasts of demand and congestion based on the land use vision for the corridor. Those assessments will lead to an evaluation of transportation needs and priorities within the US 340 Corridor East Corridor.

### Overview

This section discusses key operational issues and needs as related to the transportation system within the US 340 Corridor East Gateway. The transportation needs have been identified based on input from key stakeholders, public involvement meetings, interactive website responses, and technical traffic analyses. Issues are addressed for both current and future conditions based on the corridor land use vision. The traffic analyses have been conducted using existing traffic count data, assumptions on regional demographic growth, forecasts from the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) regional travel demand model, and other traffic analysis and simulation tools. Future efforts to be conducted by the WVDOH will supplement the analyses and recommendations provided in this report. Such efforts include a tri-state (West Virginia, Maryland, Virginia) US 340 operational study that will focus on operational needs along the entire stretch of US 340 including the 2-lane portion between the bridge crossings. This will include evaluating and addressing capacity restraints at the bridge crossings and at-grade intersections with Chestnut Hill Road and Virginia State Route 671. Discussion of improvements to the 2 lane section is in the preliminary stages. A resolution to this situation is not expected in the near future.

Prioritizing transportation needs ultimately depends on weighing factors that include the importance of addressing current and future congestion, providing access to regional employment and commercial sites for residents within the corridor, safety issues, meeting the capacity needs of special events and peak seasonal traffic, reducing vehicle trips within the region, and preserving the character of the corridor. In this section, transportation needs for the East Gateway corridor have been prioritized into the levels as illustrated in Table 7. These general priority levels may also be used to assist in evaluating the priority and timing of potential regional transportation projects as identified in the recommendations section of this report.

### Priority Levels for Transportation Needs

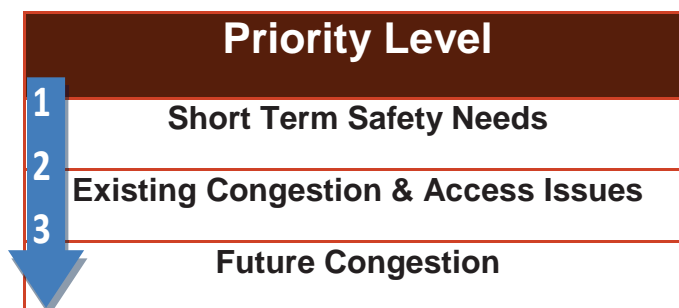


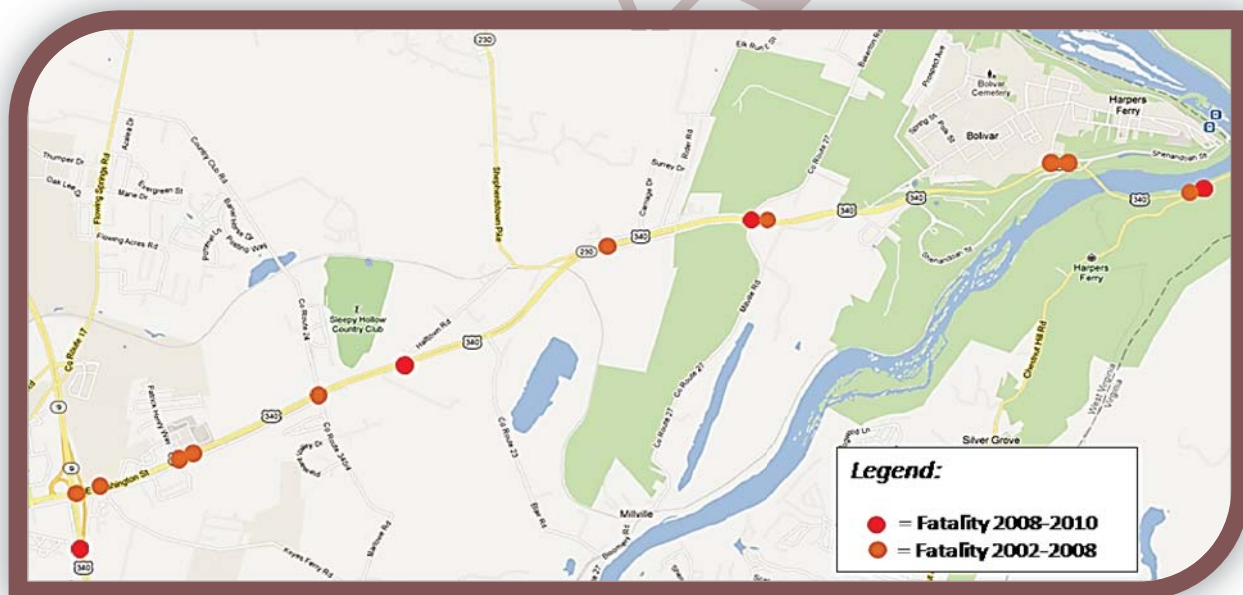
Table 7: Priority Levels for Transportation Needs

## Transportation Safety

Increasing the safety of the transportation system for motorized and non-motorized users is one of the eight planning factors required for metropolitan transportation planning, and is a component of the regional HEMPO Long Range Transportation Plan (LRTP). The rate and type of vehicle traffic incidents are important transportation system performance measures that are directly affected by the design and construction of the transportation system. Vehicle crashes represent a major source of congestion, are a major health concern, and result in significant costs to society.

As a condition for obligating federal Highway Safety Improvement Program (HSIP) funds, states are required to prepare an annual report to FHWA that describes public road locations exhibiting the most severe safety needs (top 5 percent). In 2007, WVDOH listed US 340 as a high priority need noting safety concerns due to excessive speeds, aggressive driving and at-grade intersections. In addition, the US 340 intersection with Chestnut Hill Road (outside the East Gateway study area) was also noted as a significant safety concern. These roadway sections were each highlighted as safety priority sections within the HEPMPO LRTP, *Direction 2035*. Map 14 illustrates a summary of fatality information from the National Highway Traffic Safety Administration (NHTSA) within the East Gateway Corridor. The fatalities have primarily occurred at or near intersections along the corridor. Recent fatalities (since 2008) have occurred at US 340 intersections with Halltown, Millville, and Chestnut Hill roads.

### Fatalities within the US 340 Corridor East Gateway



Map 14 : Fatalities Within the US 340 Corridor East Gateway, Source: Google Maps; Accident data from NHTSA Fatality Analysis Reporting System (FARS), [www-nrd.nhtsa.dot.gov/departments/nrd30/ncsa/stsi/54\\_WV/2010/West%20Virginia\\_Map\\_11\\_GIS\\_DATA\\_200HTM](http://www-nrd.nhtsa.dot.gov/departments/nrd30/ncsa/stsi/54_WV/2010/West%20Virginia_Map_11_GIS_DATA_200HTM); [www://map.itoworld.com/road-casualties-usa](http://www://map.itoworld.com/road-casualties-usa)

As part of this land use vision study and associated public input, the study team has worked to identify specific safety concerns that may need to be addressed with short-term solutions until larger capacity enhancement projects can be planned, designed and completed. Supporting technical analyses have been developed using accepted traffic tools (e.g. Highway Capacity Software, SYNCHRO) and current traffic volume turning movements to assess intersection and approach level-of-services (LOS) during peak periods. LOS is a measure used by traffic engineers to determine the effectiveness of elements of transportation infrastructure. At intersections, LOS equates to acceptable vehicle delays corresponding with safe driving conditions. LOS is measured on a qualitative scale from A (best) to F (worst). Based on an assessment of current conditions, several key areas of concern have been identified:

- ***US 340 Westbound Approaching Patrick Henry Way Intersection*** – According to observations and technical analyses, the intersection of US 340 and Patrick Henry Way is the most congested intersection in the study area due to commercial areas in the vicinity of the intersection. US 340 westbound traffic queues typically extend from WV 9 back to east of the intersection. Although, the speed limit is reduced on US 340 westbound to 45mph (just west of Country Club Road), aggressive driving in combination with the roadway down-slope create dangerous conditions approaching vehicle traffic queues. Local residents have stressed the need for better speed control in the area or possible flashing signs warning of the approaching intersection.
  
- ***Un-signalized Intersection Approaches to US 340*** - With high traffic volumes and speeds (60mph speed limit) on mainline portions of US 340, most of the un-signalized intersections create potential safety concerns during peak periods. Although the side road approaches to these intersections do not have significantly high traffic volumes, there is often limited traffic “gaps” needed to make left-turns, which require crossing two lanes of US 340 and merging with on-coming vehicles. Additional concerns also exist for vehicles turning right out of these intersections due to the speed of approaching vehicles and some locations of limited sight distance. The un-signalized approaches of concern include those in Table 8 .

### Un-Signalized Intersection Approaches of Concern

US 340 Intersection Approach	PM Peak Approach LOS	Primary Concerns
Halltown Road	F	Left turns
Blair Road	E	Left turns
Frontage Road (East of US 340 / US 230 Intersection)	F	Left turns
ShIPLEY School Road* (Left turns currently prohibited)	----	Right turns due to high speeds of oncoming traffic; school buses
Bakerton / Millville Roads	E/C	Left turns Millville has increased turning movements during summer weekends
Access to Quality Inn*	----	Left turns
Union Street	F	Left turns, no merge lane for right turns up hill
Shenandoah Street	D	Left turns

**Table 8: Un-Signalized Intersection Approaches of Concern, noted intersections were not specifically analyzed due to limited data**

The above safety concerns currently exist during peak periods of travel. The technical analyses were conducted for a typical weekday PM peak period but some intersections (e.g. Millville northbound approach to US 340) encounter greater turning movements during the summer peak season due to the recreational opportunities in the region.

## Existing Traffic Congestion

Traffic congestion is a key concern for residents within the region and those traveling US 340 for other purposes. As described in the existing conditions section, significant traffic queuing occurs during the PM peak periods and during summer season weekends. The congestion during these time periods can be significant. Map 15 illustrates the average 2008-2011 queue lengths that have been estimated from TomTom GPS travel time data. Based on an assessment of current conditions, several key areas of concern have been identified:

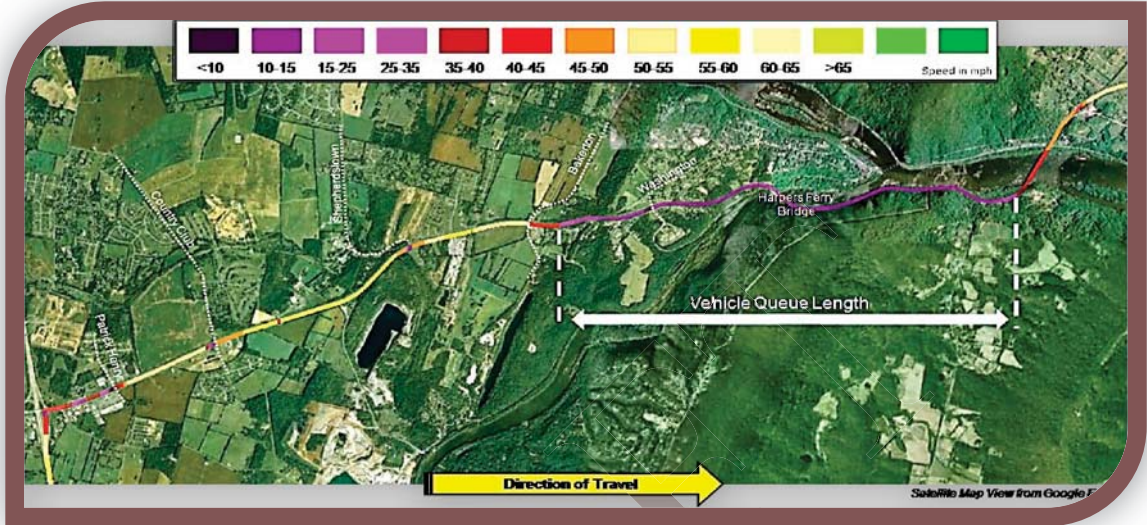
- **US 340 River Crossings** - A primary bottleneck affecting traffic operations in the East Gateway corridor are the bridge crossings over the Shenandoah and Potomac rivers. The bridges and the stretch of US 340 between them consist of two lanes of travel (1-lane per direction). The remaining sections of US 340 both in Maryland and West Virginia operate as a four lane facility. Within this section of roadway (outside of the East Gateway study area), several intersections also affect US 340 operations: Chestnut Hill Road (in West Virginia) and State Route 671 (in Virginia).



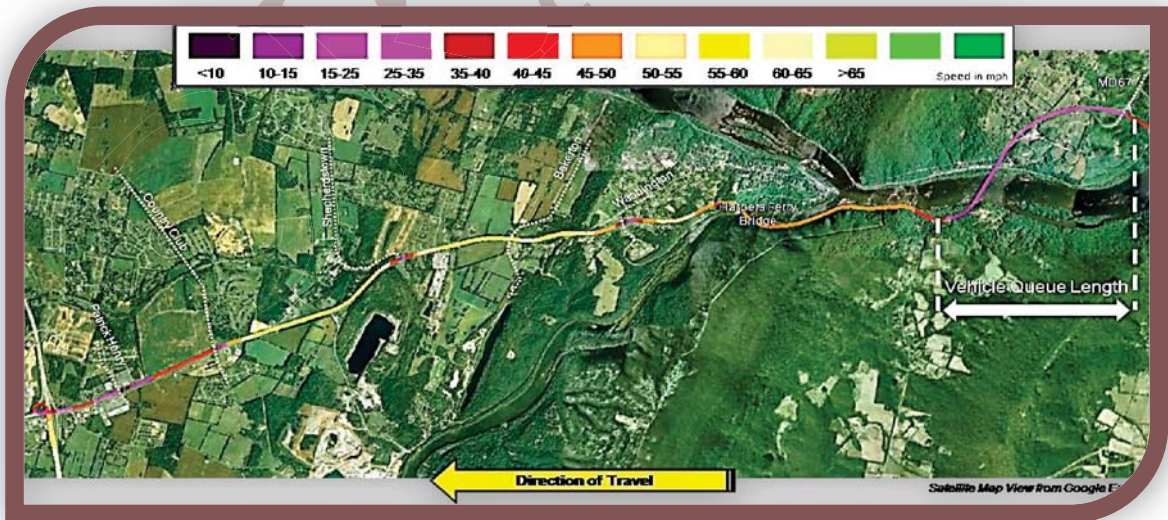
Source: Bill Cannon

# Peak Congested Speeds and Traffic Queuing on US 340

## US 340 Eastbound Summer Weekend (4-7pm)



## US 340 Westbound Fall Weekday (4-7pm)



Map 15: Peak Congested Speeds and Traffic Queuing on US 340

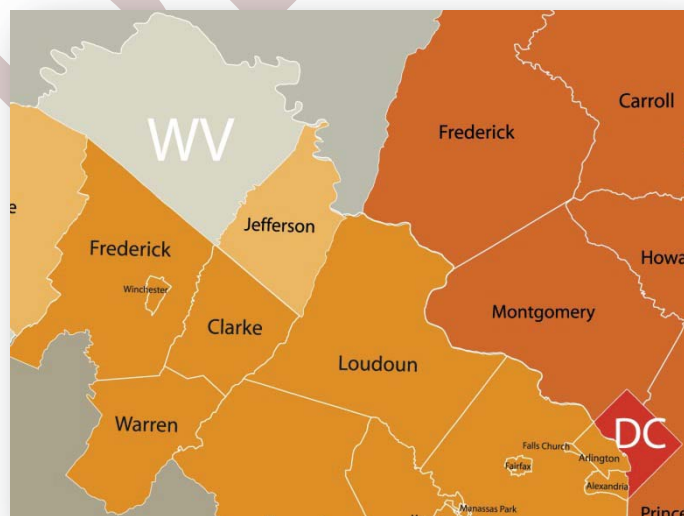


- **US 340 between WV 9 Interchange and Patrick Henry Way** –Patrick Henry Way is currently the most congested intersection within the corridor. During peak period traffic queues can extend from this intersection west to the WV 9 off/on-ramp signals in both directions. Both Patrick Henry Way and the intersection at Jefferson Terrace are used to access commercial and shopping destinations including Walmart. The commercial traffic when combined with regional “thru” travel on US 340 can create delays within the section.
- **Alternative Parallel Roadways and Access to Commercial Areas** – The current transportation system in the East Gateway corridor provides limited alternatives to US 340. Access to existing commercial areas require utilizing the western portions of US 340 during congested time periods. Although, portions of US 340 have frontage roads, an integrated system of roads does not exist that would allow residents to travel east-west through the corridor without accessing US 340. An integrated frontage road system would also provide options for eliminating left turns at un-signalized approaches within the corridor.

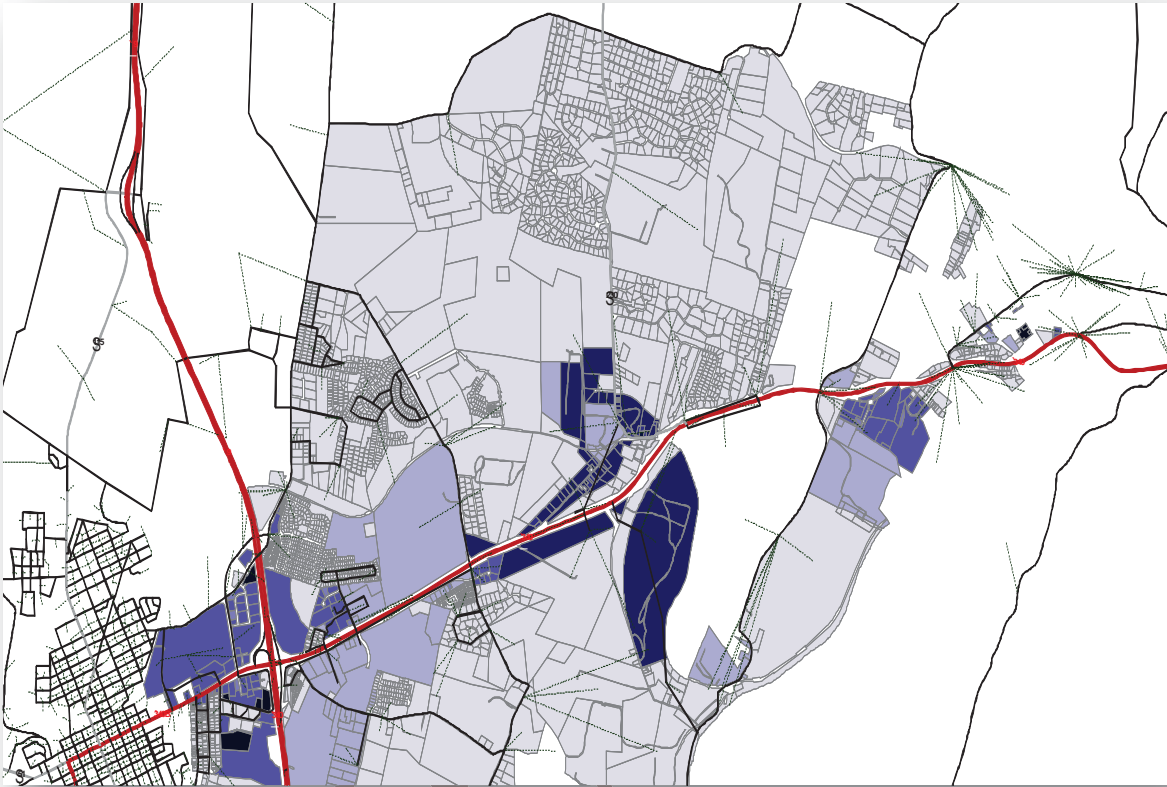
### *Future Traffic Congestion*

Estimating future congestion is a difficult exercise considering the unknowns related to the type and timing of future development. A modeling exercise has been conducted to evaluate the ability of existing intersections in the study area to handle potential traffic growth if significant development were to occur.

Based on the land use vision for the corridor, land use types were translated to future demographics (e.g. population and employment) and input to the HEPMPO regional travel demand model (as illustrated in Map 16 ). Analyses were conducted for a 2035 horizon year assuming a 60% build-out of the land use areas. The travel model estimates vehicle trips based on the forecasted land use and assigns them to the highway network. The future scenario also includes growth outside the East Gateway corridor and a continued growth in regional “external” traffic from/to Maryland and Virginia.



## HEMPO Regional Travel Demand Model



Map 16: HEMPO Regional Travel Demand Model

### Zonal Employment Density

Low

High

The growth in traffic volumes forecast from the travel demand model were used to grow existing turning movement traffic counts for each intersection along US 340. These forecasted intersection counts were analyzed using available analysis tools (Highway Capacity Software, SYNCHRO, and SIMTRAFIC) to identify key LOS and operational criteria for the PM peak period. Table 9 summarizes the results of the analyses. As discussed for existing conditions, LOS is measured on a qualitative scale from A (best) to F (worst).

## Analysis Results of Future Traffic Growth Scenario

### Intersection Capacity Analysis – Future No-Build PM Peak (2035)

ID	INTERSECTION with US 340	Sig/ Unsig	Approach LOS				Intersection	
			EB	WB	NB	SB	LOS*	Delay**
1	Shenandoah St		C	-	-	F	F	2.6
2	Union Street		C	-	-	F	F	15.9
3	W. Washington St / Shoreline Dr		F	A	E	E	E	57.9
4	Bakerton Rd / Millville Rd		C	B	F	F	D	-
5	Co Rt 340/13 / Shipley School Rd		C	B	F	F	F	-
6	Shepherdstown Pike / S. Frontage		B	C	D	E	C	21.4
7	Blair Rd		-	B	F	-	D	1144.3
8	Halltown Rd / Rion Hall Farm		D	D	F	F	F	-
9	Old Country Club / Marlow Rd		F	F	F	E	F	138.5
10	Patrick Henry Way		F	F	F	F	F	221.2
11	Jefferson Terrace Rd		B	C	F	C	E	78
12	Ramps to/from NB WV9		E	A	F	-	D	48.2
13	Ramps to/from SB WV9		F	C	-	F	F	111.7
14	Flowing Springs Rd & E. Wash.St		B	A	D	D	B	18.6

\* Signalized Intersection LOS = HCM; Unsignalized Intersection LOS = ICU (Synchro)

\*\* Average delay in seconds per vehicle averaged over all approaches

### Simulation Travel Speeds – Future No-Build Peak (2035)

ID	INTERSECTION with US 340	Sig/ Unsig	Simulation Travel Time (sec)			
			Eastbound		Westbound	
			AM	PM	AM	PM
1	Shenandoah St		40	32	46	28
2	Union Street		40	28	41	31
3	W. Washington St / Shoreline Dr		43	25	24	24
4	Bakerton Rd / Millville Rd		55	51	56	57
5	Co Rt 340/13 / Shipley School Rd		53	59	51	52
6	Shepherdstown Pike / S. Frontage		29	34	22	28
7	Blair Rd		53	57	57	52
8	Halltown Rd / Rion Hall Farm		48	53	52	51
9	Old Country Club / Marlow Rd		8	34	10	12
10	Patrick Henry Way		16	17	28	18
11	Jefferson Terrace Rd		16	4	31	23
12	Ramps to/from NB WV9		26	5	30	34
13	Ramps to/from SB WV9		17	7	17	20
14	Flowing Springs Rd & E. Wash.St		24	10	21	26

Table 9: Analysis Results of Future Traffic Growth Scenario

The analysis of future year conditions indicates several key issues that should be considered in planning for future longer term transportation improvements within the corridor:

- **Increase in North-South Vehicle Trips** – Continued growth in residential developments will significantly increase traffic on many of the corridor’s north-south roadways. Un-signalized intersections, which are already considered a safety concern during peak periods, will not have the capacity to handle the future demand, resulting in significant delays. The timing and location of future development will determine which intersections will be of the most concern over the next 10 years. Identified commercial development south of US 340, including that at the Old Standard Quarry, could dramatically increase the traffic at the Millville and Blair Road intersections, which currently have very low traffic volumes. Signalized intersections will also be impacted by future growth. The intersection at Old Country Club Road may see future traffic growth that may alter signal timings creating less capacity on the US 340 mainline.
- **More Turning Vehicles on US 340** – Increased development within the East Gateway Corridor will create more turning vehicles for those traveling on US 340. This, in turn, will require signal timing changes that will degrade mainline “thru” operations. During peak periods, additional capacity or alternative parallel roadway facilities (e.g. frontage roads) may be needed to provide access to commercial areas along US 340.

*Other Transportation Modal Needs*

Addressing the transportation needs related to future land use growth should consider other modal options including transit, walking and biking. The potential benefits of transportation options within the East Gateway corridor are summarized in Table 10 .

<b>Benefits of Transportation Options</b>	
<b>Benefit</b>	<b>Description</b>
<b>Traffic Congestion Reduction</b>	Helps reduce traffic congestion, facility costs, and environmental impacts.
<b>Consumer Benefits</b>	Provides consumers with choices to choose the most efficient option for each trip.
<b>Equity</b>	Allows transportation options for people who are physically, economically or socially disadvantaged.
<b>Livability</b>	Helps communities become more “livable”, resulting in increased property values and commercial activity.
<b>Security and Resilience</b>	Results in a more diverse and flexible transportation system that can accommodate variable and unpredictable conditions.

**Table 10: Benefits of Transportation Options, Source: Victoria Transport Policy Institute (TDM Encyclopedia)**

PanTran is the public transportation service of the Eastern Panhandle Transit Authority serving Berkeley and Jefferson counties. PanTran operates two different bus services – flex-route service and demand-response service. PanTran’s Orange “Charles Town” route includes several service stops in or near the East Gateway corridor including the Hollywood Casino at Charles Town Races, Wal-Mart (Patrick Henry Way) and the Harpers Ferry rail station. Bus service headways vary by the service stop location but typically range from 2-3 hours with no available nightly service.

The HEPMPO LRTP, *Direction 2035* includes a transit component that has identified key regional transit needs for PanTran. For the LRTP, various transit demand estimation techniques were used to determine overall existing and future transit needs. Additional needs have been identified through stakeholder and public input. Key issues that relate to the East Gateway Corridor include the following:

- **No Demand-Response Service** – The East Gateway Corridor is not currently covered by Pan Tran’s demand response service. The primary service coverage only includes areas in Berkeley County.
- **Limited Fixed-Route Service to Activity Centers** – PanTran’s Orange Route has a long route length since it is functioning both as a regional service and local route. Key issues include headways greater than 45 minutes (considered ideal), limited weekend service, running delays, and limited stops at major employment and shopping centers.
- **Limited Fixed-Route Service to Regional Rail and Commuter Bus Service** – The PanTran Orange route does provide service to Harpers Ferry Station, though additional service runs and reduced headways would allow for more connections with MARC and AMTRAK service schedules. There is currently no PanTran service that provides connections to other bus services in Maryland and Virginia.
- **Additional MARC Service and Possible Station Relocation** – Future residential and commercial development in the corridor will increase demand for additional MARC service from Martinsburg to Washington, D.C. This may include expansion of midday service schedules. The relocation of the existing Duffields train station has been included in long range planning efforts for the City of Ranson to improve regional access and promote transit-oriented development.

In addition to transit, bike and pedestrian trails/paths have been identified as an important need within the East Gateway Corridor. Although covered under separate sections in this report, they potentially serve as an alternative transportation option that can reduce vehicle trips within the region, especially in combination with compact and mixed-use development. Specific needs related to this mode include:

- **Integrated Bike/Pedestrian Trail System from Charles Town to Harpers Ferry** – An integrated east-west bike and pedestrian trail has been indicated as a primary need within the corridor. The trail would serve recreational purposes but also provide access to Harpers Ferry, key commercial areas along US 340, and the casino/racetrack. Spur trails/paths with linkages to key residential areas may be useful in reducing peak hour vehicle trips, improving air quality and promoting a healthy lifestyle.
- **Bike and Pedestrian Access to Transit Stations and Stops** - In city after city, transit agencies are rediscovering that good bicycle and pedestrian access is a critical component of the success of the transit system. Walking is the most environmentally friendly and low–

cost way to get people to and from public transportation. When given sidewalks, “traffic-calmed” streets to walk along, safe and convenient ways to cross streets, and a comfortable and attractive environment, most people are willing to walk farther to reach public transportation.

DRAFT

## 4.0 Goals and Objectives

A key element of any land use planning document is the development of a statement of realistic goals and objectives which lay the groundwork for the implementation strategies of the vision. For the purposes of the US 340 US 340 Corridor East Gateway Plan, these goals and objectives are focused on the seven topical areas, six of which were discussed at each of the five public meetings held in 2011-12 regarding this plan. The seventh category was created due to public comments related to Natural and Environmental Resources that were not adequately addressed in other categories. The topic categories are: Land Use, Transportation, Parks / Trails / Greenways, Environmental and Natural Resources, Community Services / Infrastructure, Economic Opportunities, and Historic Resources.

It should be noted that a land use plan such as this generally covers a twenty year planning horizon and as a result, the goals are intended to reach beyond current physical, political and institutional constraints. The process of developing goals commenced with examining existing conditions related to each of the categories listed above and the analysis of issues and opportunities within the corridor. Input from the five public meetings and periodic meetings with the TAC and CAC also influenced the refinement of these goals and objectives.

Note: Present constraints such as existing right-of-ways, funding, and agency/department policy were considered but were not the overriding factors when developing the goals and objectives.

### 4.1 Community Services and Infrastructure

#### Goal:

Preserve community service/infrastructure capacity by coordinating future land use and development approvals with the locations of existing community services, including, but limited to, water and sanitary sewer service, schools, libraries, parks, emergency services, broadband and cell service.

#### Objective: Enhance Emergency Services

##### Strategies:

- Enhance existing firefighting capacity by providing permanent, full time fire services
- Ensure availability and adequacy of fire hydrants
  - Provide hydrants in underserved areas, using dry hydrants at ponds and streams or other means
  - Improve hydrant water pressure
  - Ensure that standards and testing of hydrants are adequate
- Consider County funding of Harpers Ferry police for provision of first-responder services for accidents on 340 between the bridges
- Develop a long-range funding plan for area Fire and EMS services

**Objective: Utilize and Enhance Existing Water / Sewer Service**

Strategies:

- Enhance existing water and sewer service
  - Protect private well and septic systems
  - Ensure availability and affordability of adequate water and sewer capacity prior to approval of new development
  - Upgrade Harpers Ferry water system
- Develop future water and sewer infrastructure
  - Expand availability of water and sewer services in the US 340 corridor
  - Promote public ownership of water and sewer services
- Improve quality and safety of area water
  - Area water providers should ensure safety of water
  - Develop a countywide comprehensive clean water plan
  - Improve water treatment
  - Limit the amount of new development served by septic systems

**Objective: Enhance Area Schools and Libraries**

Strategies:

- Work with the Jefferson County Board of Education to ensure that area schools are adequately funded
- Develop safe routes for children to walk and bike to school
- Encourage programs promoting environmental awareness, school gardens and beautification projects (similar to Page Jackson school model – available for public use during non-school times)
- Improve school organization, communication with the local community, and site planning
- Improve public library access/technical access for those persons without internet access
- Promote use of libraries as community centers

**Objective: Promote Expanded Health Services**

Strategies:

- Increase availability of mental health services
- Expand WVU Health & Wellness Association with Jefferson Hospital toward Route 340
- Promote quality of local medical and dental care

**Objective: Improve Wireless Service in the 340 Corridor**

Strategies:

- Work with service providers to improve service between bridges, in Harpers Ferry, and in Halltown area
- Work with service providers to improve broadband capacity throughout corridor
- Work with community stakeholders to identify facility designs compatible with the historic and rural character of the corridor

## **4.2 Economic Opportunities**

**Goal:**

Encourage and promote business creation and retention within the County's urban growth areas and at key intersections identified on the Future Land Use Map where utilities and appropriate access are in place or planned for.

**Objective: Promote Economic Development along the US 340 Corridor**

Strategies:

- Improve appearance of corridor (design of development, litter, wayfinding signage)
- Address traffic congestion (especially on weekends)
- Review the adequacy of current impact fee structure
- Create parking for recreational/tourism sites as well as for commuters
- Retain scenic beauty, historic resources and farming to promote natural and heritage tourism opportunities
- Weekend train between Harpers Ferry and DC and between Harpers Ferry and Charles Town
- Promote additional tourism and entertainment opportunities
- Encourage Harpers Ferry restaurants to stay open later in the evenings

**Objectives: Promote Business Development and Retention**

Strategies:

- Promote the development of a wide variety of types of businesses, including but not limited to:  
Small businesses, "Green" jobs, tourism / entertainment, high tech / data centers, white collar (professional, IT, clerical), medical office, agri-business and agri-tourism, and retreat/training/convention center
- Retain existing businesses
- Promote the creation of businesses that support Appalachian Trail, C&O Canal, and bike path users

- Achieve a balance of retail, federal, industrial and historical/tourism job opportunities
- Enhance educational opportunities and workforce development
- Identify incentives to encourage employment opportunities in historic facilities, and review the efforts of other communities in achieving this objective

### 4.3 Environmental and Natural Resources

#### Goal:

Protect environmentally sensitive areas such as ecological corridors, agricultural lands, wetlands, streams, inland lakes, steep slopes, and groundwater recharge areas from impacts of incompatible development.

#### Objective: **Preserve Sensitive Natural Resources from the Negative Impacts of Development**

#### Strategies:

- Preserve natural features, such as scenic beauty, rural viewsheds, significant tree stands, green infrastructure, the Shenandoah River and other water resources.
- Recognize the importance of trees in the suburban environment by encouraging the retention of existing native trees and the establishment of street and shade trees in residential neighborhoods and commercial developments (land use regulations amendments may be required).
- Incorporate Chesapeake Bay Watershed standards into development requirements
- Protect Karst geology
- Require vegetative buffers along US 340 in key areas to promote a parkway-like character along the corridor
- Protect the Elks Run Watershed, water source for Harpers Ferry and Bolivar
- Guide new development in a manner that conserves natural features and environmentally sensitive areas and meets the long term needs of the community.
- Encourage the integration of wetlands, woodlands and meadows into site development as aesthetics and functional features.
- Encourage the retention of agricultural lands, forest lands and ecological corridors through available mechanisms such as open space and farmland conservation easements, as well as zoning incentives.
- Encourage the use of native plant species and naturalized landscape designs, where appropriate, to enhance the communities' existing character.
- Preserve topography such as slopes, valleys and hills by limiting the amount of cut and fill during site development.

**Objective: Preserve and improve the scenic quality along the corridor including rural/agricultural and scenic/natural areas.**

Strategies:

- Amend local land use regulations to address plan recommendations such as setbacks, signs, billboards, parking lots, screening, greenbelts, landscaping, lighting, deteriorating structures and dangerous buildings.
- Enforce regulations related to size and location of signs and billboards to minimize clutter, confusion, aesthetic degradation, and limit traffic hazards.
- Implement open space residential and commercial development design standards to preserve scenic views, rural character, farmland, meadows, woodlands, steep slopes and wetlands with a target of preserving characteristics within a development.
- Develop a species list of acceptable street trees to be planted on both public and private properties when development and redevelopment occurs.

#### **4.4 Historic Resources and Viewshed**

**Goal:**

Protect historic properties, buildings and sites from impacts of incompatible development.

**Objective: Protect Historic Structures/Resources**

Strategies:

- Identify existing historic resources within the US 340 Corridor
- Assist local, state and federal entities in their efforts to retain historic resources within the context of their original setting
- Educate land owners about the benefits of historic properties and the process for seeking listing on the National Register of Historic Places
- Educate and assist landowners with structures on the National Register of Historic Places regarding available funding mechanisms for the restoration and/or maintenance of historic resources
- Update current Zoning Ordinance requirements regarding development adjacent to historic resources
- Consider establishing a review process for demolition permits for historic structures
- Encourage rehabilitation and redevelopment of historic resources
- Create standards that require preservation of historic structures if land is developed

**Objective: Enhance Cultural/Heritage Activities**

Strategies:

- Promote heritage and recreational tourism near Harpers Ferry, including sites such as such as the location of the Battle of Harpers Ferry
- Coordinate with "Journey through Hallowed Ground" on tree planting along Corridor (part of National program)
- Explore opportunities for additional cultural events, including music- and food-related festivals
- Establish pedestrian trails to connect historic resources such as those sites along the Washington Heritage Trail

**Objective: Protect the Rural and Historic Viewshed/Landscape**

Strategies:

- Identify existing historic and rural landscapes, vistas and viewsheds in the Corridor and develop regulations to retain the same
- Prohibit neon, blinking signs or electronic message signs that are not static for a certain period of time
- Install landscaping buffers adjacent to existing development
- Establish standards to prevent light pollution
- Promote a variety of land uses to discourage duplication of services such as gas stations and small shopping centers

**Objectives: Create Gateway/Entrance**

Strategies:

- Encourage appropriate rural/historic design for new or redeveloped public buildings in the corridor
- Install historic signage at appropriate locations along the US 340 Corridor, such as the location of the Visitors Center
- Minimize development along the US 340 frontage in the vicinity of the battlefield, to preserve a prominent gateway feature for the entry into West Virginia
- Improve US 340 Corridor aesthetics by creating a continuous green gateway landscaped with native species providing all-season color, developed in cooperation with community groups, governments, schools, religious organizations, etc.

## 4.5 Land Use and Zoning

### Goal:

Preserve, protect and enhance the character of the corridor, property values and the economic viability along the corridors by managing for growth and development.

### Objective: Retain Open Space and Land in Agricultural Use

#### Strategies:

- Promote development that adequately balances the protection of key historic, agricultural and natural features with high-quality development
- Establish a Transfer of Development Rights program
- Work with National Park Service and residents to prioritize areas for land acquisition
- Identify mechanisms to allow for productive and profitable agri-businesses and agri-tourism.

### Objective: Encourage Development within Existing Urbanized Areas and at Specific Commercial Nodes

#### Strategies:

- Provide development incentives for properties within the UGBs
- Develop new zoning categories in order to implement areas identified for mixed-use development at major intersections or along arterial roads within UGBs
- Identify areas for low- to high-density residential development within UGBs
- Establish design standards for new development (layout, facades, signage, lighting) that reflect a town center character to create a sense of place
- Use design standards to reduce typical strip commercial development image that lacks a sense of place
- Develop ordinance amendments that will enable mixed use developments to result in dense walkable communities based on New Urbanist/Smart Growth design principles

### Objective: Permit Mixed-Use Development in Targeted Areas

#### Strategies:

- Develop a new mixed use zoning district that promotes quality mixed employment development (light industrial, wholesale, retail, office) with design standards
- Amend the current mixed use zoning district to eliminate industrial uses and to create a true mixture of uses based on New Urbanist/Smart Growth principles
- Allow properties to rezone to mixed-use development at key intersection
- Encourage mixed-use zoning for properties within the Urban Growth Boundaries
- Require commercial development to be blended within a mixed use context to achieve a balance between retail and residential uses
- Plan for a limited section of the Old Standard Quarry property to develop as a mixed use development

**Objective: Encourage Appropriate Development Opportunities in Rural Areas**

Strategies:

- Promote cluster development to preserve open space
- Identify additional agriculture-related land uses appropriate for the Rural District
- Allow flexible standards (such as gravel driveways and Low Impact Stormwater Design) for Rural land uses
- Promote heritage and recreational tourism and agritourism
- Establish design standards for any new development in the Rural District (layout, facades, signage, lighting) that replicates the architectural and contextual features found in rural settings
- Provide design elements that allow for view of mountains to not be blocked
- Protect the quality of life elements that are important to Jefferson County residents and visitors
- Establish standards to provide efforts to minimize blight control, deteriorating structures, and dangerous buildings

**Objective: Improve Planning Coordination with Other Agencies**

Strategies:

- Increase awareness of the historic and rural character of the US 340 Corridor in all planning phases (i.e. Comprehensive Plan, etc.)
- Collaborate with Federal agencies located in the County regarding “greening” of Jefferson County & energy use reduction
- Develop a consistent approach to development and signage specifications in this corridor (i.e. water treatment facility next to historic property)
- Explore options for applicability of local codes to Old Standard Quarry property
- Ensure coordination between appropriate agencies for the creation of a true Gateway transition
- Refer all proposed developments within designated UGBs or adjacent to incorporated areas to the municipality for comment and coordination of development
- Coordinate with the West Virginia Division of Highways to establish a master plan for the approval of new entrances onto US 340 and intersecting state roads
- Coordinate with local utility providers to establish standards for approval of water line and sewer line extensions
- Plan for urban level of service for police, fire, and school resources within the UGBs

## 4.6 Parks, Trails and Greenways

### Goal:

Preserve, protect and enhance the park facilities and trails within the US 340 corridor, and enhance parkway-like characteristics to provide a more enjoyable traveling experience.

