



AGENDA  
Jefferson County Planning Commission  
Tuesday, August 11, 2015, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

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**All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.**

1. Approval of the minutes from the following Planning Commission Meetings:
  - July 14, 2015
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. **Public Hearing:** Zoning Map Amendment (Rezoning) request by property owners Twin Oaks Subdivision, LLC, Peter S. Corum and J. Edward Slonaker for Morgan Grove Market. This property is currently zoned "Rural" (R). The applicant is requesting "Neighborhood Commercial" (NC). This property is located at 3988 Kearneysville Pike (Rt. 480) Shepherdstown, WV. Tax District (09); Map 13 Parcels: 26.1, 26.2, 26.3 and 26.4. This is a joint Public Hearing with the County Commissioners of Jefferson County.
4. **Public Workshop:** Concept Plan Review for Middleway Dollar General Store (File #S15-04). The property is located at the intersection of Middleway Pike and Leetown Road in Middleway. The project is for the construction of a 7,310 square foot retail store with associated parking. The property is designated as Tax District: Middleway (07); Tax Map: 19; Parcels 16.6 and 16.7; Zoned: Rural (R); Size: 1.69Ac; Owner/Developer: Wilbur A. Alger, Jr., and Middle of the Way Real Estate LTD.
5. **Public Workshop:** Concept Plan Review for Advance Auto Parts (File #S15-03). The property is located at 475 Euclid Avenue in Charles Town. The project is for the construction of a 6,912 square foot retail Automotive Parts sales and warehouse establishment with associated parking. The property is designated as Tax District: Charles Town (02); Tax Map: 10A; Parcel 76; Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 1.04 Ac. Owner/Developer: Martin & Brenda Lookingbill.
6. **Public Hearing:** Request by applicant Primax Properties, LLC. for a waiver for Advance Auto Parts (File # PCW15-02) for a waiver from the requirements of Section 21.202(B) and 22.208 of the Jefferson County Subdivision and Land Development Regulations which would require the installation of a sidewalk along Euclid Avenue. The property is designated as Tax District: Charles Town (02); Tax Map: 10A; Parcel 76; Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 1.04 Ac.; Owner/Developer: Martin & Brenda Lookingbill.

7. **Final Plat Public Hearing:** Breckenridge East Phase 1A, Lots 10-22 (File #PC15-09) The project is to consist of 13 Single Family Lots. The property is located along Old Country Club Road southeast of the intersection with Flowing Springs Road. The property is designated as Tax District: Charles Town (02); Tax Map: 10 Parcel: P/O 2; Zoned: Rural (R); Size: 67.67 Ac.; Owner/Developer B.C. Partners, Inc.

There is no public comment for the remaining items.

8. Discussion of red line edits of the Proposed Amendments to the Zoning and Land Development Ordinance and the Land Development and Subdivision Regulations regarding Campgrounds for the purpose of scheduling a Public Hearing.
9. Request for postponement.
- Request by applicant Charles M Carter to postpone a Zoning Map Amendment request until the September 8, 2015 Public Hearing (File # Z15-02). This property is currently zoned Rural (R) and the applicant is requesting General Commercial (GC). The property is located on the south side of Martinsburg Pike (Route 45), east of the intersection with Venice Way.
10. Reports from Legal Counsel and legal advice to the Planning Commission.
- a) Active Litigation:
- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session
  - Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session.
11. Director's Report.
- Distribution of the draft red-line edits created by a citizen based committee for the Proposed Amendments to the Subdivision and Site Development Regulations.
  - The Old Suburban Office Park is the new American ghost town. An article from the Washington News Post.
12. Planning Commission Exchange and Liaison Reports:
- County Commission
  - Health Department
  - Public Service District
  - Parks and Recreation
  - Jefferson County Development Authority
  - Water Advisory Committee
  - Planning Commission Exchange

- Historic Landmark Commission

13. President's Report.

14. Actionable Correspondence.

15. Non-Actionable Correspondence.

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record.

Feel free to submit your comments to any of the addresses below:

Physical Address: 116 E. Washington St., Charles Town, West Virginia 25414

Mailing Address: P.O. Box 338, Charles Town, West Virginia 25414

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

Fax Number: 304-728-8126

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.



**DRAFT**

Jefferson County Planning Commission  
July 14, 2015

The Jefferson County Planning Commission met on July 14, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gary Phalen, Peter Fricke, Mike Chapman, Dale Manuel and Dick Childs. Staff members present included Jennifer Brockman, Director of Planning and Zoning; David Simon, Zoning Administrator; Rhonda Greenholtz, Planning Clerk; Jonathan Saunders, County Engineer; and Lydia Lehman, Legal Counsel. Mr. Gene Taylor was absent with prior notification. Mr. Stolipher called the meeting to order at 7:00 PM.

1. Approval of the minutes from the following Planning Commission Meetings:

- June 9, 2015

Mr. Steve Stolipher asked if there were any objections to the approval of the meeting minutes. No objections were made. Minutes were approved.

2. Mr. Gary Phalen made a motion to move Agenda Item # 7 to Item # 2 on this Agenda as Legal Counsel Lydia Lehman had to excuse herself from this meeting early to attend another meeting. Mr. Dale Manuel seconded the motion which carried unanimously. The Planning Commission entered executive session at 7:02 PM to discuss the active litigation pertaining to the Far Away Farms item only.

Reports from Legal Counsel and Legal advice to the Planning Commission.

a) Active Litigation:

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-235 – Possible Executive Session
- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case #15-C-129
- Update on request by the County Commission for input from the Planning Commission to determine if a Zoning Map Amendment (Rezoning) request by property owner Twin Oaks Subdivision, LLC, Peter S. Corum and J. Edward Slonaker for Morgan Grove Market is in compliance with the Envision Jefferson 2035 Comprehensive Plan. – Possible Executive Session

Mr. Peter Fricke made a motion to come out of executive session at 7:15 PM. Mr. Dale Manuel seconded the motion which carried unanimously.

Ms. Lydia Lehman updated the Planning Commission on the Shiloh Citizens Association case stating that a 30 day extension was granted on timelines as negotiations are ongoing. A follow up hearing is scheduled for August 3, 2015 at 3:00 PM.

Ms. Lydia Lehman also gave an update on the zoning map amendment request by property owners Twin Oaks Subdivision, LLC, Peter Corum and J. Edward Slonaker, to change the current “Rural” (R) zoning designation of the property located at Morgan Grove Market to the requested “Neighborhood Commercial” (NC) The County Commission requested input from the Planning Commission to determine if this request is in conformance with the Envision Jefferson 2035 Comprehensive Plan. A joint Public Hearing with the Planning Commission and the County Commission will be held at the next regularly scheduled Planning Commission meeting August 11, 2015 at 7:00 PM in the Old Charles Town Library Meeting room.

3. Citizens Communications:

- None

4. A Public Hearing was held for a proposed text amendment to the Zoning & Land Development Ordinance related to Cultural Facilities, File #ZTA 15-01. The amendment includes changing “Appendix C, Principal Permitted Uses Table”, to change Cultural Facilities from Not Permitted (NP) to Permitted (P) within the Residential Growth District.

Mr. Stephen Stolipher recused himself from Agenda Item # 4. The meeting was handed over the Mr. Wade Louthan; Vice President.

Ms. Jennifer Brockman presented an overview of the request. The Shepherdstown Library petitioned the County Commission in June of this year for a Zoning Ordinance Text Amendment. The County Commission voted unanimously to initiate the proposed text amendment which was then referred to the Planning Commission to determine if the proposed text amendment is in conformance with the *Envision Jefferson 2035 Comprehensive Plan*. County staff has been working with the Shepherdstown Library Board over the past few years with regards to their intent to relocate to a property located near the Clarion Hotel. The property is currently zoned “Residential Growth” (RG). Libraries currently are not permitted in this zoning district under the current Zoning Ordinance.

The Planning Commission’s role in this request is to take Public comment and to determine if the request is in conformance with the *Envision Jefferson 2035 Comprehensive Plan*. Ms. Brockman stated that the Comprehensive Plan encourages Libraries to be located where people live in areas where they may be utilized. Staff believes it a reasonable request to expect that Libraries be located in the Residential Growth zoning district.

Mr. Wade Louthan opened the floor to public comment.

Ms. Hali Tayler, Director of the Shepherdstown Public Library spoke. Ms. Taylor stated the *2035 Comprehensive Plan* states that libraries should be located in residential areas therefore there it is a contradiction that Libraries are not permitted in the Residential Growth zoning district. The request is for Libraries to be a permitted use in the Residential Growth district.

Mr. Wade Louthan closed the floor to public comment.

Mr. Dale Manuel made a motion to approve the edits to change Cultural Facilities from Non-Permitted (NP) to Permitted (P) in the Residential Growth (RG) zoning district in the Zoning and Land Development Ordinance, Appendix C: Principal Permitted Uses Table. Mr. Dick Childs seconded the motion. A vote was taken which carried unanimously.

Mr. Stephen Stolipher returned to the meeting. Mr. Wade Louthan handed the meeting back over to Mr. Stephen Stolipher.

5. A Petition was submitted by Charles M. Carter for a Zoning Map Amendment to the Planning Commission for the purpose of scheduling a public hearing within 60 days (File # Z15-02). This

property is currently zoned Rural (R) and the applicant is requesting General Commercial (GC). The property is located on the south side of Martinsburg Pike (Route 45), east of the intersection with Venice Way.

Mr. Gary Phalen made a motion to hold a Public Hearing at the next regularly scheduled meeting to be held on August 11, 2015 at 7:00 PM. Mr. Wade Louthan seconded the motion. A vote was taken which unanimously.

6. (Postponed from the June 9, 2015 PC meeting.) Discussion and review of red-lined edits for the proposed campground amendments created by an appointed citizen-based committee for the purpose of scheduling a public hearing.

Ms. Jennifer Brockman asked that in the future, committees that are citizen-based and where no staff is present, be provided with a current version of the document be amended so that they can create a redline edit version for clarity of intent.

Ms. Brockman stated that committee provided proposed edits to both the Zoning Ordinance and Subdivision Regulations. The purpose of the edits to the Zoning Ordinance is to focus on what a campground is and where it is allowed. Edits to the Subdivision Regulations are to focus on the process under which you receive approval of a permit for a campground.

A line by line review of the proposed edits and additions were discussed Mr. Gary Phalen suggested that the proposed edits be sent to KOA for input. Ms. Jennifer Brockman agreed.

A motion was made by Mr. Peter Fricke to schedule a Public Hearing at the September 8, 2015 Planning Commission meeting. Mr. Dale Manuel seconded the motion. A vote was taken which carried unanimously.

7. Request for postponement.
  - None
8. Reports from Legal Counsel and Legal Advice to the Planning Commission.
  - This item was moved to Agenda Item # 2
9. Directors Report.
  - 1) Upcoming Planning Commission Issues:
    - a) Planning Commission discussion/action on proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) – Need to initiate discussion with relevant county agencies when All Good Festival 2015 after-action report is complete for input into the draft ordinance (September PC Meeting?)
    - b) Joint PC/CC Public Hearing for Zoning Map Amendment for Morgan Grove Market properties (8/11/15 7 pm)
  - 2) Upcoming CC Actions relevant to Planning and Zoning:

- a) The Corporation of Bolivar has requested the establishment of an Urban Growth Boundary under the provision of WV State Code 8-6-4a. Legal staff recommended that the Planning Commission hold a Public Hearing to make a recommendation regarding adding this Boundary line to the County Zoning Map to the County Commission (*PC moved to inform the CC that the proposed Bolivar UGB is not in conformance with the Envision Jefferson 2035 Plan 6/9/15 – CC action TBD*)

3) Upcoming PC meetings

- a) Next Regular Meeting: **August 11, 2015**
  - Joint PC/CC Public Hearing re: Morgan’s Grove Market/Twin Oaks Subdivision Zoning Map Amendment
  - Concept Plan Middleway Dollar General
  - Concept Plan Advanced Auto
  - Waiver Request Advanced Auto
  - Possible Charles M. Carter Zoning Map Amendment (PC direction required- postponed until the September 8, 2015 PC Meeting)
  - Possible Zoning Text Amendment Public Hearing re: campgrounds (PC direction required. To be held at the September 8, 2015 PC Meeting)

10. Planning Commission and Liaison reports:

- None

11. President Report:

- None

12. Actionable Correspondence:

- None

13. Non Actionable Correspondence:

- None


Mr. Steve Stolipher motioned to adjourn the meeting at 8:40 PM.

A vote was taken and passed unanimously.

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**Twin Oaks Subdivision, LLC Rezoning PC File # Z15-01**

**Item #3:** Request by Peter Corum and J. Edward Slonaker of Twin Oaks Subdivision, LLC for a zoning map amendment from Rural to Neighborhood Commercial for property designated as Tax District Shepherdstown, Map: 13, Parcels: 26.1, 26.2, 26.3 & 26.4.

APPLICANT:	Peter Corum and J. Edward Slonaker		
OWNER:	Same as above		
DEVELOPER:	Same as above		
SURVEYOR/ENGINEER:	N/A		
PROPERTY LOCATION:	This property is located on Route 480, Kearneysville Pike, adjacent to Morgan's Grove Park.		
LEGAL DESCRIPTION:	District: Shepherdstown; Map: 13; Parcel(s): 26.1, 26.2, 26.3 and 26.4		
			
ZONING DISTRICT:	Rural		
SURROUNDING PROPERTIES:	Northwest: Rural (Park)	Northeast: Residential Growth	
	South: Rural	East: Rural	
	West: Rural		
LOT AREA:	Site area: 13.68 acres		
PROPOSED ACTIVITY:	To rezone this Rural property to a designation of Neighborhood Commercial.		

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PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson2035 Comprehensive Plan</i> .
STAFF FINDINGS:	The proposed zoning district is <u>not</u> in conformance with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .

APPROVALS	
Previously approved CUP Previously approved CIS Previously approved Final Plat	CUP (PC File #Z06-01) Submitted: 02/22/06; Approved: 08/17/06 CIS Submitted (PC File #06-33): 10/29/06; PC Approval: 04/24/07 Public Hearing and Approval: 10/14/08 Extensions denied by the PC: 01/12/10 which invalidated the CUP, CIS and Final Plat
CONDITIONAL USE PERMIT (CP12-01)	04/19/12: Approved by the BZA with 30 conditions (CUP signed 6/28/12)
CONCEPT PLAN	12/11/12: Planning Commission Approval of the Concept Plan with no direction
VARIANCE/WAIVER HISTORY	01/08/13: PC approved a waiver from Section 20.102(B) to allow rough site grading in anticipation of subsequent procedural and document approvals ( <i>PCW12-08</i> ). 01/08/13 PC approved a waiver from Section 22.208 requesting relief from the road frontage sidewalk conditioned upon a 10' pedestrian/bike easement being recorded along Rt. 480 ( <i>PCW12-09</i> ). 01/08/13: PC approved (with conditions) a waiver Section 24.116(B): relief from subdivision ordinance requesting traffic study ( <i>PCW12-10</i> ). 01/08/13 PC denied a request to schedule a public hearing for the Morgan's Grove Market Major Site Plan ( <i>S12-06</i> ) prior to staff deeming the site plan complete. 01/17/13: BZA approved (with conditions) variances from Section 4.11(A) and 5.6(D).( <i>S12-06</i> ) 03/21/13: BZA approved a variance to waive site plan and parking requirements for a 1,200 sq. ft. tent structure to be used for a temporary farm market. 07/18/13 BZA approved an 18 month "by right " extension for the Morgan Grove Market C.U.P to 6/28/15 03/26/15: BZA approved an 18 month extension for the Morgan Grove Market C.U.P to 12/28/16 ( <i>ZV15-02</i> )
SITE PLAN	06/11/13: PC found the Site Plan to be provisionally and conditionally complete to schedule a Public Hearing. ( <i>S12-06</i> ) 07/09/13: PC approved the site plan with conditions. ( <i>S12-06</i> )

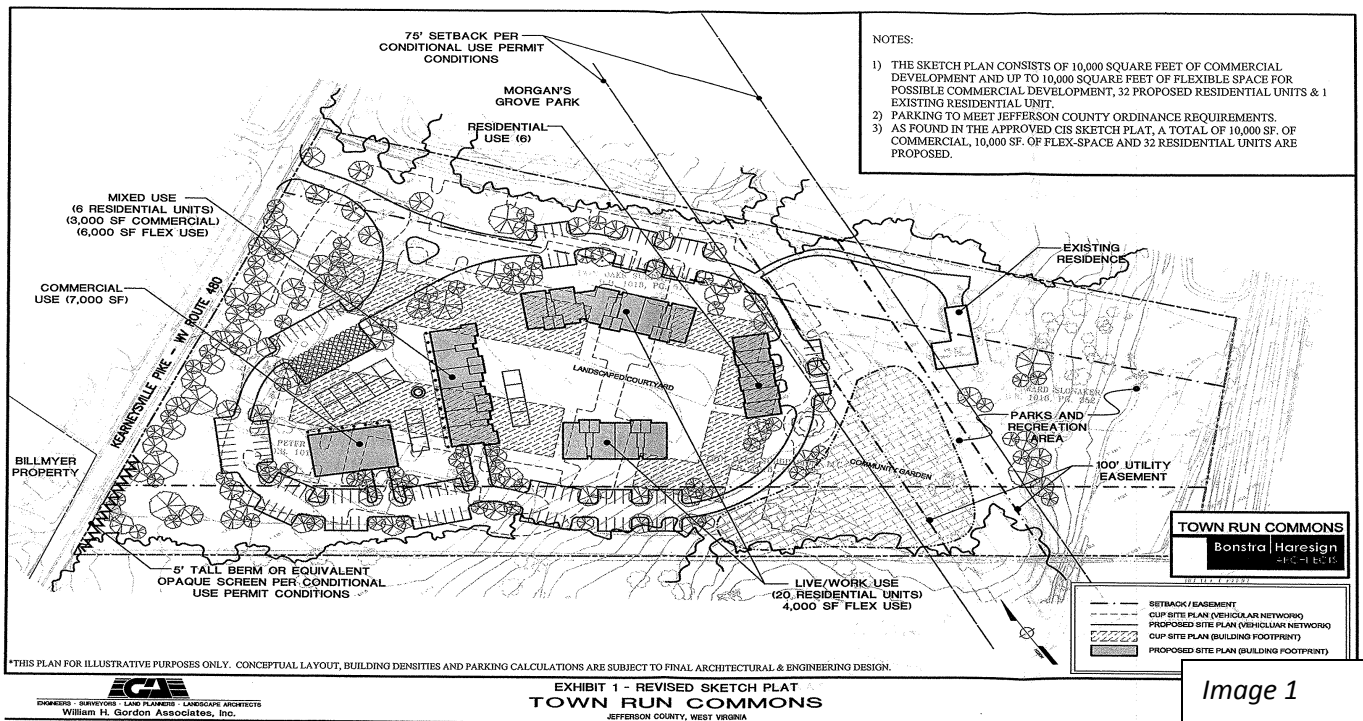
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<p>ZONING CERTIFICATES          #ZC11-15; #ZC13-07; #ZC14-19;          #15-06          #ZC14-37; #15-05</p>	<p>Issued for: “Market for the sale of farm products and incidental products, including arts and crafts . . . Live music, events, and performances are permitted if secondary to the market. Events may not be a primary attraction or conducted on non-market days.”</p> <p>Issued for: “Temporary Use, until Violet Building is ready for occupancy, of existing residential structure on well and septic, as a private school for grades K-8, for up to forty (40) students,” with various conditions. (2015)</p>
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**Background/History of Property**

The property is located directly south of Morgan’s Grove Park on Kearneysville Pike (Rt. 480), Shepherdstown, WV. There are four parcels that are owned by the applicant and those parcels are part of this current request and previous site activity. All four parcels are being requested for rezoning and total 13.69 acres.

In 2006, the applicant was granted a Conditional Use Permit (CUP #Z06-01) for a work-live development call Town Run Commons (See *Image 1*), which proceeded through the Final Plat process. The applicant received time extensions on the both the Final Plat and the CUP; however, in January of 2010 the Planning Commission denied another Final Plat extension request and, as such, the project expired.



*Image 1*

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In 2011, the applicant requested a Zoning Map Amendment to rezone to Industrial-Commercial which was denied.

In 2012, the applicant was granted another CUP (*CP12-01*) for “an agricultural based economic empowerment zone” including intended uses which consist of:

<u>Food Hub</u> a. Retail-Wholesale food distribution-storage b. Community Kitchen c. Restaurant (limited to 100 seats) d. Bakery e. Butcher Shop f. Accessory Uses	<u>General Merchandise (Retail)</u> a. Fresh-Local Food Market b. Hardware Store/Garden Center c. Antique Shop d. Cottage Industry e. Accessory Uses
<u>Professional - Business Offices</u> a. Family Health Clinic b. Banking, Accounting, Insurance (only as accessory uses) c. Sales for offsite services (home improvements) d. Other types of professional-business offices (small scale)	<u>Community Amenities</u> a. Health Activities Facility b. Alternative Energy Distribution point (limited) c. Public/Private Access Swimming Pool. (The pool may not be emptied into the Town Run.) d. Entertainment-Sports Facility Conference

Among the 30 conditions placed upon this Conditional Use Permit, some of the ones that impact the layout and design of the site plan include the requirement that the maximum gross floor area is restricted to 60,000 square feet; the maximum building footprint area is 30,000 square feet; and that no more than 12,000 square foot gross floor area can be designated for any one use; all four sides of the buildings must be rural; the development shall be served by public water and sewer systems; drive-through restaurants and regular gas stations are prohibited; no new residential living quarters are permitted except for the two (2) existing single family residences; limited business hours; parking location; modified setbacks and landscaping.

A CUP is valid for 18-months from the date it is approved. Within that time period, the CUP is required to commence by the Jefferson County Zoning and Land Development Ordinance. For this purpose, commencement means that a Building Permit for new construction has been issued. The CUP was given an 18-month extension in 2013 and in 2015 and is currently valid until December 2016.

On July 9, 2013, the applicant received approval for a Site Plan (*Image 2*) for the agricultural based economic empowerment development. The project is currently proposed to occur over two phases which are depicted in *Image 2*; however the approved Site Plan is for Phase 1 only, which includes the Indigo and Violet Buildings. There are five proposed structures in both phases as well as an open market. Each structure is approximately 6,000 square feet and proposed to be two stories.



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The parcels are currently zoned Rural with an approved CUP. The properties to the south and east are zoned Rural with large lot residential uses; to the north is Morgan's Grove Park which is zoned Rural, and to the west is property zoned Residential Growth (Image 4). The applicant has requested rezoning of the 13.68 acres from Rural to Neighborhood Commercial. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the *Envision Jefferson 2035 Comprehensive Plan*, in accordance with West Virginia State Code requirements.

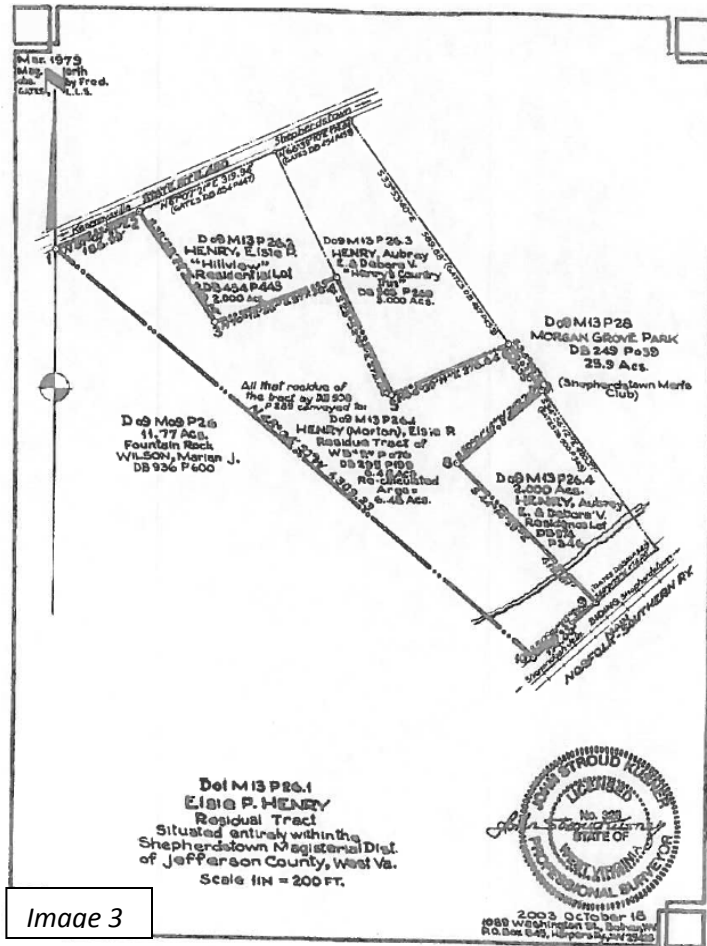


Image 3

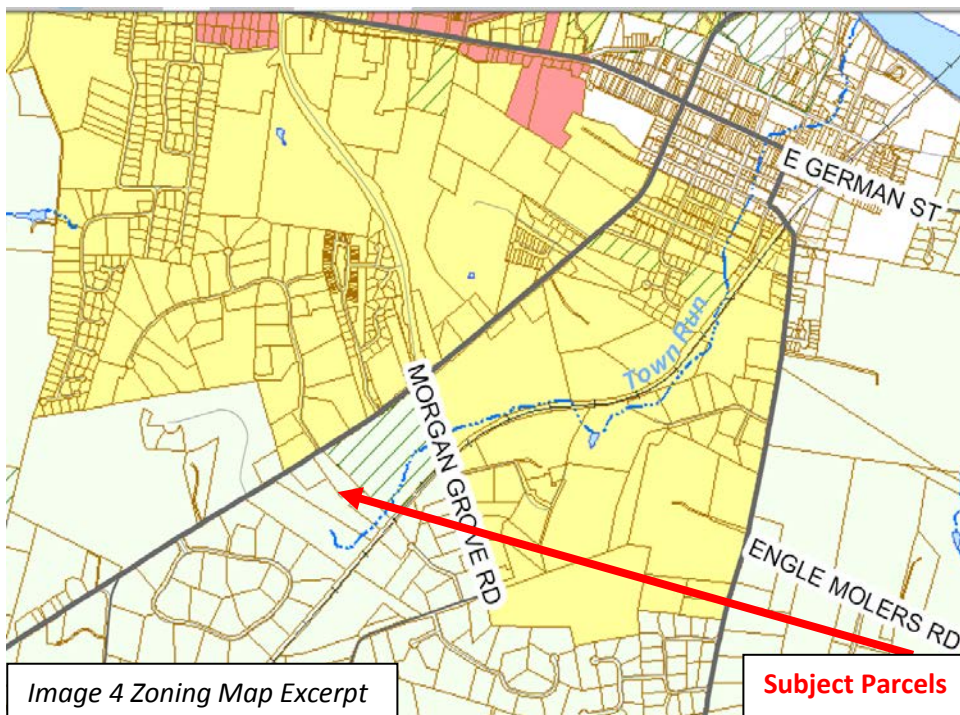


Image 4 Zoning Map Excerpt

Subject Parcels

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**Applicant's Stated Intention with the Property**

The applicant has stated that the purpose of the rezoning to the Neighborhood Commercial zoning district is to continue to pursue a development to support the agricultural industry, health initiatives, and scaled commercial business of Jefferson County by creating a development comprised of up to 60,000 square feet of commercial-retail space in one or more individual structures, similar to the currently approved CUP. The applicant contends that a rezoning of this property would provide more certainty for the developer of the property without the time requirements to keep the CUP valid. The current request is for County Commission approval of a Zoning Map Amendment for these properties to Neighborhood Commercial.

**The Proposed Neighborhood Commercial Zoning Category**

The Neighborhood Commercial (NC) Zoning District (Section 5.11 of the Zoning Ordinance, see attachment) was a part of the recently developed commercial zoning districts approved by the County Commission in May 2014. The purpose of the district is to permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the General Commercial District is not appropriate. The Ordinance requires developments in the NC district to be appropriate in scale and designed, landscaped, and buffered so as to be compatible with neighboring land uses. This zoning category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the *Envision Jefferson 2035 Comprehensive Plan* and in locations with safe vehicular access on roads that function as collector roads.

The NC District includes numerous Principal Permitted and Conditional Uses listed in Appendix C. While the intention of this zoning 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, the district does permit the inclusion of residential uses on building levels located above the ground floor.

The Principal Permitted uses include numerous Institutional Uses such as a church, cultural facility, day care center, electric vehicle charging station, schools, group residential home and facility, etc.; numerous smaller Commercial Uses such as antique shops, art gallery or artist studio, bank, bar, barber/beauty shop, bed and breakfast, contractor with no outdoor storage; convenience store, custom manufacturing, florist, food preparation, limited gas station, grocery store, medical/dental/optical offices, restaurant, fast food restaurant, etc.; Agricultural Uses such as agricultural tourism, Agricultural Uses as defined in Article 2, farm brewery or winery, farm market, farm vacation enterprise, horticultural nurseries, commercial greenhouses and landscaping businesses. Essentially no industrial or industrial manufacturing or processing uses, including warehousing and distribution or adult uses, are permitted in this zoning district. The full list of permitted, conditional and prohibited uses is attached to this report.

Other requirements of the NC zone include limiting each building to a maximum building footprint of 3,500 square feet. It requires the buildings to be oriented toward the street with one

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or more entrances facing the principal street adjacent to a building and requires large pedestrian zones with specific landscaping requirements.

**Zoning Map Amendment Public Hearing Process**

The West Virginia State Code Section 8A-7-9 and Section 12.1(a) of the Jefferson County Zoning and Land Development Ordinance provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. Article 12 of the County Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)] On June 18, 2015, the applicant presented their zoning map amendment application petition to the County Commission. The Commission scheduled a joint Public Hearing with the County Commission and Planning Commission for the purpose of receiving public input regarding this request.

This report focuses on whether or not the rezoning application is consistent with the recently adopted *Envision Jefferson 2035 Comprehensive Plan*. If the Planning Commission determines that the request is not consistent with the Plan, it may find that there have been changes to the area that were not anticipated in the *2035 Plan* if the Planning Commission desires to recommend approval to the County Commission. Staff does not believe that there have been major changes of an economic, physical or social nature, within the area involved, that were not anticipated when the *Envision Jefferson 2035 Comprehensive Plan* was adopted.

This report includes quotes from specific provisions of the *2035 Plan*, which are identified by page number citation. Staff has used these notations and quotations in order to address sections of the Comprehensive Plan as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the Plan permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document.

The *Envision Jefferson 2035 Comprehensive Plan* differs from other Plans previously adopted in Jefferson County, in part, due to the inclusion of the Future Land Use Guide, in the form of a map which depicts recommended future land uses (p.16). Use of the Future Land Use Guide is to be in combination with the recommendations of this Plan when considering owner initiated zoning map amendments such as the request before you today. The purpose of the Future Land Use Guide is to assist the Planning Commission and County Commission in making decisions on changes to the Zoning Map. The Plan states that the review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan and that all zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan (p.17). The Future Land Use Guide also includes a note that states: “Use of this map is to be in combination with the text and land use recommendations

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of the Envision Jefferson 2035 Comprehensive Plan when considering zoning map amendments and future land use decisions.”

A subsection of the Plan found on page 26, entitled “Land Use Classifications as shown on the Future Land Use Guide” further states the following:

“The land use classifications on the Existing Land Use Map and Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification. These land use classifications are intended to provide guidance to the County and Planning Commissions when considering owner initiated zoning map amendments (rezoning requests). According to Chapter 8A of the West Virginia State Code, as amended, the County Commission can approve any zoning ordinance map or text amendment by finding that the request is consistent with the Comprehensive Plan. For zoning map amendments in areas outside of growth areas shown on the Future Land Use Guide, this Plan recommends that the County Commission can further determine that a requested zoning map amendment is consistent with the balance of the Plan by receiving evidence and making a finding that the zoning map amendment is for the economic well-being of Jefferson County; or by finding that there is an error or under scrutinized property on the Future Land Use Guide; or a change in the neighborhood; or any other circumstance that may have been missed when considering the Future Land Use Guide; and/or that environmental impacts have been considered.”

As the properties in question are outside the identified Preferred Growth Area for Shepherdstown, this section applies to the consideration of this requested Zoning Map Amendment. These criteria for evaluating zoning map amendments are also found within the Recommendations Section under “Urban Level Development” (p.30). It is therefore critical to carefully review all components of the Plan as well as the additional criteria outlined on the Plan when considering a Zoning Map Amendment.

The following sections provide an overview of the applicants’ request, relevant sections of the *Envision Jefferson 2035 Plan*, and staff recommendation based on the professional analysis and opinion of the staff.

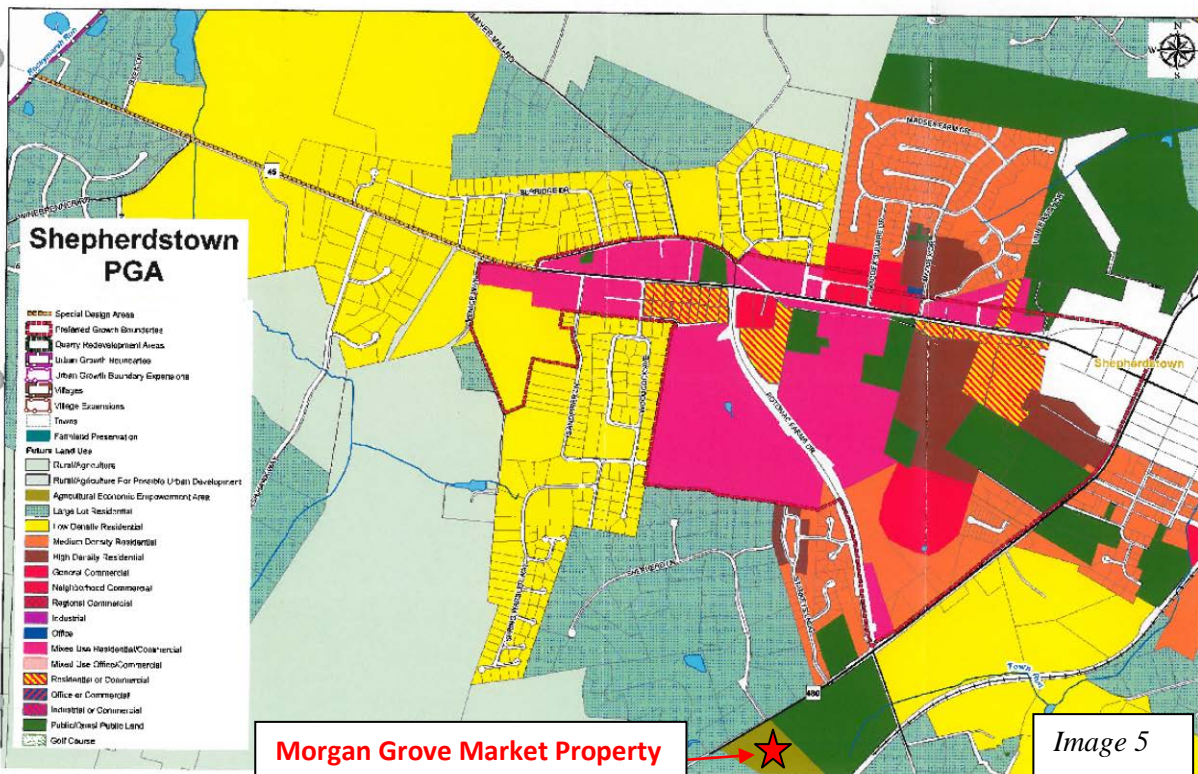
***Envision Jefferson 2035 Comprehensive Plan Relevant Elements and Commentary***  
**Growth Areas**

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County, have come to the realization that it is more sensible to identify specific areas and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* and discussed further in this document (pp.16-17).

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The Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035. The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of the 2035 Plan and Rural/Agricultural Areas and Villages, where limited development is possible and which are not intended for urban scale development. In 2014, Shepherdstown adopted a Growth Management Boundary (GMB), which functions as a UGB, which is planned to have growth around the existing core of Shepherdstown and less intense development at the edges of the GMB. While this larger growth and annexation area is recommended in the Shepherdstown 2014 Comprehensive Plan, the *Envision Jefferson 2035 Comprehensive Plan* recognizes a smaller Preferred Growth Area to the west of the Shepherdstown core and the existing County zoning if it remains in the unincorporated area (see *Image 5*).

Staff Comment: The properties included in this proposal are outside of the 2035 Plan’s Shepherdstown PGA and therefore intended for rural development (see *Image 5*).



### Rural Economy

The 2035 Plan also addresses the critical role the rural land uses and rural economy to the economic vitality and viability of Jefferson County in the Economic Development, Employment, and Infrastructure Element. The Agricultural and Rural Economy subsection discusses Rural

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Economic Activities (p. 73) at some length and specifically addresses the Agricultural Based Economic Empowerment Area approved for the properties that are the subject of this map amendment request.

The *2035 Plan* recognizes that the rural areas of Jefferson County include not only farms and homes, but also a variety of small artisan studios and other cottage industries. The Plan states:

“While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.” (p.73)

The *2035 Plan* includes numerous recommendations under the Agricultural and Rural Economy section relating to ways in which the County can encourage and promote alternative ways to strengthen the rural economy and keep the rural character of the county viable and attractive to residents and visitors (pp. 77-80).

The Agricultural and Rural Economy (p. 73) and Land Use Classifications (p.236) sections of the *2035 Plan* specifically recognize an Agricultural Based Economic Empowerment Area, which is already approved for these parcels, an example of a non-residential Conditional Use Permit (CUP) in the Rural area. This type of use is defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. This use is identified as an appropriate use to support the rural economy of Jefferson County. The *2035 Plan* recommends the use of a modified CUP process in the Rural District to permit such non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations.

The Land Use Map Classifications found in appendix G of the *2035 Plan* (p. 235-236) defines the Agricultural Based Economic Empowerment Area under the heading of Rural/Agricultural as follows:

“This is a non-residential subcategory allowed within the Rural District that could be permitted via a CUP. The non-residential CUP process is in keeping with allowing some commercial activity in the Rural District, as discussed above. It is anticipated that the Agricultural based Economic Empowerment Area could be a commercial agricultural hub that may not be on a farm, but focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods.”

Staff Comment: The properties included in this proposal are specifically identified “Agricultural Economic Empowerment Area” on the County Future Land Use Guide and the Shepherdstown

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PGA Map (see *Image 5*) and the proposed uses are already approved with the CUP (#CP12-01) in place at this time.

Commercial

The *2035 Plan* recommended the development of a Neighborhood Commercial zoning district, which has since been approved by the County Commission. The Plan (p. 236) states that the purpose of this category 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. It further recommended that developments in the NC category should be scaled, designed, landscaped and buffered so as to be compatible with neighboring land uses. The Plan recommended that such development should include buildings with less than 3,000 square feet footprint; however the recently adopted Zoning Ordinance amendment set this at 3,500 square feet. Residential uses could be permitted on upper floors.

Staff Comment: The NC zoning district does include a much wider variety of potential land uses than the approved CUP currently permits (see Section 5.11 NC attachment). In particular, the upper floor residential uses, gas stations and fast food restaurant are not permitted as a part of the current CUP but would be permitted if the zoning is changed to NC. Additionally, due to the restriction within the NC zone that the maximum building footprint is 3,500 square feet, an amended site plan will have to be processed reflecting the building size and layout and design requirements of the zoning category.

It should also be noted that in the May 2014 Zoning Text Amendments related to the Neighborhood Commercial (NC) Zoning District, the ordinance states that this category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the *Envision Jefferson 2035 Comprehensive Plan*. The *2035 Plan* Future Land Use Guide locates this property as outside the Shepherdstown Preferred Growth Area (PGA) and therefore for future rural land uses, and specifically identifies this property as an Agricultural Economic Empowerment Area, not future Neighborhood Commercial.

**Staff Recommendation**

The applicant has provided documentation that they believe supports the request for rezoning and has attempted to demonstrate the consistency of the proposed rezoning with certain provisions contained in the *Envision Jefferson 2035 Comprehensive Plan*. The applicant's analysis relates to the current proposed uses for the property and does not address the additional land uses that would be permitted with the new zoning category. The applicant also does not address the recommendations of the Future Land Use Guide related to this property.