### Objective: Improve Existing Trail Network

#### Strategies:

- Provide trail connectivity for health, exercise, recreation, ecotourism and access purposes in areas such as, but not limited to:
  - Between Harpers Ferry and Charles Town
  - Between Harpers Ferry and WV 9 trail
  - Across US 340 from Bolivar to HFNPS resources such as Murphy Farm
  - Between rivers along Millville/Bakerton Roads
  - Linking parks, athletic fields and neighborhoods
  - Develop Greenways on the Blue Ridge that connect with the valley, and along the Shenandoah and Potomac Rivers
- Provide new connecting trails with all new development
- Provide trailhead parking
- Consider developing trails on “paper streets” (platted, unbuilt rights-of-way) in incorporated areas
- Provide Shenandoah River access at southern end of Old Standard Quarry property for recreational opportunities
- Upgrade bridge and C&O Canal / Harpers Ferry for easier bike portage to C&O Canal towpath.

### Objective: Beautify the US 340 East Corridor

#### Strategies:

- Retain existing landscaping and create additional landscape design along 340 to create a continuous “parkway” aesthetic
- Plant low maintenance native plant species along the US 340 corridor
- Plant trees along the corridor, such as a variety of flowering trees that change color at different times of the season to provide for continuous color change.
- Protect historic views
- Improve appearance of corridor by creating standards for the design of new development and signage and by reducing extraneous signage

**Objective: Develop Additional Parks and Enhance Existing Parks**

Strategies:

- Create new parks to serve a variety of users (such as passive recreation, sports, and dog parks)
- Improve access to rivers for fishing and recreation
- Restore recreational activities to lower Harpers Ferry (including picnics, swimming, fishing)
- Provide additional park/recreation resources on the Blue Ridge Mountain

**Objective: Improve Signage and Mapping**

Strategies:

- Provide “wayfinding” signage along the corridor and trails which indicate historic sites in addition to nearby shops, restaurants, towns, etc.
- Improve online availability of trail maps on the County’s website, in addition to websites of other organizations
- Use Google Maps to upload trail information
- Utilize National Park Service education programs to build community awareness of County trails

**Objective: Identify Financial Resources for Passive and Active Recreational Opportunities**

Strategies:

- Identify public and private funding sources for trails, bike paths, parks and greenways

## **4.7 Transportation**

**Goal:**

Preserve roadway capacity and the useful life of US 340, reduce crashes and crash potential/promote safety, decrease travel time and congestion, coordinate land use and transportation decisions by regulating safe and reasonable access between public roadways and adjacent land.

**Objective: Maintain and enhance the efficiency and capacity of the developed and undeveloped segments of the corridor.**

Strategies:

- Promote a land use pattern that is consistent with the capacity of roadway networks.
- Regulate the number, location and type of access points by implementing access management standards.
- Remove local traffic from through traffic lanes through the use of frontage and/or other parallel routes to reduce the speed differential of through traffic lanes.

- Increase the connectivity between existing and proposed neighborhoods and commercial developments to allow increased dispersion of local traffic
- Minimize the delay impact of traffic signals at intersections by setting the phase timing of the traffic signals to maximize capacities.
- Collaborate with HEPMPO and WVDOH on long range funding for improvements to the corridor.

**Objective: Promote Traffic Safety**

Strategies:

- Reduce the number of potential conflict points, particularly at unsignalized intersections, through the use of raised medians, underpasses, controlled left turn lanes, right turn lanes, combined access points, frontage roads and/or rear access drives, and connected parking facilities.
- Improve safety at signalized intersections along the 340 corridor through the coordination of signals
- Improve safety at all intersections by considering alternative design options
- Support the development of safe pedestrian & bike facilities through the use of medians and median islands, and bike lanes within and outside the right of way.
- Reduce the speed of traffic in urbanized areas with traffic calming practices such as green buffers with sidewalks, landscaping, green median islands, and street trees plantings.
- Enhance enforcement of speeding and red-light running

**Objective: Improve Traffic Flow**

Strategies:

- Build frontage (service) roads or other parallel interconnected roads adjacent to US 340, to allow for separation of through traffic and local traffic
- Improve existing intersections to enhance capacity
- Develop connectivity, interconnectivity and improve other existing roads to divert traffic from 340
- Evaluate any needed improvements to Cattail Rd./Marlow Rd. following the opening of the new WV 9
- Minimize installation of new traffic lights
- Coordinate transportation improvements with US Customs & Border Patrol development
- Improve directional signage
- Improve access to US 340 from Bolivar (especially on weekends)
- Ensure that any required improvements to US 340 and surrounding roads occur concurrent with development activity
- Consider a variety of solutions to improve traffic flow, if recommended by transportation engineers, including, but not limited to, traffic circles (“roundabouts”);

underpasses/overpasses (particularly at Route 27); eliminate “no turn on red” restriction at various intersections; synchronize stoplights, especially on weekends;

- Improve Potomac Street to connect to Bakerton Road and work with CSX and other appropriate agencies to re-establish connection
- Develop western or northern bypass around Charles Town and Ranson

**Objective: Promote Transportation Alternatives**

Strategies:

- Increase the availability and frequency of Public Transit Connections
- Consider development of a Park and Ride/Commuter Lot
- Increase rail access to Charles Town and Ranson
- Provide weekend train service from Harpers Ferry to Washington, D.C., both directions

**Objective: Develop an Access Management Strategy in Conformance with State Law**

Strategies:

- Adopt zoning and access management standards compatible with the plan recommendations that regulate access points and encourage shared access through frontage roads, rear service drives, shared driveways and connected parking lots.
- Coordinate access management with local land use planning.
- Discourage strip commercial development along highways and direct development to commercial nodes with managed access points by inclusion in comprehensive plan and land use regulations.
- Educate local units of governments, businesses and general public on importance of coordinating access management with land use planning.

**Objective: Improve Mobility for Pedestrians, Hikers, and Bicyclists**

Strategies:

- Connect existing hike/bike routes, such as the C&O Canal path, the Ranson Flowing Springs Trail (under construction) and the WV 9 path; and construct new hike/bike routes
- Install pedestrian/bike crossings at intersections along US 340
- Build sidewalks in areas with pedestrian traffic
- Install speed bumps near area schools

**Objective: Provide Safe and Convenient Transportation Opportunities**

Strategies:

- Coordinate improvements to US 340 within the UGB to accommodate additional traffic volumes associated with new development
- Provide interconnectivity within and between developments to create a more continuous street network, including connections between neighborhoods and commercial areas where appropriate
- Coordinate improvements to US 340 outside the UGB to handle existing traffic and expected incremental increases in traffic volumes

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## 5.0 Plan Recommendations

Based on public comment received during public meetings and from the MetroQuest online survey, staff has provided recommendations for the following 7 topic areas: Community Services/Infrastructure; Economic Conditions; Environmental and Natural Resources; Historic Resources and Viewshed; Land Use and Zoning; Parks, Trails and Greenways; and Transportation. Transportation recommendations were developed by the consulting firm, Michael Baker, Inc.

Due to public input received, the preferred growth scenario for the US 340 Corridor East Gateway is based on the original “rural landscape with development in the urban growth boundary (UBG)” alternative with specific modifications that include acknowledging the development rights of the residential growth area northeast of Ranson (bordering Flowing Springs Road, Job Corps Road, and Old Country Club Road) and including specific commercial nodes along the US 340 Corridor.

This scenario supports the concept of the highest intensity development being concentrated inside the Charles Town and Ranson UGBs, where growth can be served by existing utilities and transportation infrastructure, but allows for limited, high-quality development to occur along the US 340 Corridor. The preferred scenario supports the concept that the area outside of these growth boundaries and the noted commercial nodes should be retained in agricultural land, open space, or low-density residential uses. This preferred growth scenario acts as the vision for this planning document.

### 5.1 Community Services and Infrastructure

#### Utilize and Enhance Existing Water / Sewer Service

Properties within the US 340 corridor planning area obtain water and sewer service by a combination of centralized water and sewer systems from a variety of public and private service providers, as well as on-site septic tanks and wells.

During the corridor planning process, stakeholders identified the need to enhance existing water and sewer service. Specific suggestions were made regarding the following:

- Ensuring availability of adequate water and sewer capacity prior to approval of new development
- Protecting private well and septic systems
- Upgrading the Harpers Ferry water system
- Ensuring affordability of water and sewer services

Participants also recommended the development of additional infrastructure to expand the availability of water and sewer services in the US 340 corridor. The provision of centralized water and sewer services for urban level density is a reasonable request for the protection of local water resources. Some participants expressed an interest in encouraging public ownership of water and sewer services. There is currently some concern locally regarding the number of

private package treatment plants that are approved by the Public Service Commission which result in the need for the Home Owners Associations (HOAs) or other private entities to operate and maintain them for years into the future. At times, the Jefferson County Public Service District (PSD) receives requests by the private operator of take over operation of these older private plants resulting in considerable upgrade costs. The local elected officials and Planning Commission, in cooperation with the PSD staff and Board, should review local land development regulations to consider a requirement that all potential private wastewater operators enter into an agreement with the PSD to ensure that all private plants are built to a standard that can be managed by the PSD if that is necessary in the future.

Comments received during the planning process indicated that residents of some areas felt that the quality and safety of area water supplies could be improved. Ideas expressed included improvements to water treatment, requiring area water providers to ensure the safety of water, and limiting the amount of new development served by septic systems. Additionally, stakeholders recommended the development of a countywide comprehensive clean water plan.

### **Improve Wireless Service in the 340 Corridor**

Currently, there are some cellular antenna facilities in the US 340 corridor study area; however, participants in the planning process indicated that service is insufficient in some locations such as Harpers Ferry, the Halltown area, and the section of US 340 between the bridges. Public safety concerns were also expressed regarding the ability of river users to make calls to emergency services personnel. Additionally, some stakeholders recommended an expansion of broadband capacity throughout the 340 corridor area, to allow for high-speed wireless Internet access for residents and employers.

It should be noted that the US 340 corridor includes many historic resources, including the Harpers Ferry National Historic Park. Recent changes to the Jefferson County Zoning Ordinance may provide adequate protection to historic areas while providing incentives for antenna co-location with other cellular facilities that do not require construction of a tower.

Provision of cellular antennas is primarily a private-sector function; however, the County plays a significant role in the review and approval of wireless facility applications. It will be important for wireless service providers, community stakeholders, and the County to work together to identify facility designs compatible with the historic and rural character of the corridor.

### **Enhance Area Schools and Libraries**

Participants in the planning process recognized the high quality of Jefferson County public schools and expressed appreciation for the area's library resources. Additionally, participants identified the following opportunities to improve existing school resources and services:

- Work with the Jefferson County Board of Education to ensure that area schools are adequately funded
- Develop safe routes for children to walk and bike to school
- Encourage programs promoting environmental awareness, school gardens and beautification projects (similar to Page Jackson school model – available for public use during non-school times)
- Improve school organization, communication with the local community, and site planning vis-à-vis planned residential development yields
- Improve public library access/technical access for those persons without internet access

- Promote use of libraries as community centers

### Enhance Emergency Services

As the population of the US 340 corridor grows, the demand for emergency and fire services will increase as well.

The Jefferson County Emergency Services Agency (JCESA) is the County Commission's designated agency responsible for overseeing the county's fire suppression and emergency medical services (EMS), and ensuring the efficient delivery of these services to the residents of Jefferson County. The JCESA also establishes funding priorities among the county's seven member fire companies and administers the funding appropriations and allocations provided through the County Commission's annual budget and the county's impact fee program, as well as other funding resources.

JCESA's EMS/Fire and Rescue Five-Year Strategic Plan provides recommendations for maintaining and improving fire and EMS services in the County – services which are operated on an all-volunteer basis. The plan notes that “the fire companies continue to face ever-increasing challenges in their service delivery capabilities. Such challenges are centered on the recruitment and retention of qualified volunteers and the extreme financial burdens associated with maintaining and operating capital-intensive fire and EMS services.”

Participants in the US 340 corridor planning process echoed this concern, and suggested that existing volunteer-based firefighting capacity could be enhanced by the provision of permanent, full time fire services. It was also suggested that a long-range funding plan for area Fire and EMS services be developed.

Stakeholders also expressed concern regarding the long-term adequacy of first-responder services for accidents on the section of US 340 located between the two bridges, and recommended consideration of County funding of Harpers Ferry police for provision of emergency services in this area.

Additionally, participants recommended ensuring the availability and adequacy of fire hydrants in the 340 corridor planning area, including the following recommendations:

- Providing hydrants in underserved areas, using dry hydrants at ponds and streams or other means
- Improving hydrant water pressure
- Ensuring that standards and testing of hydrants are adequate

Although participants in the planning process made recommendations related to fire suppression and EMS service provision within the 340 corridor planning area, it should be noted that these services are County-wide in scope, and any changes should be considered in the context of broader JCESA planning efforts.

## Promote Expanded Health Services

Jefferson County is fortunate to be the location of the WVUH-East Jefferson Memorial Hospital, which is situated in near the US 340 Corridor in downtown Ranson. A new hospital will be built on property located near the intersection of WV 9 and US 340. Other health care providers within the corridor include Jefferson Urgent Care and Harpers Ferry Family Medicine.

During the planning process, stakeholders generally expressed support for enhancing existing health services in the County, including expansion of WVUH-East Jefferson Memorial Hospital services and increasing the availability of mental health services. Other comments made included the importance of promoting the quality of local medical and dental care.

## 5.2 Economic Opportunities

The US 340 corridor between Harpers Ferry and Charles Town is the principal business corridor in Jefferson County. Many participants in the planning process identified ways that the economic vitality of the corridor – as well as the County as a whole – could be strengthened.

The future land use plan for the corridor – which recommends additional areas for office and commercial opportunities – provides numerous options for expansion of economic activity. Some of these areas of opportunity are described below:

- **Potential redevelopment areas.** Some sections of the corridor are appropriate for commercial uses, but are not currently fully utilized. These areas include the Halltown area and the Shenandoah Quarry.
- **Properties within the Urban Growth Boundaries.** The land located inside the Urban Growth Boundaries of Charles Town and Ranson is the most appropriate area for development within the corridor.
- **Parcels near the intersection of Millville/Bakerton Road.** Where Millville and Bakerton Roads intersect US 340, mixed-use development at an urban level of density is recommended. Additionally, the northern section of the Old Standard Quarry property could be appropriate for mixed residential and commercial development.
- **Millville.** The unincorporated community of Millville is shown recommended for designation as Residential/Commercial Mixed Use to allow for redevelopment of existing uses, permit existing uses, and provide for opportunities not permitted in the current zoning classification. This area could be considered as a possible location for future Village District zoning.

The proposed land use categories provide a level of predictability for existing land owners, both residential homeowners and business owners, and allow potential business owners an understanding of what is permitted and how the corridor will develop. It is also envisioned that some of these areas would have design standards.

The following three objectives summarize comments heard regarding economic development during the planning process:

1. Promote Business Development and Retention in the US 340 Corridor
2. Promote Tourism and Entertainment Opportunities
3. Promote Economic Development Countywide

Regarding business development, participants identified several types of businesses and industries for potential location within the corridor. These include:

- Tourism / historical / entertainment
- High tech / data centers
- White collar (professional, IT, clerical)
- Additional Federal offices
- Telecommuting
- Industry
- Agri-business and Agri-tourism
- Medical office
- Retreat/training/convention center
- "Green" jobs
- Small businesses (generally)

Some of the business types listed above are currently represented along the US 340 corridor. Participants in the planning process emphasized the importance of retaining these existing businesses.

Because of Jefferson County's location within the Washington Metropolitan area as well as its distinctive historical and natural resources, the US 340 corridor has the potential to be the location of a variety of distinctive niche business types. Overall, diversity of business and employment types was identified as an important objective during the planning process, both within the corridor generally as well as within commercial developments.

Participants also identified numerous recommendations regarding tourism and entertainment opportunities. For example, some suggested the creation of businesses that support the Appalachian Trail, the C&O Canal, and trail/bike path users. Such businesses could take the form of a bed and breakfast; a lodge; a supply store dedicated to campers, hikers and bikers; or a hostel.

Recommendations include:

- Retaining the corridor's scenic beauty, historic resources and agricultural legacy in order to promote natural and heritage tourism opportunities
- Promoting the creation of businesses that support Appalachian Trail, C&O Canal, and bike path users
- Creating parking for recreational/tourism sites (as well as for commuters)
- Encouraging Harpers Ferry restaurants to remain open later in the evenings
- Improving the overall appearance of corridor, through improvements to the design of developments, cleanup of litter, and allowing appropriate commercial signage
- Installing directional signs and/or a welcome sign in order to greet and orient visitors

Many of those who contributed comments during the planning process expressed concerns that traffic congestion in the corridor may be a barrier to economic development, in addition to hindering the quality of life of area residents. To address weekend traffic congestion in particular, some participants recommended establishing weekend train service to Harpers Ferry from Washington, DC, as well as train service from Harpers Ferry to Charles Town. More recommendations that address congestion are included in the Transportation section of this chapter.

Participants in the planning process also noted potential actions to improve economic development on a countywide basis. These recommendations include:

- Enhancing educational opportunities and workforce development
- Identifying incentives to encourage employment opportunities in historic facilities, and review the efforts of other communities in achieving this objective
- Lessening regulatory barriers to development such as site plan review times
- Reviewing the current impact fee structure

Implementation of these recommends should take place in coordination with the Jefferson County Economic Development Authority

### **5.3 Environmental and Natural Resources**

Participants in the planning process recommended that the County consider amending its development standards to preserve and enhance Jefferson County's scenic beauty, rural viewsheds, and significant tree stands. Meeting attendees and survey respondents also advocated for the protection of the Shenandoah River, the Potomac River, and other water resources.

The overall goal related to this element that emerged from the planning process is:

Protect environmentally sensitive areas such as ecological corridors, agricultural lands, wetlands, streams, inland lakes, steep slopes, and groundwater recharge areas from impacts of incompatible development.

The two objectives related to this goal are:

1. Preserve Sensitive Natural Resources from the Negative Impacts of Development
2. Preserve and improve the scenic quality along the corridor including rural/ agricultural and scenic/natural areas.

Some of the significant strategies related to these objectives include:

- Preserve natural features, such as scenic beauty, rural viewsheds, significant tree stands, green infrastructure, the Shenandoah River and other water resources.
- Recognize the importance of trees in the suburban environment by encouraging the retention of existing native trees and the establishment of street and shade trees in

residential neighborhoods and commercial developments (land use regulations amendments may be required).

- Require vegetative buffers along US 340 in key areas to promote a parkway-like character along the corridor
- Protect the Elks Run Watershed, water source for Harpers Ferry and Bolivar
- Encourage the integration of wetlands, woodlands and meadows into site development as aesthetics and functional features.
- Encourage the retention of agricultural lands, forest lands and ecological corridors through available mechanisms such as open space and farmland conservation easements and conservation easements, as well as zoning incentives.
- Implement open space residential and commercial development design standards to preserve scenic views, rural character, farmland, meadows, woodlands, steep slopes and wetlands with a target of preserving these characteristics within a development.

The full list of recommended strategies appears in the Goals and Objectives section of this plan.

#### **5.4 Historic Resources and Viewshed**

As the existing character of the corridor changes, care needs to be taken to address the historic resources and natural resources. Historic resources provide a sense of place and heritage that fosters a connection to the community and has important economic, social, and education benefits. The aim of historic resource protection, therefore, is to retain the heritage and identity of a community or region as reflected in its natural and built environment and to ensure that the community's history and unique character, and the benefits they afford, are preserved for future generations. While the original setting of the historic resources may be diminished, it is hoped that the structures themselves can be saved. It is possible to incorporate significant resources into new developments. As noted above, the Beallair development has shown this to be possible.

The mechanism to achieve the balance between growth and preservation of community resources can occur in a number of ways. First there is a need to work with the local historical groups to identify and document historic resources in the corridor. Once resources have been identified, there should be an efforts made to encourage methods which allow the resources to be protected.

The Zoning Ordinance and Subdivision Regulations could provide incentives and standards to protect historic resources and natural resources when development occurs adjacent to such resources. Permitting adaptive reuse of historic resources should be encouraged. Incentives could include increasing the intensity of the property for protecting and preserving resources valued by the community. Transferring the density and/or intensity could occur on the same property or be transferred to another site. This could apply not only to historic resources, but for other resources, such as the preservation of mature wood lands or a riparian buffer protecting a water resource.

In many historic buildings, non-conformities routinely exist, as they were built before current zoning ordinance provisions were enacted. As a result, some historic properties have never

been in strict compliance with the zoning ordinance. As such they would remain “legally nonconforming.” However, owners of such properties should be encouraged to not only preserve their historic buildings, but also to adapt them for other uses when the original use has become obsolete. A provision could be included for legally nonconforming historic structures. For example, administratively, there could be a 40% variance on code requirements for setbacks, lot size, green space, expansion of existing parking and or/loading requirements. Examples also include signage that has taken on a historic character such as Texaco, Coca-Cola and Mail-Pouch signs.

For home owners who have structures on the National Register of Historic Places, providing information and assistance of funding mechanisms available to them to restore and/or maintain historic resources would allow for the continued use of the resources. The State of West Virginia does have a program that assists private home owners in receiving assistance for repairs to their home that comply with Secretary of the Interior's Standards for the Treatment of Historic Properties so long as a public benefit for the repairs can be established.

Historic resources and natural resources could be promoted as community amenities for the developments in which they are located. The promotion of nominating historic structures on the National Register of Historic Places could possibly allow for financial incentives.

When historic properties are used for commercial purposes there are state and federal tax incentives to counterbalance the expense invested into the property. If permitted by the state taxation code, a reduction in land assessment may be an opportunity for historic resources that are protected during and after development. Conservation easements either in the form of farmland, historic or natural easement is an alternative option for protection.

Where historic resources are protected and conserved in a development, the area around the structure should retain an area that provides some context of the structure. This could be accomplished by establishing buffers that enhance the historic landscape and utilizing compatible screening material such as a wide lawn, existing vegetation, appropriate walls or fences, supplemental native trees and hedgerows. Enhancing the historic landscape could also occur by utilizing a site design that enhances views, such as the use of natural features, surface planes, building materials, design that compliments the existing resource, and unobtrusive parking areas.

In the area surrounding Towns of Bolivar and Harpers Ferry, there may be the opportunity for the National Park Service to prioritize areas for land acquisition.

## 5.5 Land Use and Zoning

### Future Land Use Scenario

The following Preferred Land Use Scenario was developed after significant public participation and input resulted in the refinement of the 3 proposed growth scenarios. The 3 scenarios were (1) Growth within the Urban Growth Boundary, (2) Planned Mixed Use, and (3) Full Build Out. Each scenario has different land use implications and transportation impact on the corridor. (The 3 growth scenarios are discussed in Appendix C of this document). The urban growth boundary for Charles Town, as it applies to this study begins at the south side of US 340 just east of Marlow Road, and runs to the southeast following various properties, then returns to Cattail Road and continues south to the current two-lane WV 9 (Charles Town Road).

### Background: Development of the Preferred Land Use Scenario

The Preferred Land Use Scenario was developed in an iterative process that included multiple public meetings. This process began with a public meeting on June 16, 2011 at which attendees were asked to describe their land use vision for the corridor. Based on the information gathered at this meeting, staff developed three alternative land use scenarios.

The September 17, 2011 meeting was the first opportunity for the public to comment on the 3 scenarios. From the September meeting and the public comments gathered from the MetroQuest website, the three scenarios were further modified to create one Preferred Land Use Scenario, which is described below. The three growth scenarios were designed to represent a projected 25 year build out.

Those who attended the September meeting were asked to comment on the 3 scenarios, to select their preferred growth scenario, and to recommend any changes they thought were necessary. There were four groups that went through this exercise. Two of the groups chose "Growth within the Urban Growth Boundary" and two groups chose "Planned Mixed Development". Each group made adjustments to their scenario. Those who chose "Growth within the Urban Growth Boundary" made changes to allow some additional growth outside the UGB. Those who chose "Planned Mixed Development" made changes to reduce the area of some of the development locations and mitigate some development impacts.

After this meeting the MetroQuest online tool went public and collected public feedback until mid-November 2011. The results that developed using MetroQuest were similar to the feedback received at the September meeting. While the "Growth within the Urban Growth Boundary" scenario was chosen most frequently on the online tool, comments provided by users indicated some additional growth outside the urban growth boundary was appropriate. Of those who chose a land use scenario on MetroQuest, the results of the 3 land use scenarios are 46% for "Growth within the UGB," 34% for "Planned Mixed Use," and 20% for "Full Build Out."

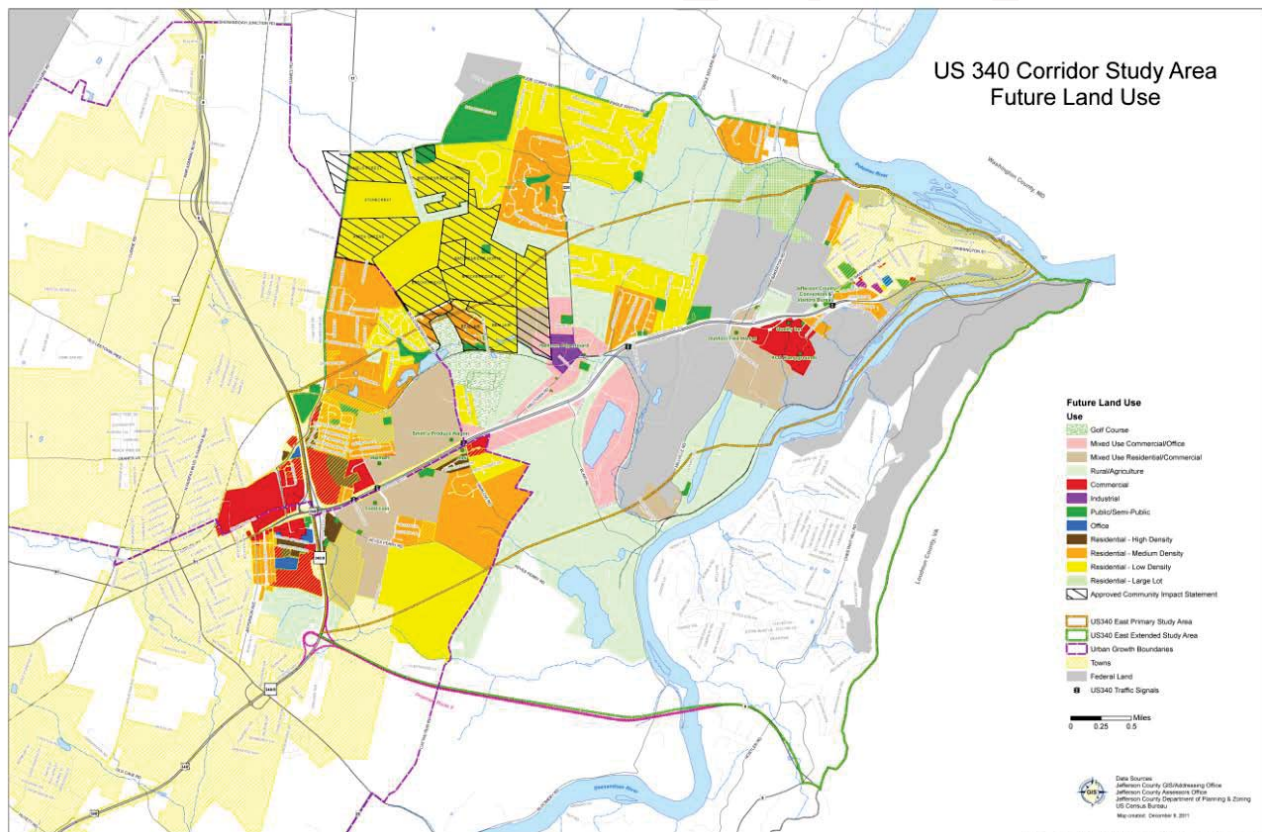
At the December 6, 2011 meeting, the preferred land scenario was presented to the public to ensure that their input had been accurately represented. This meeting gave the public one last

opportunity to hone the Preferred Land Use Scenario before a final land use scenario was publicly presented. Overall, there were very minimal changes suggested to the preferred land use. Changes that were considered and amended on the preferred land use map were near the Halltown Plant and Alstadts Corner, in addition to a more clear delineation of those properties that have an approved Community Impact Statement (CIS) but are not yet built out.

After the December 6<sup>th</sup> meeting and subsequent changes to the Preferred Land Use Scenario, the Final Land Use Map was finalized and presented to the public on January 19, 2012. There were no suggested changes to the land use option at the meeting.

### Future Land Use Map

The Future Land Use Map (Map 17) is an attempt to strike a balance by allowing additional growth beyond the urban growth boundary, while also respecting the area's rural character, environment, and history. The scenario combines commercial, housing, rural development, and employment.



Map 17: Future Land Use, Source: Jefferson County, WV GIS/Addressing

The Future Land Use Map shows urban level density within the Urban Growth Boundary. For the underdeveloped parcels within the Urban Growth Boundary, much of the land use is shown as Residential/Commercial Mixed Use and Medium Density Residential. It is anticipated that development, particularly in the residential/commercial mixed-use area would be walkable, landscaped and architecturally attractive. In order to allow such uses, design standards would

play an important role in site development. For example, a typical suburban style retail center disjointed from a mix of housing types is not envisioned.

Generally, to the north and east of the Ranson Urban Growth Boundary, properties are shown as Low and Medium Density Residential. The residential land use designation reflects the existing land use rights and entitlements in that are currently in place.

The proposed land uses along the north side of the corridor from Old Country Club Road to Halltown Road recognize the existing land uses in that location and provide a small area of Commercial/Office Mixed Use on the corner of Old Country Club Road and US 340. On south side of the corridor from Marlow Road to Blair Road, the existing land uses are recognized near Marlow Road while the existing large farm on the south side of US 340 near Blair Road allows Commercial/Office Mixed Use along the front of the property. Permitting this Commercial/Office area would achieve two purposes. First, such an intense land use would provide for the extension of a frontage road to be built with the development. Second, this level of development would allow the rear of the property to retain its rural character, including possible allocation for future agriculture use, recreational opportunities, or a residential cluster development. This is an example of allowing greater land use intensity in one location to offset a less intense development pattern elsewhere.

Located to the south and east of the US 340 and Blair Road intersection is a vacant quarry. It is envisioned that the area surrounding the quarry could be an office and commercial area. A section of this property has been shown as Rural in order to preserve some of the woodlands to retain the natural landscape and viewshed, and to provide a less developed feel to the corridor. While the active quarry along Blair Road is shown as Rural, this proposed land use designation will not and does not affect the ability to mine that area.

The land uses in the Halltown area includes maintaining the Halltown paper plant's designation as Industrial/Commercial. The area surrounding the plant and along Halltown Road is shown as Commercial/Office Mixed Use. The commercial and office designations are intended to provide for and promote redevelopment opportunities. There are a few historic resources within the unincorporated Halltown community that should be protected during any redevelopment. On the Future Land Use Map, there is a small strip of shown as Rural between US 340 and the Commercial/Office uses proposed on Halltown Road. The purpose for this area is to protect the woodlands that would act as a buffer to the uses on Halltown Road, to retain the natural landscape and viewshed, and to provide a less developed feel to the corridor.

The node at Bakerton/Millville is proposed as a Residential/Commercial Mixed Use area, and is buffered by existing residential uses. This future land use category is also shown on northern section of the Old Standard Quarry property. This designation would facilitate some development of the property while retaining the remaining portion in its current Rural designation. Additionally, the viewshed on the remaining Old Standard Quarry property would not be affected as a result of this dual land use designation. However, there has been some feedback, particularly on the part of the National Park Service, that development should occur between Millville Road and the quarry lake. This would retain the viewshed on the higher elevations, reduce development cost by locating commercial activity on more level topography, and provide greater road frontage for businesses. The existing land use for the area near the

Quality Inn is recognized in the Future Land Use Map. Much of this property is designated as commercial use and currently supports recreational opportunities.

The federal land areas made up of the US Customs and Border Patrol property and the Harpers Ferry National Park represent land uses that are so amalgamated into the fabric of the County that it is easy to take them for granted. There may be options for the Harpers Ferry National Park to acquire additional property. The US Customs and Border Patrol are in the process of major site construction during which an extensive landscape berm is proposed to be in place along the front of that site when construction is complete. While the US Customs and Border Patrol serve a different need than the Harpers Ferry National Park, there may be opportunities for land acquisition as well.

It is acknowledged that additional development may result in a reduction in some of the area's rural character, environment, and historic resources. However, some elements may be counterbalanced. For example, a historic home may require continued maintenance that can be costly, but allowing for some development around the structure could yield an infusion of funding for the maintenance of the structure, which could be a feature of the development. While the context of a home located on an open farm would be lost, the structure could still be saved.

A key component of this Future Land Use Plan is to couple these proposed land uses with design standards. Such standards will assist in reducing the impact on natural and scenic views. A key recommendation of this plan is to establish design standards for new development (layout, facades, landscaping, signage, lighting) that reflect a town center character to create a sense of place. Further, a key comment voiced at many public outreach meetings was that the proposed land uses would be palatable County residents, provided that the design is appropriate to the context of the area. It should be noted that design standards do not imply reduced density or intensity of use. These standards are to be developed in the implementation stage.

The types of development shown in the Future Land Use Plan would allow for some private funding of road improvements, parks, pedestrian and bike paths as development occurs. Where there is development, there may be a need for transportation improvements to maintain current levels of service. With the nature of growth and development in this case, the extension of trails and parks through the various developments could be provided.

In carrying out the objectives of the Future Land Use Plan, it may be necessary to refer all proposed developments within designated UGBs or adjacent to incorporated areas to the municipality for comment and coordination of development.

### **Use of the Future Land Use Map**

It should be noted that the Future Land Use Map represents an advisory document to be used by Jefferson County's staff, boards, commissions, and elected officials in making land use recommendations. The map does not constitute a proposal to rezone properties. Following adoption of this plan, all properties within the planning area will retain their existing zoning.

## Land Use Goal and Objectives

In addition to providing input regarding the land use map scenarios for the US 340 corridor, participants in the planning process also offered other comments related to land uses in the corridor. These comments resulted in the overall land use vision for this plan (below).

- Preserve, protect and enhance the character of the corridor, property values and the economic viability along the corridors by managing for growth and development.
- Many participants in the planning process expressed the importance of preserving the County's agricultural heritage. In addition to maintaining the viability of working farms and preserving open spaces, many comments also emphasized the importance of rural economic development.
- Based on comments received at public meetings, as well as results from the MetroQuest online surveys, the plan recommends that new development should be concentrated either within the Urban Growth Boundaries of Charles Town and Ranson, or located at major intersections on US 340. Generally, it is preferable for growth to occur in locations where it can be served by existing infrastructure. New development should have design and layout characteristics that allow for walkability and create a sense of place.
- Mixed-use development is recommended in various locations along the corridor. In contrast to development that contains either solely residential or commercial uses, mixed-use development allows for a reduction in car trips, lower levels of road congestion, and an improved quality of life for residents of these developments. Mixed-use developments are typically characterized by a pedestrian-oriented design, and are sited to provide an attractive streetscape area located between a development and the street on which it fronts.
- The County has an existing mixed-use district, but it is lacking in the standards that would result in a quality mixed-use development. As such, this plan proposes new mixed-use districts that would require a percentage of both commercial and residential development types, allow for an appropriate list of permitted uses, allow for pedestrian-oriented site design, and would include design standards.
- Where there is an opportunity for development in properties designated Rural on the corridor plan, such uses should have appropriate standards that are compatible with that land use. There may be site standards that are tailored to the needs of rural activities. The design elements in this environment may reflect traditional agricultural character. Site standards may be less conventional in this setting to retain the rural atmosphere. Potential rural development may include, but not be limited to cluster developments, agri-business and agri-tourism and other forms of tourism that is in keeping with the rural environment. Encouraging and permitting such uses would provide a mechanism to promote the rural quality of life that is valued in Jefferson County.

- Just as this plan has been undertaken with coordination and cooperation of several other organizations and agencies, such efforts should continue and improvements made where possible. It is through such collaboration that ideas and solutions can be found to improve both the quality of the corridor and the quality of life in Jefferson County. There will be further opportunity for coordination in the future as elements of this plan are implemented.

### **Vested Rights**

Along the corridor there are existing vested rights in the form of approved developments that have not yet started construction and properties with existing zoning. The former land use rights are the biggest concern among property owners. Particularly there are residential developments on Flowing Springs Road and Old Country Club Road that have approval for development of homes. One of the concerns of the property owners is that the proposed density shown in this plan is less than their existing zoning allows. However, the density proposed in this plan would allow for their developments to be built. While the owners of the property are appreciative that the density permitted in the corridor plan does allow for their projects to be constructed, they would like some assurances that some level of change can be permitted in their developments. Ultimately the zoning in place will govern density. Staff has stated that under the proposed plan, density could be rearranged on the site. For example, if the applicant is allowed 3 units per acre, the development could be in the form of townhomes, single family or apartments. The overall density of the property should not be greater than 3 units to the acre.

### **Design Guidelines and Standards**

Design guidelines are a set of standards that aims to maintain a certain level of quality and architectural or historic character, addressing features such as building facades, public spaces, or landscaping. The goal is to address form-based standards, or building height and size elements rather than only by zoning classifications. In addition to building standards, the street design impacts the form of the development. Street guidelines and standards related to travel-lane width, bike lanes, on-street parking, medians, sidewalks, landscaping, lighting, crosswalks, pedestrian refuge islands, and accessibility ramps.

One of a few mechanisms to carry out the design guidelines is a zoning overlay district which is a set of zoning ordinances, optional or required, specifying land use and/or design standards for a designated portion of the underlying zoning within a defined district; typically used to keep architectural character and development form consistent, make adjacent uses compatible, and/or accelerate the conversion of non-conforming land uses. It is possible that there may be incentives for using the design standards, with or without the creation of an overlay district.

A real potential and advantage of the design standards for a developer is that with reduced setbacks, greater building height, and increased commercial intensity and residential density, there are financial compensations over traditional development patterns.

Major guidelines and standards covered include, but are not limited to:

Major guidelines and standards	
• Building Setbacks	• Building Height
• Lot Dimension	• Parking
• Building Orientation	• Building Materials
• Architectural Detailing	• Building Style and Form
• Landscaping	• Grading
• Site Amenities	• Preservation of Natural and Cultural Features
• Pedestrian and Vehicular Access and Circulation	

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**Encouraged Design**



**Encouraged Design:  
Single Family Residences**



**Encouraged Design:  
Quality Design and sense of place**



**Discouraged Design**



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**Promoted design: Rear loaded garages and structures having a street presence**



**Discouraged design: Townhomes with front loading garages**



**Encouraged Design: Example of a commercial boulevard in a development of a double loaded frontage road**



**Promoted Designs: Commercial buildings oriented to the street**



**Promoted Design: Encourages a mix of uses along the street and residential units above**



**Promoted Designs:  
Keeping with the  
purpose of the plan**



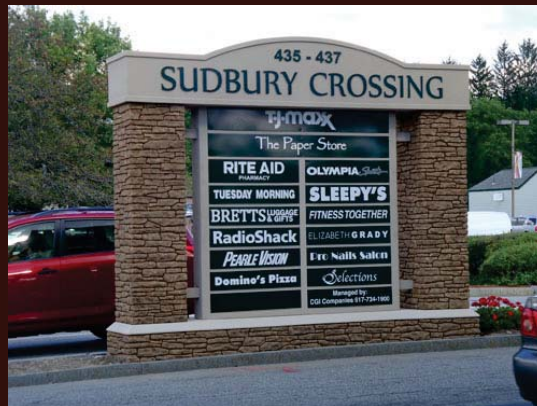
**Discouraged Designs:  
Lacks quality of place**



**Encouraged Design:  
Low signage for individual businesses**



**Encouraged Design:  
Entrance signage for multiple businesses and services**



**Encouraged Design:  
Signage that is uniform and  
designed well**



**Discouraged Designs:  
Signage that lacks  
uniformity and design**



**Promoted Designs:  
To blend essential services into the development pattern**



**Promoted Design Example:**

**While the street fronts of structures offer a sense of place and quality street presence, the rear of the structures, when screened from view or not seen from a public right-of-way, can be functional and less detailed.**



## 5.6 Parks, Trails, Greenways

Many participants in the planning process identified parks and trails as an important element for enhancing transportation choices, recreational options, and overall quality of life for Jefferson County residents and visitors. Stakeholders identified the following goals for enhancing parks, trails and greenways in Jefferson County:

1. Improve the existing trail networks
2. Beautify the US 340 East Corridor
3. Develop Additional Parks and Enhance Existing Parks
4. Improve Signage and Mapping
5. Identify Financial Resources for Passive and Active Recreational Opportunities

These goals are described in more detail below.