While Staff supports the applicant's proposed uses and the concept, for the following reasons, Staff does not recommend finding that the proposed zoning map amendment is consistent with the *Envision Jefferson 2035 Comprehensive Plan*:

1. The four properties included in this rezoning request are outside of the *2035 Plan's* Shepherdstown Preferred Growth Area (PGA) and therefore intended for future rural development.

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2. The Neighborhood Commercial (NC) Zoning District language states that this category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the Envision Jefferson 2035 Comprehensive Plan. The properties included in this proposal are specifically identified “Agricultural Economic Empowerment Area” on the *2035 Plan’s* County Future Land Use Guide and the Shepherdstown PGA Map and are not identified for future Neighborhood Commercial zoning.
3. The proposed uses are already approved with the CUP (#CP12-01) in place at this time.
4. The NC zoning district includes a much wider variety of potential land uses that the approved CUP currently permits, including some uses currently prohibited by the CUP such as the upper floor residential uses, gas stations and fast food restaurant which makes the proposed uses less compatible with the neighboring rural neighborhoods.
5. Per the *2035 Plan’s* recommendation that, for zoning map amendments in areas outside of growth areas shown on the Future Land Use Guide, the County Commission can alternatively determine that a requested zoning map amendment is consistent with the balance of the Plan by receiving evidence and making a finding that the zoning map amendment is for the economic well-being of Jefferson County; or by finding that there is an error or under scrutinized property on the Future Land Use Guide; or a change in the neighborhood; or any other circumstance that may have been missed when considering the Future Land Use Guide; and/or that environmental impacts have been considered, staff does not consider any of these factors to be applicable to this request.

Attachments:

- Section 5.11 Neighborhood Commercial District and portion of Appendix C
- Shepherdstown Preferred Growth Area Future Land Use Guide

**Twin Oaks Subdivision, LLC**  
*at*  
**Morgan's Grove Market**

June 18, 2015

Jefferson County Commission  
PO Box 250  
124 East Washington Street  
CharlesTown, WV 25414

Subject: Zoning Ordinance Amendment by Landowner Petition

Commissioners,

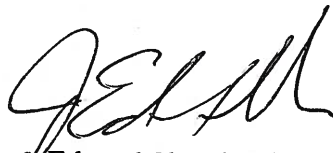
The undersigned owner(s) of land identified as Shepherdstown District; Tax Map 13 parcels 26.1, parcel 26.2, parcel 26.3 and parcel 26.4 requests a zoning map amendment. This request is being made through the procedures identified in WV Code 8A-1-1, 8A-7-9 and JC Zoning Ordinance Article 12 Section 21.1 and 12.3.

The purpose of the amendment is a change in designation of the subject property from the current designation as "Rural District" to "Neighborhood Commercial (NC) District".

Thank you for your consideration.



Peter S. Corum \*  
Property Owner  
\*(Member of Twin Oaks Subdivision, LLC)



J. Edward Slonaker \*  
Property Owner

Copy of complete Landowner Petition will be submitted to Jefferson County Commission and County Clerk June 18, 2015 (per WVC 8A-7-9 (a))

RECEIVED

JUN 18 2015

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

**Name and address of owner(s):**

Parcel 26.1 and 26.3  
Twin Oaks Subdivision, LLC  
PO Box 536  
Shepherdstown WV 25443  
Tel: (304) 283-2467

Parcel 26.2  
Peter S. Corum\*  
PO Box 536  
Shepherdstown WV 25443  
Tel: (304) 283-2467

Parcel 26.4  
J. Edward Slonaker\*  
PO Box 536  
Shepherdstown WV 25443  
Tel: (304) 283-2467

\*(Member of Twin Oaks Subdivision, LLC)

Developer of all Parcels  
Twin Oaks Subdivision, LLC  
PO Box 536  
Shepherdstown, WV 25443  
Tel: (304) 283-2467

**Name and address of contact person:**

Peter Corum  
PO Box 536  
Shepherdstown, WV 25443

Tel: 304 283-2467

**Tract size, shape, location and zoning:**

The proposed area for zoning amendment is located in Shepherdstown District; Tax Map 13 parcel 26.1, parcel 26.2, parcel 26.3 & parcel 26.4.

The original tract acres:

Parcel 26.1	6.68 acres	DB 1018	PG 516
Parcel 26.2	2.0 acres	DB 1012	PG 429
Parcel 26.3	3.0 acres	DB 1018	PG 516
Parcel 26.4	2.0 acres	DB 1018	PG 352

The parcels have a total acreage of 13.68 acres.

Current Zoning:

"Rural District"



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning and Zoning**

116 East Washington Street, P.O. Box 338  
 Charles Town, WV 25414

File Number: # 21501  
 Staff Initials: alc  
 Application Fee: \$ 1,684.00

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

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

**Zoning Map Amendment (Rezoning)**

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

**Property owner information**

Name: Twin Oaks Subdivision, LLC  
 Mailing Address: PO Box 536 Shepherdstown WV 25443  
 Phone Number: 304.536.3743 Email: petercorum@gmail.com

**Applicant contact information**

Name: Peter Corum  
 Mailing Address: PO Box 536 Shepherdstown WV 25443  
 Phone Number: 304.283.2467 Email: petercorum@gmail.com

**Applicant representative**

Name: Fred Blackmer  
 Mailing Address: 9628 Moncove Lake Road Gap Mills WV 24941  
 Phone Number: 304.536.3743 Email: fred@fredblackmer.com

**Physical property details**

Physical Address: 3988 Kearneysville Pike  
 City: Shepherdstown State: WV Zip Code: 25443  
 Tax District: Shepherdstown (9) Map No: 13 Parcel No: 26-1 thru 26-4  
 Parcel Size: 13.68 acres Deed Book: 1018 Page No: 516

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

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

**RECEIVED**  
 JUN 13 2015  
 JEFFERSON COUNTY PLANNING,  
 ZONING & ENGINEERING  
 Place Received Date Stamp Here

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

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

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

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

see attached

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

see attached

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

see attached

**Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?**

Yes, I request that the Planning and Zoning Staff present the petition

No, I prefer to present the petition

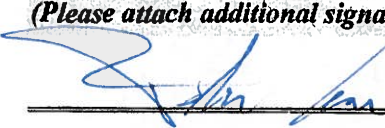

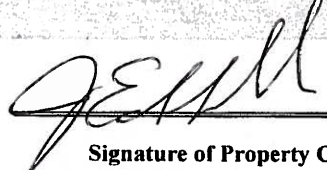

**Plat or Sketch Plan (provide as an attachment to this application)**

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

Yes  No

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

			
Signature of Property Owner	Date	Signature of Property Owner	Date

The 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 Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. 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 forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

Recommended  Not Recommended

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

Approved  Disapproved

**Final Determination/Other Comments**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Map Amendment Attachment:

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

Current plans for the property are based on previous experience and current social-economic trends. Those plans include up to 60,000 square feet of commercial-retail space. The space would be in one or more individual structures. Negotiations for various operators of that space are in progress. The major theme of development will continue to be in support of the agricultural industry, health initiatives and scaled commercial businesses of Jefferson County. Providing facilities for local entrepreneurs, small local retail and professional services is a priority.

Economic development and commercial investment depend on predictability. In order for this property to continue attempts to fill local community needs it is imperative that the regulations regarding permitted use of the property be firm and understood. Site development planning and community participation are not possible if every potential future use must be approved one piece at a time. It is much more efficient and beneficial for property development and public participation to have firm plans that can be evaluated, regulated and approved.

Applicant has tried to use the previous Zoning and that was unsuccessful. Applicant was then directed to apply for a Conditional Use Permit as the proper road to accomplishing the approvals needed for the project to continue. That has also been unsuccessful even with an approved CUP due to mandatory conditions beyond the original project scope. The property development and a community partnership cannot move forward without the predictability of the requested Zoning Map Amendment.

Applicant is confident that this zoning district will prove that all the time and effort spent to create new districts was not wasted. The very issues that this specific property faced in previous zoning requests and subsequent conditional use permit process prompted the County Commission and Planning Departments to create new district options.

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

The property included in this request has been in continuous commercial use since 1968. Uses have included a restaurant, approved plans for high density mixed use development and commercial activities including Farm markets, community events and a community garden. The property is currently approved for an array of limited commercial uses. They are listed in the current conditional use permit. All of these activities have received both local government and community support.

The subject property is an island surrounded by suburban residential development. Placing a neighborhood commercial zoning designation will accomplish several Comprehensive Plan goals. One of those would be to turn suburban sprawl into a mixed use community. Commercial and

Residential development would be limited in scope while local jobs, commercial opportunities, neighborhood jobs and retail needs could be enhanced. This specific property is shown on the recently approved future land use map and the comprehensive plan speaks to scaled commercial uses at that location.

Few if any Jefferson County project proposals have received more scrutiny, public debate, design reviews and administrative development costs than this Morgan Grove Market site. It is unfortunate that there seems to be consensus at the community, local and state government level that this is a forward thinking project. It is also obvious that 21<sup>st</sup> Century ideas and plans have tremendous difficulty with a regulatory structure based on 20<sup>th</sup> Century mind set.

Jefferson County has spent hundreds of thousands of dollars and untold hours of community and staff time to enact current land use policy. The goal was to create a Comprehensive Plan that set a narrative base for intended application and outcome. Zoning Districts and procedures were written to implement policy to achieve a managed outcome. It was always thought that if land owners and the community in general had new districts to fill the gaps in previous limited district choices that there would be more predictability of development. There would be more predictability of current property owner protections. That there would be less reliance on the unpredictability of conditional use permits.

There is at least one striking similarity between the previous and current comprehensive plans. That would be through sheer volume of pages and topics, conflicting statements or sections can be found. An applicant, supporter, opponent or staff might provide sections intended to support their view. Applicant has selected some portions of the Comprehensive Plan shown at the end of this attachment. They should provide sufficient evidence that this request is contemplated and supported in the comprehensive plan.

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

Transportation characteristics have change since 1988. Over the years several improvements have been made to address traffic flow and safety issues. WV DOH has built what is now referred to as the Shepherdstown bypass. It has helped with the issues at and around the 4 way stop in Shepherdstown. The speed limit was lowered through the area of this zoning change request. That was done accomplished at the request and effort of the current applicants in response to neighborhood concerns about speed and safety.

Traffic counts conducted by the WV DOH have remained fairly consistent for the past 5-10 years. 2005 2008 and 2011 reports show a modest increase in the area. WV DOH has seen the property that is requesting zoning amendment. There have been approvals of design standards for mixed use and commercial development access to the existing road frontage. Those designs and recommendations will be reviewed based on any development plan that is submitted for commercial property use.

Neighborhood characteristics have gradually changed over the past decades. Suburban residential development has change the rural setting from the original ordinance date of 1988. Google Earth

photos of the area dated 1988, 1997, 2009 and 2013 show that the neighborhood surrounding the area to be amended has changed character. One of the more interesting points comparing photos is the increase in tree canopy as the area developed from rural to residential.

## **Comprehensive Plan discussion items.**

### **Goals, Objectives and Recommendations:**

“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 recommendations and implementation strategies of the vision.” (pg. 12).

“As the Recommendations were developed, occasionally a strategy identified in the Goals and Objectives may have been determined by the County Commission to require a modification and the Recommendations may appear in conflict with the Goals and Objectives. If such conflict exists, the Recommendations are the final product of the Plan and are to be relied upon to provide guidance to the Planning Commission and County Commission in their land use and development decision making process. As such, the Goals and Objectives are a resource that reflects the evolution of the thought processes throughout the development of this Plan, but the Recommendations specify the end goal.” (pg. 12).

“The *Envision Jefferson 2035 Comprehensive Plan* includes the creation of recommendations and related maps, including land use maps, which are the fundamental elements and are based on future needs and projected actions. The Future Land Use Guide will need to be viewed in conjunction with the recommendations found in the Plan when reviewing a variety of land use decisions.” (pg. 13).

### **Land Use and Growth Management Element**

“UGBs are, according to state law, established by the County Commission in conjunction with the municipality looking to identify a boundary and are reflected on the County Zoning Map. In West Virginia, UGBs are used to acknowledge the extent to which a municipality can expand.” “In 2014, Shepherdstown created a boundary called the Growth Management Boundary (GMB) which falls under the state definition of a UGB and was formally approved by the County Commission.” (pg. 16). “The Future Land Use Guide of this Plan depicts the GMB and the proposed land uses if it remains unincorporated.” (pg. 19).

**Rural/Agricultural areas.** “It is expected that urban level residential and non-residential development (and redevelopment efforts) will focus in the UGBs and identified PGAs in the next two decades. In addition, it is anticipated that the bulk of new investment by public entities will take place in these areas over the 20-year timeframe of this Plan.” (pg. 24).

## **Economic Development, Employment and Infrastructure Element**

**Growing the Economy.** “One of the strengths of Jefferson County is that the residents have a strong entrepreneurial spirit. There is a need for local and regional technical and financial resources to be made available to these entrepreneurs and to publicize these resources. There are existing programs in Jefferson County which currently work to support smaller companies and start-ups. The Eastern Panhandle Entrepreneur Forum and the JCDA’s agricultural development program and small business coaching efforts focus on cultivating the talent that resides in Jefferson County and are examples to be followed.” (pg. 68)

**Rural Economic Activities.** “The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners.” (pg. 73)

“The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an *Agricultural Based Economic Empowerment Area*, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm coops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area.” (pg. 73)

### **Distribution and Marketing of the County’s Agricultural Products.**

“There are several farmers’ markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers’ market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers’ market into a regional agricultural center complex could serve as another means of selling the County’s farm products and could include dining and/or commercial kitchen facilities.” “It would be beneficial to the Jefferson County rural economy if a more unified effort occurred through a shared marketing mechanism, regional branding, or the creation of common distribution and marketing facilities.” (pg. 74-75)

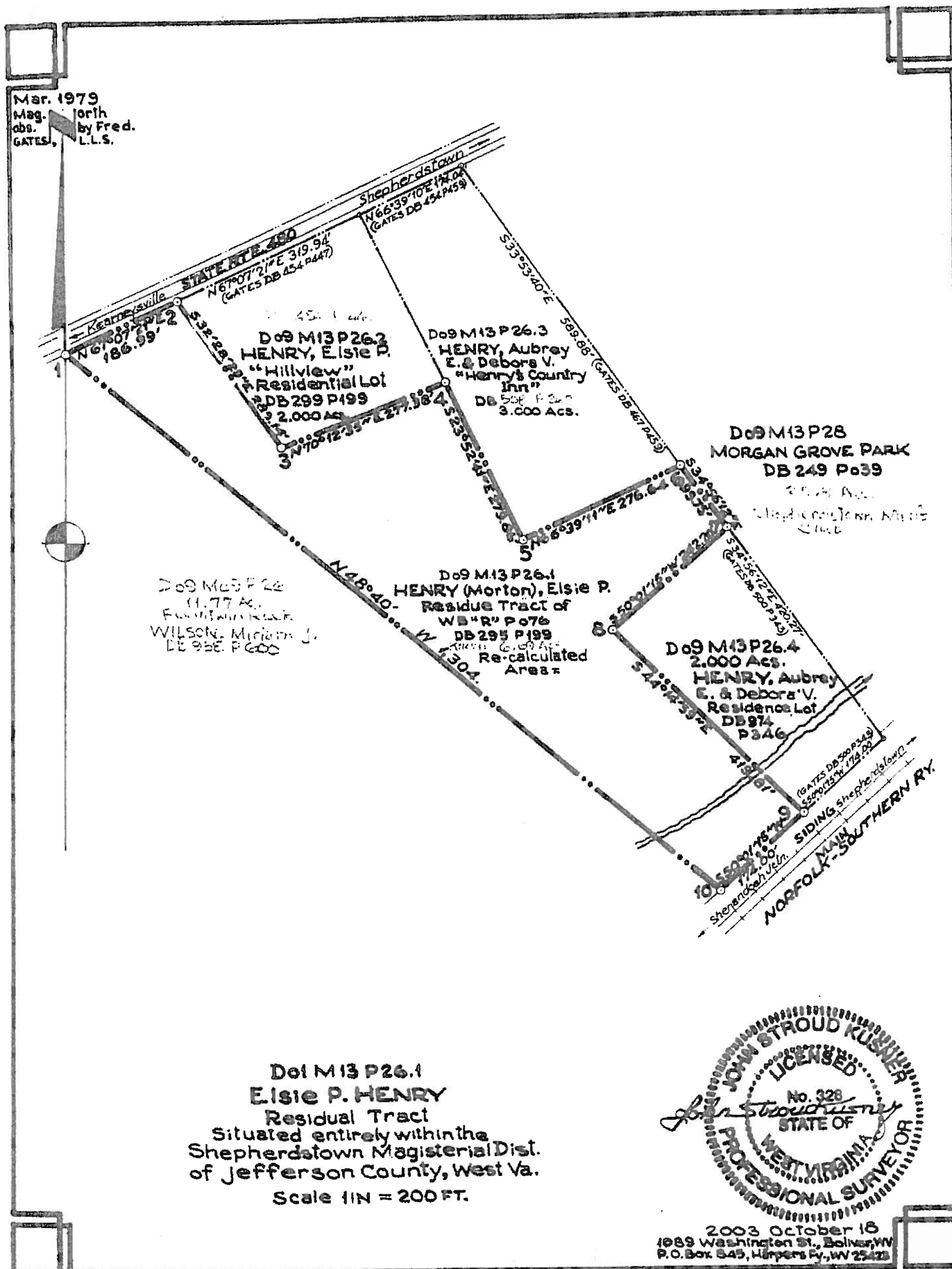
## **Implementation Tools:**

### **Zoning, Zoning Districts and Zoning Text Amendments.**

“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.” (pg.147)

“A key component of this Plan is that any zoning map amendments (rezoning requests) that are requested would have to be in conformance with all the recommendations created as part of this Plan.” “The Future Land Use Guide was created to provide an understanding of the types of activity that would be within those locations and provide other agencies, such as the WVDOT and the local water and sewer providers an ability to plan for where their limited resources need to be programmed.” (pg. 148)

Mar. 1979  
Mag. North  
obs. by Fred.  
GATES, L.L.S.

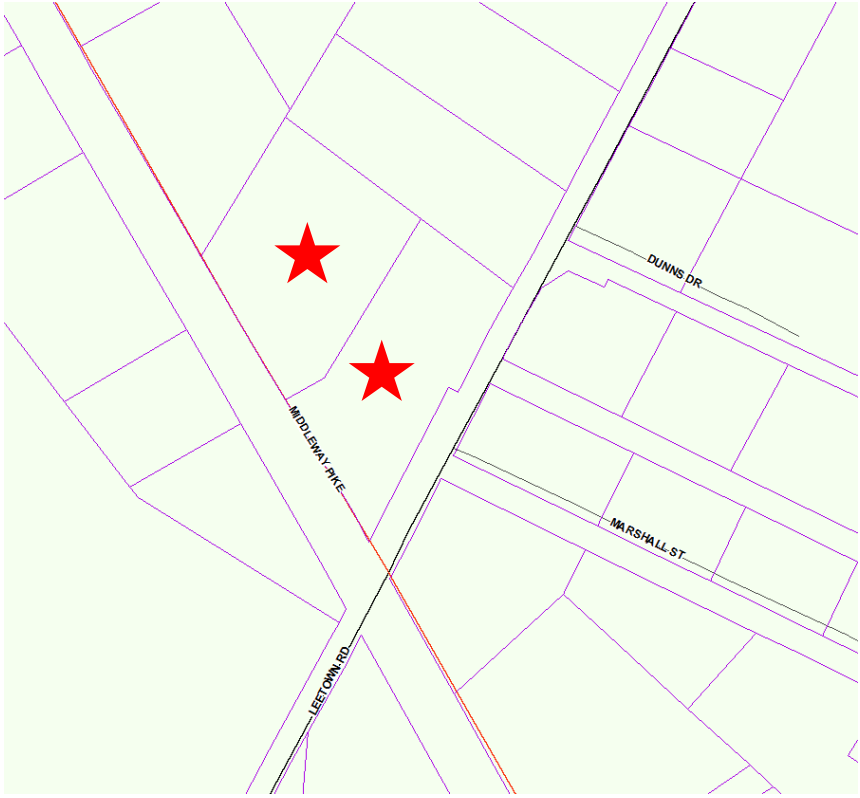


JOHN STROUD KUSHNER  
LICENSED  
No. 328  
STATE OF  
WEST VIRGINIA  
PROFESSIONAL SURVEYOR

2003 October 18  
1089 Washington St., Bolivar, WV  
P.O. Box 545, Harpers Fy., WV 25423

Staff Report  
 Jefferson County Planning Commission Meeting  
 August 11, 2015

**Item #4:** **Public Workshop:** Concept Plan review for a proposed 7,310 square foot retail Dollar General Store with associated parking (PC File# S15-04)

APPLICANT:	Wilbur A. Alger & Middle of the Way Real Estate, Ltd.	
OWNER:	Same as above	
DEVELOPER:	Same as above	
SURVEYOR/ENGINEER:	Potesta & Associates, Inc.	
PROPERTY LOCATION:	Northwest corner of Middleway Pike (Rt. 51) and Leetown Road (Rt.1)	
LEGAL DESCRIPTION:	District: Middleway (07); Map: 19; Parcel: 16.6 and 16.7 Zoning: Rural (R)	
		
SURROUNDING PROPERTIES:	North: Rural East: Rural	South: Rural West: Rural
LOT AREA:	1.69 Acres	
PROPOSED ACTIVITY:	Construction of a 7,310 square foot retail store consisting of 30 paved parking spaces, sidewalks, unloading area, outdoor lighting and landscaping, and an enclosed dumpster.	
PRIOR CASES/ APPROVALS:	10/11/77: PC approved final plat for Middleway Village 1/22/15: Conditional Use Permit (#CP14-02) 1/22/15: Variance granted to reduce the required parking from 40 to 30 spaces for a 9,100 sq. ft. dollar store (ZV15-06) 1/22/15: Variance granted to allow a proposed freestanding sign, approved	

Staff Report  
 Jefferson County Planning Commission Meeting  
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	under the DRS, to be located less than the required 1000' from the existing signs along Middleway Pike (ZV15-07).
--	---

**Background**

The property under review is located at the intersection of Middleway Pike/WV Route 51 and Leetown Road/WV Route 1, a major crossroads in the Middleway District of Jefferson County. The applicant has proposed the development of a Dollar General-brand retail store and associated parking. Dollar General-brand retail stores fall under the Retail Sales and Service, General definition in the Jefferson County Zoning and Land Development Ordinance. The property is zoned Rural, and Retail Sales and Services, General are Not Permitted according to the Principal Permitted Use Table in the Jefferson County Zoning and Land Development Ordinance. Therefore, in January 2015, the applicant received approval from the Board of Zoning Appeals for a Conditional Use Permit for a 7,310 square foot retail store in a 9,100 square foot structure and related parking and signage with conditions related to stormwater management, traffic, lighting, water and sewer (well and septic), historic battlefield, and a requested dry hydrant (see attached Compatibility Assessment Meeting staff report dated January 16, 2015). The property consists of two parcels, one of which will be split and merged with a neighboring parcel. The properties are currently vacant of any structures and have not been developed.

**Site Plan Category:**

This site plan associated with this Concept Plan is governed by the Subdivision and Land Development Regulations (amended 4/16/15), which includes the square foot threshold that defines a Minor Site Plan or Major Site Plan. The amended definition allows all site plans with a building area of less than 5,000 square feet to process administratively as a Minor Site Plan; requires site plans with a building area between 5,000 and 50,000 square feet to submit a Concept Plan with a public workshop and then process an administrative Minor Site Plan; and requires all site plans with building area above 50,000 square feet to process as a Major Site Plan. As the proposed structure is 7,310 square feet, this project will be required to process a Minor Site Plan which includes a Concept Plan public workshop.

**The Request:**

The property owners are requesting the approval of a Concept Plan for a 7,310 square foot building to be used for discount retailer that falls under the Retail Sales and Services, General category with associated parking and signage.

**Staff Determination of Application Sufficiency and Concept Plan Completeness Review:**

In accordance with the amended Subdivision Regulations (4/16/15), the Concept Plan process incorporates a sufficiency and completeness review in a single step. 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 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the Dollar General Concept Plan application, are provided below:

<b>Required Item from Section 24.116 (A-J)</b>	<b>Description</b>	<b>Status</b>
<b>B. Submission Contents.</b>	The submission shall contain the following elements:	
<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	Provided

Staff Report  
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	this document.	
<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: <ul style="list-style-type: none"> <li>a) Determination of the zoning district in which the proposed subdivision or development project is situated.</li> <li>b) Density calculations.</li> <li>c) Site resource map.</li> </ul>	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
<b>5. Traffic Impact Data</b>	This shall include: <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>	Provided
<b>6. Trip Generation</b>	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.	
<b>7. Agency Reviews</b>	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 scheduled 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 letters 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	Provided: No HLC objections or comments

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	plan.	
<b>8. Other Data</b>	Any other data or information the applicant believes will assist in the review.	Provided
<b>9. Other Reviews</b>	Any other staff or agency reviews of the plans.	Provided
<b>C. Review Content</b>	The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.	See below
<b>D. Department</b>	<p>The Department review shall include the following:</p> <ol 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 plan for modifications that would improve the plan.</li> </ol>	Staff has determined that the requirements of the Zoning and Land Development Ordinance and Subdivision and Land Development Regulations are met in the proposed Concept 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.	Provided
<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	Provided
<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.	Developer proposes well & septic for the development

**Staff Report**  
 Jefferson County Planning Commission Meeting  
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<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	
<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 Workshop consistent with this requirement.

**External Agency Reviews**

The Jefferson County Historic Landmarks Commission and Division of Highways have submitted letters which are attached. In accordance with Sec. 24.116(B)(7), if any review agency failed to respond, they shall be deemed by these Regulations to have approved the plan.

**Staff Recommendation related to Concept Plan**

The Planning and Zoning Department Staff finds the Dollar General Concept Plan to be “complete” based on the information provided related to the criteria above.

Note that after the workshop on the Concept Plan is held, a Site Plan will be the next required step, which will be required to address the community’s design and stormwater management concerns brought up during the Conditional Use Permit approval process. As a part of the Site Plan approval process, a lot line adjustment will need to be approved and recorded which merges the two parcels and vacates the previously recorded access points.

**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.
2. Staff explains outside agency comments and whether the plan can meet the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant’s presentation, staff’s explanation and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under 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.

**Staff Report**  
Jefferson County Planning Commission Meeting  
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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.

**Recommendation**

Staff recommends approving the Concept Plan.

Attachment:

- Compatibility Assessment Meeting staff report dated January 16, 2015

JEFFERSON COUNTY, WEST VIRGINIA  
DEPARTMENTS OF PLANNING AND ZONING

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**COMPATIBILITY ASSESSMENT MEETING STAFF REPORT**  
DOLLAR GENERAL, FILE #CP14-02

Project Name: Dollar General  
Business Developer: Cross Development, LLC  
Mailing Address: 17430 Campbell Road, Ste. 225, Dallas, TX 75252  
Phone Number: 765-215-1444  
Property Owner: Wilbur A. Alger Jr. (parcel 16.6)  
Middle of the Way Real Estate, LTD (parcel 16.7)  
Property Address: Intersection of Middleway pike (Route 51) and Leetown Road (Route 1) in  
Kearneysville, West Virginia 25430  
Tax Reference: District: Middleway (07); Map: 19; Parcels: 16.6 and 16.7  
Deed Reference: Deed Book: 889; Page: 315 (16.6);  
Deed Book: 788; Page: 523 (16.7);  
Zoning District: Rural  
Parcel Size: 2 acres (combined)

A Compatibility Assessment Meeting for the proposed Conditional Use Permit for Dollar General was held on January 9, 2015, at 2:00 p.m. in the Old Charles Town Library meeting room located at 200 East Washington Street in Charles Town, West Virginia. Jennifer Brockman, Acting Zoning Administrator and Director of Planning and Zoning; Josh Allen, Cross Development, LLC, Developer; and, Jennilee Hartman, Zoning Clerk were in attendance.

The following use was proposed by the applicant (details may be found in PC File #CP14-02):

The proposal consists of a 9,100 square foot retail store, to include public restrooms, merchandise storage, storefront and pole signage and an asphalt parking lot that will accommodate the required 40 parking spaces, plus drive aisles.

Ms. Brockman opened the public hearing. Members of the public in attendance offered testimony.

Statements made by the applicant at the CAM which did not generate comment:

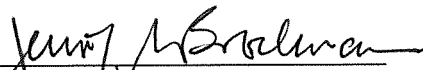
1. Hours shall be between 8 am and 9 pm
2. Generally 5-6 employees, 3 per shift
3. 9,100 square foot building
4. 40 parking spaces
5. Setbacks based on Middleway Village approved 10/11/77
6. No access proposed to Leetown Road
7. Variances may be required for spacing of signs between the proposed Dollar General sign and Images Nightclub sign; the proposed Dollar General sign and the Middleway Market sign; and other business signs in the area
8. An administrative waiver allowing an easement in lieu of the sidewalks along the road frontages may be requested

The following is a list of resolved conditions agreed to by the public and Developer:

#	Issue	Citizen Comment	Applicant Response/ Agreed-Upon Condition	Staff Comment
1)	<b>Stormwater Management</b>	After improvements occurred to the (adjacent) Images site in 1991, properties to the west have experienced significant stormwater backup on their property.	Applicant will be required to meet all County stormwater standards which will not permit the rate of runoff to increase.	<b>Resolved</b>
2)	<b>Traffic:</b> Speed Amount Safety Turn Lane	<p>Concern was expressed about safety of this area of Middleway Pike and Leetown Road due to the amount and speed of traffic and the lack of a turn lane and a traffic signal at the intersection due to amount.</p> <p>Concern was expressed that the impact of the proposed WV 51 bypass around Inwood and the 4-laning of WV 51 toward the Jefferson County line would result in increased speeding in this area and therefore a traffic signal is necessary.</p>	The WV DOH controls all improvements within DOH right-of-way. DOH has recently completed a traffic study for this area and have determined that neither a turn land or light is warranted.	<b>Resolved</b>
3)	<b>Lighting</b>	Concern was expressed about proposed lighting at the eastern end of the proposed building, which could impact the houses across Leetown Road	<p>The applicant stated that they would prepare a photometric drawing as a part of their site plan and agreed that lighting related to the development of this site for Dollar General would include specifications for full cut-off lighting. The applicant further clarified that the exterior parking lot lights are turned off one hour after closing (approx.. 10:00 pm); however, the security lights surrounding the building would remain on.</p> <p>Additionally, the placement of street trees would take in to consideration the possibility of screening any lighting.</p>	<b>Resolved</b>

#	Issue	Citizen Comment	Applicant Response/ Agreed-Upon Condition	Staff Comment
4)	<b>Water and Sewer</b>	<p>Questions were raised about whether public water and sewer was proposed or imminent.</p> <p>Additional concerns were raised about impacts to existing wells during well construction.</p> <p>It was pointed out that the well on the Images nightclub property may be close to the western property line within 100 feet of the proposed septic system.</p>	<p>There are currently no plans by any private or public entity to install public water and sewer in this vicinity. The proposed development will be utilizing on-site well and septic.</p> <p>The applicant indicated that if their well construction impacted neighboring wells in any way, they would work with the neighbors to mitigate the issue.</p> <p>The applicant is obligated to meet the Board of Health requirements regarding the spacing between all wells and their septic system prior to Site Plan approval.</p>	<b>Resolved</b>
5)	<b>Historic Battlefield</b>	<p>Comment was made by a representative of the Middleway Conservancy District stating that this property was on the edge of the Battle of Smithfield Crossing battlefield, requesting that an archaeological survey be conducted in conjunction with any soil disturbance on site prior to construction.</p>	<p>The applicant asked for more information about the battlefield and what is involved in archaeological mapping prior to construction; discussion regarding options of using Shepherd students for a “salvage assessment” prior to soil disturbance occurred and the applicant agreed to pursue this possibility.</p>	<b>Resolved</b>
6)	<b>Dry Hydrant</b>	<p>Request that the applicant consider installing a dry hydrant on-site to provide better fire protection opportunities for this development and the neighborhood. Suggested working with Fire Company #6, which serves this area, to determine design requirements.</p>	<p>The applicant indicated that they had contacted the local fire department who indicated that the state fire marshal would have final review from a fire perspective. The fire marshal has indicated that sprinklers will not be required. Applicant indicated a willingness to investigate the option of installing a dry hydrant on site.</p>	<b>Resolved</b>

Ms. Brockman closed the public hearing. As there were no unresolved issues the Conditional Use Permit for Dollar General will be placed on January 22, 2015 Board of Zoning Appeal's meeting for action.

  
\_\_\_\_\_  
Jennifer M. Brockman, AICP  
Acting Zoning Administrator  
Director of Planning and Zoning

January 16, 2015  
Date



Departments of Planning and Zoning Seal

S15-024



July 8, 2015

Mr. Joe Knechtel  
 Potesta and Associates  
 15 South Braddock Street  
 Winchester, Virginia 22601

Re: Jefferson County Concept Plan Submittal  
 Dollar General

Dear Mr. Knechtel,

I have reviewed the Concept Plan for the Dollar General, dated June 17, 2015, and submitted to the JCHLC June 2015 by Potesta and Associates of Winchester, Virginia. The submittal documents outline the proposed site plan and grading at Middleway Village, Jefferson County West Virginia.

Two Category III and one Category IV County Historic Resource are in proximity to the project site, to the south and north, along Leetown Road. There are no cataloged County Historic Resources from the 2007 JCHLC survey located on the development parcel described in these submittal documents.

The Jefferson County Historic Landmarks Commission has no objections or comments on the proposed Dollar General Concept Plan since there are no listed County Historic Resources on the development parcel and the proposed development does not extend beyond the current parcel boundaries.

If you have any questions or need additional information, please feel free to contact me.

Sara Lambert  
 Commissioner, JCHLC  
 P.O. Box 23  
 Charles Town, West Virginia 25414  
 707-326-6443

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JUL 08 2015

JEFFERSON COUNTY PLANNING,  
 ZONING & ENGINEERING

cc: Ms. Jennifer Brockman, Jefferson County Planning Department (hand delivery)  
 Mr. Martin Burke, JCHLC Chair (via email)

**Joe Knechtel**

**From:** Alt, Larry A [Larry.A.Alt@wv.gov]  
**Sent:** Thursday, July 23, 2015 7:39 AM  
**To:** Joe Knechtel  
**Cc:** 'josh@crossdevelopment.net'; Mark A. Sankoff; Charles Mosholder  
**Subject:** FW: Dollar General WV 51 at Jefferson CR 1 - June 2015 Plan Review  
**Attachments:** Temp00478.pdf; Temp00479.pdf; RE: Contact

Joe,

Comments regarding plans dated 6/17/15 are as follows:

1. Please provide plan sheet and profiles according to scale presented on checklist.
2. On Plan Sheet No. 3, the radius dimension must be shown on the plans for both entrances.
- 3. Please provide signage showing for trucks not to use CO 1 entrance.
4. On Plan Sheet No. 3, instead of "Type B, Class B" all arrows and stop bars must be noted as "Type V, thermoplastic"
5. Not sure where ALTA gets their right of way (R/W) information, but CO 1 is an old Turn Pike (Old Shepherdstown and Smithfield Turn Pike) attached are the R/W plans that we claim.
6. On stabilized construction entrance, no mountable berm allowed within 10' of edge of pavement, class 1 stone to be used for first 10" of entrance.
7. Concrete pavement must be minimum 8" for entrance and extend to back edge of radii. Class B, 3000 psi
8. The 0.38ac to be conveyed to Thurman Shirley farm, need to show how this ground will have access. All parties need to understand that an additional entrance on WV 51 will not be granted for the .38 ac.
9. On Plan Sheet No. 3, add a double yellow line between opposing traffic at each entrance.
10. On Plan Sheet No. 3, add a note requiring the stop bar to be field adjusted to permit adequate sight distance and show the stop bar at the entrance on CR 1 at least four feet behind the white edge line.
11. Details regarding where the entrance will connect with the paved shoulder should be included also. If thickness of the paved shoulder is adequate, concrete pavement for the entrance can be tied into the edge of the paved shoulder. If it is not adequate, new concrete should be installed out to the white edge line and any paved shoulder that is disturbed for concrete installation should be replaced with HMA. In addition, the end of the radius for the concrete entrance should be flared out to end 2' wide to avoid a point that can break off. Any questions please call.
12. Include Traffic Control Plan or include/reference Case A3 and A6 in the plans.
13. Plans must be stamped and signed by a WV Licensed Professional Engineer.

Please let me know if you have any questions. Thanks Larry

Larry A. Alt  
 WVDOH (regular mail)  
 District 5 Permit Reviewer  
 PO Box 99 Burlington WV 26710  
 304-289-2284

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JEFFERSON COUNTY PLANNING,  
 ZONING & ENGINEERING

7/29/2015



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning
116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number: 3/5/04
Staff Initials: ckc
Total Fee(s): n/a

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

Concept Plan Review Checklist

The Concept Plan submittal shall be on white paper and shall show in simple form the proposed project. Further details can be found in the checklist below. 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.

In order to determine sufficiency, this application and a copy of the Concept Plan must be submitted to the Jefferson County Departments of Planning and Zoning 45 days prior to the next regularly scheduled Planning Commission meeting. Please refer to Article 24 of the Subdivision Regulations for Concept Plan Requirements.

Property Owner Information

Name: Wilbur A. Alger, Jr. & Middle of the Way Real Estate LTD
Mailing Address: PO Box 445 Bunker Hill, WV 25413
Phone Number: 304-264-6633 Email:

Registered Engineer(s), Surveyor(s), or Consultant(s) Information

Name: K. Joe Knechtel - Potestat & Associates, Inc
Mailing Address: 15 South Braddock St. Winchester, Virginia 22061
Phone Number: 540-450-0180 Email: kjknechtel@potestat.com

Physical Property Details

Physical Address: Northwest corner of Middleway Pake (Rt 51) and Leetown Road (Rt 1)
City: Middleway State: WV Zip Code:
Tax District: Middleway Village District 7 Map No: Map 19-16.6 & 16.7 Parcel No: 1 and part of 2
Parcel Size: 1.69 Deed Book: Page No:

Zoning District (please check one)

Table with 7 columns: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC). Includes checkboxes and a 'RECEIVED' stamp.