### Improve the existing trail networks.

Although some trails currently exist within the US 340 corridor study area, improvements to the trail system are needed to achieve connections between trails and between destinations. Based on stakeholder comments during the planning process, priority areas for improved trail connectivity include:

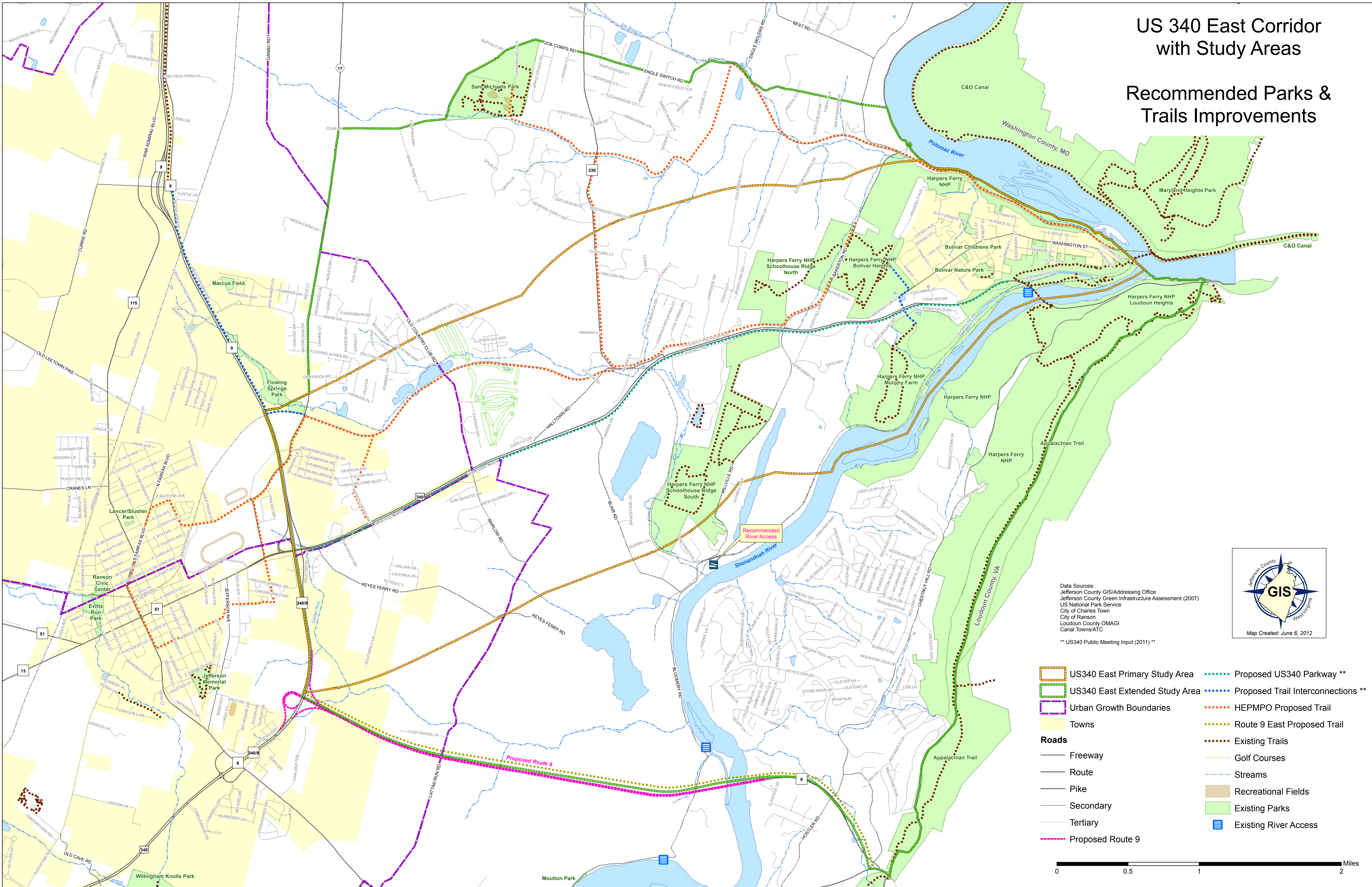
- between Harpers Ferry and Charles Town
- between Harpers Ferry and WV 9 trail
- across Route 340 from Bolivar to park resources such as Murphy Farm
- linking trails to commercial areas
- connection between rivers along Millville/Bakerton Roads
- trails linking parks, athletic fields and neighborhoods

Other comments included the importance of creating new trails concurrent with new development. Local planning and zoning regulations should be amended to require the dedication of or reservation for trail easements in conjunction with proposed residential and/or commercial development and/or redevelopment plats and plans. It was also noted that roadways should be accompanied by adjacent bike lanes to provide additional transportation options. The appropriate regional and state transportation planning entities should be made aware of the proposed trails plan so that it can be utilized as a part of the design of future road improvements. Another suggested location for trails was “paper streets” (platted and un-built rights-of-way). An upgraded bridge connection between Harpers Ferry and C&O Canal was also suggested, to facilitate bike portage. Sufficient parking should also be provided for trail users.

Members of the Eastern Panhandle Trailblazers, a non-profit organization dedicated to facilitating “walking, running, bicycling and wheeling opportunities” in West Virginia’s Eastern Panhandle, attended public meetings for the US 340 Corridor Plan and contributed comments regarding trails. Input received related to proposed trail connections and new trails in the 340 Corridor have been compiled in draft format on a proposed future trails and park/open space map as a part of this Plan (Map \_\_\_\_)(to be inserted by June 12, 2012). Amendments to the local

# US 340 East Corridor with Study Areas

## Recommended Parks & Trails Improvements



Data Sources:  
 Jefferson County GIS/Addressing Office  
 Jefferson County Green Infrastructure Assessment (2007)  
 US National Park Service  
 City of Charles Town  
 City of Ranson  
 Loudoun County OMAGI  
 Canal Towns/ATC



- US340 East Primary Study Area
- US340 East Extended Study Area
- Urban Growth Boundaries
- Towns
- Freeway
- Route
- Pike
- Secondary
- Tertiary
- Proposed Route 9
- Proposed US340 Parkway \*\*
- Proposed Trail Interconnections \*\*
- HEPMPO Proposed Trail
- Route 9 East Proposed Trail
- Existing Trails
- Golf Courses
- Streams
- Recreational Fields
- Existing Parks
- Existing River Access

0 0.5 1 2 Miles

planning and zoning regulations related to provisions of trails should be tied to the proposed trail alignments and future park sites found on this Map, within the current or future Comprehensive Plan, and/or within a Parks Master Plan.

### **Beautify the US 340 East Corridor**

Many sections of the US 340 Corridor are notable for their scenic beauty and rural landscapes. However, participants in the planning process identified several opportunities to maintain and enhance the attractiveness of the US 340 Corridor.

Preserving and improving landscaping is a key element for beautifying the corridor. In addition to preserving the existing landscaping, stakeholders recommended designing a landscaped area along 340 to create a “parkway” aesthetic. This would include the planting of trees as well as low maintenance native plant species. Such a tree planting effort would further support the locally adopted Urban Tree Canopy Plan and should be coordinated with the Division of Forestry’s tree planting efforts. This is a unique opportunity for a collaborative effort between the WV Department of Transportation, the WV Department of Environmental Protection, the WV Department of Forestry and local officials interested in tree canopy restoration and enhancement efforts. The Urban Tree Canopy Plan qualifies the Corridor for some grant resources that may be useful in implementing this goal.

Another important factor is protecting the historic and rural character of the corridor. This element includes the protection of historic and rural views as well as the adoption of standards to create aesthetic continuity along the corridor. Such standards would address the design of new development and signage, and would encourage the reduction of extraneous signs.

### **Develop Additional Parks and Enhance Existing Parks**

The US 340 Corridor – East Gateway Plan study area includes three park areas (Flowing Springs Park, Sam Michael’s Park, and the Harpers Ferry National Historical Park). Participants in the US 340 Corridor planning process indicated a need for additional parks and improvements to existing parks. Parks should serve a variety of functions, such as recreational parks, sports parks, and dog parks. The Blue Ridge Mountain was identified as an area where additional park/recreation resources are needed. Improved access to the two rivers for fishing and other recreational activities was also identified as a need. Local planning and zoning regulations do currently require the dedication of parkland in future neighborhoods. These provisions should be reviewed to enable coordination with proposed future park sites found on Map \_\_\_\_\_, within the current or future Comprehensive Plan, and/or within a Parks Master Plan.

(It should be noted that, currently, the Jefferson County Parks and Recreation Department is considering the feasibility of conducting a master plan for the Jefferson County parks system, including both public and private facilities. The Department intends to conduct a needs assessment during the coming year, and subsequently conduct a master planning process.)

## **Improve Signage and Mapping**

Improvements to signage and mapping will allow residents and visitors to locate and enjoy trails, parks, and other recreational opportunities in Jefferson County. Suggested enhancements to signage and mapping include:

- Ensuring that trail signage indicates historic sites in addition to nearby shops, restaurants, towns, etc.
- Improving online availability of trail maps on the County's website, in addition to websites of other organizations
- Using Google Maps (and similar services) to make trail information available to the public
- Utilizing National Park Service education programs to build community awareness of County trails
- Providing "way finding" signage

## **Identify Financial Resources for Passive and Active Recreational Opportunities**

Funding will be required for the acquisition and development of land for trails, bike paths, and parks. The County and other organizations should identify public and private funding sources for trails, bike paths, parks and greenways. In some cases, trails or trail easements may be provided in association with new developments. Local regulations should be amended to incorporate this requirement to tie it to proposed alignments in locally adopted land use and recreation plans.

## 5.7 Transportation

This section provides transportation improvement projects that address the transportation goals presented in Section 4.7 including future safety, congestion and transportation mobility needs within the East Gateway Corridor. Specific recommendations for trails and bike paths are not provided in this section, but will ultimately play a key role in providing alternative transportation options that can address mobility and congestion needs. The projects were identified through a collaborative process involving regional planning staff, public involvement, and consultant recommendations.

The projects outlined in this section are intended to serve as key input to future local and regional planning efforts, initiate further discussions and evaluations of project alternatives, and lead to more detailed project-level feasibility studies. Several of the projects are conceptual in nature, particularly the recommendations for new roads. Although alignments have been provided on maps, more detailed examination will be needed to address difficulties associated with right-of-way, environmental considerations, and other public concerns. Some of these key issues are discussed for certain projects based on input received during the public involvement process for this study.

The projects identified, as a whole, represent a significant financial cost that exceeds the past amount of federal and state transportation funds that have been allocated to this corridor. As a result, a prioritization process is useful to evaluate which projects are most important to the residents and travelers within the corridor. For this study, a preliminary effort has been conducted to gain stakeholder and public input into project priorities and needs. Such information has been used to classify projects into short- and long-term categories.

### Summary Brief of this Section

- Local planning efforts and public input are important to ensuring that corridor improvements make it to the regional long range transportation plan.
- Future studies will be needed to address improvement alternatives and environmental issues at the current river crossings between West Virginia, Virginia and Maryland.
- Short term improvements are needed to address key safety concerns along the US 340 corridor.
- An integrated east-west frontage road system would provide options to traveling on US 340, improve traffic congestion due to existing and future development, and can be designed to integrate with other transportation modes and to preserve the attractiveness of the corridor.
- New transit service connections and service levels will provide more transportation options to local residents within the corridor.

### The Project Development Process

The transportation recommendations provided in this study will serve as key inputs to other regional and state planning processes. Figure 11 illustrates the key steps in the transportation planning process.

At the state level, the West Virginia Department of Transportation (WVDOT) is required to develop and maintain a statewide, multimodal transportation planning process. Broad

categories of highway improvement needs are defined based, primarily, on ongoing examinations of roadway pavement conditions and estimates of current and future traffic demand. The state selects improvement projects based on regional long range plans and includes them in the Statewide Transportation Improvement Program (STIP).

State efforts are supplemented in urbanized areas through the metropolitan transportation planning process. The Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) is responsible for developing a regional Long Range Transportation Plan (LRTP) for Berkeley, Jefferson and Washington (Maryland) counties. The LRTP is updated every four years incorporating the latest data and information. The next update is anticipated in the Spring of 2014. The plan not only defines the region's multimodal transportation needs, but also identifies the funding sources that will be needed to implement the identified projects. The HEPMPO also uses this information to prepare a shorter, more detailed listing and prioritization of projects for which work is anticipated within the next 3 to 5 years. The listing of these projects is referred to as the Transportation Improvement Program (TIP), which becomes incorporated into the STIP.

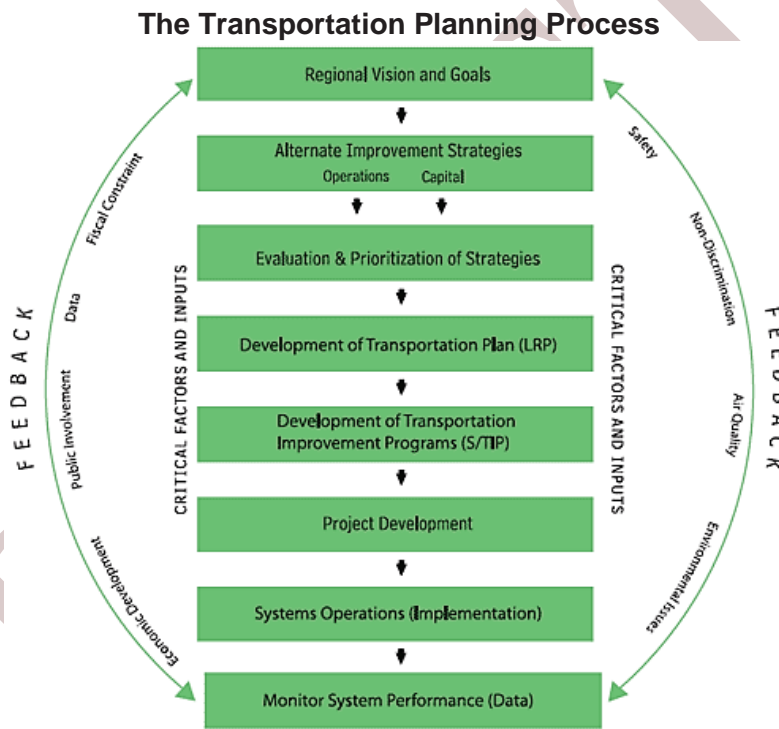


Figure 11: The Transportation Planning Process, Source: The Transportation Planning Process: Key Issues, FHWA-HEP-07-039

This county initiated land use study provides a local level assessment of transportation needs within the US 340 Corridor East Gateway. The study and its recommendations do not represent a commitment or obligation of funds by either the HEPMPO or WVDOT; however, it will serve as key input to future regional and state planning efforts including the update of HEPMPO's LRTP.

## Process for Identifying Conceptual Projects

Strategies have been developed to address the transportation needs identified within the US 340 Corridor East Gateway (see the Issues Identification and Concerns section of this report).

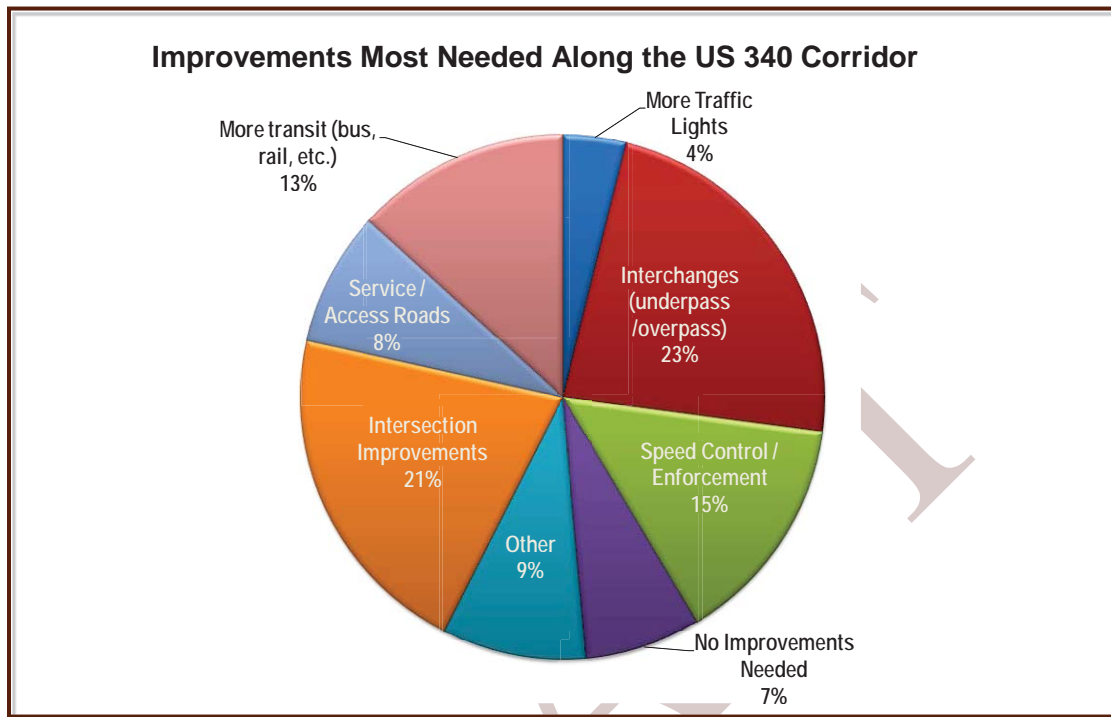


Figure 12: Improvements Most Needed Along the US 340 Corridor

The process used to identify these strategies included input from local and regional planning agencies, consultant staff and public involvement activities. This has included an assessment of regional priorities, the development of an interactive website to collect insights on transportation needs and improvement strategies, a January 19<sup>th</sup> public work session to identify transportation strategies, and a prioritization worksheet aimed at identifying what projects are most important to the region.

The website data surveys and public work session were valuable in obtaining important insights on general strategy recommendations and specific comments regarding safety concerns, right-of-way issues, and the alignments of proposed new roads. Figure 12 illustrates input on recommended strategy types obtained through the website. An evaluation of the public responses was conducted and used to identify a final project list. Some identified project types, like US 340 roundabouts, were not considered due to high traffic volumes, high speed limits, right-of-way issues and safety concerns with double-lane roundabouts. Additional analyses were conducted by the consultant to determine alternative intersection configurations to address the possible removal of left-turns to improve immediate safety concerns at key locations.

## Strategy Recommendations - Overview

As indicated in the transportation needs section, the US 340 river crossings are primary bottlenecks just outside the East Gateway Corridor study area. The existing two-lane bridges (Figure 13 shows the Harpers Ferry Bridge) are a source of significant peak period congestion that affects regional access. Although very important to corridor operations, studies of alternative bridge crossings, which require substantial data collection efforts and a detailed assessment of environmental and construction options, were beyond the scope of this land use vision plan. West Virginia will be working with Maryland and Virginia in conducting future studies to address these, and other operational issues along US 340. Due to the excessive costs and environmental concerns, such projects, even if planned, may not be built for many years.



Figure 13: Harpers Ferry Bridge at Shenandoah River, Source: Google Maps

This study focuses on addressing key transportation operation, safety and mobility options within the East Gateway Corridor as related to future land use growth. Recommended transportation strategies were identified for the corridor. These strategies include lower-cost safety improvements, intersection signalization and reconfiguration, additional lanes on existing facilities, new road construction to improve regional connectivity and transit service improvements. A short description of each specific roadway improvement project is provided in Table 11. These roadway improvement projects are also summarized on Map 18. Transit projects are discussed and summarized in a separate section below. Strategies focused on bike and pedestrian trails are a key priority in this corridor with significant public support. These strategies are discussed in the *Parks, Trails and Greenways* portion of this document, though it is expected that these modes will need to be addressed in the design and upgrade of the roadway system and intersections within the corridor.

In addition to the specific projects presented in Table 11, other more general strategies are recommended to address identified transportation and mobility goals for the corridor. These include future efforts to develop access management standards, speed control options to improve safety, and highway beautification to promote and preserve the nature of the corridor.

## Summary of Recommended Roadway Improvement Projects

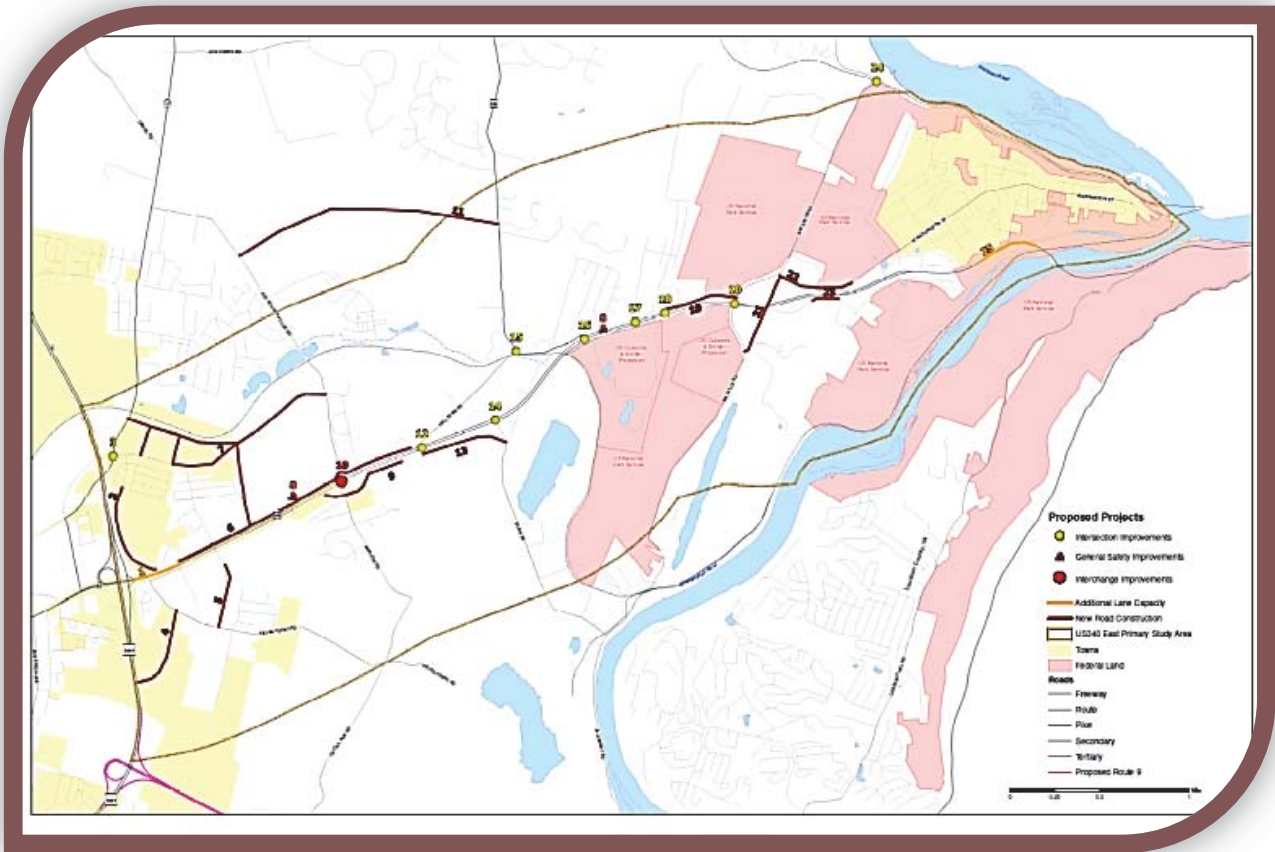
*Projects ID Relates to Location in Corridor (Numbering Starts on Western Portion)*

*Project ID is not based on project ranking or priority*

Project ID	Project Type	Project Description
1	Roadway Widening	Extension of turn lanes on US 340 between the WV 9 interchange and Jefferson Terrace Road.
2	New Road Construction	North-South roadway from Shenandoah Springs development connecting to Jefferson Terrace Road.
3	Intersection Improvement	Improvements at Flowing Springs Road / WV 9 / WV 9 Ramp. Includes possible signalization and merge lanes.
4	New Road Construction	North-South roadway connecting US 340 (south of WV 9 interchange) with Keyes Ferry Road.
5	New Road Construction	North-South roadway connecting Keyes Ferry Road to Somerset Blvd.
6	New Road Construction	East-West frontage road on northern side of US 340 from Jefferson Terrace Road to Halltown Road.
7	New Road Construction	Road connections from Shenandoah Springs to Old Country Club Road and Walmart.
8	Safety Improvement	Signal flashers warning of approaching intersection on west-bound US 340 approaching Patrick Henry Way and Shepherdstown Pike (230).
9	New Road Construction	East-West frontage road on southern side of US 340 from Marlow Road to Rion Hall Farm entrance.
10	New Interchange	Construct interchange at US 340 and Old Country Club Road. Interchange may be located west of current intersection requiring roadway reconfiguration.
11	New Road Construction	East-West road north of the rail line connecting Old Country Club Road and Shepherdstown Pike.
12	Intersection Improvement	Intersection reconfiguration and/or signalization at US 340 and Halltown Road. Address concerns for left-turn vehicles during peak periods.
13	New Road Construction	East-West frontage road on southern side of US 340 from Rion Hall Farm entrance to Blair Road.
14	Intersection	Intersection reconfiguration and/or signalization at US 340

	Improvement	and Blair Road. Address concerns for left-turn vehicles during peak periods.
<b>15</b>	Intersection Improvement	Intersection signalization at Halltown Road and Shepherdstown Pike.
<b>16, 17, 18</b>	Intersection Improvement	Intersection reconfiguration and signalization at intersections in vicinity of the US Customs & Border Protection relocated entrance.
<b>19</b>	New Road Construction	East-West frontage road from Shipley School Road to Bakerton Road.
<b>20</b>	Intersection Improvement	Intersection reconfiguration and/or signalization at US 340 and Bakerton-Millville Roads. Address concerns for left-turn vehicles during peak periods.
<b>21</b>	New Road Construction	North-South roadway from Alstadts Hill Road to Bakerton Road. The roadway includes an underpass under US 340.
<b>22</b>	New Road Construction	East-West frontage road on northern side of US 340 from Bakerton Road to W. Washington Street.
<b>23</b>	New Road Construction	East-West frontage road on southern side of US 340 from Alstadts Hill Road to Old Taylor Lane.
<b>24</b>	Railroad Underpass	Widening of Bakerton Road railroad underpass.
<b>25</b>	Roadway Widening	Extension of US 340 westbound truck climbing lane from Shenandoah Street to the existing two lane section.

**Table 11: Summary of Recommended Roadway Improvement Projects**



Map 18: Proposed Projects, Source: USCBP, Source: Michael Baker Corporation

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## Short Term Highway Project Recommendations

Several corridor safety and operational concerns were identified as priority needs that will only worsen with future traffic growth. These include aggressive driving approaching signalized intersections on US 340, left-turns and through movements at un-signalized intersections on US 340, and intersection improvements to accommodate the proposed entrance relocation for the US Customs & Border Protection (USCBP) Advanced Training Center. These concerns were identified through analytical analyses, field observations and public involvement efforts associated with this study.

### Intersection Approach Warnings

Aggressive driving and high speed limits on portions of US 340 create safety concerns at several signalized intersections along the corridor. In particular, westbound approaches to both the Patrick Henry Way and Shepherdstown Pike intersections were highlighted as major concerns by the public. Vehicles approach these particular intersections at high speeds, resulting in quick decelerations. This becomes an even greater concern as traffic queues develop during peak periods from WV 9 to east of the Patrick Henry Way intersection. Quick truck decelerations also create noise disturbances in and around these intersections.

Low-cost solutions, including the addition of signage, may assist in addressing these safety concerns. Advance-warning flashers, as illustrated in Figure 14, can forewarn drivers when a traffic signal is about to change to the yellow and red phases. These warning signs can also be operated to flash continuously, and in these cases do not need to be connected to the signal controller. Research indicates that warning flashers are effective in reducing approach speeds to intersections and reducing accidents.

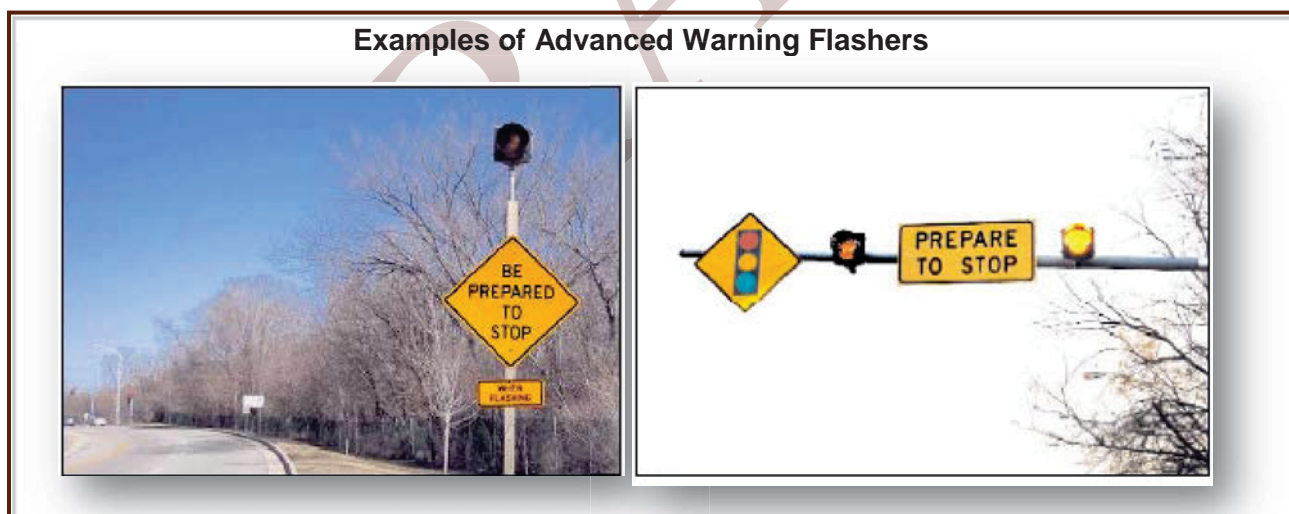


Figure 14: Examples of Advanced Warning Flashers, Source: Making Intersections Safer: A Toolbox of Engineering Countermeasures to Reduce Red-Light Running; ITE 2003

### Intersection Improvements at Un-Signalized Locations

During peak periods, making left-turns or through movements at the un-signalized intersection approaches to US 340 becomes very difficult and even un-safe. Key un-signalized approaches which allow such movements include Blair Road, Halltown Road, and Millville-Bakerton Road. Although these approaches to US 340 do not carry significant traffic volumes, limited gaps and

high speeds (e.g. 60mph speed limit) on US 340 make it difficult to safely conduct such movements.

Improvement projects at the US 340 and Millville/Bakerton Roads intersection were rated as the highest priority projects in the corridor (per public input received from meetings and website). This intersection has higher traffic volumes during the summer season as it is used for access to river recreation opportunities and the outdoor flea market. Future growth along Millville Road, including Old Standard Quarry, will severely degrade intersection operations.

As shown in Table 12 , several project types were considered as possible improvements for the un-signalized intersection locations. At the US 340 and Millville/Bakerton Roads intersection, an underpass is identified as a solution to increase safety. However, public comments have stressed that if funding is not currently available for an underpass, then shorter term options should be considered until such a project can be completed.

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## Improvement Project Types for Un-Signalized Intersections

Project Type	Positive	Negative
<b>Signs to Prohibit Left-Turns / Through Movements</b>	Low-Cost	Does not prohibit illegal movements; Requires U-Turn downstream of intersection
<b>Signalization</b>	Low-Cost; Safe Left Turn and Through Movements	Degrades traffic flow on mainline US 340
<b>Intersection Reconfiguration (RCUT)</b>	Clearly directs vehicles ; separates movements for additional safety	Medium Cost; Requires U-Turn downstream of intersection
<b>Underpass / Overpass</b>	Restricts Left-turns; Safe through movements	High Cost Completion Schedule

**Table 12: Improvement Project Types for Un-Signalized Intersections**

Restricted Crossing U-Turn (RCUT) intersection design has been successfully used for conditions similar to US 340 (e.g. arterial roadways with more dominant flows on the major road). The RCUT intersection works by redirecting left-turn and through movements from the side street approaches. Instead of allowing those movements directly through the intersection, as in a conventional design, a RCUT intersection accommodates those movements by requiring drivers to turn right onto the main road and then make a u-turn either at the next downstream intersection or at a one-way median opening 400-1,000 feet downstream. If traffic volumes warrant signalization, traffic signal control on a RCUT intersection requires fewer phases to accommodate higher movement of vehicles. Figure 15 provides several examples of RCUT intersections including one with additional median openings to accommodate u-turns.

A traffic analysis was conducted at the US 340 intersections with Millville and Blair roads based on forecast turning movements related to the land use vision growth scenario. The analysis eliminated left turns at each intersection forcing travelers to make a U-turn at the next downstream intersection. The results indicated that downstream intersection operations were not significantly worsened by these additional U-turns, indicating that an additional median opening on US 340 may not be required.

## Example RCUT Intersections

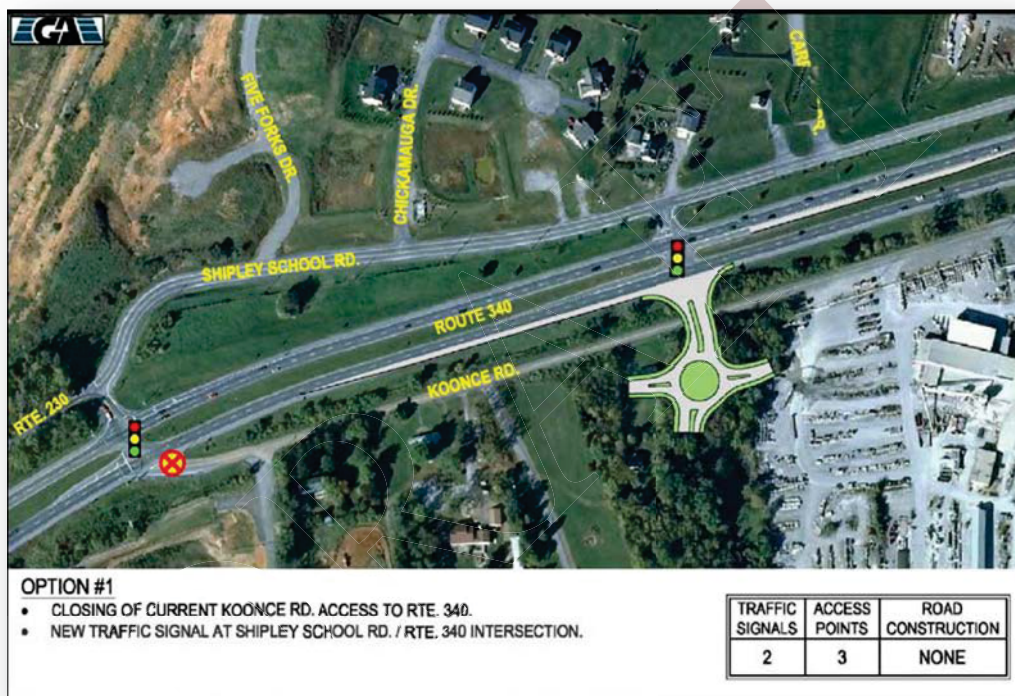


Figure 15: Examples of Restricted Crossing U-Turn (RCUT) Intersections, Source: Google Earth

## US 340 Improvements at US Customs & Border Protection (USCBP) Entrance -

A recent study, conducted by USCBP, examines transportation improvement strategies for the US 340 intersections near the proposed entrance to the USCBP training center. Operational and safety concerns are forecasted at the current un-signalized intersection based on projected peak hour traffic volumes. Map 19 illustrates one of the four options that were examined. All of the options included the addition of a new traffic signal at the USCBP access location. The improvements are focused on providing safe access to US 340 from the expanded training facility and from the Shipley School Road approach. Additional alternatives are being evaluated for traffic routing options for Shipley School Road.

### **US Customs & Border Protection Proposed Intersection Improvements: Option 1**



**Map 19: US Customs & Border Protection Intersection Improvements: Option 1, Source: USCBP Transportation Alternatives Assessment, July 15, 2011; Kittleson & Associates, Inc.**

Improvements may also be considered just east of the new USCBP access intersection where Shipley School Road intersects with US 340 near the elementary school. At this location, left turns are currently prohibited due to limited sight distance and high speeds on US 340. A new downstream traffic signal may also warrant closing this intersection for right turns.

## Recommendations for Additional Travel Lanes

Traffic demand will increase with new residential and commercial development and more capacity will be needed along the US 340 corridor to address peak period demand. However, the addition of through lanes has not been recommended for the entire stretch of US 340 within the East Gateway Corridor. The primary reasons include:

- The benefits of any end to end US 340 mainline capacity increases would be diminished until the bridge crossing capacity is addressed.
- There is limited right-of-way for US 340 expansion near the Patrick Henry Way intersection to the west.
- The largest projected increase in traffic movements will be turning vehicles on US 340. Addressing such demand could include intersection reconfiguration, signalization or the possible integration of a frontage road system.
- Additional travel lanes on mainline US 340 may degrade the character of the corridor.

However, several sections of US 340 were identified for possible capacity expansion. Further studies may be needed to identify key right-of-way and construction issues with each conceptual project. Map 20 illustrates the possible extension of existing turning lanes between WV 9 and Jefferson Terrace Road.

### US 340 Turning Lane Extension (WV 9 to Jefferson Terrace Road)



Map 20: US 340 Turning Lane Extension (WV 9 to Jefferson Terrace Road), Source: Background Map Google Earth

This project would provide additional capacity for turning movements and may provide some reduction in vehicle queuing between the two intersections. Further considerations may include carrying these additional turn lanes through to the intersection with Patrick Henry Way. This may be particularly valuable for the westbound direction, allowing a dedicated lane from Patrick Henry Way to the US 340 ramp to WV 9 North.

An additional travel lane may also be considered on the section of US 340 westbound just after the Harpers Ferry Bridge crossing. An existing truck climbing lane starts about 0.3 miles after Shenandoah Street. Field observations and public comments have noted slow truck speeds ascending the hill and resulting in some traffic queuing. A project is included to extend the truck climbing lane back to the Shenandoah Street intersection. Key issues regarding available right-of-way and the possible need for a turning lane at Union Street may affect the viability of this project.

## Recommendations for New Integrated Road System

In lieu of capacity increases on US 340, many stakeholders and public comments have expressed support for an integrated frontage road system. The recommended new roads primarily provide additional east-west options to travel through the corridor. A frontage road system may also be important in providing access to regional commercial and employment centers during peak hours, providing more flexibility to limit left turns at un-signalized intersections with safety concerns, and integrating with a bike and pedestrian trail system.

Through the project identification and evaluation process for this study, all parties have stressed the need for attractive street design. These designs can be integrated with frontage roads as illustrated in Figure 16. Following the *Complete Streets* concepts being stressed by the City of Ranson, new roads should focus on roadway connectivity and allow everyone, whether on foot, bike, or public transportation, to reach community focal points. Those types of roadway designs will ensure that new roads help communicate the community's vision and ensure a safe, accessible, and attractive transportation system.

### Stressing Options and Attractiveness for New Roadway Design

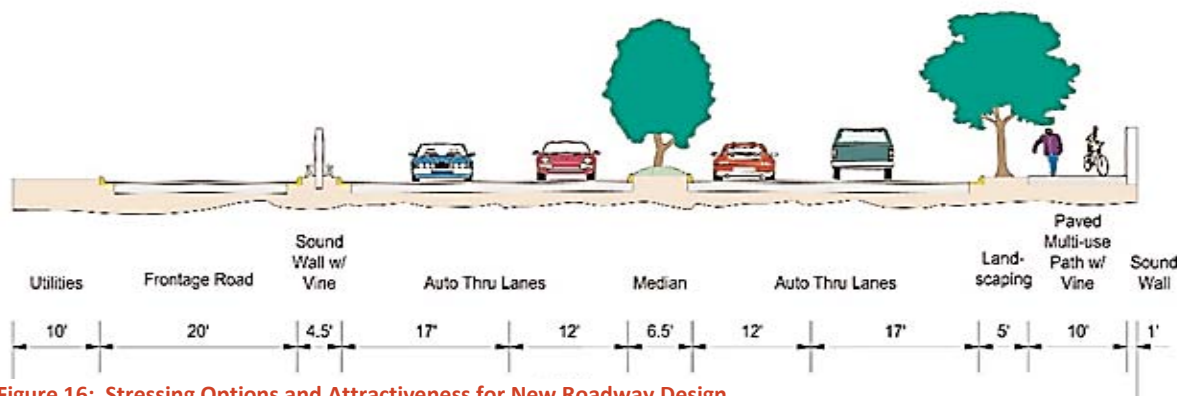


Figure 16: Stressing Options and Attractiveness for New Roadway Design  
(Source: Jessop Parkway Concept Plan, Solano Transportation Authority)

Such road designs may require a large amount of right-of-way especially when integrated with frontage roads and multi-use paths. The example provided in Figure 16 illustrates a design requiring about 115 feet of right-of-way. Figure 17 illustrates a portion of US 340 near Patrick Henry Way. This particular section (as illustrated by the red line in the figure) has about 280 feet of width, which may allow for frontage roads on each side of US 340 and beautification efforts. Future planning and design efforts will need to assess existing property lines and state-owned right of way associated with the US340 corridor.