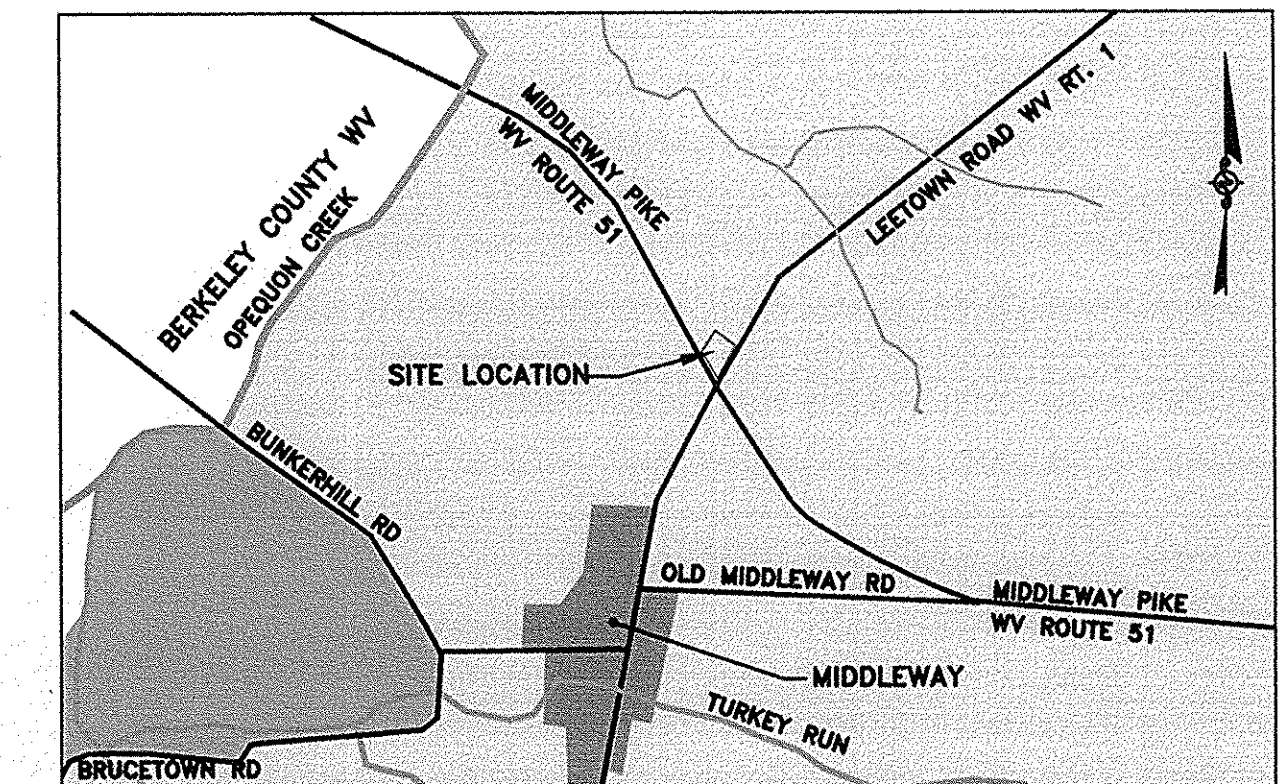
RECEIVED JUN 22 2015
JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING
Place Received Date Stamp Here
RETURNED TO Potestas: Assoc
DATE 7/21/2015
7/21/2015 spoke to cbe knechtel - comments ready for pickup
Signature of Property Owner Date

RECEIVED
Planned Neighborhood Development (PND)
Office/Commercial Mixed-Use (O/C)
Potesta & Assoc.
DATE 6/25/15
Called 6/25/15 left message w/ Melissa
Signature of Property Owner Date



No.	Date	Revision
07/09/15	REV. PER COUNTY PLANNING COMMENTS	
07/24/15	REV. PER COUNTY PLANNING COMMENTS	

VARIANCE  
CAD File No.  
CJM  
Drawn  
KJK  
Checked  
KJK  
Approved  
AS SHOWN  
Scale:  
JUNE 2015  
Date:  
15-0012  
Project No.



**ZONING LEGEND**  
 RURAL  
 INDUSTRIAL/COMMERCIAL  
 VILLAGE

**VICINITY MAP**  
 SCALE: 1" = 2,000'

**LEGEND**

---	ADJOINER
- - - -	SETBACK LINE
---	RIGHT OF WAY
▨	H.D. PAVEMENT
▨	EXISTING CONCRETE
▨	NEW CONCRETE
---	EXISTING CONTOUR LINE
PP	EXISTING POWER POLE, OVERHEAD ELECTRIC LINE AND GUY WIRE
x	FENCE LINE (WOOD OR CHAINLINK)
SS	EXISTING SEWER MAIN AND MANHOLE
W	EXISTING WATER MAIN WITH VALVE
G	EXISTING GAS MAIN
T	EXISTING TELEPHONE LINE
---	EXISTING TREES
---	FLOOD ZONE
---	PROPERTY LINE & IRON PIN FOUND OR SET

**SITE INFORMATION:**

TAX PARCEL #	PARCEL 1 MIDDLEWAY VILLAGE DIST. 7 (MAP19-16.6) = 1.05 AC.
	PARCEL 2 MIDDLEWAY VILLAGE DIST. 7 (MAP19-16.7) = 0.62 AC.
	±1.67 ACRES (COMBINED)

**ZONING INFORMATION:**  
 CURRENT ZONING: RURAL  
 CURRENT USE: VACANT  
 PROPOSED USE: 9100SF DOLLAR GENERAL STORE WITH 7310 SF RETAIL SPACE AND 1790SF STORAGE (PROPOSED USE ALLOWED PER CONDITIONAL USE PERMIT (CUP14-029))

1977 MIDDLEWAY VILLAGE SUBDIVISION PLAT BUILDING SETBACKS WILL APPLY AS RECORDED IN PLAT BOOK 4, PAGE 72. ALL OTHER SETBACKS WILL CONFORM WITH APPENDIX B OF THE JEFFERSON COUNTY ZONING & LAND DEVELOPMENT ORDINANCE.

**SIDEWALK:** WAIVER OF SIDEWALK REQUIREMENT PER ARTICLE 22, SECTION 22.208 OF THE SUBDIVISION LAND DEVELOPMENT REGULATIONS. APPROVED WAIVER 3/26/2015 TO NOT REQUIRE PERMETER SIDEWALKS.

**SIGN:** VARIANCE OF 1000 FT. SPACING REQUIREMENT PER ARTICLE 19, SECTION 19.4. D. OF THE ZONING & LAND DEVELOPMENT ORDINANCE. VARIANCE APPROVED 3/26/2015 TO REDUCE SPACING FOR PROPOSED FREESTANDING SIGN.

**\* PARKING SUMMARY:**

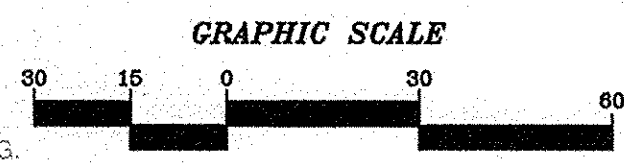
	REQUIRED	PROVIDED
REGULAR SPACES	40	30
HANDICAP SPACES	2	2

\* PARKING: ZONING VARIANCE APPROVED 3/26/2015 TO REDUCE PARKING SPACE REQUIREMENT FOR COMMERCIAL RETAIL OF 5.5 SPACES PER 1000 SF. PER ARTICLE 11 OF THE ZONING & LAND DEVELOPMENT ORDINANCE

SITE TRIP GENERATION PER SECTION 24.116(B)(6)(b). ASSUMED SMALL SHOPPING CENTER  
 PEAK HOUR = 15.51 VH  
 AVERAGE DAILY = 863 ADT

- NOTES:**
- PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 54037C0115E FOR JEFFERSON COUNTY, WEST VIRGINIA AND HAVING AS EFFECTIVE DATE OF DECEMBER 18, 2009
  - SITE CONTAINS LESS THAN 10% SLOPES CELL METHOD. (SEE SHEET 2)
  - ONLY ONE HIGHWAY PROBLEM AREA WITHIN 1.0 MILE RADIUS OF SITE; "OLD MIDDLEWAY ROAD & WV ROUTE 51 INTERSECTION" IS 0.7 MILES FROM SUBJECT SITE.
  - SITE IS ADJACENT TO THE NEAREST "KEY INTERSECTION".
  - NO TRAFFIC IMPACT ANALYSIS REQUIRED DUE TO PEAK HOUR TRIP GENERATION IS LESS THAN 100 VH.
  - A WELL AGREEMENT WITH THE ADJACENT PROPERTY OWNER IS PENDING.
  - CROSS DEVELOPMENT, LLC PROPOSES TO DEVELOP A 9100 SF DOLLAR GENERAL STORE (7310 SF RETAIL / 1790 SF STORAGE) ON UNIMPROVED PARCELS (16.6 AND 16.7 OF DISTRICT #7, TAX MAP #19) ON THE NORTHEAST CORNER OF MIDDLEWAY PIKE (WV ROUTE 51) AND LEETOWN ROAD (WV ROUTE 1) NEAR THE VILLAGE OF MIDDLEWAY. THE DOLLAR GENERAL STORE WILL HAVE PAVED PARKING FOR 30 SPACES, SIDEWALKS, UNLOADING AREA, OUTDOOR LIGHTING AND LANDSCAPING, AN ENCLOSED DUMPSTER, WILL HAVE STORMWATER DRAINAGE TO CONTROL QUANTITY AND QUALITY PER JEFFERSON COUNTY AND STATE REGULATIONS AND WILL BE SERVED BY ONSITE WELL AND SEPTIC.

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 ZONING & ENGINEERING



MAPPING REFERENCE:  
 BOUNDARY & TOPOGRAPHIC MAPPING SHOWN PERFORMED BY ERNEST C. DRAKE PROFESSIONAL SURVEYOR WEST VIRGINIA LICENSED No. 2127 314 N. OVERLOOK TERRACE HENDERSONVILLE, N.C. 28739 (864) 234-7368  
 TAKEN FROM ALTA/ACSM LAND TITLE SURVEY FOR CROSS DEVELOPMENT LLC. REF-PLAT CABINET 4/72 REF-DEED BOOK 889/315 TAX MAP 19 PARCEL 16.6 & 16.7. PROVIDED TO POTESTA & ASSOCIATES, INC. BY CROSS DEVELOPMENT, LLC.

**PRELIMINARY**

#S15-04

POTESTA & ASSOCIATES, INC.  
 ENGINEERS AND ENVIRONMENTAL CONSULTANTS  
 15 South Brookwood St., Winchester, Virginia 22602  
 TEL: (540) 450-0180 FAX: (540) 450-0182  
 E-Mail Address: potesta@potesta.com

**POTESTA**

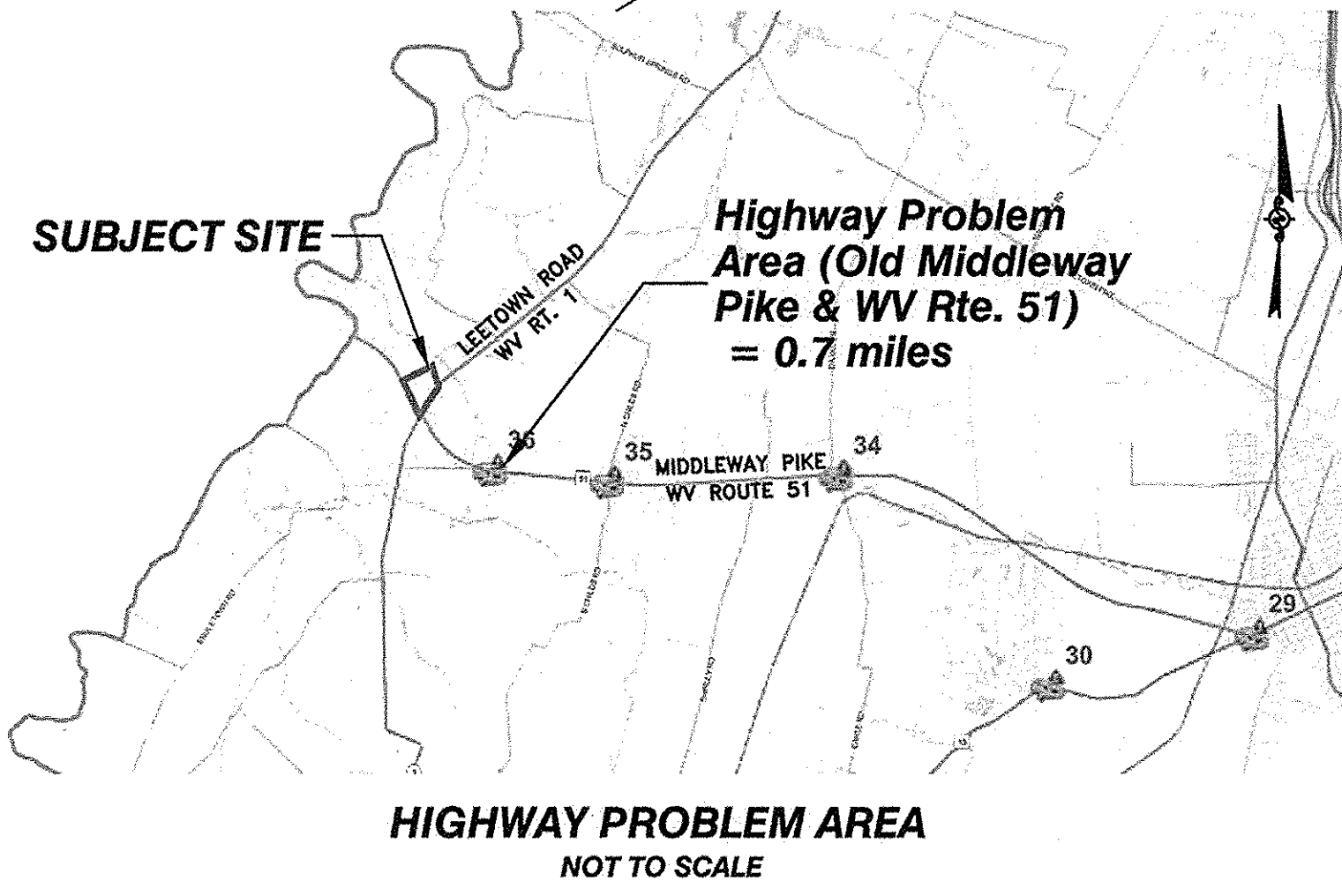
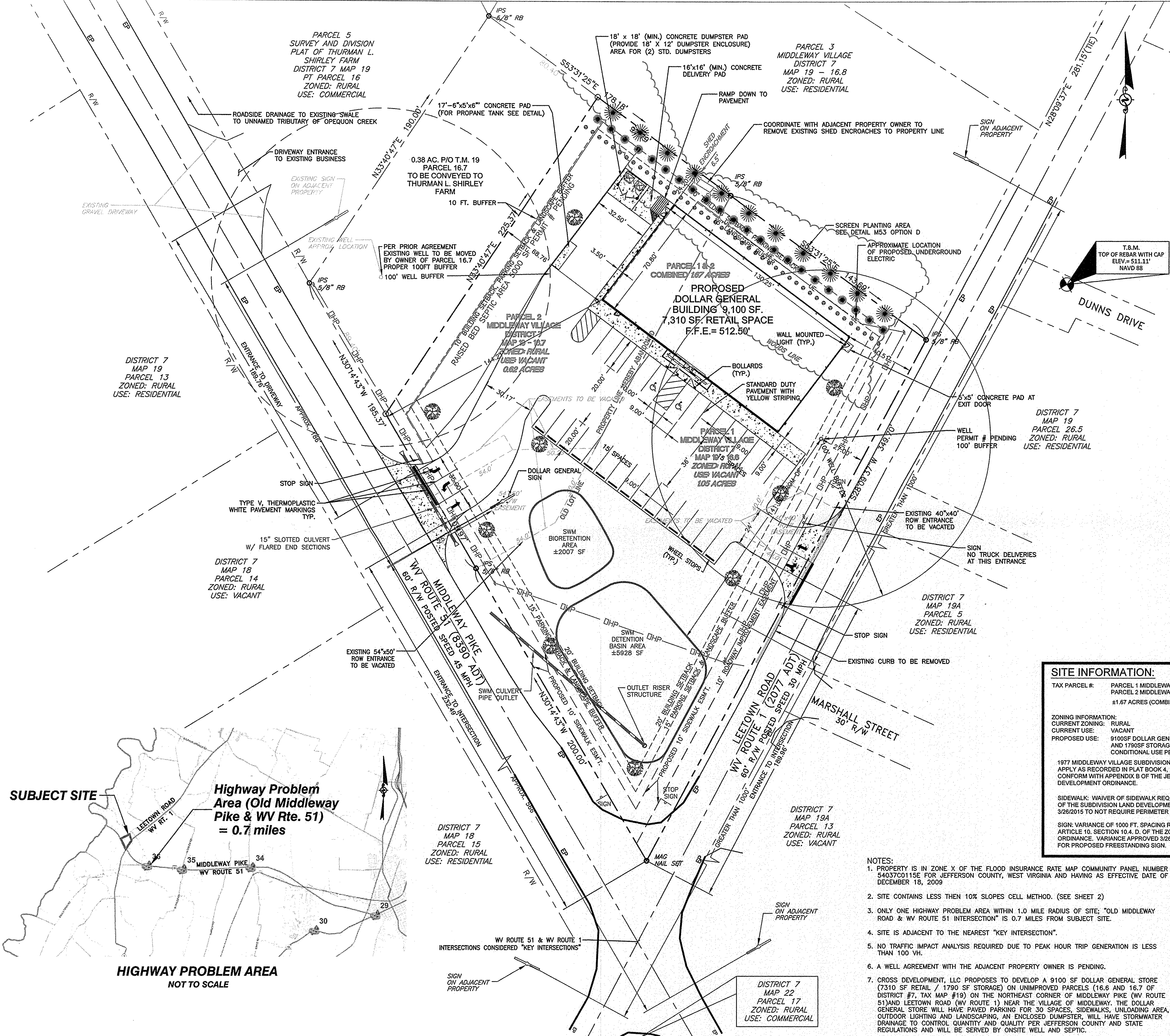
CROSS DEVELOPMENT, LLC.  
 17430 CAMPBELL ROAD, SUITE 225  
 DALLAS, TX 75252

Client  
 CONCEPT PLAN  
 MIDDLEWAY VILLAGE  
 DISTRICT 7  
 JEFFERSON COUNTY, WEST VIRGINIA

Title  
 1  
 Drawing No.

ISSUED 07-24-15

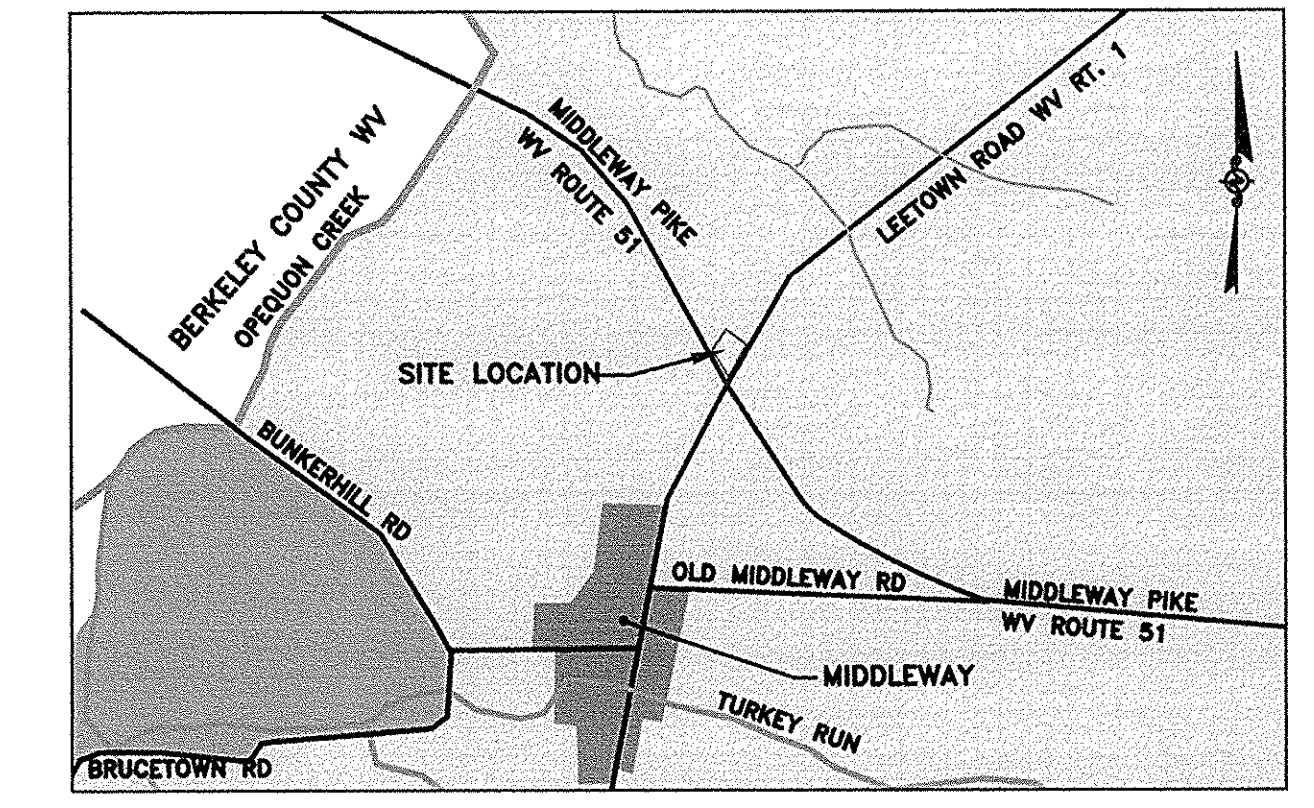
#3 For Review Permt



PROJECT: Potesta Associates, Inc. Conceptual Site Plan, District 7, Middleway Village, Jefferson County, West Virginia. Project No. 15-0012-100-CONCEPT.dwg  
 DATE: 7/24/15  
 DRAWN BY: C. Drake  
 CHECKED BY: C. Drake  
 APPROVED BY: C. Drake

No.	Date	Revision
1	07/09/15	REV. PER COUNTY PLANNING COMMENTS
2	07/24/15	REV. PER COUNTY PLANNING COMMENTS

VARIANCE	
CAD File No.	Project No.
CJM	15-0012
Drawn	
KJK	
Checked	
KJK	
Approved	
AS SHOWN	
Scale:	
Date:	JUNE 2015

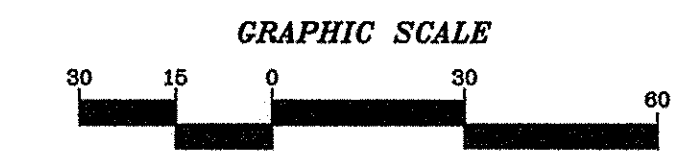


**ZONING LEGEND**

[Symbol]	RURAL
[Symbol]	INDUSTRIAL/COMMERCIAL
[Symbol]	VILLAGE

**LEGEND**

[Symbol]	ADJOINER
[Symbol]	SETBACK LINE
[Symbol]	RIGHT OF WAY
[Symbol]	H.D. PAVEMENT
[Symbol]	EXISTING CONCRETE
[Symbol]	NEW CONCRETE
[Symbol]	EXISTING CONTOUR LINE
[Symbol]	EXISTING POWER POLE, OVERHEAD ELECTRIC LINE AND GUY WIRE
[Symbol]	FENCE LINE (WOOD OR CHAINLINK)
[Symbol]	EXISTING SEWER MAIN AND MANHOLE
[Symbol]	EXISTING WATER MAIN WITH VALVE
[Symbol]	EXISTING GAS MAIN
[Symbol]	EXISTING TELEPHONE LINE
[Symbol]	EXISTING TREES
[Symbol]	FLOOD ZONE
[Symbol]	PROPERTY LINE & IRON PIN FOUND OR SET



MAPPING REFERENCE:  
BOUNDARY & TOPOGRAPHIC MAPPING SHOWN PERFORMED BY ERNEST C. DRAKE  
PROFESSIONAL SURVEYOR WEST VIRGINIA LICENSED No. 2127 314 N. OVERLOOK TERRACE  
HENDERSONVILLE, N.C. 28739 (864) 234-7368  
TAKEN FROM ALTA/ACSM LAND TITLE SURVEY FOR CROSS DEVELOPMENT, LLC.  
REF. PLAT CABINET 4/72, REF. DEED BOOK 889/515 TAX MAP 19 PARCEL 16.6 & 16.7.  
PROVIDED TO POTESA & ASSOCIATES, INC. BY CROSS DEVELOPMENT, LLC.

**PRELIMINARY**

**SLOPE DELINEATION "CELL METHOD"**

AREA	ACRES	% SLOPE	WT. %
AREA 1	0.92	4.0	2.2
AREA 2	0.25	3.8	0.6
AREA 3	0.50	6.0	1.8
TOTAL	1.67	-	4.6

- NOTES:**
- PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 5403700115E FOR JEFFERSON COUNTY, WEST VIRGINIA AND HAVING AS EFFECTIVE DATE OF DECEMBER 18, 2009.
  - SITE CONTAINS LESS THEN 10% SLOPES CELL METHOD. (SEE SHEET 2)
  - ONLY ONE HIGHWAY PROBLEM AREA WITHIN 1.0 MILE RADIUS OF SITE; "OLD MIDDLEWAY ROAD & WV ROUTE 51 INTERSECTION" IS 0.7 MILES FROM SUBJECT SITE.
  - SITE IS ADJACENT TO THE NEAREST "KEY INTERSECTION".
  - NO TRAFFIC IMPACT ANALYSIS REQUIRED DUE TO PEAK HOUR TRIP GENERATION IS LESS THAN 100 VH.
  - A WELL AGREEMENT WITH THE ADJACENT PROPERTY OWNER IS PENDING.
  - CROSS DEVELOPMENT, LLC PROPOSES TO DEVELOP A 9100 SF DOLLAR GENERAL STORE (7310 SF RETAIL / 1790 SF STORAGE) ON UNIMPROVED PARCELS (16.6 AND 16.7 OF DISTRICT #7, TAX MAP #19) ON THE NORTHEAST CORNER OF MIDDLEWAY PIKE (WV ROUTE 51) AND LEETOWN ROAD (WV ROUTE 1) NEAR THE VILLAGE OF MIDDLEWAY. THE DOLLAR GENERAL STORE WILL HAVE PAVED PARKING FOR 30 SPACES, SIDEWALKS, UNLOADING AREA, OUTDOOR LIGHTING AND LANDSCAPING, AN ENCLOSED DUMPSTER, WILL HAVE STORMWATER DRAINAGE TO CONTROL QUANTITY AND QUALITY PER JEFFERSON COUNTY AND STATE REGULATIONS AND WILL BE SERVED BY ONSITE WELL AND SEPTIC.

DATE: 07/24/15  
 DRAWN: KJK  
 CHECKED: KJK  
 APPROVED: AS SHOWN  
 SCALE: AS SHOWN  
 DATE: JUNE 2015  
 PROJECT NO: 15-0012

**POTESA & ASSOCIATES, INC.**  
 ENGINEERS AND ENVIRONMENTAL CONSULTANTS  
 16 South Broadrock St., Winchester, Virginia 22602  
 TEL: (540) 450-0180 FAX: (540) 450-0182  
 E-Mail Address: potesta@potesta.com

**POTESA**

**CROSS DEVELOPMENT, LLC.**  
 17430 CAMPBELL ROAD, SUITE 225  
 DALLAS, TX 75252

**GRADING PLAN**  
 MIDDLEWAY VILLAGE  
 DISTRICT 7  
 JEFFERSON COUNTY, WEST VIRGINIA

**2**  
 Drawing No.

ISSUED 07-24-15

## Planning Department

---

**From:** Mary Wilson <mhablitzel@frontiernet.net>  
**Sent:** Wednesday, July 29, 2015 4:33 PM  
**To:** planningdepartment@jeffersoncountywv.org  
**Subject:** proposed Dollar General store at RT 51 and Leetown Rd: BAD IDEA!

To: Jefferson County, WV, Planning Department  
To: Jefferson County, WV, Planning Commission

Re: Proposed Commercial building (Dollar Store) at Route 51 and Leetown Road

As a resident in the area of this site, the proposal of a Dollar Store at this intersection is a horrible idea. It is not needed, not wanted, and not desired by residents who live in the surrounding area. There is no need for this business at this location. Using this intersection on a daily basis, the construction and operation of this business would negatively impact surrounding homeowners. The traffic and congestion would be a nightmare. It is hard enough to cross or enter Route 51 from Leetown Road. Additionally, we already have storm runoff issues at that intersection when it rains. There is absolutely no need for this store at this location! There is a Dollar store located several miles to the west in Inwood, WV, which has a more desirable location as it is in a business district. We have a rural, residential area surrounding Route 51 and Leetown Road. Bringing a store such as this to the area would forever change the landscape in a negative way. Do not give me a reason to consider moving!

Sincerely,  
M. Wilson  
Kearneysville, WV



Staff Report  
 Jefferson County Planning Commission Meeting  
 August 11, 2015

**Item #5:** **Public Workshop:** Concept Plan review for a proposed 6,912 square foot retail Automotive Parts sales and warehouse establishment with associated parking (PC File# S15-03)

APPLICANT:	Martin & Brenda Lookingbill
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Fox & Associates, Inc.
PROPERTY LOCATION:	475 Euclid Avenue
LEGAL DESCRIPTION:	District: Charles Town (02); Map: 10A; Parcel: 76 Zoning: Residential-Light Industrial-Commercial ( R-LI-C)
SURROUNDING PROPERTIES:	North: Residential-Light Industrial-Commercial South: Residential Growth East: Residential-Light Industrial-Commercial and city of Charles Town West: Residential-Light Industrial-Commercial
LOT AREA:	1.04 Ac.
APPROVED ACTIVITY:	Retail Automotive Parts sales and warehousing

Staff Report  
Jefferson County Planning Commission Meeting  
August 11, 2015

**Background**

The property under review is located at the intersection of East Washington Street and Euclid Avenue in a developed area of Jefferson County abutting the city limits of Charles Town. The property is zoned Residential – Light Industrial – Commercial. Automobile parts, supplies, and tire stores are considered a Principal Permitted Use in this zoning district. Deed records show that Community Oil, a commercial bulk oil storage business, operated for many years on the Euclid Avenue side of the property. This Community Oil site held twenty-three (23) oil tanks which later required extensive environment remediation that involved removing the tanks and thirty (30) feet of contaminated top soil. The site also was host to a Citgo Gas Station, which also had environmental issues that are in the process of being addressed. The West Virginia Department of Environmental Protection – Office of Environmental Remediation (DEP-OER) has provided documentation regarding the two environmental contamination issues that exist on the property. One issue has been addressed and the state considers “No Further Action” necessary. The other environmental issue at this property has been determined and the responsible parties are currently addressing the issue in manner pursuant to DEP-OER regulations.

Additionally, in November of 2012, the County Commission of Jefferson County vacated an unused alley that was adjacent to this property’s western boundary, after the property owners filed a petition in August of 2012.

**Site Plan Category:**

This site plan associated with this Concept Plan is governed by the Subdivision and Land Development Regulations (amended 4/16/15), which includes the square foot threshold that defines a Minor Site Plan or Major Site Plan. The amended definition allows all site plans with a building area of less than 5,000 square feet to process administratively as a Minor Site Plan; requires site plans with a building area between 5,000 and 50,000 square feet to submit a Concept Plan with a public workshop and then process an administrative Minor Site Plan; and requires all site plans with building area above 50,000 square feet to process a Major Site Plan. Additionally, the Subdivision and Land Development Regulations further defines Minor Site Developments as “those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure.” Therefore, this project will be required to process as a Minor Site Plan, which includes a Concept Plan public workshop.

**The Request:**

The property owners are requesting the approval of a Concept Plan for a 6,912 square foot building to be used for Automotive Parts sales and warehousing with associated parking.

**Staff Determination of Application Sufficiency and Concept Plan Completeness Review:**

In accordance with the amended Subdivision Regulations (4/16/15), the Concept Plan process incorporates a sufficiency and completeness review in a single step. 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 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the Advance Auto Parts Concept Plan application, are provided below:

Staff Report  
 Jefferson County Planning Commission Meeting  
 August 11, 2015

Required Item from Section 24.116 (A-J)	Description	Status
<b>B. Submission Contents.</b>	The submission shall contain the following elements:	
<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: <ul style="list-style-type: none"> <li>a) Determination of the zoning district in which the proposed subdivision or development project is situated.</li> <li>b) Density calculations.</li> <li>c) Site resource map.</li> </ul>	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
<b>5. Traffic Impact Data</b>	This shall include: <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>	No letter from WVDOH
<b>6. Trip Generation</b>	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.	No letter from WVDOH
<b>7. Agency</b>	The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be	Provided:

Staff Report  
 Jefferson County Planning Commission Meeting  
 August 11, 2015

<b>Reviews</b>	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 letters 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.	No HLC objection or comments
<b>8. Other Data</b>	Any other data or information the applicant believes will assist in the review.	Provided
<b>9. Other Reviews</b>	Any other staff or agency reviews of the plans.	Provided
<b>C. Review Content</b>	The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.	See below
<b>D. Department</b>	<p>The Department review shall include the following:</p> <ol 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 plan for modifications that would improve the plan.</li> </ol>	Staff has determined that the requirements of the Zoning and Land Development Ordinance and Subdivision and Land Development Regulations are met in the proposed Concept 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	No letter from WVDOH.

Staff Report  
 Jefferson County Planning Commission Meeting  
 August 11, 2015

	data for a qualitative review.	
<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	No comments received from WV DOH
<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.	Provided:  CTUB: Water Service provider  JCPSD: Sewer Service Provider
<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	
<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 Workshop consistent with this requirement.

**External Agency Reviews**

Responses have been received from Jefferson County Historic Landmarks Commission, Jefferson County Public Service District, Charles Town Utility Board, West Virginia Department of Environmental Protection, and The West Virginia Department of Highways (acknowledgement of meeting with applicant's representatives, but have not received any determinations or data counts. No other external agencies have responded.

**Staff Recommendation related to Concept Plan**

The Planning and Zoning Department Staff finds the Advance Auto Parts Concept Plan to be "complete" based on the information provided related to the criteria above. As discussed during the Pre-proposal conference, the applicant is bound by the landscape provisions of Jefferson County Zoning Ordinance 4.11. This includes street trees, one tree every 50', along all road frontages which are shown on the Concept Plan; landscape buffers along the 7-11 property line per section 4.11(E) which are not shown on the Concept Plan; and landscape buffers along the residential lot on Euclid, utilizing the

Staff Report  
Jefferson County Planning Commission Meeting  
August 11, 2015

Narrow Buffer M-54 detail as shown on the Concept Plan. These will all be required on the Site Plan when it is submitted.

**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.
2. Staff explains outside agency comments and whether the plan can meet the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant's presentation, staff's explanation and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under 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.

**Recommendation**

Staff recommends approving the Concept Plan.

5/5-03



July 8, 2015

Mr. Gordon Poffenberger  
Fox and Associates  
981 Mt. Aetna Road  
Hagerstown, Maryland 21740

Re: Jefferson County Concept Plan Submittal  
Advance Auto Parts

Dear Mr. Poffenberger,

I have reviewed the Concept Plan for the Advance Auto Parts, dated June 16, 2015, and submitted to the JCHLC June 2015 by Fox and Associates of Hagerstown, Maryland. The submittal documents outline the proposed development at the intersection of Washington and Euclid Streets, Jefferson County West Virginia.

A Category III County Historic Resource is in proximity to the project site, to the east, along Washington Street. There are no cataloged County Historic Resources from the 2007 JCHLC survey located on the development parcel described in these submittal documents.

The Jefferson County Historic Landmarks Commission has no objections or comments on the proposed Advance Auto Parts Concept Plan since there are no listed County Historic Resources on the development parcel and the proposed development does not extend beyond the current parcel boundaries.

If you have any questions or need additional information, please feel free to contact me.

A handwritten signature in black ink, appearing to be 'Sara Lambert'.

Sara Lambert  
Commissioner, JCHLC  
P.O. Box 23  
Charles Town, West Virginia 25414  
707-326-6443

RECEIVED

JUL 08 2015

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

cc: Ms. Jennifer Brockman, Jefferson County Planning Department (hand delivery)  
Mr. Martin Burke, JCHLC Chair (via email)

**Gordon Poffenberger**

---

#51503

**From:** Wilson, Gary T <Gary.T.Wilson@wv.gov>  
**Sent:** Tuesday, July 21, 2015 4:46 PM  
**To:** Gordon Poffenberger  
**Cc:** planningdepartment@jeffersoncountywv.org; engineering@jeffersoncountywv.org  
**Subject:** Advance Auto - Charles Town

Ms. Brockman,

Please accept this email as confirmation that we have met with Fox and Associates on site in Charles Town at the corner of Euclid Ave. / East Washington St. in reference to the proposed Advance Auto. We are currently waiting on plans to review. Should you have any additional questions or concerns please feel free to contact me.

Thanks,  
Gary "Todd" Wilson

**Gary T. Wilson**  
**Permits**  
**WVDOH-District 5**  
**P.O. Box 99**  
**Burlington, WV 26710**  
**Ofc. 304-289-2205**  
**FAX: 304-289-5085**  
**Email: [Gary.T.Wilson@WV.gov](mailto:Gary.T.Wilson@WV.gov)**

RECEIVED

JUL 23 2015

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

# Jefferson County Public Service District

---

July 21, 2015

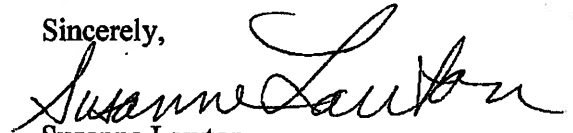
Mr. Roger Goodwin, Chief Engineer  
Jefferson County Engineering Department &  
Office of Building Permits & Inspections  
PO Box 716  
Charles Town, WV 25414

Re: Advance Auto Parts  
Intersection of Washington Street & Euclid Avenue

Dear Mr. Goodwin:

Jefferson County Public Service District will provide sewer service at the above mentioned location. Should you need any further information, please don't hesitate to contact me.

Sincerely,



Susanne Lawton  
General Manager



# Charles Town Utility Board

832 S. George Street, P.O. Box 359, Charles Town, WV 25414  
Phone: (304) 725-2316 ♦ Fax: (304) 725-4313 ♦ Web: [www.charlestownutilities.us](http://www.charlestownutilities.us)

---

July 21, 2015

CHAIRMAN  
*Dave  
Mills*

Jefferson County Planning and Zoning  
Charles Town, WV 25414

UTILITY  
BOARD

Re: Advance Auto Parts  
Euclid and Washington Streets  
Charles Town, WV

*Pete  
Kubi*

*Charles W.  
Kline*

*Tommy  
Stocks*

*Kristen  
Stodolpher*

To Whom It May Concern,

The Charles Town Utility Board can furnish water service to the above referenced location. Existing water service is at or near the property line. As I understand, plans are to be submitted for review to the Board's engineer. In addition to a plan review fee of \$500.00, a security deposit will be required to start service at this address.

UTILITY  
MANAGER  
*Jane E.  
Arnett*

If you have any questions, please contact me at 304-724-3280. Please contact this office for inspections of installations, back flow device and the water service.

Sincerely,

Jane E. Arnett

pc: Gordon Poffenberger, P.E.  
*Director of Engineering / Corporate Secretary*  
Fox & Associates, Inc.  
81 Mt. Aetna Road  
Hagerstown, MD 21740

# S15-03



west virginia department of environmental protection

Office of Environmental Remediation  
601 57<sup>th</sup> St. SE  
Charleston, WV 25304  
(304) 926-0499  
(304) 926-0457 fax

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
dep.wv.gov

January 27, 2015

Mr. Chris Neill  
Primax Properties, LLC  
1100 East Morehead St.  
Charlotte NC 28204

**RE: Responsibility for Releases from Underground Storage Tanks (USTs)  
East End Citgo, 705 East Washington Street, Charles Town, WV  
WV Leak #05-073, WV ID# 1901963**  
**And East End Bulk Plant, 705 East Washington Street, Charles Town, WV  
WV Leak #05-075, WV ID#1901962**

Dear Mr. Neill,

Based upon the information developed and submitted regarding the subject site and the release from the USTs, you as the current property owner and a prospective purchaser would not be considered the "owner" of the regulated USTs formerly located on the noted real estate at the time the release occurred, as defined in the West Virginia Underground Storage Tank Act (Chapter 22, Article 17 of the West Virginia Code).

§22-17-3(e) "Owner" means:

- (1) *In the case of an underground storage tank in use on the eighth day of November, one thousand nine hundred eighty-four, or brought into use after that date, a person who owns an underground storage tank used for the storage, use or dispensing of a regulated substance.*
- (2) *In the case of an underground storage tank in use before the eighth day of November, one thousand nine hundred eighty-four, but no longer in use on that date, a person who owned such a tank immediately before the discontinuation of its use.*

The WVDEP Office of Environmental Remediation pursues only UST owners and operators for remediation requirements associated with regulated USTs. In this instance, the owner/operator of the USTs on the East End Citgo site Leak #05-073, at the time of the release has been determined, and is currently performing site investigation and/or remediation activities. East End Bulk Plant, Leak # 05-075 was issued a "No Further Action" and has been closed.

Promoting a healthy environment.

I hope you find this letter beneficial. If you have any questions, please feel free to contact me at 304-640-5083, or [patty.s.perrine@wv.gov](mailto:patty.s.perrine@wv.gov).

Sincerely,

*Patty Perrine*

Patty Perrine, Interim Program Manager  
Office of Environmental Remediation

Cc: ✓ Simon R List, SITECH Consulting, P.C.  
Sheena Moore, Project Manager  
Leak file #05-073  
Leak file #05-075



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning
116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number: # 51503
Staff Initials: CLK
Total Fee(s): N/A

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

Concept Plan Review Checklist

The Concept Plan submittal shall be on white paper and shall show in simple form the proposed project. Further details can be found in the checklist below. 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.