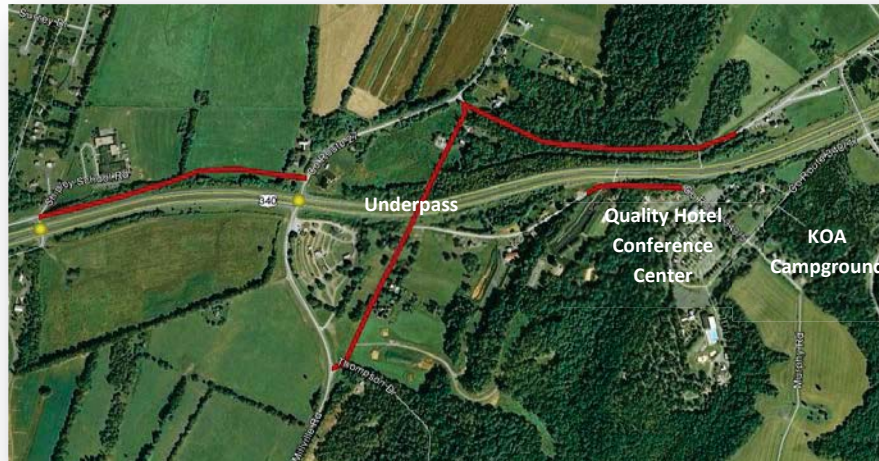


Figure 17: US 340 Right-of-Way

## Bakerton-Millville Road Connections

Map 21 illustrates proposed new roadways near the intersection with US 340 and Millville/Bakerton Road. This intersection and the associated projects were the highest prioritized projects at the January 19<sup>th</sup> public work session. Short term improvements have already been discussed for this intersection.

### **Recommended Improvements Near US 340 and Millville-Bakerton Roads Intersection**



Map 21: Recommended Improvements Near US 340 and Millville-Bakerton Roads Intersection, Source: Google Earth

Longer-term solutions include constructing a new portion of Millville Road as an underpass connecting to Bakerton Road. This would allow for the elimination of left turns and through movements at the current at-grade intersection and provide a safe north-south connection under US 340. There are several optional alignments for the underpass and further studies may be needed to identify potential costs and right-of-way issues with each alternative.

New frontage road connections from Bakerton Road east to W. Washington Street and west to Shipley School Road provide alternative access to Bolivar and Harper Ferry. With these connections, traffic to/from areas north or south of the corridor can access Bolivar and Harpers Ferry without traveling on US 340. Portions of these east-west frontage roads border on National Park Service property.

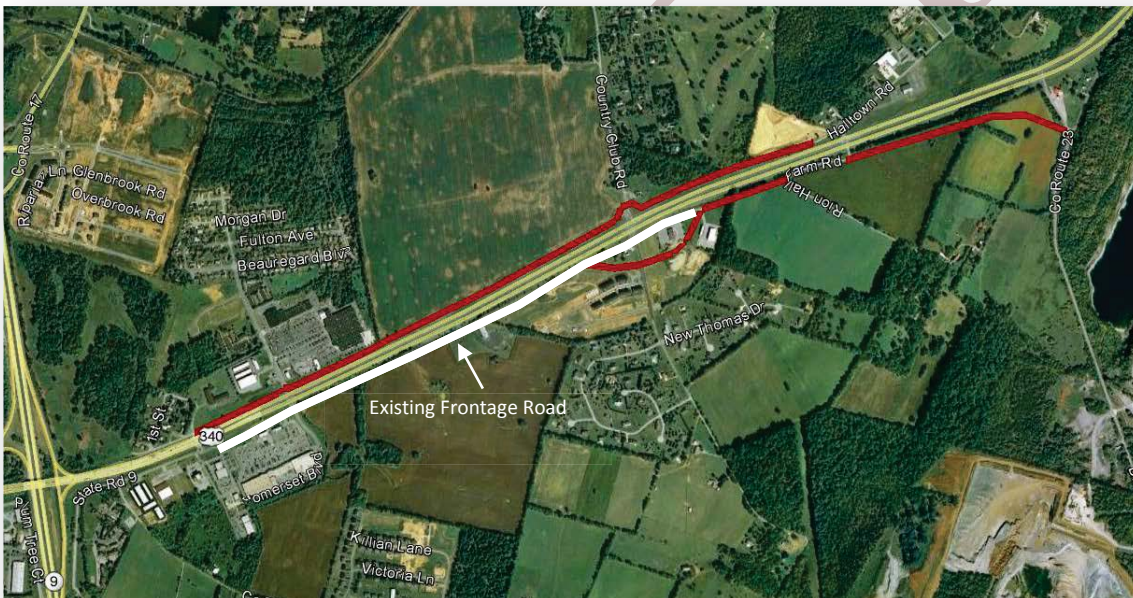
A frontage road linkage is also recommended to connect Alstadts Hill Road and Old Taylor Lane near the Quality Inn and KOA Campground. This connection would provide alternative access to the Millville Road underpass and Harpers Ferry National Park. Several public comments have addressed the safety concerns in making left turns out of the Quality Inn parking lot onto US 340 westbound. These safety concerns could be alleviated by providing alternative access options.

## Frontage Roads on Western Portion of US 340

As part of the land use vision for the corridor, much of the corridor's future commercial, office and mixed use development will be focused on the western portion of US 340 (west of Blair Road). To ensure accessibility and to provide congestion relief on existing portions of US 340, a frontage road system has been recommended.

The existing (Somerset Blvd.) and recommended frontage roads are illustrated in Map 22. Frontage roads currently exist on the southern side of US 340 from Jefferson Terrace Road to just east of Old Country Club Road. A recommended project is to extend the existing frontage road to Blair Road. The extension may also include a relocation of existing portions of the roadway. This frontage road extension would provide additional access to land use growth along the corridor and provide some alternative intersection strategies at Blair Road. For example, the new frontage road would provide options for access to the US 340 and Old Country Club Road intersection if left-turns were restricted at Blair Road.

### **Additional Frontage Roads on Western Portion of US 340**



**Map 22: Additional Frontage Roads on Western Portion of US 340, Source: Google Earth**

A frontage road is also recommended on the northern side of US 340 based on the corridor land use vision. The frontage road would extend from Patrick Henry Way and connect to Halltown Road providing an east-west route parallel to US 340. The design and construction of this frontage road may include a portion of the bike and pedestrian trail from Charles Town to Harpers Ferry.

The design and operation of these frontage roads may serve as an important access to existing commercial development near Patrick Henry Way. This road may serve an even greater importance if larger scale investments are made to construct an interchange near the existing US 340 and Old Country Club Road intersection (as discussed later). That scenario could

include closing the US 340 at-grade intersections at Patrick Henry Way and Jefferson Terrace Road, while providing access directly from the frontage roads.

### Other New Road Connections

Other new roads were recommended to provide residential linkages to commercial areas and to support regional access. A connection between Old Country Club Road and Shepherdstown Pike is recommended on the northern section of the East Gateway Corridor, as illustrated in Map 23. This new road would provide an east-west connection to support future development and to provide alternatives to the frontage road system along US 340. During the public workshops there were some discussions on creating an east-west route to Harpers Ferry along the northern section of the corridor. This incorporated the use of existing roadways including, Oregon Trail, Surrey Drive, Old Rider Road and Elk Run Estates Drive. However, such alignments are not currently recommended strategies and would need additional study and evaluation.

### **Alternative East-West Roadway Linkages in Northern Sections of Corridor**



**Map 23: Alternative East-West Roadway Linkages in Northern Sections of Corridor, Source: Google Earth**

## Connecting Keyes Ferry Road to US 340 and to Somerset Boulevard



Map 24: Additional Roadways Connecting Keyes Ferry Road to US 340 and to Somerset Boulevard, Source: Google Maps

Additional roadways connecting Keyes Ferry Road to US 340 (South of the WV 9 interchange) and to Somerset Boulevard (Map 24) would provide access to commercial areas on the western portion of the corridor. These projects could provide some traffic congestion reductions at the WV 9 interchange and the US 340 intersections with Jefferson Terrace Road and Patrick Henry Way.

Shenandoah Springs is a large development of townhouses and single family homes on the western portion of the corridor. Map 25 provides several new roads that are recommended to provide direct access from this development to commercial areas on US 340. This includes a north-south roadway abutting WV 9 that would connect to Jefferson Terrace Road. In addition, a recommendation is provided for an east-west roadway connecting to Old Country Club Road.

## Additional Access Roads to Shenandoah Springs



Map 25: Additional Access Roads to Shenandoah Springs, Source: Google Earth

At the public work session, potential options regarding connections to existing roadways within the Patrick Henry Estates development were also discussed. This would provide direct access to the Walmart and other commercial sites on US 340. However, the Patrick Henry Estates Homeowner's Association is opposed to such options and has sued their developer to obtain the deeds to the roads and common areas in the development. The homeowners association is concerned that such access would severely increase traffic and decrease safety on the residential streets in the community. As an alternative, a possible north-south roadway is identified just east of the Walmart. This roadway could link to a future east-west frontage road on US 340 and provide additional access to new development in the area.

### Recommendations for a New Interchange

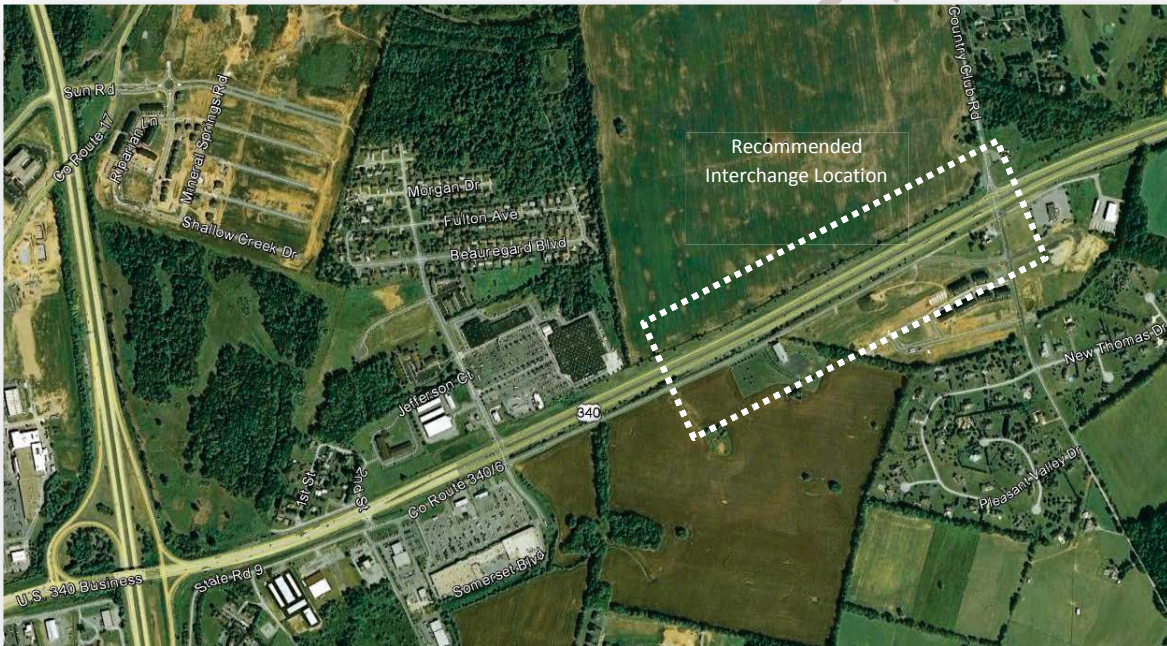
An interchange represents a grade-separated junction of two roads. Along US 340 within the corridor, the only current interchange exists at WV 9. The addition of new interchanges can be valuable in addressing intersection traffic congestion and delays; however, such grade-separated junctions are very space-intensive and costly, due to the need for large physical structures such as tunnels, ramps and bridges.

An interchange is recommended at or near the intersection of US 340 and Old Country Club Road as a replacement to the existing at-grade intersection. Per the land use vision plan, future commercial and other employment growth will be concentrated along the western portions of US 340. The interchange can serve as a valuable basis to develop transportation system options to address future traffic congestion. It can be integrated with other projects including a frontage road system and possible intersection closures to address long-term growth in the region. The

interchange was identified in the past as a long-term transportation need and is included in the financially constrained portion of the HEPMPO LRTP, *Direction 2035*, which was completed in 2010.

If an interchange is determined to be a priority long term need, then efforts must begin now to preserve the right-of-way needed to construct the interchange. Map 26 illustrates potential locations of the interchange near Old Country Club Road. Development has already occurred at corners of the existing intersection limiting the right-of-way needed for construction. It is currently recommended that if relocated, the interchange be placed west of Old Country Club Road to ensure it is in proximity of the primary current and future commercial development along the corridor.

### US 340 and Old Country Club Road Intersection



Map 26: US 340 and Old Country Club Road Intersection, Source: Google Earth

With an interchange in place near Old Country Club Road, additional options are available to address future congestion at the Jefferson Terrace Road and Patrick Henry Way intersections. These intersection locations currently have limited right-of-way to make significant improvements and their proximity to WV 9 prohibits an additional interchange being considered. With the addition of frontage roads along US 340, the Jefferson Terrace Road and Patrick Henry Way intersections could be closed and all traffic directed to the interchange. The frontage roads would be used to access the commercial areas. This strategy is often seen in commercial areas near highways. The linkages between the interchange and frontage road system would require additional right of way north and south of US 340.

## Recommendations for Other Intersection Improvements

Un-signalized intersection improvements are addressed in the short-term recommendations section. Other key intersection improvements are also recommended. These include the intersection with Flowing Springs Road / WV 9 / WV 9 Ramp, which is impacted by recent and future development within the corridor including Shenandoah Springs. Figure 18 provides images of the current intersection configuration

### Flowing Springs Road / WV 9 / WV 9 Ramp

*Flowing Springs Road / WV 9 Ramp*



*WV 9 / WV 9 Ramp*



Figure 18: Flowing Springs Road/ WV 9 / WV 9 Ramp, Source: Google Maps Street View

With future increases in traffic on Flowing Springs Road, a traffic signal may be warranted at the Flowing Springs and WV 9 Ramp intersection. Just west of this intersection, WV 9 Ramp intersects with WV 9 northbound as a stop-controlled approach. With future increases in WV 9 traffic and high speeds along this corridor, a merge lane has been recommended. These improvements have also been addressed in long range planning efforts conducted by the City of Ranson.

Future improvements are also recommended for the intersection with Halltown Road and Shepherdstown Pike if an integrated east-west frontage road system is developed. In that case, Halltown Road may experience greater traffic volumes. Currently, Halltown Road has a stop sign at the intersection with Shepherdstown Pike, and there is limited right-of-way to reconfigure the intersection or add lanes. However, a traffic signal may be warranted with increased traffic volumes to ensure safe turning movements and to reduce potential traffic queues at the stop sign.

Another recommended improvement involves addressing the current Bakerton Road railroad underpass in the northeastern section of the East Gateway Corridor. The current underpass is shown in Figure 19 and includes very narrow lanes. As future residential development expands to the north, projected traffic volumes will increase on Bakerton Road. The current railroad underpass represents a significant bottleneck and potential safety concern if such an increase in traffic volume were to occur. The project would need to include a widening of the underpass and the possible reconfiguration of the approaches.

### Bakerton Road Railroad Underpass

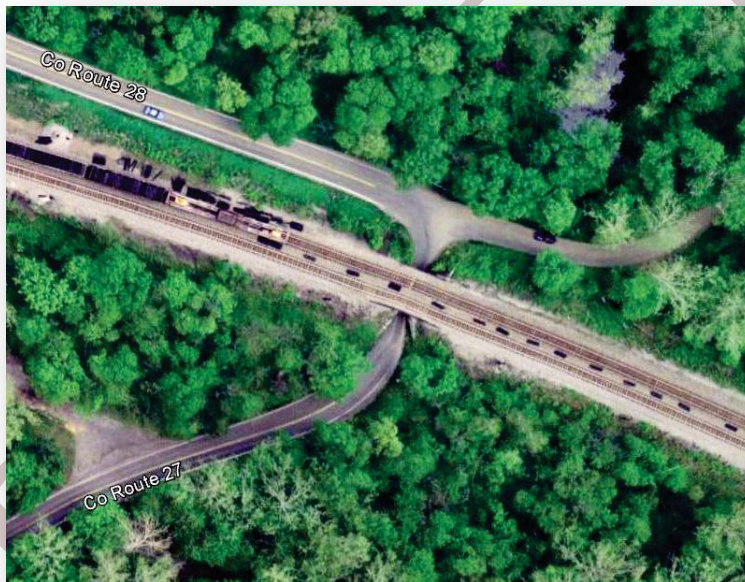


Figure 19: Bakerton Road Railroad Underpass, Source: Google Earth

### Recommendations for Transit Improvements

Significant public support was voiced for improving other transportation modal choices within the East Gateway Corridor. Within the Issues Identification and Concerns section of this report, transit needs have been identified. Determining recommended improvement strategies will require close coordination with transit providers including PanTran, MARC and AMTRAK. PanTran has undertaken planning efforts to identify potential service improvements within Berkeley and Jefferson counties. This study stresses those recommendations that are applicable to the East Gateway Corridor and provides additional strategy ideas obtained through stakeholder and public involvement efforts. The viability of these transit improvement strategies will be affected by available funding, capital investments, and potential ridership. Further

studies will need to be conducted by each transit agency to address these concerns and the details and framework of each conceptual strategy.

Table 13 summarizes transit strategy recommendations for the corridor. Several of these strategies were addressed in the HEPMPO LRTP and in other PanTran service planning efforts. PanTran’s existing Orange Route currently has stops at the Walmart (Patrick Henry Way) and the Harper’s Ferry Rail station. Future evaluations will be needed to determine if additional stops may be needed. Such stops could include new commercial or office centers within the corridor. Discussions with the USCBP may determine whether a stop at that location may generate transit riders.

### Transit Improvement Recommendations

Provider	Strategy / Need Addressed	Addressed in HEPMPO LRTP
PanTran	<b>Add demand-response service for areas within the East Gateway Corridor.</b> / There is currently no demand responsive service in the corridor and other areas of Jefferson County. Provides transportation options for physically, economically or socially disadvantaged.	YES
	<b>Restructure the PanTran Orange Route, improve headways to 45 minutes, and add service to MARC stations.</b> / Current headways range from 2-3 hours. Some MARC train departures are not supported by the Orange Route. In addition, reliability issues due to long route lengths create concerns for meeting train schedules.	YES
	<b>Provide new service linkages to other county commuter bus services in Maryland or Virginia.</b> / Provides additional options for residents working in Maryland or the Washington D.C. region.	NO
MARC	<b>Provide additional MARC service between Martinsburg and Washington D.C. including enhanced midday service schedules.</b>	YES
	<b>Investigate other locations for MARC stations to increase accessibility and promote transit-oriented development.</b>	NO(Addressed in Ranson Planning)

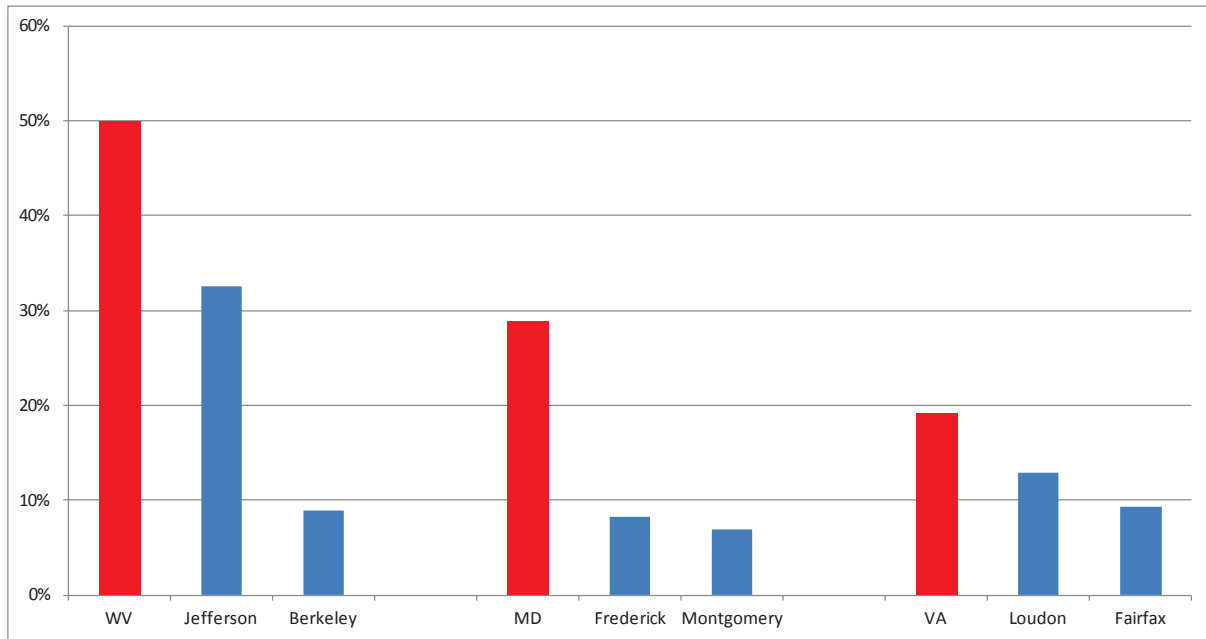
**Table 13: Transit Improvement Recommendations**

Identifying new potential transit service will provide additional transportation options for the region. Table 14 illustrates typical work locations for residents within the East Gateway Corridor based on the CENSUS Longitudinal Employment Household Dynamics On-the-Map (LEHD-OTM) tool.

## Where Workers Are Employed Who Live in East Gateway Corridor

Red = States

Blue = Two Highest Employment Counties in that State



**Table 14: Where Workers Are Employed Who Live in East Gateway Corridor, Source: 2009 Work Destination Report; US Census Bureau, OnTheMap Application; Custom area selection based on East Gateway boundary**

The data indicates that 50% of the corridor residents work outside of West Virginia, in Maryland and Virginia. Such data supports recommendations for additional transit service linkages to other county bus or regional transit services. For example, Loudon County has an extensive commuter bus system that includes stops from Purcellville, VA to Washington, D.C. Thus, opportunities may exist to coordinate PanTran shuttle service with other available service in nearby counties.

### Addressing Access Management

The extent to which the access points (driveways and intersections) are controlled or managed in a corridor dramatically impacts the capacity and character of the roadway. On state-owned roadways (like US 340), the state must balance the requirement to provide access to property with the need to maintain roadway function. The WVDOT provides guidelines for access management, including the spacing of intersections to optimize traffic flow and driveway spacing to avoid reductions in capacity due to traffic turning directly into and out of travel lanes. A variety of strategies, including dedicated turning lanes, signal coordination, and frontage roads, can minimize the negative impacts of new development on existing roads.

In West Virginia, only interstates have full access control and some high-level U.S. or State highways, such as the Route 9 bypass, are designed with partial control of access. Other facilities depend on local planning and development review processes to protect the capacity of existing roads. Adherence to the access management guidelines in the design of new development and in local comprehensive planning can improve the ability of existing roads to serve traffic as development occurs in the future.

Any municipality may, in cooperation and coordination with WVDOT, develop an access management plan for a specified state highway segment for the purposes of preserving or enhancing that highway's safe and efficient operation. Once adopted by the affected agencies, such plans will form the basis for all future access connection locations. The plan should include a combination of policy, design, and improvement actions aimed at achieving access management objectives. A corridor access management plan may include the following elements:

- Existing and future access locations,
- All major access-related roadway design elements,
- Lots or parcels currently having frontage on the highway segment,
- Pedestrian and bicycle amenities and associated safety implication,
- Transit facility considerations; and
- All supporting technical materials, if applicable.

Within this land use vision study, many of the identified transportation projects have focused on limiting additional access points along US 340. This has included an enhanced frontage road system to provide access to current and future residential and commercial developments along the corridor. Several new traffic signals have been identified within the corridor. This includes possible short term improvements at the Millville intersection and intersection improvements related to the new CBP entrance near Halltown Road. However, additional traffic signals and/or new intersection approaches are not recommended west of Old Country Club Road. Longer term solutions including a possible interchange at Old Country Club Road have focused on limiting access to US 340 and providing primary access points to a frontage road system.

### **Roadway Streetscape and Beautification**

The importance of preserving the character and nature of the corridor has been identified as a key priority within the stakeholder and public involvement efforts conducted for this study. Complete Street concepts have been stressed for new roadway designs incorporating landscaping to improve attractiveness and function of the roadway system. Additional comments have focused on improving the landscaping along existing portions US 340.

Enhancements to the existing roadway system may include separate studies to identify the types and locations of streetscape improvements that would promote business growth and community pride within the area and address public safety issues such as drainage, infrastructure, and pedestrian access. Such efforts could include the following principles:

- Implement sustainable practices
- Develop complete streets
- Use cohesive design elements
- Promote security and safety
- Coordinate maintenance awith design and implementation
- Protect and enhance historic character

Figure 20 illustrates examples of key components in streetscape design which will vary based on the location and types of roadways.

- 1 Bus Stop
- 2 Street Trees (shade)
- 3 Coordinated Street Furniture Planters
- 4 Planter
- 5 Median Refuge
- 6 Pedestrian Crosswalk
- 7 Colocating signs
- 8 Bicycle Lane
- 9 Public Art
- 10 Pedestrian Lighting
- 11 On-street parking

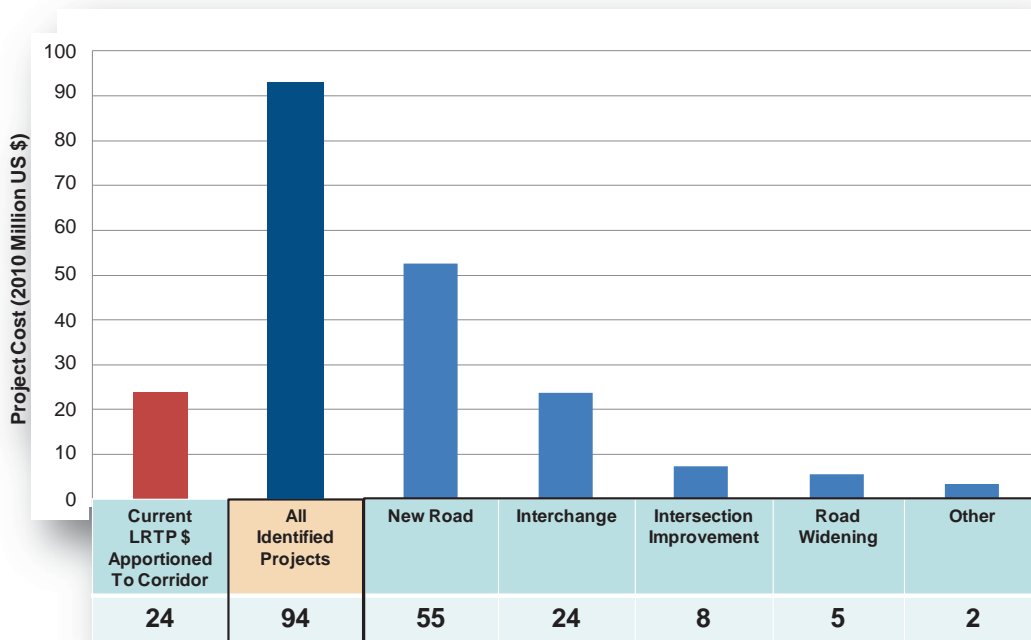


Figure 20: Components of Streetscape Design, Source: Omaha Streetscape Handbook

### Transportation Project Funding Issues

This plan provides recommendations for a variety of transportation improvement projects. Table 15 illustrates that the estimated cost of all these improvements would exceed \$90 million. These costs are estimates based on typical project costs; and can vary based on right-of-way and excavation issues. In addition, constructing projects with “Complete Street” concepts may escalate costs based on the need to accommodate other modes (bike trails), attractive roadway design, and extensive landscaping.

## Estimated Cost of Recommended Improvements



**Table 15: Estimated Cost of Recommended Improvements**

Only one project within the corridor is included in the financially constrained portion of the current HEPMPO LRTP. That project is the interchange at US 340 and Old Country Club Road, which carries an estimated cost of \$24 million. Total federal and state funding for Berkeley and Jefferson counties (combined) was forecast to be \$354 million. These funding constraints indicate that it may not be possible to fund many of the identified projects. These issues have prompted the HEPMPO to include a more robust prioritization process as part of the LRTP development process. As future updates are made to the LRTP, these project recommendations will be evaluated and prioritized. This process will utilize this study as key input in combination with stakeholder and public comments and other more focused project studies.

As Jefferson County continues to assess regional transportation strategies, other potential funding mechanisms will need to be evaluated. These may include public-private partnerships, developer funded projects or land donation, or development fees and tolls. The County will also need to work closely with WVDOH to identify whether federal and state dollars may be used for certain projects. WVDOH is responsible for many of the state and county routes; however, they may not accept the responsibility for all new roads. As a result, future coordination will be needed as projects are progressed through the planning phases.

## 6.0 Implementation Strategies

### 6.1 Introduction

This corridor plan provides a mix of strategies that are mutually reinforcing and consistent with the agreed-upon vision for the Corridor. It provides a set of well-defined goals, objectives and recommendations to carry the strategies forward into implementation.

The implementation section of this plan is the most important and iterative step in the planning process. The most accurate and well developed corridor plan will mean very little unless steps are taken to ensure the realization of its goals and objectives and its specific recommendations. From the point of view of the private sector, the term implementation means “making it happen.” From the public sector point of view, the term means to assist and guide development, both public and private, by reasonable and prudent application of the various land regulatory measures adopted by the local community.

Proper implementation of this plan is important to realize the goals and objectives. A number of existing land use techniques will continue to be used and new techniques or modifications to existing ones should be analyzed to determine if they can be effective in addressing the adopted goals, objectives and strategies. It is important to note that the mere adoption of the Plan, its maps, and other details does not automatically amend the existing zoning ordinance, subdivision regulations and other approved regulatory tools that may be impacted the statements found in this Plan. The intent of this document and in particularly this implementation section is to provide general directions and guidelines to the Planning Commission and County Commission in the review of existing and development of new planning techniques that will most effectively carry out the objectives of the US 340 Corridor East Gateway Plan.

The US 340 Corridor East Gateway Plan recommends improvements in transportation, land use, protection of historical and cultural resources, environmental and natural resources, open space, parks, trails and greenways, community services, and economic development. An implementation section is needed to achieve the vision of the plan, as presented in the Plan Recommendations section.

The Plan addresses these themes and provides development guidance over a 20 year horizon. The US 340 East Gateway Corridor Plan will work with the County’s Comprehensive Plan, Zoning Ordinance and the Subdivision Regulations, to provide for the orderly, efficient, and sustainable development of the corridor. This strategic corridor plan includes a package of recommended goals, objectives and strategies designed to ensure that future development is consistent with the intent of this Plan while recognizing the uniqueness of this gateway into Jefferson County.

This will allow will allow the County to identify and coordinate implementation strategies and policies for future land uses by balancing competing social, economic, resource, and environmental factors.

In order to implement the recommendations of this plan, each proposed action will require separate efforts by one or more agencies. Some recommendations may require joint action by

the public and private sectors, as well as non-profit organizations, civic associations, schools, and other local entities.

The Plan outlines implementation strategies for growth opportunities and challenges facing the corridor. The growth opportunities and challenges that are particularly relevant to the corridor include, but are not limited to:

- Highlight the assets of the area in promoting managed economic growth by attracting new businesses, jobs, quality retail and housing in the area
- Land use strategies such as zoning, subdivision regulations, land conservation, and access management must be consistent and compliment the functions of the goals for the Corridor
- Transportation improvements need to occur in conjunction with development and as funds are available.
- There should be close communication and coordination between the local, regional, and state transportation planning authorities
- There should be public involvement with affected property owners and local users of the transportation system
- Development of pedestrian and bikeway linkages in coordination with development as depicted in this and other plans
- Landscaping and preservation of right-of-way
- Management tools and processes such as development guidelines, design guidelines, and plan oversight and monitoring
- Promoting strategic growth concepts to effectively manage the County's future development
- Effective public-private partnerships are critical to encourage development in the area in accordance with the community's vision as well the policies of this plan; and, thus, should be encouraged
- Facilitating high-density, mixed-use development in areas as designated on the Future Land Use Map. Well-designed public amenities and infrastructure will attract development. Infrastructure improvements and other provisions should be made available through mutual cooperation and support. Adequate public facilities and amenities should be in place either in advance of or concurrent with, the development in the priority areas
- Enhancing the linkage between land use and utility providers to provide long term public management of public utilities
- Promoting and maintaining Jefferson County's quality of life

In anticipation of the commercial, residential, office, and tourism likely to increase in the coming years, the US 340 Corridor Plan considered these uses and planned for the appropriate development of these uses. Design standards and guidelines are needed to assure that there is a degree of continuity and compatibility between and among new and existing uses. The regulations should be structured to allow for design flexibility, yet within acceptable limits to meet the objectives of creating quality developments, protecting existing neighborhoods, natural and historic resources, and promoting the concept of the Corridor as an entrance to the County and State.

With this plan, the community has developed a vision of the future of US 340 Corridor East Gateway. Making the community driven vision a reality is possible through mutual cooperation.

All future development and redevelopment proposals in the US 340 Corridor planning area should be reviewed for consistency with the adopted plan.

## 6.2 Implementation Tools

### *Zoning*

Zoning ordinances are established to ensure orderly and compatible land use development. To this end, the County has zoning districts that are designated throughout the County and illustrated on the County Zoning Map. The official zoning map divides the county into a series of zoning districts, and the zoning text describes the regulations for the use of land within those specified districts. Zoning is typically the primary tool used by local governments to implement various planning policies. The zoning ordinance should be effective at addressing subjects such as permitted uses within specific zoning districts, lot sizes allowed, appropriate setback distances, density standards, and design controls. Zoning also conserves and protects property values by prohibiting objectionable land uses in certain districts. Modern applications of zoning have broadened to provide orderly community growth, enhance and diversify a community's tax base, maintain or achieve beauty and variety in the physical environment, accommodate complex and unique land uses and, in sum, make a community livable.

With the US 340 Corridor East Gateway Plan, there may be an opportunity to create or amend existing zoning districts that would better facilitate the types of activity outlined. An overlay district or similar mechanism could be used on a section or the entire corridor to ensure development patterns is in keeping with the plan. Such a district could include design guidelines or other elements specific to this corridor. The adoption of a PUD (Planned Unit Development) or a mixed use district would provide the applicant an opportunity to create a project that could result in a better development and greater flexibility in design with less regulatory barriers. The community could gain a unique development that is appropriate for its particular setting. Mixed used developments that provide dense walkable communities with New Urbanism/Smart Growth design principles should be encouraged in locations delineate on the Future Land Use Map that is part of this Plan. The zoning ordinance could provide incentives or density/intensity bonus for development plans that preserve key features. All petitions for rezonings should be in conformance with the Plan.

### *Subdivision Regulations*

Subdivision regulations are adopted to provide quality control for public improvements constructed by private development. Subdivision regulations also let a local government require minimum or maximum thresholds for improvements in a subdivision and site plans, such as roads, sidewalks, bike paths, storm water systems, sanitary sewers and open space. While zoning is often considered "what and where can I do an activity", subdivision regulations are considered "how do I build a project."

The 340 East corridor plan promotes efficient layout and design of new sites along the corridor. This permits greater and more intense use of the land. Standards should be established for design guidelines for new development (layout, facades, signage, lighting) that provide a sense of place. Design guidelines achieve a more consistent development by conveying preferences to the applicant for parking, building siting, design and architectural style. This would result in development patterns that are appropriate for the corridor. The Subdivision Regulations should promote road, trail, and sidewalk interconnectivity between and among developments. Active and passive open space standards should be reviewed to ensure proper amount of open space

is being created. The subdivision regulations should encourage development layout patterns that preserve key features, both natural and built, without losing any development rights.

### *Transportation*

This Plan has been drafted with assistance West Virginia Department of Highways (WVDOH), Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) and Michael Baker Corporation. Their assistance has been vital to the analysis of the transportation components found in this Plan. Moving forward to implementation of the transportation improvements, the partners at the WVDOH and HEPMPO are critical in assisting with funding any projects. If an effort to create a parkway like setting and associated improvements for the corridor is to be implemented, the WVDOH assistance is needed to permit such activity. Both the WVDOH and HEPMPO are local links to federal transportation funding sources.

Efforts towards purchasing easements is an inexpensive way to protect land for public needs. The property owner retains ownership and use of the property, but the government gains the right to use it and make improvements on it. During development review, the applicant may grant an area or build around future transportation improvements. Such dedications or reservation of future improvement areas should not result in a loss of development rights to the applicant. Such development rights could be exercised elsewhere on the property. Maintain balance between public and private sector responsibility for transportation improvements. Require interconnectivity for roads, sidewalks and trails to other neighboring developments and property.

### *Jefferson County Development Authority*

The Jefferson County Development Authority is a partner in implementing the Plan. If the Plan is a “how to grow” tool, the development community provides the ability to carry out the plan. The Future Land Use Map for the corridor shows significant areas for growth, business and job creation around nodes at transportation intersections. The plan promotes a variety of business expansion and retention opportunities such as retail, small business, office, commercial, and federal agencies. The regulatory agencies should ensure that development review and permitting processes are transparent and predictable for business investment.

### *State Enabling Legislation*

Sections of State Law should be amended to provide for more land use planning tools and greater flexibility in review time frames. Currently the state law has prescriptive time frames that must be met in order to achieve some uniformity across the state for land development review process. While the attempt is well intended, the law has inadvertently resulted in some potentially mutually agreeable development options to not be considered since the mechanism cannot be fit into a rigid time frame or results in a process taking longer since the steps have to be broken into separate segments in order to meet state law. Changes in the State Law do not need to change existing language, but permit for additional options in addition to the codified language. There may be opportunities to amend State Law where the intent of the legislature is achieved, the needs of local community and applicants exercising their development rights are balanced.

*Capital Improvement Plan*

The Capital Improvement Plan should be used to continue to increase emergency services as growth along the corridor increases. Police, fire and rescue response times would be improved as enhancements are made to these services.