In order to determine sufficiency, this application and a copy of the Concept Plan must be submitted to the Jefferson County Departments of Planning and Zoning 45 days prior to the next regularly scheduled Planning Commission meeting. Please refer to Article 24 of the Subdivision Regulations for Concept Plan Requirements.

Property Owner Information

Name: MARTIN + BRENDA LOOKINGBILL
Mailing Address: 12560 AWAKNA WAY SYKESVILLE MD 21784
Phone Number: 410-608-7566 Email: OLDMANLOOKINGBILL@YAHOO.COM

Registered Engineer(s), Surveyor(s), or Consultant(s) Information

Name: Fox & Associates, Inc.
Mailing Address: 981 Mount Aetna Road, Hagerstown, MD 21740
Phone Number: 301-733-8503 Email: gpoffenberger@foxassociatesinc.com

Physical Property Details

Physical Address: Intersection of Washington Street & Euclid Street
City: Charles Town State: WV Zip Code: 25414
Tax District: Charles Town Map No: 10A Parcel No: 76
Parcel Size: 1.04 Acres Deed Book: 1036 Page No: 111

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Neighborhood Development (PND), Office/Commercial Mixed-Use (O/C). Includes 'RECEIVED' stamps and a 'RETURNED TO' stamp.

RECEIVED JUL 02 2015

RECEIVED JUN 18 2015

RETURNED TO Fox Assoc. DATE 6/25/15

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Signature of Property Owner (Marti Lipp)

Date 6-8-15

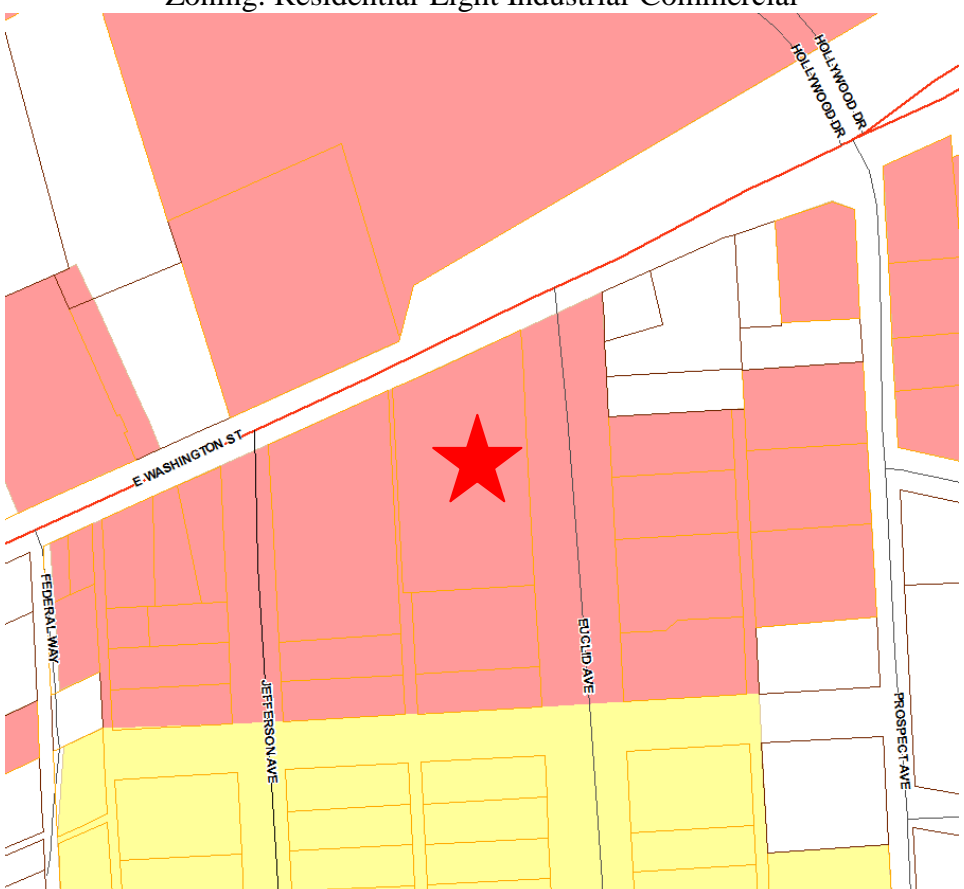
Signature of Property Owner (Brenda Lookingbill)

Date 6-8-15



Staff Report  
 Jefferson County Planning Commission Meeting  
 August 11, 2015

**Item #6:** **Public Hearing:** PCW#15-02; Request by applicant Primax Properties, LLC. The requested waiver is from the requirements of Section 21.202(B) and 22.208 of the Jefferson County Subdivision and Land Development Regulations which would require the installation of a sidewalk along Euclid Avenue for the Advance Auto Parts development

APPLICANT:	Primax Properties, LLC
OWNER:	Brenda and Martin Lookingbill
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Fox & Associates, Inc.
PROPERTY LOCATION:	475 Euclid Avenue
LEGAL DESCRIPTION:	<p>District: Charles Town (02); Map: 10A; Parcel: 76          Zoning: Residential-Light Industrial-Commercial</p> 
SURROUNDING PROPERTIES:	<p>North: Residential-Light Industrial-Commercial          South: Residential Growth          East: Residential-Light Industrial-Commercial and city of Charles Town          West: Residential-Light Industrial-Commercial</p>
LOT AREA:	1.04 Ac.
PROPOSED ACTIVITY:	Retail Automotive Parts sales and warehousing

Staff Report  
Jefferson County Planning Commission Meeting  
August 11, 2015

**Background:**

The property under review is located at the intersection of East Washington Street and Euclid Avenue in a developed area of Jefferson County abutting the city limits of Charles Town. The property is zoned Residential – Light Industrial – Commercial. Automobile parts, supplies, and tire stores are considered a Principal Permitted Use in this zoning district. Deed records show that Community Oil, a commercial bulk oil storage business, operated for many years on the Euclid Avenue side of the property. This Community Oil site held twenty-three (23) oil tanks which later required extensive environment remediation that involved removing the tanks and thirty (30) feet of contaminated top soil. The site also was host to a Citgo Gas Station, which also had environmental issues that are in the process of being addressed. The West Virginia Department of Environmental Protection – Office of Environmental Remediation (DEP-OER) has provided documentation regarding the two environmental contamination issues that exists on the property. One issue has been addressed and the state considers “No Further Action” necessary. The other environmental issue at this property has been determined and the responsible parties are currently addressing the issue in manner pursuant to DEP-OER regulations.

Additionally, in November of 2012, the County Commission of Jefferson County vacated an unused alley that was adjacent to this property’s western boundary, after the property owners filed a petition in August of 2012.

**The Request:**

Primax Properties, LLC, is requesting the approval of a waiver from the requirements of Section 21.202(B) and 22.208 of the Jefferson County Subdivision and Land Development Regulations which would require the installation of a sidewalk along Euclid Avenue.

**Waiver Requirements:**

Jefferson County Subdivision and Land Development Regulations, Section 24.300 details the criteria which have to be reviewed when analyzing a requested waiver from these Regulations:

***The design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, and parkland consistent with the County parks plan***

The placement of a sidewalk along Euclid Avenue or the waiver of it does not impact County maintenance costs or parkland; however, the provision of sidewalks offer a form of open space along roadways, which would be lost if the waiver of the sidewalk requirement is granted.

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

This criterion states that the waiver, if granted, “will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;” The waiving of the sidewalk requirement for this development will have a negative impact on the public health and safety of the greater Charles Town community. This negative impact relates to the pedestrian connectivity goals of both Jefferson County and Charles Town, including Charles Town’s recent gateway enhancement project and the continuation of paved sidewalks along East Washington Street. As there is currently a piecemeal approach to pedestrian walkways along East Washington Street and perpendicular streets intersecting East Washington Street, good town planning would promote the linkages between non-

Staff Report  
Jefferson County Planning Commission Meeting  
August 11, 2015

continuous sidewalks, particularly in urbanizing areas, with the intent to provide that pedestrians have safe and accessible walkways. The goal of having more interconnectivity between pedestrian walkways could be accomplished by promoting the requirements to construct sidewalks when new land uses become developed, particularly where it promotes interconnectivity between parcels. This includes sidewalks on non-arterial roads like Euclid Avenue, which intersects with East Washington Street on properties in both the City of Charles Town and the urbanized unincorporated areas of Jefferson County. If these requirements were waived, pedestrians would be forced to walk on Euclid Avenue, greatly increasing the likelihood of pedestrian/motor vehicle interaction, which in turn increases the potential for accidents.

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

The waiver, if granted, would not be keeping with the intent and purpose of these regulations. The regulations for Sidewalks are in place to give pedestrians safe passage in our community and waiving these requirements does not promote public safety. It only creates opportunity for pedestrians to come in contact with motor vehicle traffic.

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

Approving the requested sidewalk waiver will negatively impact the quality or character of the proposal. Section 21.202(B) and 21.204 of the Subdivision Regulations emphasize the importance of the role of sidewalks in quality land development. The Subdivision Regulations state that sidewalks shall be provided along the road or if a pedestrian path system can work for whole blocks it may be pulled back from the road. It further states that connectivity from nonresidential areas to adjoining residential areas shall be provided wherever logical pedestrian development could be provided. The recently adopted *Envision Jefferson 2035 Comprehensive Plan* also emphasizes the importance of pedestrian interconnectivity via sidewalks for quality development. It states that Jefferson County road corridors should be designed to include sidewalks and trails as a part of new developments and along state roadways and notes that there are currently efforts underway in Jefferson County to expand the trail, pedestrian, and biking network.

**Recommendation**

Because the *Envision Jefferson 2035 Comprehensive Plan* as well as the Subdivision and Land Development Regulations of Jefferson County promote connectivity and public safety through the establishment of sidewalk requirements, and because the applicant has not expressed a reasonable case for why the sidewalk requirements should be waived, it is staff's recommendation that the waiver of the Jefferson County Subdivision Regulations requirements be denied. To increase community pedestrian circulation and ensure that the public safety of pedestrians is protected by delineated paths to travel freely in the community, staff does not feel the waiver of the sidewalk requirements is warranted as they have not been provided with valid arguments that are contrary to the intention of the Comprehensive Plan or County Land Development Regulations. .



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

Staff Initials: ctc

Sketch Received: \_\_\_\_\_

Fees Paid: 100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

# PCW15-02

Waiver Request

Note: Waivers to the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.

Sketch on a separate sheet of paper the shape and location of 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 the sketch. Please provide a vicinity map of the area. Please provide a list of the adjoining property owner's mailing addresses.

I/We request a waiver from the provisions of the 2008 Amended Jefferson County Subdivision Regulations.

Property Owner Information

Name: MARTIN + BRENDA LOOKING BILL  
Mailing Address: 12500 AWAHNA WAY  
City: SYKESVILLE State: MD Zip Code: 21784  
Phone Number: 410 608 7506 Email: OLDMANLOOKINGBILL@YAHOO.COM

Applicant Contact Information

Name: PRIMAX PROPERTIES LLC  
Mailing Address: 1100 E. MOREHEAD ST.  
City: CHARLOTTE State: NC Zip Code: 28204  
Phone Number: 704 954 7216 Email: CNEILL@PRIMAXPROPERTIES.COM

Applicant Registered Engineer(s) or Surveyor(s):

Name: FOX + ASSOCIATES, INC.  
Mailing Address: 981 MT. AETNA RD.  
City: HAGERSTOWN State: MD Zip Code: 21740  
Phone Number: 301 733 8503 Email: GPOFFENBERG@FOXASSOCIATESINC.COM

Physical Property Details

Physical Address: INTERSECTION OF WASHINGTON + EUCLID STREETS  
City: CHARLES TOWN State: WV Zip Code: 25414  
Tax District: CHARLES TOWN Map No: 10A Parcel No: 76  
Parcel Size: 1.04 Deed Book: 1036 Page No: 111

Zoning District (please check one)

RECEIVED

JUN 29 2015

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

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

What Section of the Ordinance are you Requesting to Waive?

SUBDIV. REG. SECT. 21.202.B + 22.208

Briefly Describe the Nature of Your Waiver Request:

WAIVER REQUEST TO NOT INSTALL SIDEWALK ALONG EUCLID AVE.

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

THIS WAIVER WILL RESULT IN LOWER PROPERTY MAINTENANCE COSTS, MORE GREEN SPACE AND LESS STORMWATER RUNOFF.

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

THERE ARE NO SIDEWALKS ALONG EXISTING EUCLID AVE. FOR THIS SIDEWALK TO CONNECT TO, THEREFORE, THIS WAIVER WILL NOT AFFECT ADJACENT PROPERTY OWNERS.

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

THE INTENT OF THE ORDINANCE WILL BE MET BECAUSE WUDOH IS REQUESTING A STONE SHOULDER.

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

THE WAIVER WILL RESULT IN MORE GREEN SPACE AND LESS RUNOFF TO THE WASHINGTON ST. R/W.

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

*Martin J. Leahy*

Signature of Property Owner

6-8-15

Date

*Brendan J. Keating*

Signature of Property Owner

Date

6-8-15

To Be Completed By Office

AUGUST 11, 2015 Date of Public Meeting/Public Hearing

JULY 28, 2015 Date Property to be Posted By

PLANNING COMMISSION Official/Administrative Body

Date Adjoiner Letters to be Mailed

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

Approved  Denied



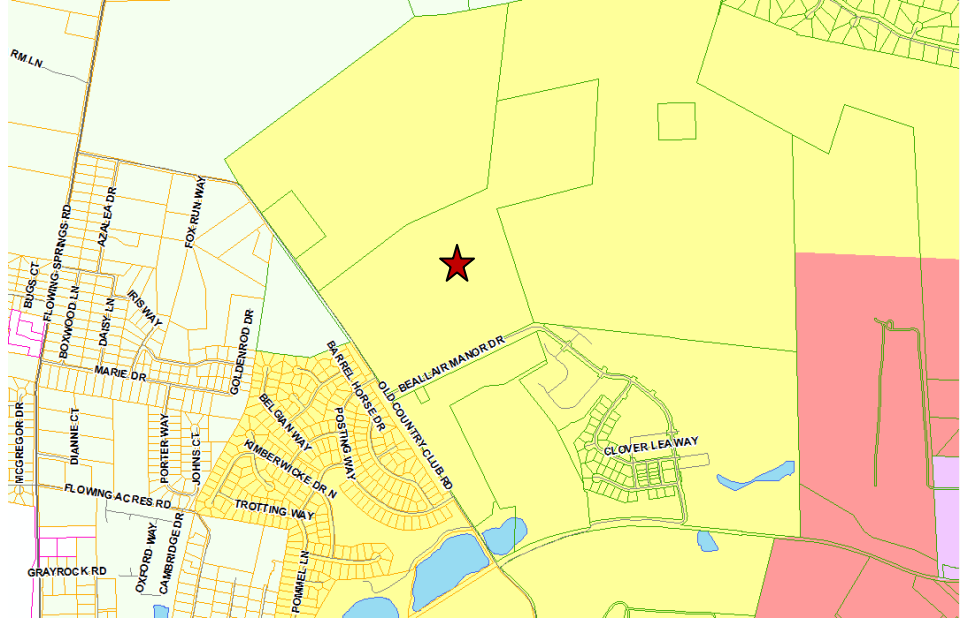
# STAFF REPORT

Jefferson County Planning Commission Meeting  
August 11, 2015

## Breckenridge East Subdivision PC File # 12-01

**Item # 7**

**Final Plat Public Hearing:** Breckenridge East, Phase 1A Lots 10-22 (PC File #15-09). This phase is to consist of 13 single-family lots and 1 single-family residue lot on 67.67 acres.

APPLICANT:	B.C. Partners, Inc.
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Soltesz Associates, Inc.
PROPERTY LOCATION:	The property is located on the east side of Route 24 (Old Country Club Road) approximately 1 mile north of its intersection with Route 340.
LEGAL DESCRIPTION:	District: Harpers Ferry; Map: 10; Parcels: P/O 2 
ZONING DISTRICT:	Residential Growth
SURROUNDING PROPERTIES:	North: Residential Growth South: Residential Growth East: Residential Growth West: Rural
LOT AREA:	67.67 Acres
PROPOSED DENSITY:	13 single-family lots and 1 residue lot

## STAFF REPORT

Jefferson County Planning Commission Meeting  
August 11, 2015

### Breckenridge East Subdivision PC File # 07-31

PERMIT APPROVALS:	
Health Department	Permit No.: 18392 (sewer) & 18289 (water)
Dept. of Highways	Permit No.: 5-06-0110 & 5-06-0111
APPROVALS:	
DEVELOPMENT HISTORY:	<u>Breckenridge East Subdivision (PC File # 07-31)</u> <ul style="list-style-type: none"> <li>• November 2, 2007 – Staff review meeting for CIS.</li> <li>• February 26, 2008 – CIS accepted by the Planning Commission.</li> <li>• July 18, 2008 – Staff review meeting for Preliminary Plat.</li> <li>• September 22, 2009 – Variance granted to extend the file expiration date from November 16, 2009 to May 16, 2010.</li> <li>• November 10, 2009 – Breckenridge East, Phase 1A Lots 23-45 and Parcels A and B Final Plat is approved by the Planning Commission (recorded 1/29/10).</li> <li>• April 10, 2012 – Breckenridge East, Phase 1A Lots 1-9 and Parcel C Final Plat is approved by the Planning Commission (recorded 7/2/12)</li> <li>• June 22, 2015 -- Breckenridge East, Phase 1A Lots 10-22 and Residue Final Plat</li> </ul>
	Current Final Plat
OTHER APPROVALS:	None required

Breckenridge East is located on the east side of Old Country Club Road. Since this subdivision started before the 2008 Subdivision Regulations were adopted, the subdivision is being reviewed under the 1979 Subdivision Regulations. This is the third Final Plat submission of Breckenridge East. The applicant is seeking Final Plat approval for 13 lots plus the residue on 67.67 acres. There is 1 outstanding condition that needs to be addressed and is noted below. The outstanding condition can be handled administratively. With the exception of the noted conditions, the Final Plat complies with the approved Community Impact Statement and Preliminary Plat. Staff recommends approval with the condition to be addressed.

Approval with following condition:

1. Original signatures needed on mylars

## STAFF REPORT

Jefferson County Planning Commission Meeting  
August 11, 2015

Per the 1979 Subdivision Regulations, the following 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.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, West Virginia 25414

File Number: #1509
Staff Initials: JFC
Fees Paid: \$1,800.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

Final Plat Review Checklist

1979 Subdivision Ordinance

Major [X] or Minor [X] (please check one)

Subdivision Name: Breckenridge East Phase 1A (Lots 10-22 & Residue)

Property Owner Information

Property Owner: B.C. Partners, Inc.
Mailing Address: 24024 Frederick Road
City: Clarksburg State: MD Zip Code: 20871
Phone Number: 301-428-0900 Email: dfryer@pleasants.org
Signature: Date:

Applicant's Registered Engineer or Surveyor

Name: Soltész
Mailing Address: 2 Research Place, Suite 100
City: Rockville State: MD Zip Code: 20850
Phone Number: 301-948-2750 Email: kdye@solteszco.com

Physical Property Details

Physical Address: Old Country Club Road
City: Charles Town State: WV Zip Code: 25415
Tax District: Harpers Ferry Map No: 10 Parcel No: P102
Parcel Size: 67.67 Acres Deed Book: 850 Page No: 470

Zoning District Rural (R) Residential Growth (RG) Industrial Commercial (IC) Residential-Light Industrial-Commercial (R-LI-C) Village (V)

Table with 5 columns: Review Date, 1st Review, 2nd Review, 3rd Review, 4th Review. Rows include Submittal Date, County Engineer, Zoning Administrator, Planner, Assessor's Office, GIS / Addressing, Director of Planning & Zoning, and Return Date.