DRAFT

## 6.3 Table of Recommendations

### 1. Community Services and Infrastructure

REC. NO.	PAGE	RECOMMENDATION
		Ensure availability of adequate water and sewer capacity prior to approval of new development
		Protect private well and septic systems.
		Upgrade the Harpers Ferry water system.
		Ensure affordability of water and sewer services.
		Develop additional infrastructure to expand the availability of water and sewer services in the US 340 corridor.
		Encourage public ownership of water and sewer services.
		Take steps to enhance the quality and safety of area water supplies, including but not limited to the following: <ul style="list-style-type: none"> <li>a) Improve water treatment</li> <li>b) Require area water providers to ensure the safety of water</li> <li>c) Limit the amount of new development served by septic systems</li> </ul>
		Develop a countywide comprehensive clean water plan.
		Review local land development regulations to consider a requirement that all potential private wastewater operators enter into an agreement with the PSD to ensure that all private plants are built to a standard that can be managed by the PSD if that is necessary in the future.
		Work with the Jefferson County Board of Education to ensure that area schools are adequately funded.
		Develop safe routes for children to walk and bike to school.
		Encourage programs promoting environmental awareness, school gardens and beautification projects (similar to Page Jackson school model – available for public use during non-school times).
		Improve school organization, communication with the local community, and site planning vis-à-vis planned residential development yields.
		Improve public library access/technical access for those persons without internet access.
		Promote use of libraries as community centers.
		Enhance existing volunteer-based firefighting capacity by the provision of permanent, full time fire services.
		Develop a long-range funding plan for area Fire and EMS services.
		Consider County funding of Harpers Ferry police for provision of emergency services for accidents on the section of US 340 located between the two bridges.
		Ensure the availability and adequacy of fire hydrants in the 340 corridor planning area, including the following recommendations: <ul style="list-style-type: none"> <li>a) Provide hydrants in underserved areas, using dry hydrants at ponds and streams or other means</li> <li>b) Improve hydrant water pressure</li> <li>c) Ensure that standards and testing of hydrants are adequate</li> </ul>

## 2. Economic Opportunities

REC. NO.	PAGE	RECOMMENDATION
		Improve appearance of corridor (design of development, litter, wayfinding signage)
		Address traffic congestion (especially on weekends)
		Review the adequacy of current impact fee structure
		Create parking for recreational/tourism sites as well as for commuters
		Retain scenic beauty, historic resources and farming to promote natural and heritage tourism opportunities
		Weekend train between Harpers Ferry and DC and between Harpers Ferry and Charles Town
		Promote additional tourism and entertainment opportunities
		Encourage Harpers Ferry restaurants to stay open later in the evenings
		Promote the development of a wide variety of types of businesses, including but not limited to: Small businesses, "Green" jobs, tourism / entertainment, high tech / data centers, white collar (professional, IT, clerical), medical office, agri-business and agri-tourism, and retreat/training/convention center
		Retain existing businesses
		Promote the creation of businesses that support Appalachian Trail, C&O Canal, and bike path users
		Achieve a balance of retail, federal, industrial and historical/tourism job opportunities
		Enhance educational opportunities and workforce development
		Identify incentives to encourage employment opportunities in historic facilities, and review the efforts of other communities in achieving this objective
		Improve appearance of corridor (design of development, litter, wayfinding signage)

## 3. Environmental / Natural Resources

REC. NO.	PAGE	RECOMMENDATION
		Preserve natural features, such as scenic beauty, rural viewsheds, significant tree stands, green infrastructure, the Shenandoah River and other water resources.
		Recognize the importance of trees in the suburban environment by encouraging the retention of existing native trees and the establishment of street and shade trees in residential neighborhoods and commercial developments (land use regulations amendments may be required).
		Require vegetative buffers along US 340 in key areas to promote a parkway-like character along the corridor
		Protect the Elks Run Watershed, water source for Harpers Ferry and Bolivar
		Encourage the integration of wetlands, woodlands and meadows into site development as aesthetics and functional features.
		Encourage the retention of agricultural lands, forest lands and ecological corridors through available mechanisms such as open space and farmland conservation easements and conservation easements, as well as zoning incentives.
		Implement open space residential and commercial development design standards to preserve scenic views, rural character, farmland, meadows, woodlands, steep slopes and wetlands with a target of preserving these characteristics within a development.

#### 4. Historic Resources and Viewshed

REC. NO.	PAGE	RECOMMENDATION
		Identify existing historic resources within the US 340 Corridor
		Assist local, state and federal entities in their efforts to retain historic resources within the context of their original setting
		Educate land owners about the benefits of historic properties and the process for seeking listing on the National Register of Historic Places
		Educate and assist landowners with structures on the National Register of Historic Places regarding available funding mechanisms for the restoration and/or maintenance of historic resources
		Update current Zoning Ordinance requirements regarding development adjacent to historic resources
		Consider establishing a review process for demolition permits for historic structures
		Encourage rehabilitation and redevelopment of historic resources
		Create standards that require preservation of historic structures if land is developed
		Promote heritage and recreational tourism near Harpers Ferry, including sites such as such as the location of the Battle of Harpers Ferry
		Coordinate with "Journey through Hallowed Ground" on tree planting along Corridor (part of National program)
		Explore opportunities for additional cultural events, including music- and food-related festivals
		Establish pedestrian trails to connect historic resources such as those sites along the Washington Heritage Trail
		Identify existing historic and rural landscapes, vistas and viewsheds in the Corridor and develop regulations to retain the same
		Prohibit neon, blinking signs or electronic message signs that are not static for a certain period of time
		Install landscaping buffers adjacent to existing development
		Establish standards to prevent light pollution
		Promote a variety of land uses to discourage duplication of services such as gas stations and small shopping centers
		Encourage appropriate rural/historic design for new or redeveloped public buildings in the corridor
		Install historic signage at appropriate locations along the US 340 Corridor, such as the location of the Visitors Center
		Minimize development along the US 340 frontage in the vicinity of the battlefield, to preserve a prominent gateway feature for the entry into West Virginia
		Improve US 340 Corridor aesthetics by creating a continuous green gateway landscaped with native species providing all-season color, developed in cooperation with community groups

## 5. Land Use

REC. NO.	PAGE	RECOMMENDATION
		Promote development that adequately balances the protection of key historic, agricultural and natural features with high-quality development
		Establish a Transfer of Development Rights program
		Work with National Park Service and residents to prioritize areas for land acquisition
		Identify mechanisms to allow for productive and profitable agri-businesses and agri-tourism.
		Provide development incentives for properties within the UGBs
		Develop new zoning categories in order to implement areas identified for mixed-use development at major intersections or along arterial roads within UGBs
		Identify areas for low- to high-density residential development within UGBs
		Establish design standards for new development (layout, facades, signage, lighting) that reflect a town center character to create a sense of place
		Use design standards to reduce typical strip commercial development image that lacks a sense of place
		Develop ordinance amendments that will enable mixed use developments to result in dense walkable communities based on New Urbanist/Smart Growth design principles
		Develop a new mixed use zoning district that promotes quality mixed employment development (light industrial, wholesale, retail, office) with design standards
		Amend the current mixed use zoning district to eliminate industrial uses and to create a true mixture of uses based on New Urbanist/Smart Growth principles
		Allow properties to rezone to mixed-use development at key intersection
		Encourage mixed-use zoning for properties within the Urban Growth Boundaries
		Require commercial development to be blended within a mixed use context to achieve a balance between retail and residential uses
		Plan for a limited section of the Old Standard Quarry property to develop as a mixed use development
		Promote cluster development to preserve open space
		Identify additional agriculture-related land uses appropriate for the Rural District
		Allow flexible standards (such as gravel driveways and Low Impact Stormwater Design) for Rural land uses
		Promote heritage and recreational tourism and agritourism
		Establish design standards for any new development in the Rural District (layout, facades, signage, lighting) that replicates the architectural and contextual features found in rural settings
		Provide design elements that allow for view of mountains to not be blocked
		Protect the quality of life elements that are important to Jefferson County residents and visitors
		Establish standards to provide efforts to minimize blight control, deteriorating structures, and dangerous buildings
		Increase awareness of the historic and rural character of the US 340 Corridor in all planning phases (i.e. Comprehensive Plan, etc.)
		Collaborate with Federal agencies located in the County regarding “greening” of Jefferson County & energy use reduction
		Develop a consistent approach to development and signage specifications in this corridor (i.e. water treatment facility next to historic property)

REC. NO.	PAGE	RECOMMENDATION
		Explore options for applicability of local codes to Old Standard Quarry property
		Ensure coordination between appropriate agencies for the creation of a true Gateway transition
		Refer all proposed developments within designated UGBs or adjacent to incorporated areas to the municipality for comment and coordination of development
		Coordinate with the West Virginia Division of Highways to establish a master plan for the approval of new entrances onto US 340 and intersecting state roads
		Coordinate with local utility providers to establish standards for approval of water line and sewer line extensions
		Plan for urban level of service for police, fire, and school resources within the UGBs

## 6. Parks, Trails and Greenways

REC. NO.	PAGE	RECOMMENDATION
		Provide trail connectivity for health, exercise, recreation, ecotourism and access purposes in areas such as, but not limited to: Between Harpers Ferry and Charles Town Between Harpers Ferry and WV 9 trail Across US 340 from Bolivar to HFNPS resources such as Murphy Farm Between rivers along Millville/Bakerton Roads Linking parks, athletic fields and neighborhoods Develop Greenways on the Blue Ridge that connect with the valley, and along the Shenandoah and Potomac Rivers
		Provide new connecting trails with all new development
		Provide trailhead parking
		Consider developing trails on “paper streets” (platted, unbuilt rights-of-way) in incorporated areas
		Provide Shenandoah River access at southern end of Old Standard Quarry property for recreational opportunities
		Upgrade bridge and C&O Canal / Harpers Ferry for easier bike portage to C&O Canal towpath.
		Retain existing landscaping and create additional landscape design along 340 to create a continuous “parkway” aesthetic
		Plant low maintenance native plant species along the US 340 corridor
		Plant trees along the corridor, such as a variety of flowering trees that change color at different times of the season to provide for continuous color change.
		Protect historic views
		Improve appearance of corridor by creating standards for the design of new development
		Create new parks to serve a variety of users (such as passive recreation, sports, and dog parks)
		Improve access to rivers for fishing and recreation
		Restore recreational activities to lower Harpers Ferry (including picnics, swimming, fishing)
		Provide additional park/recreation resources on the Blue Ridge Mountain

REC. NO.	PAGE	RECOMMENDATION
		Provide “wayfinding” signage along the corridor and trails which indicate historic sites in addition to nearby shops, restaurants, towns, etc.
		Improve online availability of trail maps on the County’s website, in addition to websites of other organizations
		Use Google Maps to upload trail information
		Utilize National Park Service education programs to build community awareness of County trails
		Identify public and private funding sources for trails, bike paths, parks and greenways
		Amend local planning and zoning regulations should be amended to require the dedication of or reservation for trail easements in conjunction with proposed residential and/or commercial development and/or redevelopment plats and plans.
		The appropriate regional and state transportation planning entities should be made aware of the proposed trails plan so that it can be utilized as a part of the design of future road improvements.

## **7. Transportation**

REC. NO.	PAGE	RECOMMENDATION
		Promote a land use pattern that is consistent with the capacity of roadway networks.
		Regulate the number, location and type of access points by implementing access management standards.
		Remove local traffic from through traffic lanes through the use of frontage and/or other parallel routes to reduce the speed differential of through traffic lanes.
		Increase the connectivity between existing and proposed neighborhoods and commercial developments to allow increased dispersion of local traffic
		Minimize the delay impact of traffic signals at intersections by setting the phase timing of the traffic signals to maximize capacities.
		Collaborate with HEPMPO and WVDOH on long range funding for improvements to the corridor.
		Reduce the number of potential conflict points, particularly at unsignalized intersections, through the use of raised medians, underpasses, controlled left turn lanes, right turn lanes, combined access points, frontage roads and/or rear access drives, and connected parking facilities.
		Improve safety at signalized intersections along the 340 corridor through the coordination of signals
		Improve safety at all intersections by considering alternative design options
		Support the development of safe pedestrian & bike facilities through the use of medians and median islands, and bike lanes within and outside the right of way.
		Reduce the speed of traffic in urbanized areas with traffic calming practices such as green buffers with sidewalks, landscaping, green median islands, and street trees plantings.
		Enhance enforcement of speeding and red-light running
		Build frontage (service) roads or other parallel interconnected roads adjacent to US 340, to allow for separation of through traffic and local traffic

REC. NO.	PAGE	RECOMMENDATION
		Improve existing intersections to enhance capacity
		Develop connectivity, interconnectivity and improve other existing roads to divert traffic from 340
		Evaluate any needed improvements to Cattail Rd./Marlow Rd. following the opening of the new WV 9
		Minimize installation of new traffic lights
		Coordinate transportation improvements with US Customs & Border Patrol development
		Improve directional signage
		Improve access to US 340 from Bolivar (especially on weekends)
		Ensure that any required improvements to US 340 and surrounding roads occur concurrent with development activity
		Consider a variety of solutions to improve traffic flow, if recommended by transportation engineers, including, but not limited to, traffic circles (“roundabouts”); underpasses/overpasses (particularly at Route 27); eliminate “no turn on red” restriction at various intersections; synchronize stoplights, especially on weekends;
		Improve Potomac Street to connect to Bakerton Road and work with CSX and other appropriate agencies to re-establish connection
		Develop western or northern bypass around Charles Town and Ranson
		Increase the availability and frequency of Public Transit Connections
		Consider development of a Park and Ride/Commuter Lot
		Increase rail access to Charles Town and Ranson
		Provide weekend train service from Harpers Ferry to Washington, D.C., both directions
		Adopt zoning and access management standards compatible with the plan recommendations that regulate access points and encourage shared access through frontage roads, rear service drives, shared driveways and connected parking lots.
		Coordinate access management with local land use planning.
		Discourage strip commercial development along highways and direct development to commercial nodes with managed access points by inclusion in comprehensive plan and land use regulations.
		Educate local units of governments, businesses and general public on importance of coordinating access management with land use planning.
		Connect existing hike/bike routes, such as the C&O Canal path, the Ranson Flowing Springs Trail (under construction) and the WV 9 path; and construct new hike/bike routes
		Install pedestrian/bike crossings at intersections along US 340
		Build sidewalks in areas with pedestrian traffic
		Install speed bumps near area schools
		Coordinate improvements to US 340 within the UGB to accommodate additional traffic volumes associated with new development
		Provide interconnectivity within and between developments to create a more continuous street network, including connections between neighborhoods and commercial areas where appropriate
		Coordinate improvements to US 340 outside the UGB to handle existing traffic and expected incremental increases in traffic volumes

## 7.0 APPENDICES

Appendix A	TECHNICAL ADVISORY COMMITTEE AND CITIZENS ADVISORY COMMITTEE
Appendix B	MAJOR SUBDIVISIONS WITHIN CORRIDOR
Appendix C	LAND USE SCENARIOS
Appendix D	COUNTY COMMISSION AND PLANNING COMMISSION MEMBERS
Appendix E	MAP DISCLAIMER AND MAP SOURCES
Appendix F	DEFINITIONS

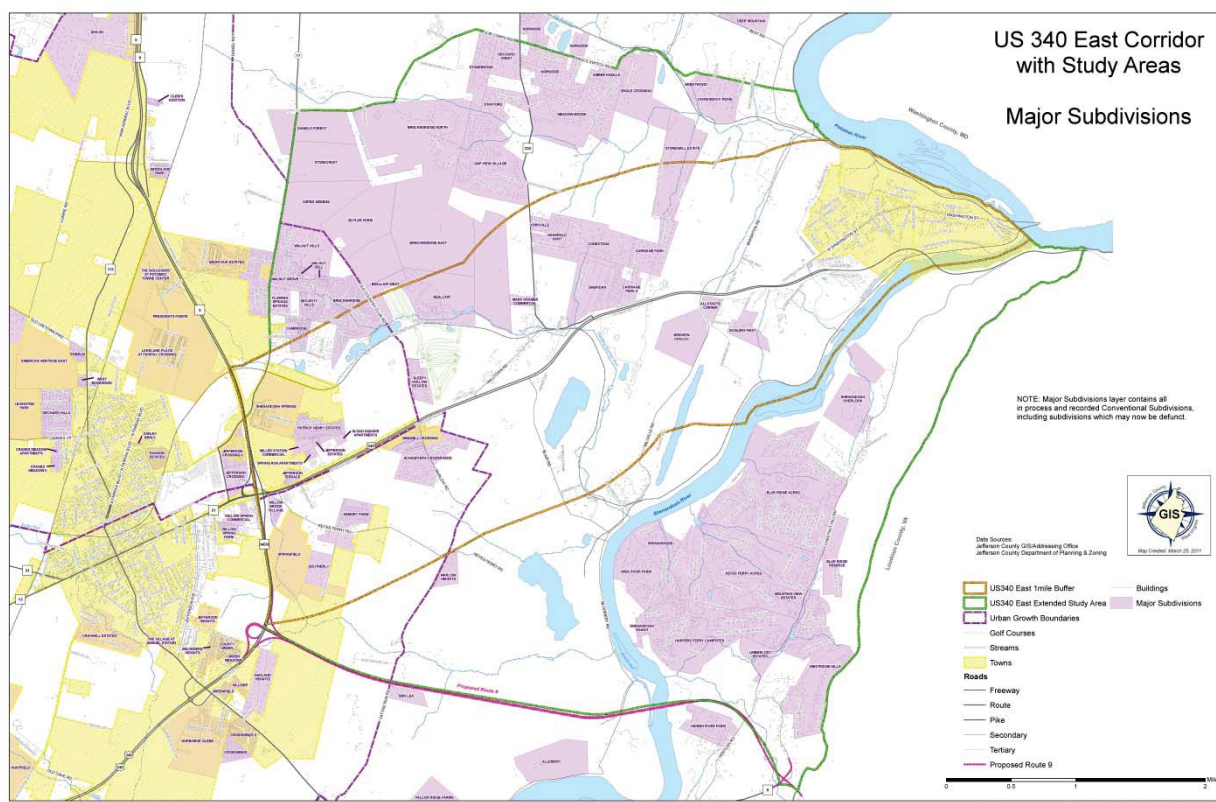
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# APPENDIX A: TECHNICAL ADVISORY COMMITTEE AND CITIZENS ADVISORY COMMITTEE

Andrew Lee  
Anne Dungan  
Bob Gordon  
Christopher White  
Dave Mills  
David Tabb  
Douglas Stolipher  
Gary Dungan  
Helen Dettmer  
Jennifer Brockman  
Jennifer Myers  
Joe Anderson  
John Allen  
Katie See  
Kevin Carden  
Laura Whittington  
Michael Schwartz  
Mike Wiley  
Rebecca Harriet  
Sarah Kleckner  
Steve Barney  
Seth Rivard  
Sue Lawton  
Suzanne Malesic  
Todd Fagan  
Tony & Dorothy DiGioia  
Whitney Burch

# APPENDIX B: MAJOR SUBDIVISIONS WITHIN CORRIDOR

The U.S. Route US 340 Corridor Study consists of both a primary and extended study area. There are major subdivisions located within each. According to the 1979 Jefferson County Subdivision Regulations, a Major Subdivision is a subdivision containing more than three lots. The major subdivisions (Map 27) located within the primary study area will have the most impact



Map 27: Major Subdivisions, Source: Jefferson County, WV GIS/Addressing

on traffic. However, it must be acknowledged that the major subdivisions located within the extended study area will have additional impact on U.S. Route 340 traffic flow no matter how minimal. There are twenty four major subdivisions found within the U.S. Route US 340 Corridor Primary Study Area. The Extended Study Area is home to thirty five major subdivisions.

However, not all of the subdivisions are built.

The major subdivisions found with the US 340 Corridor primary study area are:

- Jefferson Terrace Road
- Miller Station Commercial
- Spring Run Apartments
- Patrick Henry Estates
- Jefferson Estates
- Sloan Square Apartments
- Sleepy Hollow Estates
- Mark Kramer Commercial
- Yorkville
- Nansfield Hunt
- Conestoga
- Carriage Park
- Sheridan
- Carriage Park II
- Renview
- Allstadts Corner
- Buglers Rest
- Windmill Cross
- Schaeffer's Crossing
- Demory Farm
- Southerly
- Willow Brook Village

The major subdivisions found inside the US 340 Corridor extended study area are:

- Daniel's Forest
- Stonecrest
- Aspen Green
- Walnut Hills
- Walnut Dell
- Flowing Springs Estates
- Security Hills
- Cambridge\*
- Breckenridge\*
- Bellair West\*
- Butler Farm
- Breckenridge North
- Bellair\*
- Breckenridge East\*
- Gap View Village
- Stafford
- Stonebrook
- Orchard Crest
- Norwood
- Meadow Brook
- Amber Knolls
- Engle Crossing
- Brentwood
- Cavasback Ridge
- Stonewall Estate\*
- Shenandoah  
Overlook
- Blue Ridge Acres
- Blue Ridge Reserve
- Westridge Hills
- Limberlost Estates
- Harpers Ferry Campsites
- Keys Ferry Acres
- Shenanwood
- Wide River Farm
- Shenandoah Ranch
- 

\*Indicates subdivisions that may be considered to be located in both study areas.

# APPENDIX C: LAND USE SCENARIOS

## *Overview of the Land Use Alternatives*

During the public outreach meetings held in March and June of 2011, the public presented their ideas and vision for the corridor. From the extensive public participation and information provided by the public, both at public meetings and from the MetroQuest site, 3 different and distinct land use scenarios began to emerge. Staff developed and refined the 3 scenarios between June and the September 2011 meeting based on input gathered. At the September 17, 2011 meeting the following scenarios were presented at a public meeting:

- (1) Growth within the Urban Growth Boundary
- (2) Planned Mixed Use
- (3) Full Built Out

Each scenario has different land use implications and transportation impact on the corridor. The 3 growth scenarios will be discussed in greater detail below.

The growth scenarios were intended to represent a projected 25 year build out.

The scenarios listed below were intended to:

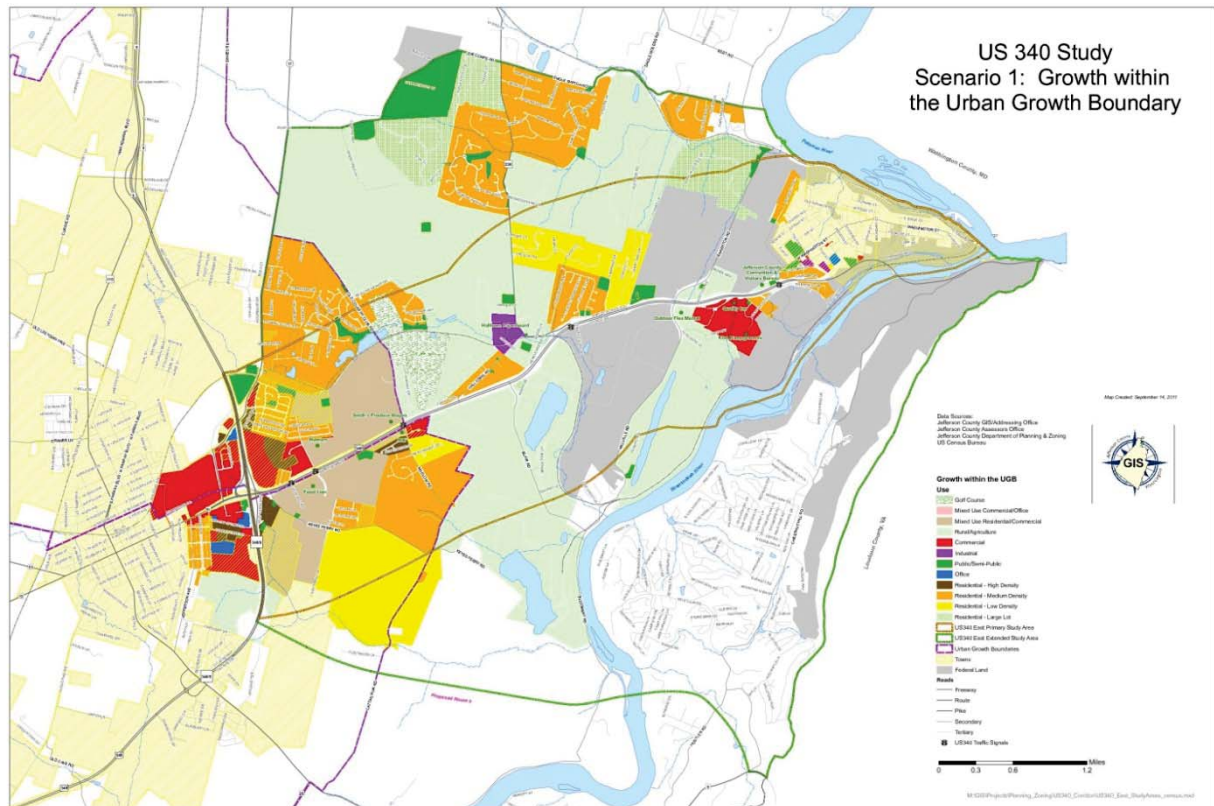
- Represent a broad range of general patterns for different locations along the US 340 Corridor
- Reflect the broad feedback received during the two previous workshops and from the MetroQuest survey
- Show a menu of choices to represent different values and policy choices
- Show general locations of possible future land use activities
- Act as the starting point in the selection of a Preferred Land Use Scenario

The scenarios are not intended to represent a plan to rezone any individual property or locate land uses on individual parcels.

## *Growth within the Urban Growth Boundary*

This scenario proposed commercial and housing growth to be located within the urban growth boundary (Map 28) in order to retain the rural character along the corridor. The urban growth boundary for Ranson, as it applies to this study, is the north side of US 340 to Old Country Club Road, continuing north along Old Country Club Road, thereafter

north on Flowing Springs Road and turning northward onto Daniels Road. The urban growth boundary for Charles town, as it applies this study, is the south side of US 340 just east of Marlow Road, and returns to the south following various properties, then returning to Cattail Road and continuing south to the current two lane WV 9.



**Map 28: Alternative Land Use Scenario 1: Growth within the Urban Growth Boundary, Source: Jefferson County, WV GIS/Addressing**

The purpose of this scenario is intended to provide urban level services in the defined urban core and retain a rural feel outside the urban growth boundary. For the underdeveloped parcels within the urban growth boundary, much of the land use is shown as residential/commercial mixed use and medium density residential. It is anticipated that development, particularly in the residential/commercial mixed use area would be walkable, landscaped and architecturally attractive. A typical suburban style retail center disjointed from a mix of housing types is not envisioned.

With development retained in the area noted above, the rural, historic and scenic features of the corridor would be maintained. There would be limited pockets of low density residential outside the UGB. The gateway corridor into the county and state that is valued by travelers would be preserved and enhanced.

With growth retained in the urban areas and limited development along the remaining corridor, limited transportation improvements would be expected outside the UGB. It is anticipated that the transportation congestion along the existing corridor would not see a significant decrease outside of the urban growth boundary.

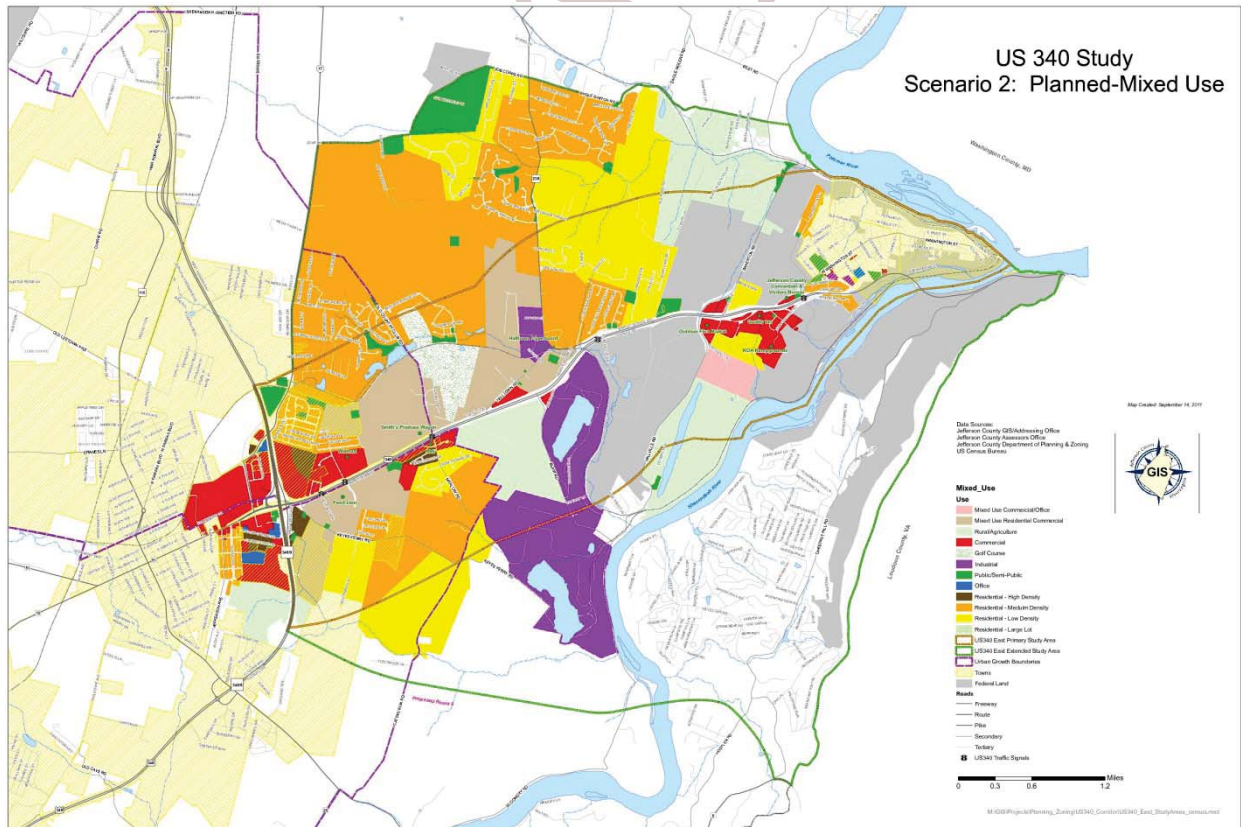
One of the significant challenges with this growth scenario is that broad sections of the corridor are currently zoned for uses greater than those permitted in the

Rural/Agricultural District and there are significant properties that have vested development rights. To be able to maintain the rural feel in this scenario, compensation would be required to those land owners with vest property rights. This could be in the form of a transfer of development rights program, purchasing the development rights – which would most likely require public funding or allowing owners' developments rights to be transferred to another property they own elsewhere in the County.

Additional improvements and amenities along the corridor, such as road improvements and bike paths would likely require public funding to complete those projects.

*Planned Mixed Use*

The Planned Mixed Use (Map 29) is an attempt to balance additional growth beyond the urban growth boundary, while respecting the area's rural character, environment, and history. The scenario combines commercial, housing, rural development, and employment. It is acknowledged that there may be a reduction in some of the area's rural character, environment, and history. However, some elements may be counterbalanced. For example, a historic home may require continued maintenance that can be costly, but allowing for some development around structure could allow an infusion of funding to the structure and the structure could be a feature of the development. The context of the home on an open farm would be lost and the structure could be saved.



**Map 29: Alternative Land Use Scenario 2: Planned Mixed-Use, Source: Jefferson County, WV GIS/Addressing**

Proposed land use along the north side of the corridor from Old Country Club Road to Shepherdstown Road is Mixed use Residential/Commercial. As the name indicates, the mixing of residential and commercial is expected. In order to allow such uses, design standards would play an important role in site development. Further to the north and extend to the east down to US 340 is shown as low and medium density residential, which is a departure from the Growth within the Urban Growth Boundary scenario where a rural land use was indicated. The residential land use designation reflects the existing land use rights and entitlements in that are currently in place.

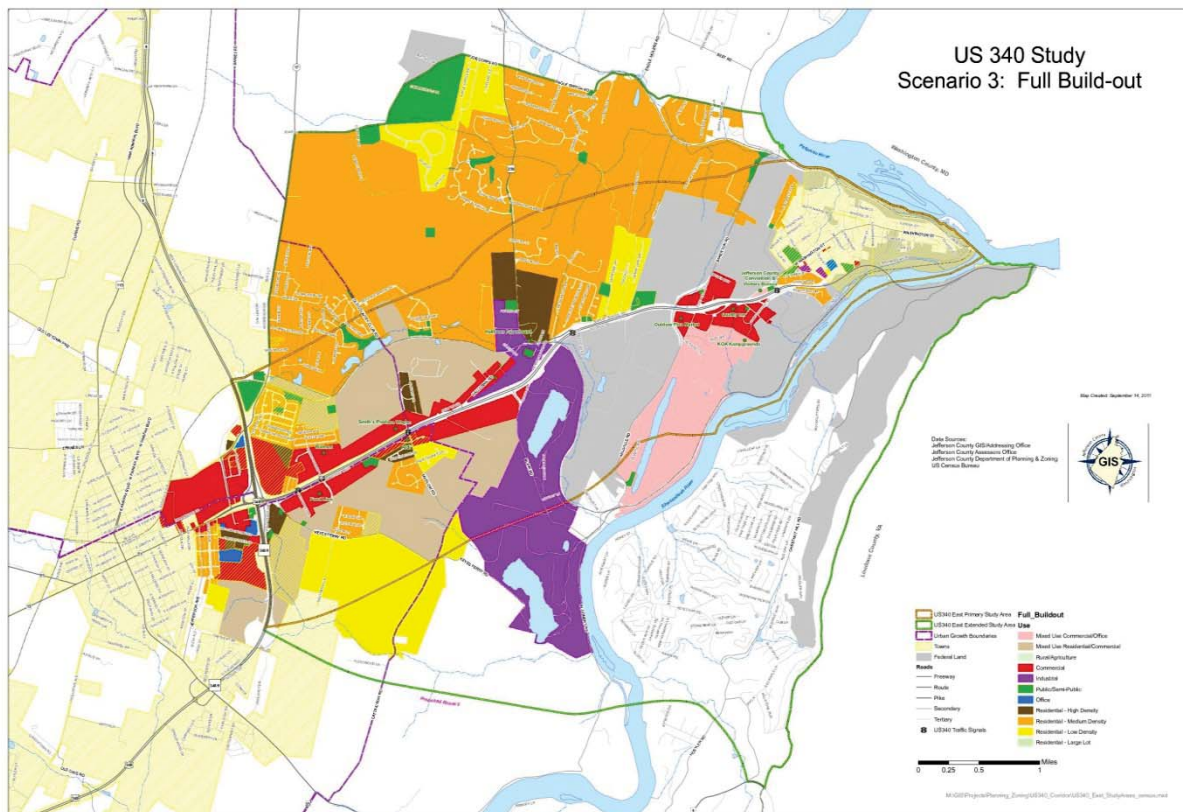
Across from the area mentioned above, a section is shown as rural and an area to the east of Blair Road is shown as industrial. Each of these designations reflects the current land use of each property. The rural designation presented would provide some rural feel to the corridor that is attempted in this scenario. The industrial/commercial would allow office uses and further extraction on the site, as has been done along Blair Road for decades.

The node at Bakerton/Millville proposes traditional highway commercial and is buffered by existing residential. The largest change to this location is showing the Old Standard Quarry with Mixed Use Commercial/Office along the northern section of the property. This would facilitate some development of the property while retaining the remaining portion as rural.

Unlike the scenario 1, this scenario would allow for some private funding of road improvements, parks, pedestrian and bike paths. Where there is development, there may be a need for transportation improvements to maintain current level of service.

#### *Full Build Out*

In the Full Build Out Scenario (Map 30), a maximization of the development potential is shown, allowing for a larger area of retail, office, manufacturing, and other types of commercial and industrial land uses. Additionally, this scenario envisions an expanded area for residential development, at higher densities. This scenario will result in high intensity use of the land within the US 340 study area. It is anticipated that there would be rezonings to higher classifications.



**Map 30: Alternative Land Use Scenario 3: Full Build-Out, Source: Jefferson County, WV GIS/Addressing**

Significant portions of the corridor from the Route 340/WV 9 interchange to Blair Road has traditional commercial frontage along both sides of the corridor. To the rear of the commercial is Mixed Use Residential/Commercial. Beyond the Mixed Use Residential/Commercial to the north and extend to the east down to US 340 is shown primarily as medium density residential. As in the Planned Mixed Use scenario, the property to the east of Blair Road is shown as industrial/commercial and would allow office uses and further extraction on the site, as has been done along Blair Road for decades.

The area surrounding Halltown is shown as commercial, industrial and high density housing. With the existing industrial paper plant and small industrial park located behind the plant, it is an opportunity to develop a high density node in that location. This option would allow for reinvestment of the Halltown area.

The land use options at the intersection of Bakerton/Millville Road provide for high intensity uses. The non-federally owned property at that area is shown as either commercial or Mixed Use Office/Commercial. A significant consideration of this area is that all of the Old Standard Quarry is shown as Mixed Use Office/Commercial. The proposed uses are a significant change to this location.

With respect to the natural, scenic and historic resources, in this scenario, those resources would be impacted the most. As noted in scenario 2, historic structures might be saved, but the context would be lost. Natural and scenic views would be greatly diminished and in a number of instances lost.

# APPENDIX D: COUNTY COMMISSION AND PLANNING COMMISSION MEMBERS

## **Jefferson County Commission**

Patsy Noland, President  
Dale Manuel, Vice President  
Walt Pellish, Commissioner  
Frances Morgan, Commissioner  
Lyn Widmyer, Commissioner

## **Jefferson County Planning Commission**

Paul G. Taylor  
Walt Pellish (County Commission Liaison)  
Daniel Hayes  
Arnold W. Dailey, Jr.  
Clifford (Gene) Taylor  
Ed Burns  
Wm. Kelly Baty  
Morgan Etters  
Eric Smith  
Steve Stolipher

# APPENDIX E: MAP DISCLAIMER AND MAP SOURCES

**Most maps in this document were generated using a Geographic Information System (GIS). While every attempt is made to portray current and accurate data, no guarantees are made regarding their quality or accuracy. The data is considered fit for geographic analysis of this nature. The geographic data layers comprising these maps come from a variety of source organizations. Data and map sources include the following:**

<b>Map Sources</b>	
Jefferson County Assessor	Appalachian Trail Conservancy (ATC)
Jefferson County GIS/Addressing	US National Park Service (NPS)
Jefferson County Planning and Zoning	Eastern Panhandle Transit Authority (EPTA)
Jefferson County Green Infrastructure Assessment	National Highway Traffic Safety Administration (NHTSA)
Jefferson County Historic Landmarks Commission (HLC)	WV Department of Transportation (WVDoT)
American Battlefield Protection Program (ABPP)	US Census Bureau (USCB)
University of Vermont (UVM)	US Customs & Border Protection (USCBP)
Cities of Charles Town and Ranson, WV	Federal Emergency Management Agency (FEMA)
Loudoun County, VA	Google Earth and Google Maps
Canal Towns Partnership	TomTom GPS
Hagerstown/Eastern Panhandle Metropolitan Planning Organization	

# APPENDIX F: DEFINITIONS

## *build-out*

A planner's reference to a hypothetical point in the future when all land that can be developed has been developed.

## *corridor*

A street or roadway identified as a principal link or gateway within the community.

## *density*

The permitted ratio of residential units to land area or the permitted ratio of building size to land area.

## *design standards*

Specific criteria and limitations placed on development and uses which are intended to protect the public health, safety, and welfare.

## *infrastructure*

Facilities and services needed to sustain development and land-use activities including but not limited to utility lines, streets, fire stations, parks, schools, and other public facilities.

## *land use*

The type of use activity occurring on a land parcel or within a building situated upon a land parcel.

## *mixed-use development*

A project which integrates a variety of land uses including residential, office, commercial, service, and employment and can result in measurable reductions in traffic impacts.

### *open space*

Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches, or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.

### *overlay zoning district*

A special district or zone which addresses special land use circumstances or environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning districts shall continue subject to compliance with the regulations of the overlay zone or district.

### *pedestrian-friendly*

The density, layout, and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks, and bike paths.

### *planning commission*

A board of the local government consisting of such [elected and appointed or appointed] members whose functions include advisory or nontechnical aspects of planning and may also include such other powers and duties as may be assigned to it by the legislative body.

### *quality of life*

The attributes or amenities that combine to make an area a good place to live. Examples include the availability of political, educational, and social support systems; good relations among constituent groups; a healthy physical environment; and economic opportunities for both individuals and businesses.

### *sense of place*

Community features that add up to a feeling that a community is a special place, distinct from anywhere else.

### *site plan*

A required submission, prepared and approved, that is a detailed engineering drawing of the proposed improvements required in the development of a given lot.

### *smart growth*

Development that enhances mixes land uses, foster distinctive, attractive communities with a strong sense of place, creates a range of housing opportunities and choices, create walkable neighborhoods, and analyzes site development layout that is sensitive to the natural and built resources.

### *streetscape*

An area that may either abut or be contained within a public or private street right-of-way or accessway that may contain sidewalks, landscaping or trees, and similar features.

### *traffic, peak period*

For any given roadway, a daily period during which traffic volume is highest, usually occurring in the morning and evening commute periods.

### *transit-oriented development*

Moderate- or high density housing concentrated in mixed-use developments that encourage the use of public transportation.

### *urban growth boundary (UGB)*

The boundary or line marking the limit between the urban growth areas and other areas such as rural and resource areas where urban growth is intended to be less intense, as designated by the county in consultation with cities, under the requirements of (state law).

### *vested property right*

The right to undertake and complete the development and use of property under the terms and use of property under the terms and conditions of an approved specific site development plan or an approved phased development plan for a specific time, regardless of changes in the ordinance.

### *zoning categories*

The classification of land by types of uses permitted and prohibited and by densities and intensities permitted and prohibited.

### *zoning map*

A map that geographically shows all zoning district boundaries and classifications within the city, as contained within the zoning code

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**MEMO**

**TO:** Planning Commission Members  
**FROM:** Steve Barney, Zoning Administrator  
**DATE:** June 12, 2012  
**RE:** Draft Zoning Ordinance Amendments – Article 5 (New Zoning Districts)

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On April 10th and April 24th, the Planning Commission conducted a public hearing regarding amendments to the Zoning Ordinance for the proposed addition of new commercial zoning districts and related amendments.

As a result of the public hearing, staff has prepared a list of comments received and recommendations related to these comments. Staff has also made changes to the draft recommended amendments, as a result of the comments.

In addition to this memo, the agenda packet for this item includes the following components:

1. A matrix listing the public comments received during the public hearing, in addition to staff's recommendation regarding each comment.
2. A revised draft of the ordinance amendments, reflecting the proposed changes to address comments received during the public hearing, including Appendices A, B, and C.
3. A memo providing staff recommendations regarding consistency of the proposed amendments with the Comprehensive Plan.
4. A memo citing other nearby communities' zoning ordinances, which staff consulted in the course of developing recommendations for the proposed new zoning districts.
5. A list of other amendments related to the proposed new commercial zoning districts.

In addition to the recommended revisions to the proposed amendments listed in the matrix of public comments, staff has also made the following changes to the list of proposed, new land uses in Appendix C and Section 2.2 (Definitions):

- Deleted use names “Barber / Beauty Shop”, “Duplicating Services”, “Video Rental Store” from Appendix C because these uses are included within the definition of the land use “Personal Services”.
- Deleted use “Furniture stores, carpet or related furnishing sales or service” because this use is covered under “Retail Store.”
- Changed name of the proposed land use name, “Bank without drive-through facility” to “Bank”.
- “Car Wash” added as a land use, permitted in the same districts in which a Gas Station is allowed.

Because the public hearing for the proposed amendments has been completed, at the June 12<sup>th</sup> meeting the Planning Commission may vote to recommend the proposed amendments to the County Commission for adoption.

For more information, please contact me at [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).

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**MEMO**

**TO:** Planning Commission Members  
**FROM:** Steve Barney, Zoning Administrator  
**DATE:** June 12, 2012  
**RE:** Comprehensive Plan Consistency - Draft Zoning Ordinance Amendments – New Zoning Districts

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**Background**

The West Virginia code (Section §8A-7-8) states that, before amending the Zoning Ordinance, the governing body (i.e. the County Commission) must make a finding regarding consistency with the Comprehensive Plan. To approve the amendment, the Commission must either:

1. Find that the amendment is consistent with the adopted comprehensive plan; or
2. If the amendment is found to be inconsistent with the Comprehensive Plan, then the governing body – with the advice of the Planning Commission – must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted and those changes have substantially altered the basic characteristics of the area.

As is noted above, the Planning Commission's role is to advise the County Commission regarding Comprehensive Plan consistency.

**Staff Recommendation Regarding Comprehensive Plan Consistency**

Staff finds that the Comprehensive Plan supports the proposed amendments and has identified sections related to the proposed amendments, below:

***Plan Vision** (page 8): This Plan encourages new development patterns that foster mixed-use neighborhoods so that a sense of community begins at the subdivision level... This plan encourages economic development so that residents can live and work in the County.*

**Comment:** The proposed amendments would provide the opportunity for commercial development that is compatible with residential areas, and encourage the development of planned, mixed-use neighborhoods. Additionally, by creating a range of commercial zoning categories, the proposed Zoning Ordinance amendments would contribute to encouraging economic development.

***Plan Vision*** (page 8): *This Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.*

Comment: The proposed amendments identify the appropriate locations for the new zoning districts. In all cases, these districts are intended for location within the vicinity of existing transportation infrastructure, such as four-lane primary roads. For the proposed industrial districts, the districts' "purpose" section includes a statement regarding availability of "adequate public or community water and sewerage service."

***Recommendation 3:19*** (page 67): *The County should explore the adoption of innovative planning concepts as discussed in the following section, including transferrable development rights and traditional neighborhood designs.*

Comment: The proposed amendments contain innovative planning concepts such as districts intended to encourage traditional neighborhood designs, in addition to the proposed Planned Neighborhood Development district.

***Recommendation 3.21*** (page 68): *[T]he County should review different zoning methods to see if LESA is still the zoning of choice for the County.*

Comment: While the proposed amendments would have little effect on the applicability of the LESA system, the new districts would provide property owners with additional options for pursuing land use entitlements – i.e. options other than LESA and the County's current limited set of zoning districts.

***Recommendation 3.23*** (page 71): *A concept plan for an entire tract in this district and other districts should be required when submitting an application seeking to develop only a portion of that tract, including codified standards for what should appear on the concept plan.*

A subsection associated with Recommendation 3.23 also includes the following text:

*There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use" zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof.*

Comment: The proposed amendments address the issues raised in this section. The PND district requires a Preliminary PND Plan, to be prepared based on the submittal requirements for a Concept Plan. Additionally, both the Office/Commercial Mixed Use district and the PND district have minimum requirements for percentages of non-residential uses.

If you have any questions, please feel free to contact me at [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).

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As part of the process of developing recommendations for new commercial zoning districts for Jefferson County, staff reviewed examples of other nearby communities' ordinances, such as Loudoun County, VA, Clarke County, VA, Washington County, MD, and Adams County, PA. Staff also reviewed the zoning ordinances of two West Virginia communities.

These ordinances can be found at the following links.

Loudoun County, VA

<http://inter4.loudoun.gov/Default.aspx?tabid=310&fmpath=/1993 Zoning Ordinance Revised>

Clarke County, VA

<http://www.clarkecounty.gov/planning/zoning.html>

Washington County, MD

[http://washco-md.net/county\\_attorney/pdf/ZoningOrd\\_Rev16.pdf](http://washco-md.net/county_attorney/pdf/ZoningOrd_Rev16.pdf)

Adams County, PA

<http://adamscounty.us/LinkClick.aspx?fileticket=ADbYkLrZTgs%3d&tabid=154&mid=523>

Fairmont, WV

<http://www.fairmontwv.gov/documents/zoningcode/Article%201319.1%20Factory%20Built%20Home%20Neighborhood.pdf>

Morgantown, WV

[http://www.conwaygreene.com/Morgantown/lpext.dll/morgantown/38b3/40c7/45f3/460b?f=templates&fn=document-frame.htm&2.0#JD\\_135702](http://www.conwaygreene.com/Morgantown/lpext.dll/morgantown/38b3/40c7/45f3/460b?f=templates&fn=document-frame.htm&2.0#JD_135702)

For more information, please contact me at [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).

## ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

### Section 3.1 Administration

- A. The provisions of this Ordinance will be governed by the County Commission or the Zoning Administrator and Staff in accordance with §8A-1-1 et seq of the West Virginia State Code, as amended. With enactment of the Ordinance, the County Commission shall designate a Zoning Administrator for the day to day administration of the ordinance.<sup>5,17,21</sup>
- B. An appeal to this Ordinance, however, may be made to the Jefferson County Board of Zoning Appeals subject to the provisions of §8A-1-1 et seq of the West Virginia Code, as amended.<sup>17,21</sup>
- C. The Jefferson County Board of Zoning Appeals shall evaluate all Development Review applications and approve or deny issuance of a conditional use permit.<sup>2,17,21</sup>
- D. All departments, officials, and public employees of Jefferson County which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this Ordinance.

### Section 3.2 Zoning Administrator

- A. The Zoning Administrator shall administer and enforce the Zoning and Land Development Ordinance. This includes but is not limited to the following:<sup>23</sup>
  - 1. Make determinations that all applications required by the Ordinance are complete and that all fees are paid.
  - 2. Interpret the provisions of the Ordinance as required by law.
  - 3. Issue Zoning Certificates as permitted by the Ordinance.
  - 4. Calculate the LESA point scores and determine the adequacy of the Support Data for all applications for a Conditional Use Permit.
  - 5. Issue all permits and Certificates as permitted by the Ordinance.
  - 6. Prepare and submit reports as required by the Ordinance or the Board of Zoning Appeals or Planning Commission.
  - 7. Conduct meetings and conferences pursuant to the Zoning and Land Development Ordinance.<sup>17,21,23</sup>
  - 8. Determine that a proposed use not listed in Appendix C, Permitted Uses Table, is allowable in accordance with the following requirements:
    - a. The Zoning Administrator may determine that a land use not listed in Appendix C, Permitted Uses Table is permitted if all of the following findings are made:
      - i. The characteristics of, and activities associated with the proposed use are substantially similar to those of one or more of the uses listed in Appendix C, Permitted Uses Table as allowable in that zoning district, and will not

involve a higher level of activity or population density than the uses listed in the district;

ii. The proposed use will meet the purpose/ intent of the zoning district that is applied to the site; and

iii. The proposed use will be consistent with the goals, objectives, and policies of the Comprehensive Plan.

b. When the Zoning Administrator determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this ordinance apply.

c. The Zoning Administrator may forward questions about equivalent uses directly to the Board of Zoning Appeals for a determination at a public hearing.

- B. Any decision or action by the Zoning Administrator based on Section 3.2(a) above is subject to appeal to the Board of Zoning Appeals.<sup>17, 21</sup>
- C. It shall be unlawful to develop, construct, alter, or reconstruct any structure or to change the use of any structure or property without first obtaining a zoning certificate from the Zoning Administrator. This provision may not apply to the general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.<sup>17, 21, 23</sup>
- D. Each application for a zoning certificate shall be accompanied by a copy of an approved site plan, if applicable, or by a legible drawing either drawn to scale or accurately indicating dimensions which show property boundaries and existing and proposed structures and other proposed changes or land development. The plans shall be retained in the office of the Departments of Planning and Zoning.<sup>17, 21, 23</sup>
- E. Use of any property, developmental arrangement, or construction on any property other than that authorized in the zoning certificate is a violation of this Ordinance. All provisions of this Ordinance and amendments shall be maintained perpetually.
- F. The Zoning Administrator shall approve or disapprove issuance of a zoning certificate within sixty (60) days of the initial filing date providing the application is complete and fees are paid when filed and the request is in compliance of the provisions of this Ordinance.<sup>17, 21</sup>
- G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat

#### Section 4.4 Prohibited Uses

- A. Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of Jefferson County or law or regulation of the State of West Virginia or other governmental agency shall be prohibited even though such use may be allowed under the terms of this ordinance.
- B. No land use shall be conducted that creates any injurious, noxious, or otherwise objectionable fire, explosive heat, or other hazard; noise, or vibration; smoke, dust, odor, gases, or other form of air pollution; or emit dangerous radioactivity in such a manner that if permitted would adversely affect the uses of an adjacent property or contaminate the ground water or surface waterways of the County. All land uses generating such conditions shall comply with the appropriate State and Federal Codes. Such compliance with applicable State and Federal laws shall be deemed as compliance with this Ordinance.
- C. Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted.
- D. No materials or waste should be stored on a property in a form that could be transported to adjacent property by wind or water or other natural causes or forces.
- E. All methods of industrial waste or sewage treatment and disposal shall be in accordance with County, State and Federal Codes.
- F. Jails, prisons and/or penal institutions shall be prohibited in all ~~zones-zoning districts~~ except the ~~i~~Industrial/~~e~~Commercial ~~zone~~ District and the Major Industrial District. The Development Review System does not supersede this prohibition.<sup>5</sup>
- G. No gambling or casino type game of chance (video or mechanical) that provides any type of payoff or remuneration shall be permitted anywhere in Jefferson County unless expressly and explicitly permitted and authorized by the West Virginia Code as amended. Provided, however, that such use shall only be permitted in the Industrial/~~Commercial~~ ~~Zone~~ District and the Major Industrial District and shall be processed through the Development Review System (Article 6 and 7).<sup>6, 23</sup>

This prohibition does not apply to betting on horses or pari-mutuel betting on horses. Furthermore, this prohibition does not apply to such uses that existed at the time of the adoption of this ordinance. The Development Review System shall not supersede this prohibition in any zoning district other than the Industrial - Commercial District or the Major Industrial District. ~~the Residential-Growth-Zone, the Rural-Agricultural-Zone, the Village-Zone, or the Residential/Light-Industrial/Commercial-Zone.~~<sup>23</sup>
- H. For parcels located east of the Shenandoah River or which are in a natural, undisturbed condition within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek, no use shall be permitted without adherence to the requirements for retention of land in a natural, undisturbed area as spelled out in Section 22.504 of the Jefferson County Subdivision and Land Development Regulations.<sup>5, 23</sup>
- I. No sales of fireworks are permitted outside ~~the commercial-zones~~ of the Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway

Commercial, Light Industrial, and Major Industrial zoning districts, and are subject to the requirements of for such use in Article 8.<sup>8, 23</sup>

J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.<sup>12</sup>

K. Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District and the Major Industrial District~~not be permitted in the Rural, Village, Residential Growth and Residential Light Industrial-Commercial Districts.~~<sup>23</sup>

No conditional use permit shall be approved for any of these adult uses in a zoning district other than the Industrial - Commercial District or the Major Industrial District. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.<sup>15, 16</sup>

L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.<sup>23</sup>

M. Heavy industrial uses listed in Section 5.6(B) of this Ordinance are permitted only in the Industrial - Commercial District and the Major Industrial District and require approval via the Development Review System.<sup>23</sup>

#### **Section 4.5 Agricultural Uses Permitted Generally**

Except for compliance with distance requirements for a building set forth in Section 4.6, nothing in this ordinance shall prohibit the use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes.

#### **Section 4.6 Distance Requirements**

A. Any uses or building subject to compliance with this section shall be located at least 200 feet from:

1. Any lot in a residential district;
2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;<sup>1</sup>
3. Any lot which is part of a recorded subdivision; and
4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.

4.5. Industrial uses are subject to this section, unless otherwise specified in this ordinance.

B. Adjacent uses or buildings subject to compliance with this section shall be located at least 75 feet from:<sup>7</sup>

1. Any lot in the Residential Growth District;

2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.<sup>23</sup>

3.4. Commercial uses are subject to this section, unless otherwise specified in this ordinance.

C. A commercial use located in the Neighborhood Commercial district or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6.B.1-3.

#### **Section 4.7 Essential Utility Equipment**

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.<sup>7, 22</sup>

#### **Section 4.8 Buildable Lot**

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this ordinance.

#### **Section 4.9 Traffic Visibility Across Corner Lots**

On any corner in all districts, there shall be no obstruction to traffic visibility within thirty-five (35) feet of the intersection of the two (2) street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.<sup>23</sup>

#### **Section 4.10 Site Plan Requirements**

- A. ~~A site plan shall be s~~ubmittal and approval of a site plan is required~~ed~~ for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23</sup>
- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.<sup>23</sup>

D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

**Section 4.11 Landscaping, Screening and Buffer Yard Requirements**

A. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.<sup>5</sup>

B. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall ~~have~~ meet the following buffer yard requirements:

1. ~~a~~ An unscreened buffer yard of no less than two hundred (200) feet; and
2. A screened buffer yard with a minimum width of fifteen (15) feet, which may be included within the 200-foot -buffer required in this subsection-; and
3. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard. All industrial development shall have front yard buffers of no less than one-half (1/2) the front yard building setback.<sup>5, 7</sup>

**Table 4.11 – 1 Setbacks, Buffers and Distance Requirements for Non-Residential Uses<sup>23</sup>**

ADJACENT USE \ PROPOSED USE	BUILDING SETBACKS	PARKING & ACCESS DRIVE SETBACKS	BUFFERS UNSCREENED/SCREENED				DISTANCE REQUIREMENTS
	All Uses	All Uses	Residential Zone Lot with a Residential Use	Church/School/Institution for Human Care	Commercial	Industrial	All Uses
FRONT	See Appendix A and Appendix B	See Appendix A and Appendix B	Comm'l Lot <= 1.5 ac.	50' unscreened or 15' screened	N/A	N/A	See Appendix A and Appendix B
			Comm'l Lot > 1.5 ac.	50' unscreened or 15' screened	N/A	N/A	
			Industrial	200' unscreened and 15' screened*	25' screened	N/A	
			Church	50' unscreened or 15' screened	N/A	N/A	
			Multi-family	N/A	N/A/15' screened		
SIDE			Comm'l Lot <= 1.5	50' unscreened or 15' screened	10' screened	10' screened	
			Comm'l Lot > 1.5 ac.	50' unscreened or 15' screened	10' screened	10' screened	
			Industrial	200' unscreened and 15' screened*	20' screened	20' screened	
			Church	50' unscreened or 15' screened	10' screened	10' screened	
			Multi-family	N/A	N/A/12' screened		
REAR	Comm'l Lot <= 1.5	50' unscreened or 15' screened	10' screened	10' screened			
	Comm'l Lot > 1.5 ac.	50' unscreened or 15' screened	10' screened	10' screened			
	Industrial	200' unscreened and 15' screened*	20' screened	20' screened			
	Church	50' unscreened or 15' screened	10' screened	10' screened			
	Multi-family	N/A	N/A/15' screened				

\*15' screened buffer may be included within required 200' unscreened buffer.

*Note: When Table 4.11-1 is in conflict with another section of the Zoning & Development Review Ordinance, this table shall prevail. See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.<sup>23</sup>*

~~B.C.~~ In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.

~~C.D.~~ All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least four (4) feet in height.<sup>7, 23</sup>
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.

~~D.E.~~ In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.<sup>23</sup>

~~E.F.~~ All buffer yards shall be maintained by the property owner.

~~F.G.~~ All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9(A), 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 -2 below.<sup>23</sup>

**Table 4.11 - 2 Wetland Size in Acres<sup>5, 8, 23</sup>**

Greater Than	Less Than	Buffer Width in Feet
0.05	0.10	30
0.10	0.16	35
0.15	0.21	40
0.20	0.26	50
0.25	0.31	55
0.30	0.36	60
0.35	0.41	65
0.40	0.46	70
0.45	0.51	75

0.50	0.66	80
0.65	0.81	85
0.80	0.96	90
0.95	1.21	95
1.20	--	100

**G.H.** All required landscape plans shall contain the following elements:<sup>7</sup>

1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:<sup>23</sup>
  - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
  - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
2. Evergreen buffer planting, as required, for full screening.
3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
4. Structure plants for aesthetics and limited shade.
5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.

I. Required landscape buffers for a non-residential use are indicated in Table 4.11-1.

**Section 4.12 Design Standards for Multi-Family Developments<sup>23</sup>**

- A. Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year Floodplain.
- B. Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed fifty (50) percent of the gross land area.
- C. Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least twenty-five (25) feet from any street right-of-way.

**Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers<sup>23</sup>**

- A. Any development, other than residential development, that takes place after the adoption of this Ordinance must maintain a five hundred (500) foot buffer strip from the existing banks of the Potomac and Shenandoah Rivers.

## **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:

- R-G Residential/Growth District
- I-C Industrial/Commercial District
- R-A Rural/Agricultural District
- R-L-C Residential/Light Industrial/Commercial District
- V Village District<sup>23</sup>
- [NC Neighborhood Commercial](#)
- [GC General Commercial](#)
- [HC Highway Commercial](#)
- [LI Light Industrial](#)
- [MI Major Industrial](#)
- [PND Planned Neighborhood Development](#)
- [OC Office / Commercial Mixed-Use](#)

### **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>

#### Section 5.4 Residential-Growth District

The Residential-Growth District is intended 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. This district encourages commercial growth provided that such growth is deemed to be appropriate and compatible by the Development Review System.

The following regulations govern development within the Residential-Growth District.

##### A. Principal Permitted Uses<sup>23</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.

2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~1. Dwelling, Single Family~~

~~2. Dwelling, Duplex~~

~~3. Dwelling, Two Family~~

~~4. Dwelling, Townhouse~~

~~5. Dwelling, Multi-Family~~

~~6. Mobile Home Parks (Subject to the Jefferson County Subdivision and Land Development Regulations)~~

~~7. Elementary or Secondary school~~

~~8. Hospital~~

~~9. Vocational and/or Training Facility for Adults<sup>12</sup>~~

~~10. Church~~

~~11. Day Care Center, Small~~

~~12. Day Care Center, Large~~

~~13. Essential Utility Equipment~~

~~14. Public Safety Facility~~

~~15. Publicly Owned Facility<sup>23</sup>~~

~~16. Accessory Uses~~

- ~~17. Group Residential Facility~~
- ~~18. Home Occupation, Level 1<sup>8</sup>~~
- ~~19. Home Occupation, Level 2<sup>8</sup>~~
- ~~20. Nursing or Retirement Home~~
- ~~21. Model Homes/Sales Office<sup>12</sup>~~
- ~~22. Preschool~~
- ~~23.1. Wireless Telecommunication Facilities pursuant to Article 4B~~

B. Minimum Lot Area, Height, and Yard Requirements

- 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. ~~Minimum Lot Area, Height, and Yard Requirements are as shown in Table 5.4—1 below.~~ The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.<sup>23</sup>
- 2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) 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.<sup>5,23</sup>
- ~~2.3.~~ All detached accessory structures under 144 square feet in size shall have a setback of 6'.

~~Table 5.4—1—Residential Growth District—Height and Yard Requirements~~<sup>5,19,23</sup>

	Development Type	Minimum Lot Area (MLA)	Required Yards (ft)				Maximum Building Height (ft)*
		Area per Dwelling Unit (ADU)	Front	Side	Street Side	Rear	
1	Single Family Dwelling	6,000 sq. ft. MLA**	25	12	15	20	40
	Public/Central water and sewer	10,000 sq. ft. ADU	"	"	"	"	"
	Public/Central water or sewer	20,000 sq. ft. MLA	"	"	"	"	"
	No Public/Central water or sewer	40,000 Sq. ft. MLA	"	"	"	"	"
2	Duplex Dwelling		25	15	15	20	40
	Public/Central water and sewer	3,200 sq. ft. MLA	"	"	"	"	"
	Public/Central water and sewer	7,500 sq. ft. ADU	"	"	"	"	"
	Public/Central water or sewer	10,000 sq. ft. ADU	"	"	"	"	"
3	Townhouse Dwelling		25	12	15	20	40
	Public/Central water and sewer	1,400 sq. ft. MLA	"	"	"	"	"
		3,500 sq. ft. ADU	"	"	"	"	"
			"	"	"	"	"
4	Multi Family Dwelling	20,000 sq. ft. MLA	25	12	15	30	40
	Public/Central water and sewer	2,000 sq. ft. ADU	"	"	"	"	"

\*Subject to Section 9.2

NOTE: ALL detached accessory structures under 144 square feet in size – 6' setback. [Note: Deleted text moved to 5.4.B.3]

\*\*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.<sup>5</sup> [Note: Deleted text moved to 5.4.B.2]

### C. Commercial Services in Residential Developments<sup>23</sup>

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Compatibility Assessment Meeting process as outlined in Article 7 of this Ordinance. Any proposed commercial use that is

served from a road that is located on the perimeter of the project or on a State Road shall be subject to the entire Development Review Process.<sup>5</sup>

D. Standards for Commercial or Light Industrial Uses<sup>23</sup>

1. Commercial or Light Industrial uses are subject to the following access requirements:
  - a. Such uses will not use adjacent residential roads for through traffic; and
  - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5</sup>
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

**Section 5.5 Reserved<sup>23</sup>**

**Section 5.6 Industrial - Commercial District<sup>23</sup>**

The purpose of this district is to provide locations for manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services. It is not the purpose of this district to encourage the use of land within the district for retail services; however, it is anticipated that there may be areas or locations where retail services can be reasonably and logically considered due to their relationship with other uses existing within the district, as well as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

A. Principal Permitted Uses<sup>23</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table and this section.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject the requirements of this section and to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~1. Light Industrial Uses~~

~~2. Heavy Industrial Uses~~

~~3. Commercial Uses~~

~~4. Day Care Center, Small~~

~~5. Day Care Center, Large~~

~~6. Home Occupation, Level 1~~

~~7. Home Occupation, Level 2~~

~~8. Cottage Industry~~

~~9. Medical/Dental/Optical Office, Small~~

~~10. Barber/Beauty Shop, Limited~~

- ~~11. Antique Shop~~
- ~~12. ATM~~
- ~~13. Branch Bank~~
- ~~14. Kennel (subject to the requirements for such use in Article 8)~~
- ~~15. Dry Cleaner~~
- ~~16. Florist~~
- ~~17. Restaurant, Limited~~
- ~~18. Restaurant, Fast Food, Limited~~
- ~~19. Retail Food Store, Limited~~
- ~~20. Veterinary Services~~
- ~~21. Video Rental Store~~
- ~~22. Country Inn~~
- ~~23. Non/Not for Profit Commercial Uses~~
- ~~24. Non-profit Community Centers~~
- ~~25. Publicly Owned Facility~~
- ~~26. Public Safety Facility~~
- ~~27. Essential Utility Equipment~~
- ~~28. Wireless Telecommunications Facilities pursuant to Article 4B~~
- ~~29. Private or Public Shooting Ranges~~
- ~~30. Cultural Facility~~
- ~~31. Industrial related accessory uses including residential dwellings including a mobile home on site for a caretaker or watch keeper.~~
- ~~32.1. Adult Uses, subject to requirements set forth for such uses in Article 8.~~

B. The following uses shall be evaluated by the Development Review System and shall not be located less than 1000 feet from any Residential property line or property listed on the National and State Historic Register/Survey.

1. Bituminous concrete mixing and recycling plants
2. Concrete and ceramic products manufacture, including ready mixed concrete plants
3. Petroleum products refining or storage (subject to the requirements for such standards in Article 8)<sup>23</sup>
4. Commercial sawmills
5. Salvage Yards (subject to the Jefferson County Salvage Yard Ordinance)
6. Garbage or dead animal reduction or processing
7. Slaughterhouses, Stockyards

8. Acid or heavy chemical manufacturer, processing or storage
9. Cement or lime manufacture
10. Explosive manufacture or storage
11. Foundries and/or casting facilities
12. Mineral extraction, mineral processing
13. Jails and Prisons (subject to requirements for this use in Article 8)<sup>23</sup>

C. Height Regulations

No structure shall exceed seventy-five (75) feet in height except as provided in Section 9.2.

D. Yard Requirements as follows: ~~(These requirements are also for an approved commercial or industrial use proposed for any other zone.)~~<sup>5, 23</sup>

1. Front yard building setback
 

Commercial sites	25 feet
Industrial sites	50 feet
  
2. Side yard building setback
 

Commercial sites greater than 1.5 acres	50 feet
Commercial sites 1.5 acres and smaller	25 feet
Industrial sites	50 feet
  
3. Rear yard building setback
 

Commercial sites greater than 1.5 acres	50 feet
Commercial sites 1.5 acres and smaller	25 feet
Industrial sites	50 feet
  
4. Parking, Driveway and Internal Access Drive Front Setbacks
 

Commercial sites greater than 1.5 acres	15 feet
Commercial sites 1.5 acres and smaller	15 feet
Industrial sites	25 feet
  
5. Parking, Driveway and Internal Access Drive Side and Rear Setbacks
 

Commercial sites greater than 1.5 acres	10 feet
Commercial sites 1.5 acres and smaller	4 feet
Industrial sites*	25 feet

\* *Driveways and Internal Access Drives Only. Parking must abide by buffer requirements.*

6. Compliance with Sections 4.11 and 8.9(A)(1-9)<sup>7, 23</sup>
7. Distance Requirements
  - a. Commercial shall comply with Section 4.6(b)
  - b. Industrial shall comply with Section 4.6(a)<sup>7, 23</sup>

E. Lot Area

A minimum lot size of three acres shall be required for any industrial use unless the site is located in an approved Industrial Park.<sup>23</sup>

F. Commercial and Industrial Design Standards

1. Commercial Design Standards<sup>23</sup>

~~a. Landscaping, screening, buffer yards, and setbacks for commercial development are subject to Section 4.11.~~

~~Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.~~

~~b.a.~~ Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11e.

~~e.b.~~ Permeable areas of the site shall be planted with ground cover, shrubs and trees.

~~d.c.~~ Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.

2. Industrial Design Standards

~~a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.<sup>23</sup>~~

~~b.a.~~ Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11e.

~~e.b.~~ Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

## Section 5.7 Rural District<sup>23</sup>

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not intended to be served with public water or sewer facilities, although in situations where the Development Review System is utilized, it may be. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7d. The Development Review System does allow for higher density by issuance of a Conditional Use Permit.<sup>8, 23</sup>

### A. Principal Permitted Uses<sup>23</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.

2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~1. Agricultural uses as defined in Article 2<sup>7</sup>~~

~~2. Church~~

~~3. Elementary or Secondary School~~

~~4. Vocational and/or Training Facility for Adults<sup>12, 20</sup>~~

~~5. Dwelling, Single Family~~

~~6. Mobile Home (subject to the Jefferson County Subdivision and Land Development Regulations)~~

~~7. Dwelling, Two Family<sup>8</sup>~~

~~8. Cottage Industry<sup>8</sup>~~

~~9. Home Occupation, Level 1<sup>8</sup>~~

~~10. Home Occupation, Level 2<sup>8</sup>~~

~~11. Day Care Center, Small<sup>12, 11, 15</sup>~~

~~12. Public Safety Facility~~

~~13. Cultural Facility~~

~~14. Farm Market (subject to the requirements for such a use in Article 8)<sup>8</sup>~~

~~15. Horticultural nurseries and commercial greenhouses~~

~~16. Hospital~~

~~17. Essential Utility Equipment~~

~~18. Accessory uses~~

~~19. Group Residential Facility~~

- ~~20. Bed and Breakfast (subject to the requirements for such a use in Article 8)<sup>7,15</sup>~~
- ~~21. Publicly Owned Facility<sup>8</sup>~~
- ~~22. Wireless Telecommunications Facilities pursuant to Article 4B.<sup>10</sup>~~
- ~~23. Model Homes/Sales Office (subject to the requirements for such a use in Article 8)<sup>12</sup>~~
- ~~24. Non-profit Community Centers<sup>15</sup>~~
- ~~25. Landscaping business outside of Planning Commission approved subdivisions<sup>15</sup>~~
- ~~26. Veterinary services outside of Planning Commission approved subdivisions<sup>15</sup>~~
- ~~27. Feed and/or Farm Supply Center~~
- ~~28. Agricultural Repair Center<sup>15</sup>~~
- ~~29. Kennels (subject to the requirements for such a use in Article 8)<sup>15</sup>~~
- ~~30. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)<sup>20</sup>~~
- ~~31. Agricultural Tourism~~
- ~~32. Farm Vacation Enterprise~~
- ~~33. Farm Brewery or Winery~~
- ~~34. Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)~~
- ~~35.1. Preschool~~

**B. Minimum Lot Area, Lot Width and Yard Requirements<sup>23</sup>**

- ~~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. Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.~~
- ~~2. For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.<sup>5</sup>~~

**Table 5.7-1 – Lot Area, Width, and Yard Requirements for Principal Permitted Uses in the Rural District**

Land Use	Lot Area	Lot Width	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Dwellings	40,000 sq. ft.	100	40	15	50
Churches	2 acres	200	25	50	50
Schools, Grades K-4	10 acres +	500	100	100	100
Schools, Grades 5-8	20 acres +	500	100	100	100

<del>Schools, Grades 9-12</del>	<del>30 acres +</del>	<del>500</del>	<del>100</del>	<del>100</del>	<del>100</del>
<del>Hospitals</del>	<del>10 acres</del>	<del>500</del>	<del>100</del>	<del>100</del>	<del>100</del>
<del>Other permitted uses</del>	<del>40,000 sq. ft.</del>	<del>100</del>	<del>40</del>	<del>50</del>	<del>50</del>

~~3. Lot area for schools (K-12) as shown in Table 5.7-1 shall be increased by 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 sewage treatment plant and retention ponds are required, acreage shall be increased accordingly.~~<sup>1, 23</sup>

~~4.2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.~~<sup>23</sup>

~~5.3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6(a).~~<sup>23</sup>

### C. Height Regulations

No structure shall exceed thirty five (35) feet in height as provided in Section 9.2.

### D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7(d)1, 5.7(d)2 or 5.7(d)3 below. A property owner may use a combination of these subsections, provided that the number of lots are prorated by density.<sup>8</sup>

1. A property owner may create one (1) lot for every fifteen (15) acres with a minimum lot size of three (3) acres.<sup>17, 21</sup>

a. Acreage shall be computed using existing acreage at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.

b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17, 21</sup>

### 2. Clustering

#### a. Purpose and Intent

i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract.

ii. To provide for a well planned development while minimizing the use of prime agricultural land.

#### b. Requirements

i. One (1) lot may be subdivided for every ten (10) acres.<sup>17, 21, 23</sup>

- (a) Acreage shall be computed using existing acreage at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.
- ii. 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</sup>
  - (a) Setbacks shall be 25' front, 12' sides and 20' rear.
  - (b) All clusters of three (3) or more lots shall be served by an internal road.<sup>23</sup>
  - (c) Clusters of three (3) or more lots shall not be along an existing public road.
  - (d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17, 21</sup>
  - (e) Maximum lot size shall be 3 acres.<sup>17, 21</sup>
- iii. Procedures<sup>23</sup>
  - (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 Staff will have final approval over the location layout of the proposed clustering of lots. The Staff shall consider the following when reviewing concept plans:
    - (1) 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.
    - (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
  - (c) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating "The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation".<sup>23</sup>

3. Not in addition to subsections 5.7(d)1 and 5.7(d)2 above, any property that was a lot of record as of October 5, 1988 may create 3 total lots (including the residue) during any five year period. Applications which exceed this number during any five year period shall be processed utilizing the Development Review System. Subdivisions involving transfers of land between parent and child shall not be subject to this section. All lots that qualify under this section must meet subdivision requirements. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. Parent to child or child to parent lots are not entitled to further subdivide except as another parent to child or child to parent transfer.
4. Once the maximum number of lots are created under 5.7(d), the property cannot be further subdivided unless the Ordinance is amended to allow such.

**Section 5.8 Residential/Light Industrial/Commercial District<sup>1</sup>**

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

A. Principal Permitted Uses<sup>23</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

- ~~1. Light Industrial Uses~~
- ~~2. Commercial Uses~~
- ~~3. Medical/Dental/Optical Office, Small~~
- ~~4. Barber/Beauty Shop, Limited~~
- ~~5. Antique Shop~~
- ~~6. ATM~~
- ~~7. Branch Bank~~
- ~~8. Kennel (subject to the requirements for such use in Article 8)~~
- ~~9. Dry Cleaner~~
- ~~10. Florist~~
- ~~11. Restaurant, Limited~~
- ~~12. Restaurant, Fast Food, Limited~~
- ~~13. Veterinary Services~~

- ~~14. Video Rental Store~~
- ~~15. Country Inn~~
- ~~16. Dwelling, Single Family~~
- ~~17. Dwelling, Two Family~~
- ~~18. Dwelling, Duplex~~
- ~~19. Dwelling, Townhouse~~
- ~~20. Dwelling, Multi-Family~~
- ~~21. Mobile Home Parks~~
- ~~22. Home Occupation, Level 1~~
- ~~23. Home Occupation, Level 2~~
- ~~24. Cottage Industry~~
- ~~25. Elementary or Secondary School~~
- ~~26. Hospital~~
- ~~27. Vocational and/or Training Facility for Adults<sup>12</sup>~~
- ~~28. Church~~
- ~~29. Cultural Facility~~
- ~~30. Day Care Center, Small~~
- ~~31. Day Care Center, Large~~
- ~~32. Essential Utility Equipment~~
- ~~33. Publicly Owned Facility~~
- ~~34. Public Safety Facility~~
- ~~35. Accessory Uses~~
- ~~36. Group Residential Facility~~
- ~~37. Nursing or Retirement Home~~
- ~~38. Model Home/Sales Office (subject to requirements for this use in Article 8)<sup>12</sup>~~
- ~~39. Non-Profit Community Center~~
- ~~40. Non/Not for Profit Commercial Uses<sup>12</sup>~~
- ~~41. Preschool~~
- ~~42.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

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

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.

2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23</sup>

~~2.3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.~~

C. Site Development Standards ~~Other Regulations~~<sup>23</sup>

1. All sections of this ordinance applying to the ~~r~~Residential ~~g~~Growth district with the exception of Section 5.4(a) will apply to residential uses in this District.
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(a).~~ All commercial or industrial uses ~~Either use~~ must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5,7,23</sup>
3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.<sup>23</sup> This requirement shall not apply to a building located within a shopping center shown on an approved site plan.
4. Proposed uses in this zone ~~do not have to comply with~~ are exempt from the distance requirements in Sections 4.6 (a-b) if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7</sup>

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

**Section 5.10 Village District**<sup>8,23</sup>

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries.

A. Principal permitted uses<sup>23</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.

~~1. Dwelling, Single Family~~

~~2. Dwelling, Duplex~~

~~3. Dwelling, Two Family~~

- ~~4. Home Occupation, Level 1~~
- ~~5. Home Occupation, Level 2~~
- ~~6. Cottage Industry~~
- ~~7. Public Safety Facility<sup>12</sup>~~
- ~~8. Essential Utility Equipment~~
- ~~9. Medical/Dental/Optical Office, Small<sup>12</sup>~~
- ~~10. Group Residential Facility~~
- ~~11. Cultural Facility<sup>12</sup>~~
- ~~12.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

**B. Conditional Uses<sup>23</sup>**

1. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~The following uses may be approved after being evaluated by the Development Review System (Article 7). The LESA point system would not apply.~~

- ~~1. Barber/Beauty Shop, Limited~~
- ~~2. Dry Cleaners~~
- ~~3. Video Rental Stores~~
- ~~4. Retail Food Store, Limited~~
- ~~5. Church~~
- ~~6. Day Care Center, Large~~
- ~~7. Country Inn~~
- ~~8. Bed and Breakfast (subject to the requirements for such a use in Article 8)~~
- ~~9. Restaurant, Limited~~
- ~~10. ATM~~
- ~~11. Branch Bank~~
- ~~12. Antique Shop~~
- ~~13. Florist~~
- ~~14.1. Restaurant, Fast Food, Limited<sup>12</sup>~~

**C. Setbacks**

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. ~~Residential~~

~~a. Section 9.7, Residential Growth standards<sup>23</sup>~~

~~2. Commercial~~

~~a. 25' front, 10' side and 40' rear~~

~~b. Setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood.<sup>23</sup>~~

~~3.2. Existing Structures~~

a. As exists not less than 6' on sides and rear.

D. Commercial uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line.

E. Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.<sup>23</sup>

F. There will be no outdoor storage of equipment, materials or other stock.

G. Parking requirements may be modified as a result of a compatibility meeting.<sup>23</sup>

H. Other Requirements<sup>23</sup>

1. With the exception of setback requirements specified in this section, Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

## Section 5.11 Neighborhood Commercial District

A. Purpose. The purpose of this district is to permit the development of small scale commercial uses which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the commercial use. Developments in the NC district should be designed, landscaped and buffered so as to be compatible with neighboring development. Uses should be appropriate in scale to the residential character of their context.

B. Location. This zoning category is intended for use in the following locations:

1. Properties located on Primary or Secondary roads as shown on the Highway Classification map in the Jefferson County Comprehensive Plan
2. Locations within ¼ mile of an existing residential subdivision or development of at least 20 dwelling units
3. Locations adjacent to existing non-residential development
4. Locations with safe vehicular access on roads that function as collector roads

5. Properties currently zoned Residential-Light Industrial-Commercial or Industrial-Commercial.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

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 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 4.11A-B does not apply to the rear property line
4. Section 4.11A-B 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. Any off-street parking shall be located in the rear or on the side of a building and may not be located between a street and the front facade of a building.
2. Each building shall be limited to a maximum building footprint of 3,500 square feet.
3. 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.
4. One bicycle parking space shall be provided for each ten vehicular parking spaces.
  5. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
  6. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

## **Section 5.12 General Commercial District**

A. Purpose. The purpose of this district is to provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (up to 50,000 square feet of gross floor area for an individual building), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.

B. Location. This zoning category is intended for use in the following locations:

1. Properties located on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan.
2. Properties currently zoned Residential-Light Industrial-Commercial or Industrial-Commercial are eligible for the GC designation.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

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. A development that complies with all requirements of Section 5.11E may be developed in accordance with the requirements of Section 5.11D(2-6) and the front

setback requirements for the Neighborhood Commercial District as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

**Section 5.13 Highway Commercial District**

A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, including buildings that exceed 50,000 square feet of gross floor area for an individual building. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.

B. Location. This zoning category is intended for use in the following locations:

1. Properties located within 1000' feet of major intersections on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan.
2. Properties designated for Highway Commercial uses in the 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 Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

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.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

#### **Section 5.14 Light Industrial District**

A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. Properties with this designation are generally located within 1,000 feet of four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan. In this district, most manufacturing is composed of processing or assembly of previously processed materials.

B. Location. This zoning category is intended for use in the following locations:

1. Properties located in Industrial Parks
2. Properties with Industrial-Commercial zoning
3. Properties designated as appropriate for either Light or Major Industrial land uses in the 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 Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

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.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

### **Section 5.15 Major Industrial District**

A. Purpose. This district is intended to provide sufficient space in appropriate locations for a wide variety of industrial activities, generally located within 1,000 feet of four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan. The uses in this district can be served with adequate public or community water and sewerage service, and may be characterized by extensive warehousing, frequent heavy trucking activity, and broader manufacturing activity than would be permitted in the Light Industrial district.

B. The following locations are eligible for Major Industrial zoning:

1. Properties located in Industrial Parks
2. Properties with Industrial-Commercial zoning
3. Properties designated as appropriate for Major Industrial land uses in the 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 Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

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.

E. Additional Requirements

1. Heavy industrial land uses shall not be located less than 1000 feet from an adjacent property with a dwelling, school, church or institution for human care or a residential zoning district.
2. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

### **Section 5.16 Planned Neighborhood Development District**

A. Purpose. The purpose of the PND District is to:

1. Encourage flexibility in the development of land in order to promote its most appropriate use;
2. Improve the design, character and quality of new developments;
3. Provide and promote redevelopment and reuse opportunities;
4. Encourage a harmonious and appropriate mixture of uses and/or housing types;
5. Facilitate the adequate and economic provision of streets, utilities and services;
6. Promote safe and convenient travel for pedestrians, bicyclists, transit users, and motorists;
7. Promote connections to adjacent properties, developments, and transportation routes;
8. Preserve critical natural environmental and scenic features of the site;
9. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and
10. Mitigate the problems which may be presented by specific site conditions.

B. Location. This zoning category is intended for use in the following location(s):

1. Properties identified as being located in the Growth Area in the 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 Uses Table.
2. The Planning Commission may restrict land uses shown as permitted or conditional uses in Appendix C, Principal Permitted Uses Table, as part of the approval of a Preliminary PND Plan.
3. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

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. Modification of Development Standards Allowed
  - a. The Planning Commission may approve modification of the development standards of this ordinance and the Jefferson County Subdivision and Land Development Regulations may as part of the approval of a Preliminary PND Plan.

b. Modification of these standards pertains only to developments associated with the Preliminary PND Plan for which the modifications are approved.

3. The minimum site area for a PND development is three acres.

E. Additional Requirements

1. A PND development shall include the following mix of uses:

- a. 10-30% commercial
- b. 10-30% high density residential
- c. 20-40% medium density residential
- d. 0-60% low density residential

2. Open Space Requirements

- a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM), may constitute up to 25% of the required common and open space area.
- b. At least 20% of the total of the site's existing tree canopy area shall remain undisturbed and shall be so noted on any site plan or subdivision approval associated with the development.

3. Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent property. If a connection to an adjacent property cannot be made at the time that the Preliminary PND Plan for the development is submitted, the plan shall include a cross-access easement in a logical location to allow for future connection when the conditions on the adjacent property will allow for connection.

4. Street Network. An interconnecting network of internal streets shall be designed to accommodate the various uses found within a PND development. Where possible, all access to sites shall be from these internal streets.

5. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

F. Review and Approval Process

The review and approval of a development in the PND district includes the following steps:

1. Pre-Application Conference. Prior to filing a formal application for a Zoning Map Amendment for a PND district, the applicant shall schedule and attend a Pre-Application Conference with staff of the Planning, Zoning, and Engineering Departments. The purpose of the conference is for the applicant to present a general concept for the development, and for staff to inform the applicant of relevant policies, requirements, adopted plans, planning principles, and recommendations. This conference is informal and has no binding effect.
2. Preliminary PND Plan. Submittal of a Preliminary PND Plan is required prior to submittal of a petition for a map amendment to change the zoning designation of a property to the Planned Neighborhood Development district.
  - a. The format and content requirements for a Preliminary PND Plan shall be the same as the Submission and Completeness Review requirements for a Major Site Plan Concept Plan as described in the Jefferson County Subdivision and Land Development Regulations, with the exception of the public workshop and advertising requirements. Additionally, a Preliminary PND Plan shall include the following:
    - i. Graphic illustration of locations of proposed land uses; landscaping areas; pedestrian amenities; interconnectivity of roads, trails, sidewalks, and adjacent parcels; open space areas and areas of undisturbed tree canopy; passive or active recreational areas; setbacks for buildings, parking, drive aisles, and other features associated with the proposed development.
    - ii. Proposed square footages of development by type and proposed residential densities
    - iii. Proposed building heights
    - iv. Any requested modifications to the standards of the Zoning Ordinance or the Subdivision and Land Development Regulations.
  - b. Following a staff determination that the Preliminary PND Plan is sufficient, the applicant may present a petition for a zoning map amendment to the Planning Commission. The Preliminary PND Plan is a required component of the petition submission.
3. Zoning Map Amendment. The procedure for processing a map amendment petition shall be in accordance with the requirements of Article 12 and this Article.
  - a. Presentation of petition for map amendment. The applicant shall present the petition for map amendment to the Planning Commission. As part of the petition, the applicant shall provide a Preliminary PND Plan to the Planning Commission, as described in this article.
  - b. Planning Commission review and public hearing. The Planning Commission shall conduct a public hearing on the proposed zoning map amendment in accordance

with Article 12 and this Article. The Preliminary PND Plan shall be considered during the public hearing. In addition to the review criteria for a Concept Plan as required by the Subdivision and Land Development Regulations, the Planning Commission shall utilize the following criteria in its consideration of a Preliminary PND Plan and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations:

- i. Consistency with the purpose of the PND district as described in this Article;
  - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards;
  - iii. Consistency with the Comprehensive Plan
- c. As part of its recommendation to the County Commission regarding approval or disapproval of a zoning map amendment as described in Article 12, the Planning Commission shall make a recommendation to the County Commission regarding the Preliminary PND Plan, including any changes proposed by the Planning Commission.
- d. County Commission review and public hearing. The County Commission shall conduct a public hearing on the proposed map amendment in accordance with Article 12 and this Article.
- e. In its deliberation of a proposed map amendment to change a zoning designation to a PND district and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations, the County Commission shall consider:
- i. Consistency with the purpose of the PND district as described in this Article
  - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards
  - iii. Consistency with the Comprehensive Plan
- f. The County Commission shall approve, amend, or deny the Preliminary PND Plan and the zoning map amendment request; and may apply conditions to the approval of a zoning map amendment to a PND district.
- g. County Commission approval of a zoning map amendment to change the zoning designation of a property to a PND district shall have the following effect:
- 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 approval administratively if the Planning and Zoning Department 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 the Planning and Zoning Department 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 Mixed-Use District**

A. Purpose. The purpose of the OC district is to allow for well-designed employment centers. 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 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 in the following location(s):

1. Properties designated by the Comprehensive Plan as appropriate for Office/Commercial development.

#### C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

#### 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 4.11.A-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-B 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. At least 75% of the gross floor area of land uses in a development in this district shall be non-residential uses.
2. Buildings fronting a principal street must be at least 2 stories in height.
3. 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.
- ~~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.

## ARTICLE 6: DEVELOPMENT REVIEW SYSTEM

### Section 6.1 Development Review System (DRS)

The purpose of the Development Review System (also referred to as DRS) is to assess a particular site's development potential based on criteria which determine the agricultural longevity of the parcel in combination with the presence of and compatibility with public services adjacent to and in close proximity to the site. The DRS is a numerical rating system designed to function within the framework of the traditional zoning districts referenced in this ordinance. All commercial uses and those uses which are not permitted in zoning districts shall be governed by the procedures set forth in Article 7 and all sections that reference requirements to obtain a conditional use permit. It shall be unlawful to commence construction of any commercial uses or uses which are not permitted uses in a zoning district without obtaining conditional use permit approval.

### Section 6.2 Issuance of a Conditional Use Permit

Application for a conditional use permit shall be made before construction of any uses not listed as permitted uses within the appropriate zoning district. Upon receipt of an application, the site will be evaluated by the Departments of Planning and Zoning Staff using the Development Review System. The two major components of the System, the Soils Assessment and the Amenities Assessment, consist of criterion which each possess a numerical value that is weighted relative to its importance as an indicator of a parcel's agricultural significance or its development potential. The total numerical value of the combined criteria is 100 points: the Soil Assessment contributes 25 points and the Amenities Assessment contributes 75 points. The highest total numerical value of the combined criteria indicates that a parcel is more suitable for agriculture, whereas, the lowest numerical value indicates that development is more appropriate for the site. A score of 60 points or less advances the application to the Compatibility Assessment as provided in Section 7.6.<sup>14, 17, 21, 23</sup>

### Section 6.3 The Soils Assessment

- A. The Soils Assessment evaluates a particular parcel for development based on the soil types it possesses.
- B. The Soils Assessment of a proposed development is not applied when:
  - 1. the development proposal is located within the Residential/Growth District or the Industrial/Commercial District; or [note: Moved from Section 6.5D]
  - 2. the development is proposed to be located in an existing building, on an existing paved or disturbed area, or entails an expansion of less than 1,000 square feet total of an existing building and/or an existing paved area.
  - 3. The following soils types will be combined into soil groups.

### G. Emergency Service Availability

The purpose of this criterion is to assess the distance of potential site development to emergency services: fire department (4.5 points) and ambulance service (4.5 points).

#### Distance to Emergency Services

Distance to Fire	Points	Distance to Ambulance	Points
Less than 2 miles	0 points	Less than 2 miles	0 points
2 to 5 miles	2.5 points	2 to 5 miles	2.5 points
Over 5 miles	4.5 points	Over 5 miles	4.5 points

Distances for Fire and Ambulance will be measured by vehicular miles from a subdivision entrance by the most direct route to the closest entrance of the appropriate fire or ambulance station.

### Section 6.5 Computation of Soils/Amenities Assessment

- A. At the completion of evaluation of a site with the Soils and Amenities Assessment Criteria, there should be a total number of points awarded to each Assessment. Since the Soils Assessment utilized was based on a 100 points relative point value in itself, a minor conversion must be made to the total relative value. The Development Review System allots a maximum of 25 points to the Soils Assessment therefore the conversion to be made is expressed as follows:  $100 \times .25 = 25$  pts. (For example, if a parcel receives the maximum point value of 100 points, in actuality only 25 points will be awarded for the Soils Component of the Development Review System.)
- B. The Amenities Assessment has a 75 point maximum point value.
- C. The combined maximum total for both Assessments is 100 points. The most agriculturally significant parcel would rate 100; the most developable parcel would rate 0. A total of 60 points or less advances the application to the Compatibility Assessment Meeting.<sup>14, 17, 21</sup>

~~D. The Soils Assessment of a proposed development is not applied when the development proposal is located within the Residential/Growth District or the Industrial/Commercial District. [Note: moved to Section 6.2]~~

~~E.D.~~ Any land in the Rural District that is located on a primary or secondary road, as defined in the Comprehensive Plan, shall not have to process through the LESA points process for a commercial or industrial project and shall be advanced directly to the Compatibility Assessment Meeting.<sup>17, 21</sup>

## **ARTICLE 8: SUPPLEMENTAL USE REGULATIONS<sup>23</sup>**

### **Section 8.1 Adult Use Requirements<sup>16, 23</sup>**

Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District under the following conditions:

- A. All elements of the use, including parking areas, shall be located at least 1,500 feet from any Rural, Residential-Growth, Village or Residential Growth-Light Industrial-Commercial, [Neighborhood Commercial](#), [Planned Neighborhood Development](#), or [Office/Commercial Mixed Use](#) Zoning District not separated from the subject property by a public road or railroad right-of-way.
- B. A proposed adult arcade, adult bookstore, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors or any sign advertising the operation thereof, shall not be permitted within 2,500 feet of a lot with an existing adult use or a lot with a sign advertising an adult use.
- C. All elements of any use described in this section, including parking areas, shall be located at least 1,500 feet from any lot, regardless of its zoning classification, that contains a dwelling unit, a school, a church or house of worship or an institution for human care, regardless it is separated by a public road or railroad right-of-way.

This provision does not apply to any specific existing use that legally qualifies as a nonconforming use; provided, however, that an existing nonconforming use cannot add any of the uses described in this section to their operations as existing on May 1, 2003.

### **Section 8.2 Barns and Feeding Pens<sup>23</sup>**

Barns and feeding pens must be set back a minimum of 75' from a residential district, a lot with a residential use, a church, a school, or an institution for human care.

### **Section 8.3 Bed and Breakfast<sup>23</sup>**

A bed and breakfast may contain up to 7 bedrooms, and may conduct up to 4 receptions per year, with 1 tent per reception. Breakfast is the only meal served, and is served only to overnight tenants and their guests. An owner or designated caretaker must reside on the premises while the bed and breakfast is occupied. Up to 2 bedrooms may be located in an accessory dwelling unit, provided that the total number of bedrooms associated with the land use does not exceed 7.

### **Section 8.4 Kennels<sup>23</sup>**

All portions of a Kennel land use must be buffered pursuant to Article 4 and set back at least 500 feet from any property that contains a residence. Kennels cannot be located within a Planning Commission approved residential subdivision.<sup>15</sup>

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

Water Capacity per Container (Gallons)	Containers		Between Above Ground Containers (Feet)
	Underground (Feet)	Above Ground Containers (Feet)	
0 to 2,000	25	25	3
2,000 to 30,000	50	50	5
30,000 to 60,000	50	75	
In excess of 60,000	75	100	¼ the sum of diameters of adjacent containers

9. Frontage Road

Easements or fee simple dedications will be provided along all limited access highways at the site plan or subdivision phases. Said easement/dedication shall not exceed 60 feet in width. The width may vary but must be adequate for extension, continuation or establishment of a minimum 20' wide paved frontage road.

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this ordinance.

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)

ROW LIMITS OF CONTROLLED ACCESS HIGHWAY



- \* Maximum 60' easement or dedication for frontage road
- \*\* 50' landscaped buffer strip
- \*\*\* Setbacks

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.<sup>5</sup>

### **Section 8.10 Model Homes/Sales Offices<sup>23</sup>**

Model homes with a staffed sales office for sales exclusively within the residential subdivision in which they are located are permitted provided that they are contained on the first lot on either or both sides of any road/right-of-way that enters the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision must be approved or denied by the Board of Zoning Appeals after a public hearing advertised for 15 days.<sup>17, 21</sup>

Model homes without staffed sales offices are permitted internally within the subdivision.<sup>12</sup>

### **Section 8.11 Petroleum Products Refining or Storage<sup>23</sup>**

Petroleum refining or storage (above ground in tanks) requires adherence to all state and federal laws, as well as National Fire Underwriters Codes.

### **Section 8.12 West Virginia Legal Fireworks<sup>23</sup>**

Sales of fireworks are ~~only~~ permitted in the ~~commercial~~-Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts ~~zones~~ provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.<sup>8</sup>

### **Section 8.13 Dormitory<sup>23</sup>**

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

## ARTICLE 12: MAP AND TEXT AMENDMENTS

### Section 12.1 Purpose

- A. These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- B. The County Commission shall refer any amendment or alteration of this Ordinance to the Planning Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.<sup>17, 21, 23, 25</sup>

### Section 12.2 Procedure for Amendment by County Commission<sup>1, 25</sup>

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.<sup>17, 21</sup>
- B. Before amending the Zoning Ordinance text or map, the governing body, 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 West Virginia State Code, as amended.<sup>17, 21, 25</sup>
- C. All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.
  - 1. Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
    - a. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;
    - b. Any property affected by the proposed zoning map amendment shall be posted ~~at least 30~~ not less than 20 and not more than 28 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and
    - c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail not less than 20 and not more than 28 ~~at least 30~~ days prior to the Public Hearing. The adjoining letters shall be mailed by the Department staff and shall state the time, date, and location of such hearing, as well as, what new zone is being requested on this particular property. The letter

shall also describe the location and identification of the subject parcel proposed to be rezoned, including the current tax district, map and parcel number.

2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.
- D. All amendments to the Zoning Ordinance Text require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended text amendments require a Public Hearing before the County Commission prior to a final determination.
1. Public Notice of the Public Hearing for a Zoning Text Amendment before the Planning Commission requires the following:
    - a. A legal advertisement describing the Sections of the Ordinance proposed to be revised, with a summary of the revision(s), and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation.
  2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.

### **Section 12.3 Procedure for Map Amendment by Petition<sup>25</sup>**

#### **A. Map Amendments by Landowners**

The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

[The procedure for processing a map amendment petition to change the zoning map designation of a property to the Planned Neighborhood Development district shall also include the applicable requirements of Article 5.](#)

Petitions for a map amendment initiated by landowners shall be submitted to the Planning Commission and shall contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
  - a. Comprehensive Plan compatibility of the proposed change.
  - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.<sup>17,21</sup>
7. [A petition for a map amendment to change the zoning designation for a property to the Planned Neighborhood Development \(PND\) district shall include a Preliminary](#)

PND Plan for the subject property. The submittal review process for a Preliminary PND Plan is described in Article 5 of this ordinance.

Planning Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission meeting. A complete petition, and related fees, shall be submitted to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, the Departments of Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for the purpose of setting the public hearing date.

Notice of the Planning's Public Hearing shall be in accordance with Section 12.2 of this Ordinance. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forward to the County Commission within four weeks of final Planning Commission action.

**B. Map Amendments by the Planning Commission**

The procedure for processing a formal map amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. On such petitions a map amendment shall be clearly labeled as "§8A-7-9 Petition" in the heading and contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
  - a. Comprehensive Plan compatibility of the proposed change.
  - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.<sup>17, 21</sup>

The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date of the meeting at which the petition is presented to the County Commission. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.



Appendix B, Non-residential Site Development Standards Table [DRAFT 4/10/12]

Zoning District	Development Type	Minimum Lot Area (MLA)	Minimum Lot Width	Maximum Building Height*	Impervious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks <sup>o</sup>			Distance (if required by Section 4.6)		
						Front	Side	Rear	Front	Side	Rear			
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%		25'			15	4	4	75	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25'	50' (or 25' if adjacent to industrial use)	15	10	10			75	
Residential / Light Industrial / Commercial	Industrial	3 acres***	N/A	75	90%	50' (or 25' if adjacent to industrial use)			25	25 (or 20' if adjacent to industrial use)			200	
		N/A	N/A	60	80%								75 (commercial) 200 (industrial)	
Rural	Churches	2 acres	200	35	N/A	25	50	50					N/A	
		Schools, Grades K-4****	10 acres +	500	35	N/A		100						N/A
		Schools, Grades 5-8****	20 acres +	500	35	N/A		100						N/A
		Schools, Grades 9-12****	30 acres +	500	35	N/A		100						N/A
		Hospitals	10 acres	500	35	N/A		100						N/A
	Other Rural principal permitted uses	40,000 sq. ft.	100	35	N/A	40	50	50					N/A	
Village District	Commercial or Industrial**												200 (industrial)	
	Commercial*	N/A	N/A	35	N/A	25	10	40					75	
	Industrial**												200	
Residential Growth	Commercial or Industrial**												200 (industrial)	
Neighborhood Commercial	Commercial	N/A	N/A	35	70%	15' (min) 25' (max)	10	10					25	
General Commercial	Commercial	N/A	N/A	60	80%	20	10	25					75	
Highway Commercial	Commercial	N/A	N/A	60	80%	25	25	25					75	
Light Industrial	Commercial or Industrial	N/A	N/A	60	80%	25	25	25					75 (commercial) 200 (industrial)	
Major Industrial	Commercial	N/A	N/A	75	90%	25	10	50					75	
	Industrial	3 acres***	N/A	75	90%	25	50	50					200	
Planned Development	Commercial	3 acres	N/A	60	80%	20	10	25					75	
Office / Commercial Mixed Use	Commercial	N/A	N/A	60	80%	15' (min) 25' (max)	10	10					25	

This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, this table shall prevail. All dimensions are in feet unless otherwise indicated.

\* Maximum building height is subject to Section 9.2.

These yard requirements are also for an approved commercial or industrial use prepared for any other zone. (Source: Section 5.6(e))

\*\*I (and use(s)) approved via Neighborhood Compatibility Meeting process or Development Review System process in accordance with the Zoning and Development Review this Ordinance.

\*\*\*MLA for Industrial uses does not apply if the site is located in an approved Industrial Park (Source: Section 5.6(e))

\*\*\*\*For 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. (Source: 5.7(b))

Village Commercial setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood (Source: 5.10c)

Setback may be reduced if adjacent to industrial use.

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.

Appendix A, Residential Site Development Standards Table [DRAFT 4/10/12]

Zoning District	Land use	Land Use Subtype	Minimum Lot Area (MLA) in square feet***	Area per Dwelling Unit (ADU) in square feet	Lot Width (feet)	Maximum Building Height	Setbacks (feet)				
							Front	Side	Street Side	Rear	
Residential Growth	Single family detached dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	
		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	
	Townhouse	Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"	
	Multi-family dwelling	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	
		Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	
		Single-family dwelling with setbacks not stipulated by Planning Commission	Over 40,000 square feet --	N/A	N/A	N/A	40	25	12	†	12
			30,000 sq. ft. to 40,000 sq. ft. --	N/A	N/A	N/A	40	20	10	†	12
		Under 30,000 square feet --	N/A	N/A	N/A	40	20	8	†	12	
Rural	Dwellings		40,000	N/A	100	35	40	15	†	50	
	Single-family dwelling with setbacks not stipulated by Planning Commission	Over 2 acres --	N/A	N/A	N/A	35	40	15	†	50	
		40,000 sq. ft. to 2 acres --	N/A	N/A	N/A	35	25	12	†	12	
		30,000 sq. ft. to 39,999 sq. ft. --	N/A	N/A	N/A	35	20	10	†	12	
		under 30,000 sq. ft. --	N/A	N/A	N/A	35	20	8	†	12	
	Cluster Subdivision		See Residential Growth								
	Residential use that complies with the Development Review System		See Residential Growth								
Village	Residential uses		See Residential Growth								
Residential / Light Industrial / Commercial	Residential uses		See Residential Growth								
Commercial / Industrial-	Residential uses		See Residential Growth								
Commercial	Residential uses		See Residential Growth								
Neighborhood	Residential uses		See Residential Growth								
Commercial	Residential uses		See Residential Growth								
General	Residential uses		See Residential Growth								
Commercial	Residential uses		See Residential Growth								
Highway	Residential uses		See Residential Growth								
Commercial	Residential uses		See Residential Growth								
Light Industrial	Residential uses		See Residential Growth								
Major Industrial	Residential uses		See Residential Growth								
Planned Development	Residential uses		See Residential Growth. Note: the Planning Commission may amend site development standards for a land use in the Planned Neighborhood Development district.								
Office / Commercial	Residential uses		See Residential Growth								
Mixed Use	Residential uses		See Residential Growth								

~~This table is for reference purposes only.~~ In the event of a conflict with the text of the Zoning and Land Development Ordinance, ~~the Ordinance~~ this table shall prevail.

\* 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 Fl

\*\*\*\* 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.

† See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

NOTE: All detached accessory structures under 144 square feet in size - 6' setback. (Res Growth District Page 1)

For all lots approved prior to Sept. 1, 1989, lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.

**Public Comments Received at 4/10/12 and 4/24/12 Planning Commission Public Hearings  
Proposed Zoning Text Amendment regarding New Commercial Zoning Districts (and Related Amendments) -  
Zoning and Land Development Ordinance**

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
1	Gordon & Associates	4.6	See Section 4.6	Removal of the distance requirement and all references from the ordinance.	Elimination of all distance requirements is beyond the scope of the current amendments but could be considered as part of future amendments.	No change recommended.
2	Gordon & Associates	4.6	See Section 4.6	Recommend eliminating text and simply use Table 4.11 to govern setback criteria.	Staff concurs with the goal of including all relevant standards in one table. (Text should also remain in 4.6 because of multiple references to this section throughout the ordinance.)	<p>The standards of Section 4.6 are now reflected in the revised draft Appendix B.</p> <p>To clarify applicability of Section 4.6, the following changes are also recommended:</p> <p>Add new subsection 5 to Section 4.6.A:</p> <p><a href="#"><u>Industrial uses are subject to this section, unless otherwise specified in this ordinance.</u></a></p> <p>Add new subsection 4 to Section 4.6.B:</p> <p><a href="#"><u>Commercial uses are subject to this section, unless otherwise specified in this ordinance.</u></a></p>

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
3	Gordon & Associates	4.11.B.2	"2. A screened buffer yard with a minimum width of fifteen (15) feet"	Suggest adding to 4.11.B.2 that "the 15' screened buffer may be included within the 200' unscreened buffer."	Staff concurs.	Amend 4.11.B.2 to read:  "2. A screened buffer yard with a minimum width of fifteen (15) feet, <a href="#">which may be included within the 200-foot buffer required in this subsection . . .</a> "
4	Gordon & Associates	4.11.B.3	"3. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard."	Conflicts with Appendix B and should be removed since the Appendix supersedes text conflicts.	Staff concurs that Appendix B does not include this standard.  Section 4.11.B.3 (as renumbered), which applies only to industrial uses, is existing language in the ordinance. It also reflects an existing requirement of Section 5.6.D.5.	Add clarifying text to Appendix B for consistency.  This change is reflected in the revised draft of Appendix B.
5	Gordon & Associates	4.11	(See Table 4.11-1)	Suggest removing the requirement for a buffer between multi-family and lots with residential uses.	Currently, multi-family development requires a landscaped buffer when adjacent to a lot with a residential use. Because a multi-family use has offsite impacts such as noise, parking, and height, planning principles support a buffer requirement adjacent to single-family uses.	No change recommended.
6	Gordon & Associates	Section 5.6.F. 1.a&b, and F.2.a	"a. Landscaping... subject to Section 4.11." "b. Impervious site coverage ... shall not be greater than 80% of the gross area"	Should be removed since they are already specified in 4.11 or Appendix B.	Staff concurs, and has made recommendations to ensure that sufficient references are in place to replace the text in 5.6.F.	Delete Section 5.6, F. 1.a&b, and Section 5.6.F.2.a and renumber accordingly.  Add to Section 8.9.A.10:  <a href="#">All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this ordinance.</a>

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
7	Gordon & Associates	5.7.B	<p>1. Minimum lot sizes, lot width, and yard requirements ... are shown in Table 5.7-1.</p> <p>2. For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.5</p> <p>3. Lot area for schools (K-12) ... shall be increased by one (1) additional acre for every 100 pupils..."</p>	These requirements should be removed since they are covered by Appendix A or B.	Staff concurs.	<p>Delete Table 5.7-1; delete 5.7.B.2-3; replace 5.7.B.1 with the following text:</p> <p><a href="#">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.</a></p>
8	Gordon & Associates	5.8.C.2	2. All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(a).	There are references to sections that should be removed and replaced with Appendix A and B.	Staff concurs, and has made recommendations to ensure that sufficient references are in place to replace the text in 5.8.C.2.	<p>Amend Section 5.8 as follows:</p> <p>Replace "C. Other Regulations" with "C. <a href="#">Site Development Standards</a>"</p> <p>Replace the first two sentences of Section 5.8. C.2 with the following text:</p> <p><a href="#">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</a></p>

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
						<p><a href="#">in this ordinance.</a></p> <p>In the 3rd sentence of C.2, replace the words “Either use” with <a href="#">“All commercial or industrial uses”</a>.</p> <p>Add new subsection I to Section 4.11:</p> <p><a href="#">I. Required landscape buffers for a non-residential use are indicated in Table 4.11-1.</a></p>
9	Gordon & Associates	5.10.C	<ol style="list-style-type: none"> <li>1. Residential <ol style="list-style-type: none"> <li>a. Section 9.7, Residential Growth standards</li> </ol> </li> <li>2. Commercial <ol style="list-style-type: none"> <li>a. 25' front, 10' side and 40' rear</li> <li>b. Setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood.</li> </ol> </li> <li>3. Existing Structures <ol style="list-style-type: none"> <li>a. As exists not less than 6' on sides and rear.</li> </ol> </li> </ol>	Should be removed since it is covered by Section 4.11 or Appendix A and B.	<p>Staff concurs.</p> <p>Staff also recommends clarifying the intent of Section 5.10.C.3.a</p>	<p>Replace Section 5.10.C.1&amp;2 with the following text, and renumber accordingly:</p> <p><a href="#">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.</a></p> <p>Amend Section 5.10.C.3.a (as renumbered) as follows:</p> <p><a href="#">The side and rear yard setbacks are 6' for an existing structure to be used for a land use as provided in this article.</a></p>

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
10	Gordon & Associates	Various	Eligibility. The following locations are eligible for Neighborhood Commercial Zoning...	We would suggest two options to make these new categories able to be used: <ul style="list-style-type: none"> <li>• If the eligibility sections are met, the rezoning would happen at an administrative level (i.e. If a property meets section 5.11.B.1-5, it could be rezoned at the staff level). If the eligibility section is not met, an applicant could still apply, but they would go through the rezoning process as outlined currently. They would not be restricted from applying.</li> <li>• Eliminate the eligibility sections since staff evaluates these criteria with every rezoning.</li> </ul>	Staff concurs with the general principle that the Zoning Ordinance should provide guidance as to appropriate locations of zoning categories, but does not need to establish eligibility.	Amend subsection B of sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, and 5.17 to read:  B. <u>Location.</u> <del>Eligibility.</del> <u>This zoning category is intended for use in the following locations: are eligible. . .</u>
11	Gordon & Associates	5.11.E.1	Any off-street parking shall be located in the rear or on the side of a building and may not be located between a street and the front facade of a building.	Suggest adding to the end of the sentence “unless an exception is granted by the County Planner based upon site constraints”.	Staff finds that the variance process would be more appropriate than a staff-level waiver. It should also be noted that the requirements of this section would not prohibit the use of an existing building or parking area.	No change recommended.
12	Gordon & Associates	5.11.E.2	E. Additional Requirements 2. Each building shall be limited to 3,000 square feet of gross floor area.	3,000 square feet is extremely small for a Neighborhood Commercial District and would eliminate even small professional offices that would seem to be ideal. Suggest increasing the square footage for commercial to 7,500 square feet to allow for a multi-level building.	Staff concurs. The intent of the square footage threshold is to limit the building footprint rather than the gross floor area. As such, the standard should be expressed as a building footprint limit, to allow greater square footage for a multi-level development.	Replace Section 5.11.E.2 with the following:  <u>Each building shall be limited to a maximum building footprint of 3,500 square feet.</u>
13	Gordon & Associates	5.11.E.4 5.17.F.6	E. Additional Requirements 3. One bicycle parking space shall be provided for each ten vehicular parking spaces.	This bike requirement appears in several additional locations. We would suggest a simplified statement of “A bicycle parking area shall be provided.” A “space” and rigid requirement indicates that it would literally be in the parking lot, when typically a bike rack for multiple bikes is provided on a widened section of sidewalk.	The issue is acknowledged. Staff proposes adding a definition of “bicycle parking space” to the ordinance to clarify this.	Amend Section 2.2 to add:  <u>Bicycle Parking Space. A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.</u>

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
14	Gordon & Associates	5.12.B	Eligibility. Properties located on four-lane Primary roads ... are eligible for the GC designation.	Refer to the Section above regarding eligibility. General Commercial will only be permitted on four-lane primary roads for buildings under 50,000 square feet. There are many other areas in the County where General Commercial uses should be permitted. Suggest eliminating the eligibility requirement...	Staff concurs. Addressed in #10 above.	See #10 above.
15	Gordon & Associates	5.13.B	Eligibility. Properties located within 1000' feet of major ... are eligible for the Highway Commercial district.	Refer to the recommendations above regarding eligibility. Highway Commercial will only be permitted within 1,000 feet of major intersection on four-lane primary roads. There are many other areas in the County where Highway Commercial uses should be permitted, specifically along four lane primary roads.	Staff concurs. Addressed in #10 above.	See #10 above.
16	Gordon & Associates	5.16	(See Section 5.16)	The PND has been very extremely complex to implement in other jurisdictions and has very limited applications. In other jurisdictions we have found that these types of requirements are rarely used. No comment has been provided on this section, but we would suggest re-evaluation of whether this section is necessary.	The PND district provides flexibility for property owners and developers, by enabling them to request custom site development standards tailored to a particular property.  This district would also allow for the limitation of certain permitted uses as part of the approval of a zoning request. The County Commission currently does not have this ability.	No change recommended.
17	Gordon & Associates	Appendix B	(See Appendix B, Impervious Surface Limit column)	General Commercial Impervious Limit should be 80% to be consistent with existing limits for commercial uses. Light and Major industrial should be 90% to be consistent with existing requirements and zones.	Staff concurs re: General Commercial and Major Industrial impervious surface limit. Additionally, PND impervious surface should change to mirror General Commercial impervious surface change.	Amend Appendix B as follows:  In the column labeled "Impervious Surface Limit", change designations in the following zoning districts, as shown below:  General Commercial: <del>70%</del> <u>80%</u> Major Industrial <del>80%</del> <u>90%</u> Planned Neighborhood Development <del>70%</del> <u>80%</u>

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
18	Gordon & Associates	Appendix C	(See Appendix C)	Mobile home parks are permitted in RG and R-LI-C, however mobile homes are not. Suggest adding mobile homes being permitted in R, RG, and R-LI-C	This is existing ordinance language. The intent of the ordinance appears to be to allow mobile home parks but not the installation of mobile homes on infill lots, which may be located in a single-family residential subdivision. Individual mobile homes are permitted in the Rural District.	No change recommended.
19	Gordon & Associates	Appendix C	(See Appendix C)	Electric vehicle charging stations will likely be an accessory use to things like restaurants, hotels, etc. Suggest adding these as permitted uses in all commercial districts.	Staff concurs (with the exception of the Village District – the County’s most limited commercial district – where the use should be conditional.)	Amend Appendix C as follows:  In the row labeled “Electric Vehicle Charging Station,” in the column for the NC district, replace “PC” with <u>“P”</u>
20	Gordon & Associates	Appendix C	(See Appendix C)	Suggest combining passive and active recreational uses.	Staff concurs.	Amend Appendix C as follows:  <del>Park, Active Recreational Uses</del>  <del>“Park, Passive Recreational Uses”</del>
21	Gordon & Associates	Appendix C	(See Appendix C)	In general, we feel that breaking out over 100 individual uses is not necessary. The zoning administrator can make a preliminary determination of whether the proposed use is a commercial use or not. The addition of so many categories makes things chart very complicated and leaves too much open to interpretation. Many of the commercial uses are duplicated throughout the chart with regard to where they are permitted. ‘ The commercial uses should be allowed in NC, GC, HC, PND, CC, R-LI-C, I-C and V • Light Industrial should be allowed in LI, MI, R-LI-C, and I-C • Heavy Industrial uses should be allowed in MI and I-C • As a general example, a Sheetz convenience store would not be allowed in the General Commercial or Office Commercial zones due to its size.	The main purpose of the proposed zoning districts is to establish a scale of commercial district, from less intense (i.e. Neighborhood Commercial) to more intense (i.e. Highway Commercial). A key element of the differentiation of these districts is the types of uses permitted – the uses should vary in intensity by district.  Staff has made efforts to simplify the use table and combine categories. For example, the use “Personal Services”, as defined, combines 17 different land uses (barber shop, shoe repair, laundry, etc).	No change recommended.

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
22	PC Member Ed Burns	4.6	N/A	Distance requirements of Section 4.6 should be included in Appendix B	Staff concurs, and recommends that the distance requirements also be moved from Table 4.11-1 to Appendix B.	This change is reflected in the revised draft of Appendix B and Table 4.11-1.
23	PC Member Ed Burns	4.4K	"No conditional use permit shall be approved for any of these uses."	Language stating "any of these uses" should be more specific.	Staff concurs.	Change Section 4.4K to "... shall be approved for any of these <u>adult</u> uses..."
24	PC Member Ed Burns		N/A	Ensure that Light Industrial includes warehousing and limited assembly.	The land uses "Manufacturing, Limited" and "Warehousing and Distribution, Limited" are proposed as permitted uses in the Light Industrial district (see Appendix C).	No change recommended.
25	Mike Cassell		N/A	Additional definitions of uses are needed.	Staff concurs.	Additional land use definitions will be included in the agenda packet for the 6/12/12 Planning Commission meeting.
26	Mike Cassell		N/A	Appendix B table should be simplified.	Agree with general goal of simplifying table. However staff acknowledges that the intent of Appendix B is to consolidate various setback requirements previous scattered throughout the ordinance, including Section 4.6 as requested by a Planning Commission member.	Changes are reflected in the revised draft of Appendix B.
27	Mike Cassell	5.16.B	"Eligibility. Only properties identified as being located in the Growth Area in the Comprehensive Plan are eligible for [PND] zoning."	Amend language to add "in the Growth Area <b><i>as defined</i></b> in the <b><i>2004</i></b> Comprehensive Plan"	The standard practice of the Zoning Ordinance is to refer to the Comprehensive Plan generally rather than to a specific version of the Comprehensive Plan. (For example, see multiple references to "Comprehensive Plan" in Article 6.)	No change recommended.
28	Mike Cassell / Chip Dorman	3.2.A.8	"The Zoning Administrator may determine that a land use not listed in Appendix C... is permitted if all of the following findings are made..."	For a change of use to a land use that this not specified in the ordinance, notice should be sent to adjacent property owners.	Staff has determined that this subsection is unnecessary. Section 3.2 states that the Zoning Administrator is responsible for interpreting the ordinance, which implicitly includes interpretation of permitted uses.	Remove Section 3.2.A.8.

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
29	Chip Dorman	3.2.A.8	“The Zoning Administrator may forward questions about equivalent uses directly to the Board...”	If the Board of Zoning Appeals reviews a change of use to a land use that this not specified in the ordinance, what is the process? The ordinance should specify this.	Staff proposes to delete this subsection. (See discussion in #28 above.)	Remove Section 3.2.A.8.
30	Mike Cassell	Section 12.2	<p>b. Any property affected by the proposed zoning map amendment shall be posted <del>at least 30</del> <u>not less than 20 and not more than 28</u> days prior to the Public Hearing.</p> <p>c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail <u>not less than 20 and not more than 28</u> <del>at least 30</del> days prior to the Public Hearing.</p>	The posting and notice time periods for a zoning case should remain 30 days as currently in the ordinance.	<p>Jefferson County’s posting and notice requirements far exceed those of the West Virginia code. State law does not require adjoining letters; nor does it require property posting for zoning map amendments initiated by owner petition.</p> <p>The 30-day period in the County’s recently-adopted notice requirements inadvertently prevents a map amendment case from being scheduled on the next PC meeting following the presentation of a map amendment petition. To ensure that the public hearing schedule for map amendments is consistent the 60-day public hearing deadline in the West Virginia Code, this change is recommended.</p>	No change recommended.
31	Ted Schultz	N/A	N/A	Scenic area protection should address historic and cultural areas, meadows, and geologic features thereby preserving the character of Jefferson County. This would require that designated areas would not be subject to significant disturbance and the natural appearance of scenic resources be maintained.	Staff concurs that this is a worthy objective, but is beyond the scope of the proposed amendments. This can be pursued as part of a broader stakeholder process regarding rural and agricultural land uses.	No change recommended.
32	Ted Schultz	N/A	N/A	A provision should protect lands located east of the Shenandoah River and Opequon Creek, as recommended in the Comprehensive Plan (identified for a possible “Rural-Environmental” District). These requirements are not reflected in the proposed amendments. Also, commercial development within 500’ of the rivers forbidden.	<p>Protection of environmentally sensitive areas is addressed in Section 4.4H and Section 4.13 of the Zoning Ordinance.</p> <p>The currently proposed districts are intended to be commercial in nature. The “Rural Environmental District” appears to have been intended as a conservation district, and is beyond the scope of the proposed amendments.</p>	No change recommended.

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
33	Ted Schultz	5.16.D.3	"The minimum site area for a PND development is three acres."	PND District: If minimum required land area is 3 acres and a specific land use breakdown is required (i.e. 10-30% commercial etc), is 3 acres sufficient for the various required development types as well as well/septic and other requirements?	Because uses can be mixed vertically (i.e. ground floor retail with multi-family on upper floors), the land use mix can be achieved on a smaller parcel. Such developments should also generally be located in areas that can be served by public/central water and sewer. Staff recommends allowing property owners the flexibility to determine the viability of a PND project on a given parcel.	No change recommended.
34	Ted Schultz	N/A	N/A	; limited development acres – all open streams, ponds, etc should be excluded from land area used by the applicant in determining land area for construction.	For residential development, this is currently addressed in a footnote in Appendix A: "The balance square footage between the ADU [area per dwelling unit] and the MLA [minimum lot area] 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."	No change recommended.  (It should also be noted that the Subdivision Regulations require a setback from any such sensitive natural area.)
35	Ted Schultz	5.16	N/A	The proposed PND district would not improve the ordinance. As a "Planned <i>Neighborhood</i> Development" district, it is unclear how PND fits into the category of commercial districts.	Developments in the PND District will be mixed use, including both residential and commercial uses on the same parcel. The PND district is unique in that it permits customization of development standards, and allows for restriction of land uses.	No change recommended.
36	Staff	Appendix B	(See Appendix B)	Remove new category of Street Side Setback for non-residential uses (this would apply to corner lots).	Staff has determined that creating a Street Side Setback category for non-residential uses would add little value. To simplify Appendix B, staff recommends removing the column for Street Side Setbacks.	Remove column for Street Side Setbacks from Appendix B.
37	Staff	Section 4.6		Reduce distance requirement for commercial uses in the Neighborhood Commercial District and Office/Commercial Mixed Use District from 75' to 25'.	Per Section 4.6, all commercial uses have a distance requirement of 75'. This requirement is excessive for these two proposed districts, which are intended to have a more walkable, urban character. A	In Section 4.6, add a new subsection C:  <a href="#">A commercial use located in the Neighborhood</a>

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
					shorter distance requirement of 25' is recommended for these 2 districts.	<a href="#">Commercial district or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6.B.1-3.</a>
38	Staff	5.4		Section 5.4 contains a table for residential setbacks in the Residential Growth district. This table duplicates the setback information shown in Appendix B.	Table 5.4 – 1 (Residential Growth District - Height and Yard Requirements) can be removed.	<p>Delete Table 5.4-1 and amend the first sentence of Section 5.4.B.1 to read:</p> <p><a href="#">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. <del>Minimum Lot Area, Height, and Yard Requirements are as shown in Table 5.4 – 1 below.</del></a></p> <p>Delete text:  <del>*Subject to Section 9.2</del>  (Appendix B covers this)</p> <p>Move text “NOTE: ALL detached accessory structures under 144 square feet in size - 6' setback.” to new subsection 5.4.B.3 with minor rewording.</p> <p>Move sentence beginning</p>

#	Source	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
						with “The balance square footage between the ADU and the MLA...” to subsection 5.4.B.2, with minor edits to clarify acronyms.
39	Staff	5.11E, 5.17E	(See Section 5.11 and Section 5.17)	For the two new zoning districts that are intended for walkable, pedestrian-oriented developments, clarify that buildings should be oriented to the street.		Add new Sections 5.11.E.5 and 5.17.E.7 and renumber accordingly:  <a href="#">Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.</a>
40	Staff	5.16.E	(See Section 5.16)	The current language in the PND section of the ordinance does not contain standards related to street network requirements. As a PND is intended to be a well-planned development that integrates a variety of land uses, street network standards are recommended.		Add new 5.16.E.4 as follows, and renumber accordingly:  <a href="#">Street Network. An interconnecting network of internal streets shall be designed to accommodate the various uses found within a PND development. Where possible, all access to sites shall be from these internal streets.</a>
41	Staff	4.11, Table 4.11-1	(See Table 4.11-1)	The buffer and screening requirements, as shown in this table, have at times been a source of confusion.	Staff recommends amending Table 4.11 to clearly distinguish between screened and unscreened buffers.	Amend Table 4.11-1 to clarify screened vs. unscreened buffers.  Add footnote to Table 4.11-1 to clarify the applicability of the 15’ screened buffer for industrial uses.

**Appendix A, Residential Site Development Standards Table [DRAFT 4/10/12]**

Zoning District	Land use	Land Use Subtype	Minimum Lot Area (MLA) in square feet***	Area per Dwelling Unit (ADU) in square feet	Lot Width (feet)	Maximum Building Height	Setbacks (feet)			
							Front	Side	Street Side	Rear
<b>Residential Growth</b>	Single family detached dwelling	<i>Public/Central water and sewer</i>	6,000	10,000	N/A	40	25	12	15	20
		<i>Public/Central water or sewer</i>	20,000	N/A	N/A	"	"	"	"	"
	<a href="#">Small lot single-family detached dwelling</a>	<i>No Public/Central water or sewer</i>	40,000	N/A	N/A	"	"	"	"	"
		<i>Public/Central water and sewer</i>	3,200	7,500	35'	40	20****	5	10	20
	Duplex dwelling unit	<i>Public/Central water and sewer</i>	3,200	7,500	N/A	40	25	15**	15	20
		<i>Public/Central water or sewer</i>	N/A	10,000	N/A	"	"	"	"	"
	Townhouse	<i>Public/Central water and sewer</i>	1,400	3,500	N/A	40	25	12**	15	20
	Multi-family dwelling	<i>Public/Central water and sewer</i>	20,000	2,000	N/A	40	25	12**	15	30
	Single-family dwelling with setbacks not previous stipulated by Planning Commission	<i>Over 40,000 square feet --</i>	N/A	N/A	N/A	40	25	12	‡	12
		<i>30,000 sq. ft. to 40,000 sq. ft.--</i>	N/A	N/A	N/A	40	20	10	‡	12
<i>Under 30,000 square feet --</i>		N/A	N/A	N/A	40	20	8	‡	12	
<b>Rural</b>	Dwellings		40,000	N/A	100	35	40	15	‡	50
	Single-family dwelling with setbacks not previous stipulated by Planning Commission	<i>Over 2 acres --</i>	N/A	N/A	N/A	35	40	15	‡	50
		<i>40,000 sq. ft. to 2 acres --</i>	N/A	N/A	N/A	35	25	12	‡	12
		<i>30,000 sq. ft. to 39,999 sq. ft. --</i>	N/A	N/A	N/A	35	20	10	‡	12
		<i>under 30,000 sq. ft. --</i>	N/A	N/A	N/A	35	20	8	‡	12
	Cluster Subdivision									
Residential use that complies with the Development Review System										
<b>Village</b>	Residential uses									
<b>Residential / Light Industrial / Commercial</b>	Residential uses									
<b>Industrial-Commercial</b>	Residential uses									
<b>Neighborhood Commercial</b>	Residential uses									
<b>General Commercial</b>	Residential uses									
<b>Highway Commercial</b>	Residential uses									
<b>Light Industrial</b>	Residential uses									
<b>Major Industrial</b>	Residential uses									
<b>Planned Development</b>	Residential uses									
<b>Office / Commercial Mixed Use</b>	Residential uses									

~~This table is for reference purposes only.~~ In the event of a conflict with the text of the Zoning and Land Development Ordinance, ~~the Ordinance~~ this table shall prevail.

\* 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.

‡See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

NOTE: All detached accessory structures under 144 square feet in size - 6' setback. (Res Growth District)

For all lots approved prior to Sept. 1, 1989, lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.

**Appendix B, Non-residential Site Development Standards Table [DRAFT 6/12/12]**

Zoning District	Development Type	Minimum Lot Area (MLA)	Minimum Lot Width	Maximum Building Height*	Impervious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks <sup>Ⓞ</sup>			Distance (if required by Section 4.6)
						Front	Side	Rear	Front	Side	Rear	
<b>Industrial - Commercial**</b>	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25'			15	4	4	75
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25'	50' (or 25' if adjacent to industrial use)		15	10	10	75
	Industrial	3 acres***	N/A	75	90%	50' (or 25' if adjacent to industrial use)			25	25 (or 20' if adjacent to industrial use)		200
<b>Residential / Light Industrial / Commercial</b>	Commercial or Industrial	N/A	N/A	60	80%	See Industrial - Commercial District						75 (commercial) 200 (industrial)
<b>Rural</b>	Churches	2 acres	200	35	N/A	25	50	50	See Parking/Drive Aisle Setbacks for commercial sites (greater or less than 1.5 acres, depending on lot size) in the Industrial - Commercial District.			N/A
	Schools, Grades K-4****	10 acres +	500	35	N/A	100						N/A
	Schools, Grades 5-8****	20 acres +	500	35	N/A	100						N/A
	Schools, Grades 9-12****	30 acres +	500	35	N/A	100						N/A
	Hospitals	10 acres	500	35	N/A	100						N/A
	Other Rural principal permitted uses	40,000 sq. ft.	100	35	N/A	40	50	50				N/A
	Commercial or Industrial**	See Industrial-Commercial District						75 (commercial) 200 (industrial)				
<b>Village District</b>	Commercial <sup>†</sup>	N/A	N/A	35	N/A	25	10	40	See Industrial-Commercial District			75
	Industrial**	See Industrial-Commercial District						200				
<b>Residential Growth</b>	Commercial or Industrial**	See Industrial-Commercial District						75 (commercial) 200 (industrial)				
<b>Neighborhood Commercial</b>	Commercial	N/A	N/A	35	70%	15' (min) 25' (max)	10	10	See Industrial-Commercial District			25
<b>General Commercial</b>	Commercial	N/A	N/A	60	80%	20	10	25				75
<b>Highway Commercial</b>	Commercial	N/A	N/A	60	80%	25	25	25				75
<b>Light Industrial</b>	Commercial or Industrial	N/A	N/A	60	80%	25	25	25				75 (commercial) 200 (industrial)
<b>Major Industrial</b>	Commercial	N/A	N/A	75	90%	25	10	50				75
	Industrial	3 acres***	N/A	75	90%	25	50	50				200
<b>Planned Development</b>	Commercial	3 acres	N/A	60	80%	20	10	25				75
<b>Office / Commercial Mixed Use</b>	Commercial	N/A	N/A	60	80%	15' (min) 25' (max)	10	10	25			

**This table is for reference purposes only.** In the event of a conflict with the text of the Zoning and Land Development Ordinance, this table shall prevail. All dimensions are in feet unless otherwise indicated.

\* Maximum building height is subject to Section 9.2.

~~† These yard requirements are also for an approved commercial or industrial use proposed for any other zone. [Source: Section 5.6(d)]~~

\*\*If land use(s) approved via Neighborhood Compatibility Meeting process or Development Review System process in accordance with the Zoning and Development Review this Ordinance.

\*\*\*MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Section 5.6(e)]

\*\*\*\*For 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. [Source: 5.7(b)]

<sup>†</sup>Village Commercial setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood [Source: 5.10c]

<sup>‡</sup>Setback may be reduced if adjacent to industrial use.

<sup>Ⓞ</sup>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.

**APPENDIX C: PERMITTED USES TABLE**

~~This table is for reference purposes only.~~ In the event of a conflict with the text of the Zoning and Land Development Ordinance, ~~the Ordinance~~ this table shall prevail.

*[Note: Blue text indicates proposed new districts and new land use name, or other text changes]  
 [Highlighted text indicates proposed change in permitted status for an existing land use type.]*

Land Use	NC	GC	HC	LI	MI	PND	OC	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
<b>Residential Uses</b>														
Dwelling, Single Family	P	NP	NP	NP	NP	P	NP	P	P	P	NP	P		
Dwelling, Single Family, Small Lot	P	NP	NP	NP	NP	P	P	NP	P	P	NP	NP		
Dwelling, Two Family	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P		
Dwelling, Duplex	NP	NP	NP	NP	NP	P	NP	NP	P	P	NP	P		
Dwelling, Townhouse	P	NP	NP	NP	NP	P	P	NP	P	P	NP	NP		
Dwelling, Multi-Family	P	NP	NP	NP	NP	P	P	NP	P	P	NP	NP		
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P		
Mobile Home	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP		
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP		
Model Homes/Sales Office	P	PC	NP	NP	NP	P	P	P	P	P	NP	NP	Sec. 8.10	
<b>Home Uses</b>														
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	4A.3	4A.1
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	4A.4	4A.1
Cottage Industry	P	NP	NP	NP	NP	P	P	P	P	P	P	P	4A.5	4A.1
<b>Institutional Uses</b>														
Airport	NP	NP	NP	P	P	NP	NP	NP	NP	NP	PC	NP		
Church	P	P	P	P	PC	P	P	P	P	P	NP	P		
Convention Center	NP	P	P	P	PC	P	P	NP	NP	P	PC	NP		
Day Care Center, Large	P	P	P	P	PC	P	P	NP	P	P	P	PC		
Electric Vehicle Charging Station	PC	P	P	P	P	P	P	NP	NP	P	P	PC		
Hospital	NP	P	P	P	PC	P	P	P	P	P	NP	NP		
Group Residential Facility	P	P	P	NP	NP	P	P	P	P	P	NP	P		
Group Residential Home	P	P	P	NP	NP	P	P	P	P	P	NP	P		
Heliport	PC	PC	PC	P	P	PC	PC	NP	NP	PC	PC	NP		
Residential Care Home	P	P	P	NP	NP	P	P	P	P	P	NP	P		
Nursing or Retirement Home	PC	P	P	P	NP	P	P	NP	P	P	NP	NP		
Cultural Facility	P	P	P	P	PC	P	P	P	NP	P	P	P		
Elementary or Secondary School	P	P	PC	PC	NP	P	P	P	P	P	NP	NP		
Preschool	P	P	PC	PC	PC	P	P	P	P	P	NP	NP		
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP		
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P		
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	PC		
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	4.7	
Performing Arts Theater	P	P	P	P	P	P	P	NP	NP	P	P	PC		
Park, Passive Recreational Uses	P	P	P	P	NP	P	P	P	P	P	NP	P		
Park, Active Recreational Uses	P	P	P	P	NP	P	P	P	P	P	NP	P		
Recycling Drop-Off Center	PC	P	P	P	P	P	P	NP	NP	P	P	NP		
<b>Industrial</b>														
Salvage Yards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	NP		
Slaughterhouses, Stockyards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	NP		
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP		Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	**	P	P	NP		Sec. 8.9
Heavy Equipment Repair	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP		

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**APPENDIX C: PERMITTED USES TABLE**

~~This table is for reference purposes only.~~ In the event of a conflict with the text of the Zoning and Land Development Ordinance, ~~the Ordinance~~ this table shall prevail.

*[Note: Blue text indicates proposed new districts and new land use name, or other text changes]*

*[Highlighted text indicates proposed change in permitted status for an existing land use type.]*

Land Use	NC	GC	HC	LI	MI	PND	OC	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Manufacturing, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP		
Manufacturing, Heavy	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP		
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Shooting Range, Outdoor	NP	NP	NP	PC	PC	NP	NP	NP	NP	NP	PC	NP		
Shooting Range, Indoor	NP	PC	PC	P	P	NP	NP	NP	NP	PC	P	NP		
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	PC	P	NP		
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP		
Warehousing and Distribution, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP		
Warehousing and Distribution, General	NP	NP	NP	PC	P	NP	NP	NP	NP	PC	P	NP		
<b>Industrial Manufacturing &amp; Processing</b>														
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Cement or Lime Manufacture	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Commercial Sawmills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Explosive manufacture or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Foundries and/or casting facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Garbage or dead animal reduction or processing; Landfills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Jails and Prisons	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		
Petroleum products refining or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP		Sec. 8.11
<b>Adult Uses</b>														
Adult Uses	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP		Sec. 8.1
<b>Recreational Uses</b>														
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	PC	PC	NP	NP	P	NP	NP	NP	NP		Sec. 8.8
<b>Commercial Uses</b>														
Antique Shop	P	P	P	P	NP	P	P	NP	NP	P	P	PC		
Appliance Sales	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	NP	NP	P	P	PC		
ATM	P	P	P	P	NP	P	P	NP	NP	P	P	PC		
Automobile repair, sales and service	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	P	NP	NP	P	P	NP		
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Bail Bond Services	NP	P	P	P	P	NP	NP	NP	NP	PC	P	NP		
Branch Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Bank with drive-through facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP		

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**APPENDIX C: PERMITTED USES TABLE**

~~This table is for reference purposes only.~~ In the event of a conflict with the text of the Zoning and Land Development Ordinance, ~~the Ordinance~~ this table shall prevail.

*[Note: Blue text indicates proposed new districts and new land use name, or other text changes]  
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Land Use	NC	GC	HC	LI	MI	PND	OC	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Bar / Nightclub	PC	P	P	P	NP	P	P	NP	NP	P	P	NP		
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC		
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC		Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	P	P	P	NP	NP	P	P	NP		
Building Maintenance Services	PC	P	P	P	P	P	P	NP	NP	P	P	NP		
Building Materials and Supplies	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Campground	PC	P	NP	NP	NP	P	P	NP	NP	P	P	NP		
Commercial Uses	-	-	-	-	-	-	-	*	**	P	P	*		Sec. 8.9
Car Wash	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Commercial Blood Plasma Center	NP	P	P	P	P	PC	PC	NP	NP	PC	P	NP		
Contractor with no outdoor storage	P	P	P	P	P	P	P	NP	NP	P	P	NP		
Contractor with outdoor storage	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Retail Food Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Convenience Store	PC	P	P	P	PC	P	P	NP	NP	P	P	NP		
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC		
Dry cleaning and laundry pick-up station; laundromat	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Dry cleaning and laundry services	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Exterminating Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Food Preparation	P	P	P	P	P	P	P	NP	NP	P	P	NP		
Hotel/Motel	NP	P	P	P	NP	P	P	NP	NP	P	P	NP		
Gambling Facilities	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP		
Gas Station, Limited	P	P	P	P	P	P	P	NP	NP	P	P	NP		
Gas Station	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Gas Station, Large	NP	PC	P	P	P	PC	PC	NP	NP	P	P	NP		
Golf Course	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Grocery Store	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Kennel	NP	P	P	P	PC	P	P	P	NP	P	P	NP		Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	P		
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP		
Mobile home, boat and trailer sales	NP	P	P	P	P	P	P	NP	NP	PC	P	NP		
Movie Theater	NP	P	P	P	PC	P	P	NP	NP	P	P	NP		
Non-Not for-Profit Commercial Uses	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Non-Profit Community Centers	P	P	P	P	PC	P	P	P	NP	P	P	NP		
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Pawn Shop Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Personal Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Professional Office	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Restaurant, Fast Food, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC		
Restaurant, Fast Food	PC	P	P	P	PC	P	P	NP	NP	P	P	NP		
Restaurant, Fast Food, Drive-Through	NP	P	P	P	PC	PC	P	NP	NP	P	P	NP		
Restaurant, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC		

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Land Use	NC	GC	HC	LI	MI	PND	OC	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Restaurant	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Retail Sales Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Retail Store	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Retail Store, Large	NP	PC	P	PC	PC	PC	PC	NP	NP	PC	PC	NP		
Shipping and Mailing Services	P	P	P	P	PC	P	P	NP	NP	P	P	NP		
Storage, Commercial	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Veterinary Services	P	P	P	P	PC	P	P	P	NP	P	P	NP		
Wireless telecommunications facilities	P	P	P	P	P	P	P	P	P	P	P	P	4B	
<b>Agricultural Uses</b>														
Agricultural Uses as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P		
Agricultural Repair Center	NP	P	P	P	P	P	P	P	NP	P	P	NP		
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P		
Farm Brewery or Winery	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 8.5
Farm Market	P	P	P	P	PC	P	P	P	NP	P	P	PC		Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P		
Feed and/or Farm Supply Center	PC	P	P	P	P	P	P	P	NP	P	P	NP		
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	NP	P	P	NP		
Landscaping Business	P	P	P	P	P	P	P	P	NP	P	P	NP		
Rental of Existing Farm Building for Commercial Storage (structure must have existed for 5 years)	NP	P	P	P	P	P	P	P	NP	P	P	NP		
<b>Accessory Uses</b>														
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P		

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**Proposed New Commercial Zoning Districts and Related Amendments to the Zoning and Land Development Ordinance**

**Section 2.2: Definitions**

Add (or amend) the following definitions:

Airport	Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities, and devices, terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.
Appliance Sales	Use of a site for indoor sale of nonportable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.
Art Gallery or Artist Studio	The use of a site for (a) an establishment engaged in the sale or exhibit of art works including but not limited to paintings, sculpture, knitted goods, or potter; and/or (b) work space for one or more artists or artisans, or craftspersons, who may offer instruction in the creation of art works.
Automobile parts, supplies and tire stores	Stores that sell new automobile parts, tires, and accessories. This use includes installation of new tires.
Automobile repair, sales and service	The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.
Automobile, light truck and light trailer rentals, indoor	Rental of automobiles, light trucks, light trailers, and vans, including a rental office but not including parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas
Automobile, light truck and light trailer rentals, outdoor	Rental of automobiles, light trucks, light trailers, and vans, including a rental office and incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.
Bail Bond Services	An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.
Bank with drive-through facility	A bank that includes provisions for the conduct of banking services directly to the occupants of motor vehicles.
Bar / Nightclub	An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.

Bicycle Parking Space	A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.
Bank	A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. A bank does not include the Pawn Shop Services land use.
Building Maintenance Services	An establishment primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
Building Materials and Supplies	An establishment which sells goods relating to construction which require a large floor area such as lumber, appliances, electrical supplies and plumbing supplies.
Business Equipment Sales and Service	An establishment primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.
Campground	An area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents, cabins and/or lodges. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park as defined in this ordinance.
Car Wash	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.
Commercial Blood Plasma Center	The use of a site as a facility for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood. This land use does not include a blood bank.
Contractor with no outdoor storage	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area other than incidental storage.
Contractor with outdoor storage	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.

Convenience Store	An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.
Convention Center	A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
Custom Manufacturing	Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.
Dry cleaning and laundry facility	A facility at which clothing and other fabrics are dry-cleaned or laundered for customers, utilizing processes which are in compliance with applicable state and federal laws.
Dry cleaning and laundry pick-up station; laundromat	An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry, and that provides self-service machines for use by customers for the washing or drying of clothes or other fabrics. This use does not include the maintenance or operation of any other types of laundry or dry-cleaning equipment or machinery on the premises.
Dry cleaning and laundry services	The use of a site for customer drop-off and pickup of clothing or fabrics, to be laundered or dry-cleaned at an offsite location. This use does not include use of a site as a Dry Cleaning and Laundry Facility.
Dwelling, Single Family, Small Lot	A single-family detached dwelling meeting the site development standards for a Dwelling, Single Family, Small Lot as required by this ordinance.
Electric Vehicle Charging Station	A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
Equipment Rental, Sales, or Service	The use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships, construction equipment dealerships, and mobile home sales establishments.
Exterminating Services	The use of a site for the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.
Food Preparation	An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. This use includes food preparation for catering.
Gambling Facilities	The operation or conducting of any games played with cards, roulette wheels, dice, craps, slot machines, video lottery terminals, mechanical, electro-mechanical, or electronic amusement devices or machine for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes. This definition does not apply to games of chance operated by charitable organizations licensed under West Virginia state law.

Gas Station	Buildings and premises for the supply and retail dispensing of motor fuels. Accessory uses may include minor servicing and repair of automobiles; and sale of lubricants, batteries, tires, motor vehicle accessories, beverages, food, tobacco products and other retail merchandise; a car wash; and up to fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. A gas station shall be classified as a “Gas Station, Large” if it exceeds any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.
Gas Station, Large	A gas station (as defined in this ordinance) exceeding any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.
Gas Station, Limited	A gas station (as defined in this ordinance) limited to two fuel pump islands and a total of two fuel pumps. A Gas Station, Limited land use may include as an accessory use a convenience store with a gross floor area not to exceed 1,000 square feet gross floor area.
Golf Course	A facility other than a miniature golf course for the playing of golf. A golf course may include a clubhouse with rest rooms and locker rooms, may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.
Grocery Store	An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores. A grocery store may include a pharmacy as an accessory use.
Heavy Industrial Use	Manufacturing or other enterprises with significant external effects, or which oppose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.
Helipad	A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.
Heliport	An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.
Hotel/Motel	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn as defined in this ordinance. A hotel/motel may include a restaurant, bar, personal and retail services, and entertainment as accessory uses.
Kennel (amended)	The boarding, breeding, raising, grooming, or training of more than six dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain or as part of the operations of a not-for-profit organization.

Manufacturing, Heavy	An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. A land use that generates significant noise, odor, vibration, illumination, or particulate matter that has the potential to adversely affect adjacent land uses, or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use.
Manufacturing, Limited	The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. This category includes welding services.
Medical/Dental/Optical Office	A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.
Mobile home, boat and trailer sales	Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.
Movie Theater	A building containing audience seating and one or more screens and auditoriums intended for the viewing of films. A movie theater may contain a lobby and refreshment stand, and may include service of food and beverages to seated patrons. Incidental use of a movie theater for community events and live performances is permitted. This use does not include an adult use or a bar/nightclub.
Parking, Commercial Offsite Accessory	Use of a site for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, or month.
Pawn Shop Services	An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This use does not include a Bank.
Performing Arts Theater	An establishment for the performing arts with seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions.
Personal services	Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services; duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.

Printing and Publishing	A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. This use may include the production of books, magazines, newspapers and other printed matter.
Professional Office	A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a coffee shop. This land use does not include a Medical/Dental/Optical Office.
Recycling Drop-Off Center	A building or site used for a drop-off location for temporary storage of recyclable, recoverable or reuseable materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil. Processing of materials is limited to separation. This land use is intended for household or consumer use rather than commercial or industrial use. The area dedicated a Recycling Drop-Off Center is limited to 1,000 square feet.
Restaurant	A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages.
Restaurant, Fast Food	Any establishment whose principal business is the sale of foods and or beverages in ready-to-consume individual servings, for consumption either inside or outside the restaurant building or for carry-out. Customer orders and/or service may be by means of a window or walk-up counter. A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles is classified as a Restaurant, Fast Food, Drive-Through.
Restaurant, Fast Food, Drive Through	A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles.
Retail sales, limited	Establishments of 10,000 square feet or fewer of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental; and food sales or markets. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores.
Retail Store, Large	A retail sales establishment located within one building with a gross floor area exceeding 50,000 square feet.
Shipping and Mailing Services	Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail. This use does not include major processing of mail or packages or bulk mailing distribution centers, and does not include facilities owned or operated by governmental agencies such as the United States Postal Service.
Shooting Range, Indoor	A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure. The operations and design and design of an outdoor shooting range meet National Rifle Association standards.

Shooting Range, Outdoor	The use of land for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of target practice, sport shooting, military/law enforcement training, mock war games, or temporary competitions. The operations and design and design of an outdoor shooting range meet National Rifle Association standards. This land use does not include Hunting, Shooting, Archery and Fishing Clubs and general hunting.
Storage, Commercial	An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.
Transportation Terminal	The use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or shipped materials between modes of transportation, and includes bus terminals, railroad stations, airport terminals, and public transit facilities. This use does not include long-term storage of shipped items.
Vehicle Storage	The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.
Warehousing and Distribution, General	Use of a site for the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. This use includes major distribution centers, frozen food lockers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities. Facilities may be characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors.
Warehousing and Distribution, Limited	Use of a site for the small scale storage and sale of goods to other businesses for resale. Wholesale and warehouse area will be no more than 50,000 square feet in area and operate during conventional business hours. Outdoor storage is limited to an area of 1,000 square feet. This use does not include major distribution centers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities, or a use described as a Storage, Commercial facility.



## **List of Related Zoning Ordinance Amendments**

**Draft – 6/12/12<sup>1</sup>**

### **Section 3.2**

Clarifies that administrative determinations can be made regarding land uses listed in the Zoning Ordinance.

### **Section 4.4, Prohibited Uses**

Clarifies the permitted status of certain uses (such as prisons and gambling) in the new zoning districts.

### **Section 4.10**

Clarifies that a site plan must not only be submitted but also approved prior to initiation of development.

### **Section 4.11**

Clarifies the landscaping requirements for an industrial use.

### **Table 4.11-1**

Setback requirements are relocated to Appendix B.

Screened buffer requirement added for multi-family development adjacent to commercial or industrial development.

### **Section 5.1**

Addition of new zoning districts to list of districts.

### **Sections 5.4, 5.6, 5.7, 5.8. 5.10**

Lists of permitted uses are replaced with a statement that “uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.”

These revised sections also state that uses shown as conditional uses shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

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<sup>1</sup> The recommendations in this document are unchanged from the 4/10/12 draft.

### **Section 5.6D**

Removal of statement that yard requirements in the Industrial - Commercial District apply to a commercial use in any other district. These yard requirements do not apply to the new districts, each of which has its own set of yard requirements. (Where 5.6D is applicable in the ordinance has been so noted elsewhere.)

This section also includes clarification regarding the applicability of buffer requirements to access drives.

### **Section 5.8B**

Clarifies the impervious surface limit requirements for the Residential - Light Industrial - Commercial district.

### **Section 5.8C**

Clarifies that the Compatibility Assessment Meeting requirement does not apply to a building located within a shopping center shown on an approved site plan for restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area).

### **Section 6.3**

Clarifies that the soils component of the LESA scoring process is not applicable when the development is proposed to be located in an existing building, on an existing paved or disturbed area, or entails an expansion of less than 1,000 square feet total of an existing building and/or an existing paved area.

This revised section would also include a sentence relocated from Section 6.5D, in order to improve the clarity of this Article.

### **Section 8.1**

Clarifies that the larger setbacks required for Adult Uses do apply when the use is located in the vicinity of the Neighborhood Commercial, Planned Neighborhood Development, or Office/Commercial Mixed Use zoning districts.

## **Section 8.12**

Clarifies the permitted status of fireworks sales in the Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts.

## **Section 12.2**

Changes the time periods required for posting and adjoining letters for a zoning map amendment request, from “at least 30 days” to “not less than 20 and not more than 28 days.” The reason for this change is that the 30-day requirement does not allow a zoning map amendment case to be scheduled on the next Planning Commission meeting following the applicant’s presentation of a map amendment petition. In order to ensure that the public hearing schedule for zoning map amendments remains consistent the timelines established in the West Virginia Code, this change is recommended.

## **Section 12.3**

Clarifies that there are additional requirements for the processing of a zoning map amendment request for the PND District.

## **Appendix A, Residential Site Development Standards Table**

1. New commercial zoning districts and site development standards added to table.
2. Site development standards for “Small lot single-family detached dwelling” added to table.
3. Deletion of statement that table is for reference purposes only, and clarification that table will prevail in the event of a conflict with the ordinance.

## **Appendix B, Non-residential Site Development Standards Table**

1. New commercial zoning districts and site development standards added to table.
2. Columns showing setbacks for parking and drive aisles are proposed to be relocated from Table 4.11-1 in order to consolidate setback requirements into one table.
3. Establishes maximum building heights for non-residential uses in the Village District (35’) and the Residential - Light Industrial - Commercial District (60’). The ordinance does not currently establish height limits in these districts.
4. Street side yard building setbacks added.
5. Amended note regarding maximum building height.
6. Deleted note referencing section 5.6D.
7. Deletion of statement that table is for reference purposes only, and clarification that table will prevail in the event of a conflict with the ordinance.

## **Appendix C, Permitted Uses Table**

1. Addition of various new commercial land use names (please see table).
2. Establishment of Dwelling, Single Family, Small Lot use.
3. Deletion of statement that table is for reference purposes only, and clarification that table will prevail in the event of a conflict with the ordinance.
4. Addition of new zoning districts and permitted/conditional/not permitted status of each land use for the new districts.
5. Addition of permitted/conditional/not permitted status of each land use for the existing zoning districts.
6. Edits to names of some existing land uses, such as Shooting Range; Garbage or dead animal reduction or processing; Branch bank; Retail food store, limited; Dry cleaning; Non/not-for profit commercial uses.
7. Proposed change in status for some land uses as highlighted in yellow on the table.
8. Amendment of footnote regarding conditional uses.
9. Correction of errors regarding the status of Wireless telecommunications facilities, Agricultural Tourism, Farm Brewery or Winery, and Farm Vacation Enterprise.



# JEFFERSON COUNTY, West Virginia

## Departments of Planning and Zoning

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## Director's Report June 12, 2012 Planning Commission Meeting

- 1) Activity Report (attached)
- 2) Recent CC Actions:
  - a) Public Hearing to Consider Amending vesting provisions of the Subdivision Regulations or other ordinance based on a request by JCCEP (5/31/12) – discussion/action scheduled for 6/21/12
- 3) Upcoming CC Actions:
  - a) Public Hearing on the landowner-initiated petition to amend the County Zoning Map for a 8.98 acre property owned by Gene Capriotti (June 14, 2012 7 pm)
  - b) Discussion of Proposed Timeline for Comp Plan (after PC's July 2012 meeting)
- 4) Upcoming PC meetings:
  - a) June 26, 2012 (special called meeting)
    - 2 waivers for time extensions related to Beallair and Beallair West
  - b) July 10, 2012
    - Waivers for time extensions

## Christine Chalmers

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**To:** Planning Commission  
**Subject:** RE: WEEKLY CALENDAR / 5.14.12- 5.18.12

### MONDAY, MAY 14, 2012

#### **START DATE: OLIVIA NOLAND (INTERN)**

10:00 am  
3:30 pm

AMY & JENNILEE – HEALTH INSURANCE OPEN ENROLLMENT MEETING  
STEVE & SETH – HEALTH INSURANCE OPEN ENROLLMENT MEETING

### TUESDAY, MAY 15, 2012

10:00 am  
11:00 am  
1:00 pm  
3:30 pm

STEVE & SETH – MEETING WITH BRIAN CLARK  
STEVE & SETH – MONTHLY AMENDMENT MEETING WITH ENGINEERING STAFF  
STEVE & JENNILEE – BZA SITE VISITS / PLACARD INSPECTION  
DAWN & CHRISTINE – HEALTH INSURANCE OPEN ENROLLMENT MEETING

### WEDNESDAY, MAY 16, 2012

10:00 am – 11:00 am  
11:00 am – NOON

STEVE/JENNILEE OR SETH/AMY & JONATHAN – SITE PLAN PPC / RE: RICKY L. BROWN  
STEVE/JENNILEE OR SETH/AMY & JONATHAN – SITE PLAN PPC / RE: SHEETZ STATION

### THURSDAY, MAY 17, 2012

9:00 am  
NOON  
3:00 pm

COUNTY COMMISSION MEETING  
SETH – DISCOVER DOWNTOWN CHARLES TOWN MEETING (LARGE CONF ROOM)  
STEVE & JENNILEE - BOARD OF ZONING APPEALS MEETING

### FRIDAY, MAY 18, 2012

1:00 pm – 1:30 pm  
1:00 pm – 5:00 pm

STEVE – MTG W/ MASON / RE: POSSIBLE ZONING CODE VIOLATION (HOME BUSINESS)  
DAWN – MEETING IN BLUEMONT, VA / RE: BOULDER CREST RETREAT FARM MARKET

## Christine Chalmers

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**To:** Planning Commission  
**Subject:** RE: WEEKLY CALENDAR / 5.21.12- 5.25.12

### MONDAY, MAY 21, 2012

9:45 am – 10:45 am STAFF MEETING  
2:00 pm – 3:00 pm STEVE, SETH, JENNILEE & OLIVIA- PARKS & REC INTERN (LESLIE) PRELIMINARY MTG  
RE: PARKS & TRAILS PROJECT

### TUESDAY, MAY 22, 2012

#### **AFLAC "OPEN ENROLLMENT" – FIRST FLOOR CNTY COURTHOUSE / 9:00 am – 3:00 pm**

10:00 am AMY – AFLAC "OPEN ENROLLMENT" MEETING  
10:30 am – 1:00 pm DAWN – ATTEND US WORKSESSION ON JENNIE'S BEHALF  
11:00 am – 3:00 pm JENNIE, STEVE & SETH – US WORKSESSION / RE: RTE 340 SOUTH PLAN  
11:00 am CHRISTINE – MEETING WITH SALLY GRAN AND AFLAC "OPEN ENROLLMENT" MTG  
1:00 pm JENNILEE – AFLAC "OPEN ENROLLMENT" MEETING  
2:30 pm STEVE & JENNILEE – "CUP" SITE VISITS / PLACARD CHECK

JENNIE – OUT / RE: HR RETREAT

### WEDNESDAY, MAY 23, 2012

9:00 am – NOON JENNIE – RE: HR RETREAT / OUT-OF-OFFICE  
2:00 pm – 3:00 pm JENNIE, SETH & AMY – WEEKLY PLANNING MEETING  
3:00 pm – 4:30 pm JENNIE, STEVE & JENNILEE – WEEKLY ZONING MEETING

### THURSDAY, MAY 24, 2012

10:00 am JENNIE, STEVE, SETH & DAWN – WEEKLY UPDATE MEETING WITH OLIVIA  
2:00 pm – 3:00 pm JENNIE – HEALTH INSURANCE "OPEN ENROLLMENT" MEETING  
6:00 pm JENNIE – PARKS & REC MEETING

### FRIDAY, MAY 25, 2012

10:00 am JENNIE – USBR 11 MEETING AT MATHERS TRAINING CENTER IN HARPERS FERRY  
1:00 pm – 3:00 pm JENNIE – BOARD OF HEALTH MEETING

**Christine Chalmers**

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**To:** Planning Commission  
**Subject:** RE: WEEKLY CALENDAR / 5.28.12- 6.01.12

**MONDAY, MAY 28, 2012**

**MEMORIAL DAY HOLIDAY – OFFICES CLOSED**

**TUESDAY, MAY 29, 2012**

**AFLAC “OPEN ENROLLMENT” MEETING IN COURTHOUSE / 9 am - NOON**

10:00 am – 11:00 am  
11:00 am – 11:30 am  
1:00 pm – 2:30 pm  
2:30 pm – 3:30 pm  
3:00 pm

STAFF MEETING  
JENNIE, STEVE, SETH, JENNILEE, AMY, DAWN, MINDY & OLIVIA – DATA MEETING  
JENNIE & STEVE – WEEKLY ZONING MEETING  
JENNIE & SETH – WEEKLY PLANNING MEETING  
STEVE & JENNILEE – MONTHLY BZA APPLICATION REVIEW MEETING

**WEDNESDAY, MAY 30, 2012**

10:00 am  
2:00 pm

JENNIE, STEVE, SETH & JENNILEE – COMPATIBILITY ASSESS MTG / RENEE MOORE  
JENNIE, STEVE, SETH & JENNILEE – COMPATIBILITY ASSESS MTG / SCOTT BEARUP

**THURSDAY, MAY 31, 2012**

9:00 am  
3:00 pm – 3:30 pm  
6:00 pm – 7:00 pm  
7:00 pm – 9:00 pm

COUNTY COMMISSION MEETING  
JENNIE – “TALK TO TODD” / RE: USCBP  
JENNIE – PARKS & REC FACILITY COMMITTEE MEETING  
JENNIE, STEVE & SETH – “JCEP” PUBLIC HEARING

**FRIDAY, JUNE 01, 2012**

10:00 am  
10:00 am  
11:00 am  
1:00 pm

STEVE – MEETING WITH CLINTON BLEVINS / RE: DENIED #ZV12-08  
JENNIE – MEETING WITH AMY - ANNUAL EVALUATION ONE-ON-ONE  
JENNIE, STEVE, SETH, DAWN & OLIVIA – WEEKLY UPDATE MEETING  
STEVE – SITE VISIT / PLACARD CHECK - SHEETZ STORE

## **Christine Chalmers**

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**To:** Planning Commission  
**Subject:** RE: WEEKLY CALENDAR / 6.04.12- 6.08.12

### **MONDAY, JUNE 04, 2012**

1:30 pm – 4:30 pm JENNIE – “FEMA” MEETING @ BERKELEY CNTY COUNCIL CHAMBERS

### **TUESDAY, JUNE 05, 2012**

9:00 am – 4:30 pm JENNIE – 2012 SUMMER POTOMAC WATERSHED PARTNERSHIP MEETING  
LOCATION: WINCHESTER, VIRGINIA  
9:30 am SETH – MEETING WITH LIZ WHEELER & JIM LEATHERS  
3:00 pm STEVE, MASON & MIKE – MTG WITH STEVEN MCKINNEY /  
RE: FIRST AMENDMENT BUSINESS ENDEAVOR (FIREARM SALES)  
7:00 pm SETH– HARPERS FERRY PLANNING COMMISSION MEETING

### **WEDNESDAY, JUNE 06, 2012**

8:00 am – 9:30 am JENNIE – MONTHLY DEPARTMENT HEAD MEETING  
10:00 am JENNIE – MEETING WITH STEVE STOLIPHER  
11:00 am – 12:00 pm STAFF MEETING  
2:00 pm – 3:00 pm JENNIE & SETH – WEEKLY PLANNING MEETING  
3:00 pm – 4:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING

### **THURSDAY, JUNE 07, 2012**

9:00 am COUNTY COMMISSION MEETING  
2:00 pm JENNIE – ANNUAL EVALUATION ONE-ON-ONE MEETING WITH CHRISTINE  
3:00 pm JENNIE, STEVE, SETH, DAWN – WEEKLY UPDATE MEETING WITH OLIVIA  
5:00 pm – 8:00 pm JENNIE – ECONOMY 2012 MEETING

### **FRIDAY, JUNE 08, 2012**

#### **PLANNING COMMISSION PACKET DAY**

10:00 am JENNIE, STEVE, SETH & JENNILEE – SHEETZ, INC. / COMPATIBILITY ASSESSMENT MTG