County Engineer Approval Stamp

RECEIVED

JUN 22 2015

Review Print
Return to Jefferson County
Office of Planning
Zoning & Engineering

Revised 06-15-15

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

1979 Final Plat Checklist

Page 1 of 5

RETURNED TO Soltész

ATE 7/6/2015

• Soke to Kim Eye for pick-up

Final Plat showing  
 Lots 10 - 22 and Residue

# Breckenridge East

## Phase 1A

Harpers Ferry District  
 Jefferson County, West Virginia  
 Map 10 P/O P.2 D.B. 850 PG. 470  
 Owner/Developer:  
 B.C. Partners, Inc.  
 24024 Frederick Rd.  
 Clarksburg, MD 20871  
 (301) 428 0800

JCPZC: #

JCPZC APPROVAL

Jennifer Brockman - Director of Planning, Jefferson Co. Dept. of Planning & Zoning

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

June 10, 2015

Prepared By:

**SOLTESZ, INC.**

RECEIVED  
 AUG 03 2015

JEFFERSON COUNTY PLANNING,  
 ZONING & ENGINEERING

FINAL PLAT showing  
 Lots 10-22 and Residue  
 Breckenridge East Phase 1A

Harpers Ferry District - Map 10  
 Jefferson County, WV

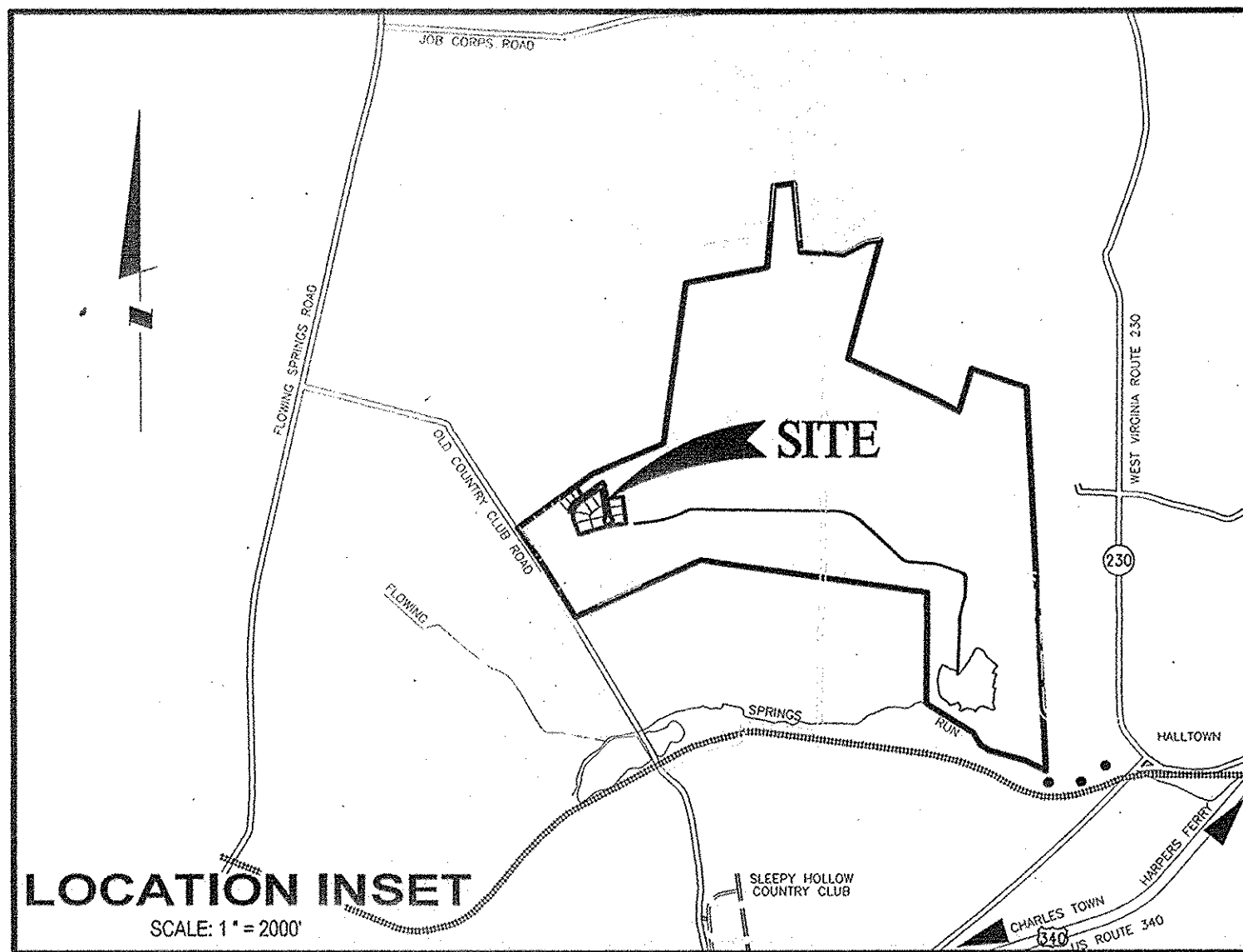
DATE: July 30, 2015 Scale: As Noted  
 Map 10 P/O Parcel 2 DB.850 PG.470

**SOLTESZ**

ROCKVILLE OFFICE  
 2 Research Place, Suite 100 Rockville, MD 20850 P.301.948.2750 F.301.948.9067  
 Engineering // Surveying // Planning // Environmental Sciences  
 www.solteszco.com

Sheet 1 of 3

#15-09



**LEGEND**

- property corner: to be set #5 rebar unless otherwise noted
- concrete monument to be set
- iron pipe found
- concrete monument or stone fnd.
- easement
- setback
- corner not set

**REVISIONS**

no.	revision	date

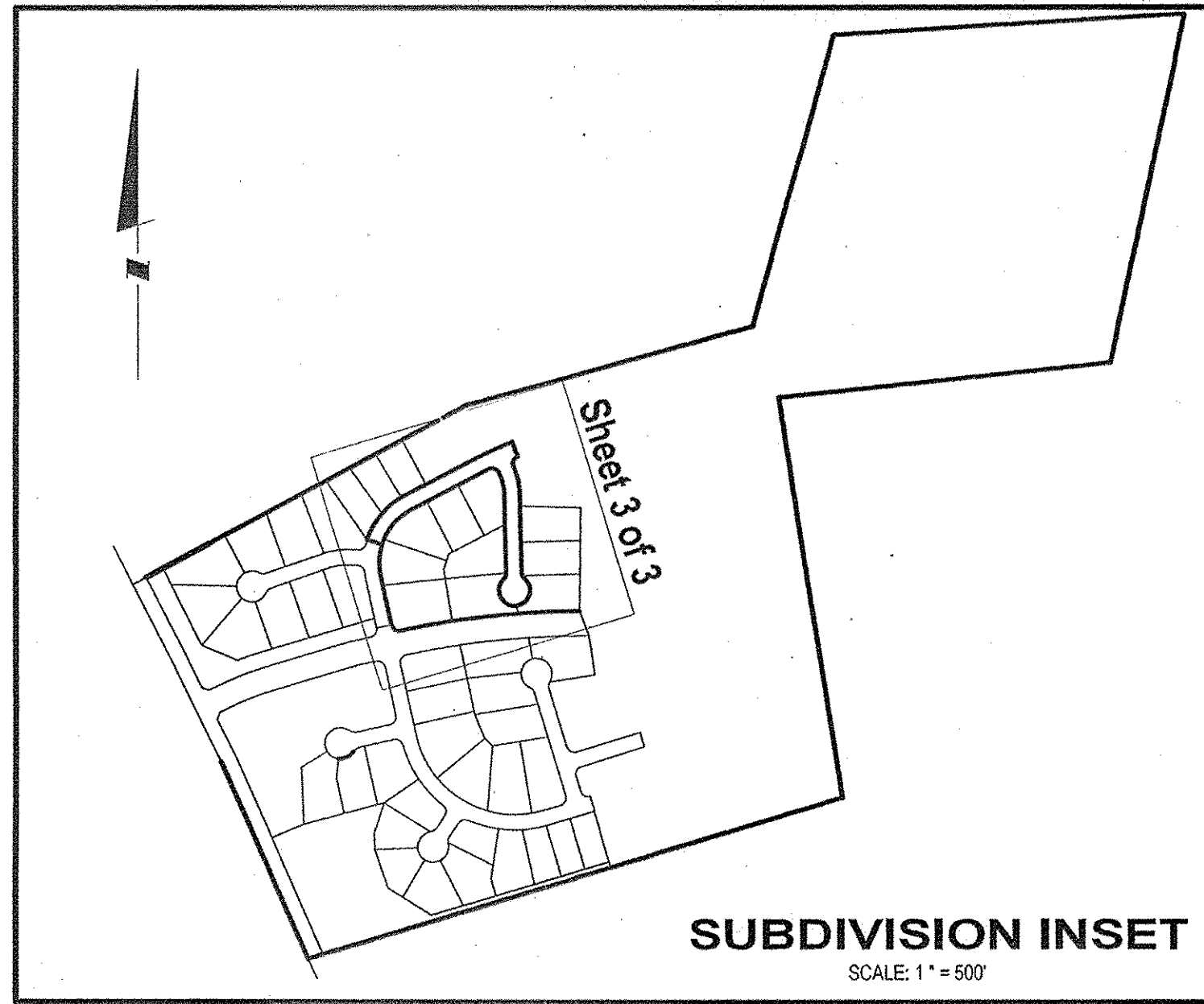
**SURVEYOR'S CERTIFICATION**  
 The perimeter and all lot boundaries shown hereon have been established by a network of traverse control having a relative error of closure of 1:7,500 or better.

Brian L. Wood, PS

**STATEMENT OF ACCEPTANCE**  
 The developer, in signing this plat, agrees to abide by all conditions, terms, and specifications provided hereon.

B.C. Partners, Inc. (Owner)

Jerry Connelly, Vice President



**SUBDIVISION INSET**  
 SCALE: 1" = 500'

#2 FOR REVIEW PRINT

**AREA TABULATION**

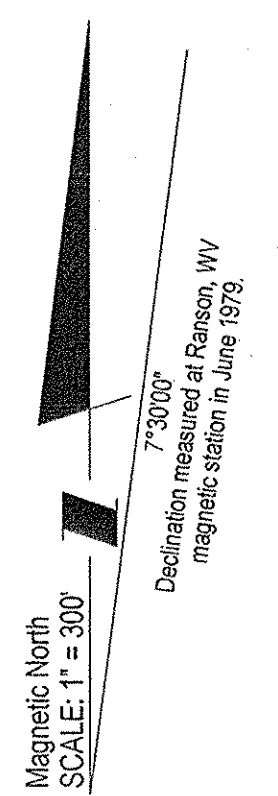
13 LOTS	274,158 SQUARE FEET OR 6.2938 ACRES
ROAD RIGHT OF WAY	54,742 SQUARE FEET OR 1.2567 ACRES
RESIDUE (future section)	2,618,855 SQUARE FEET OR 60.1206 ACRES
TOTAL BY THIS PLAT	2,947,755 SQUARE FEET OR 67.6711 ACRES

**BRECKENRIDGE EAST PHASE 1A  
DRIVEWAY CULVERT SCHEDULE**

LOT NO.	PIPE / SWALE
10	15" CMP
11	15" CMP
12	N/A
13	15" CMP
14	15" CMP
15	15" CMP
16	15" CMP
17	N/A
18	15" CMP
19	15" CMP
20	15" CMP
21	15" CMP
22	15" CMP

**CURVE DATA**

No.	Delta	Radius	Arc	Tangent	Chord Bearing & Dist.
1	90°00'06"	25.00'	39.27'	25.00'	N 62°00'21" W 35.36'
2	89°46'46"	25.00'	39.17'	24.90'	N 27°53'05" E 35.29'
3	90°13'14"	25.00'	39.37'	25.10'	N 62°06'55" W 35.42'
4	48°11'23"	25.00'	21.03'	11.18'	N 07°05'23" E 20.41'
5	22°14'25"	225.00'	87.34'	44.23'	N 12°22'16" W 86.79'
6	93°01'01"	25.00'	40.59'	26.35'	N 23°01'02" E 36.27'
7	7°15'00"	1025.00'	129.70'	64.94'	S 65°54'03" W 129.61'



**FINAL PLAT showing  
Lots 10-22 and Residue  
Breckenridge East Phase 1A**

**Harpers Ferry District - Map 10  
Jefferson County, WV**

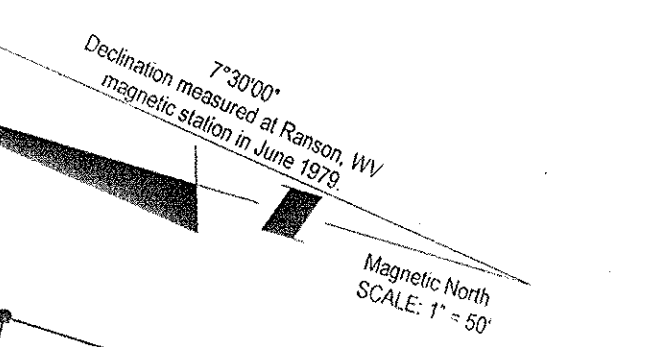
DATE: July 30, 2015 Scale 1" = 300'  
Map 10 P/O Parcel 2 DB.850 PG.470

**SOLTESZ**  
ROCKVILLE OFFICE  
2 Research Place, Suite 100 Rockville, MD 20850 P.301.948.2750 F.301.948.9067  
Engineering // Surveying // Planning // Environmental Sciences www.solteszco.com

#2 for review print

**CURVE DATA**

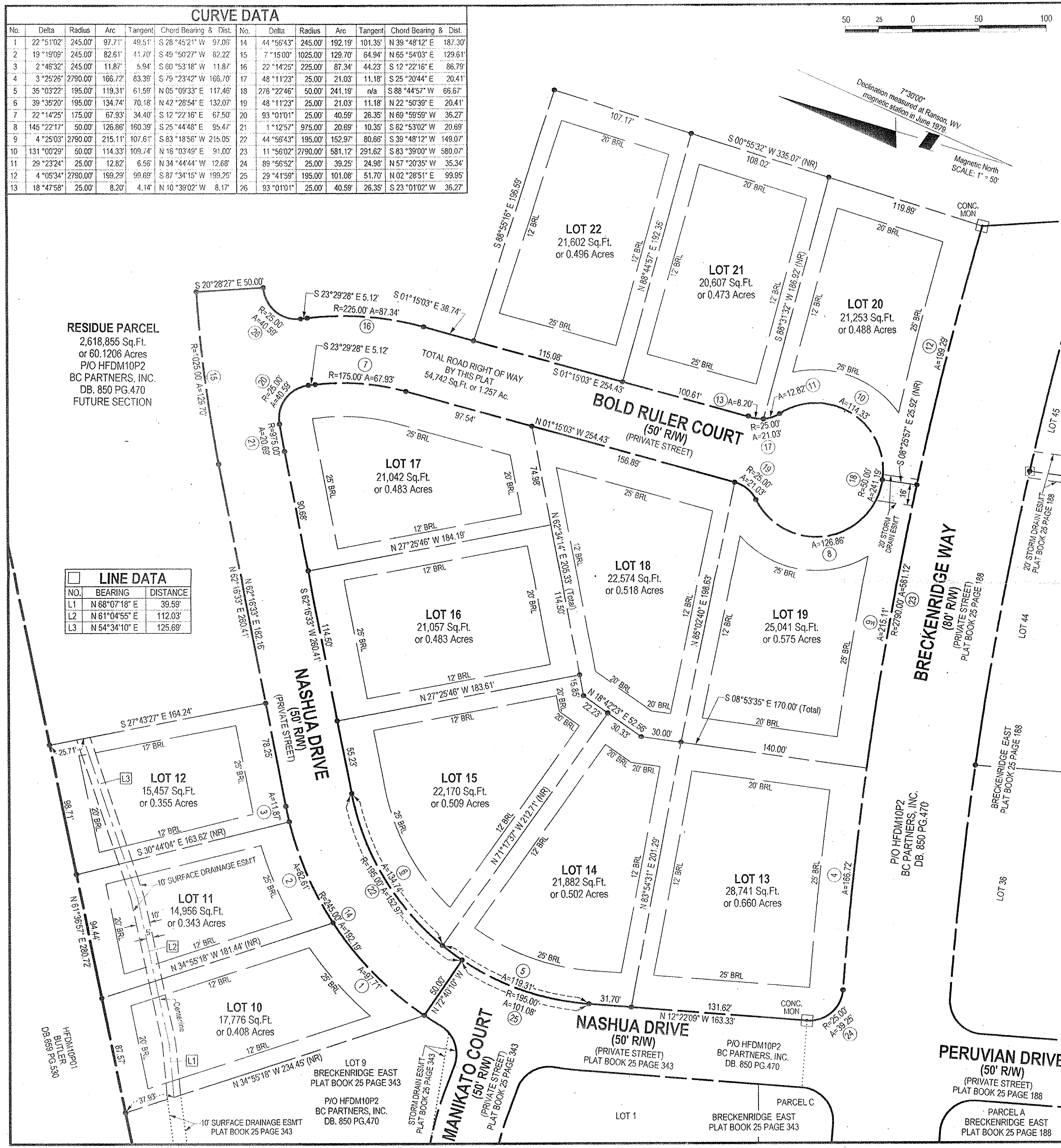
No.	Delta	Radius	Arc	Tangent	Chord Bearing & Dist.	No.	Delta	Radius	Arc	Tangent	Chord Bearing & Dist.
1	22°51'02"	245.00'	97.71'	49.51'	S 28°45'21" W 97.06'	14	44°56'43"	245.00'	192.19'	101.35'	N 39°48'12" E 187.30'
2	19°19'09"	245.00'	82.61'	41.70'	S 49°50'27" W 62.22'	15	7°15'00"	1025.00'	129.70'	64.94'	N 65°54'03" E 129.61'
3	2°46'32"	245.00'	11.87'	5.94'	S 60°53'18" W 11.87'	16	22°14'25"	225.00'	87.34'	44.23'	S 12°22'16" E 86.79'
4	3°25'26"	2790.00'	166.72'	83.39'	S 79°23'42" W 166.70'	17	48°11'23"	25.00'	21.03'	11.18'	S 25°20'44" E 20.41'
5	35°03'22"	195.00'	119.31'	61.59'	N 05°09'33" E 117.46'	18	276°22'46"	50.00'	241.19'	n/a	S 88°44'57" W 66.67'
6	39°35'20"	195.00'	134.74'	70.18'	N 42°28'54" E 132.07'	19	48°11'23"	25.00'	21.03'	11.18'	N 22°50'39" E 20.41'
7	22°14'25"	175.00'	67.93'	34.40'	S 12°22'16" E 67.50'	20	93°01'01"	25.00'	40.59'	26.35'	N 69°59'59" W 36.27'
8	145°22'17"	50.00'	126.86'	160.39'	S 25°44'48" E 95.47'	21	1°12'57"	975.00'	20.69'	10.35'	S 62°53'02" W 20.69'
9	4°25'03"	2790.00'	215.11'	107.61'	S 83°18'56" W 215.05'	22	44°56'43"	195.00'	152.97'	80.66'	S 39°48'12" W 149.07'
10	131°00'29"	50.00'	114.33'	109.74'	N 16°03'49" E 91.00'	23	11°56'02"	2790.00'	581.12'	291.62'	S 83°39'00" W 580.07'
11	29°23'24"	25.00'	12.82'	6.56'	N 34°44'44" W 12.68'	24	89°56'52"	25.00'	39.25'	24.98'	N 57°20'35" W 35.34'
12	4°05'34"	2790.00'	199.29'	99.69'	S 87°34'15" W 199.25'	25	29°41'59"	195.00'	101.08'	51.70'	N 02°28'51" E 99.95'
13	18°47'58"	25.00'	8.20'	4.14'	N 10°39'02" W 8.17'	26	93°01'01"	25.00'	40.59'	26.35'	S 23°01'02" W 36.27'



**RESIDUE PARCEL**  
 2,618,855 Sq.Ft.  
 or 60.1206 Acres  
 P/O HFD10P2  
 BC PARTNERS, INC.  
 DB. 850 PG.470  
 FUTURE SECTION

**LINE DATA**

NO.	BEARING	DISTANCE
L1	N 68°07'18" E	39.59'
L2	N 61°04'55" E	112.03'
L3	N 54°34'10" E	125.69'



**NOTES:**

- BUILDING SETBACK LIMITS ARE AS FOLLOWS. FRONT 25, REAR 20', SIDE 12'. AS SHOWN HEREON. ACCESSORY STRUCTURES UNDER 144 SQUARE FEET IN SIZE SHALL HAVE A 6' SETBACK LIMIT. ATTACHMENTS TO UNITS MAY NOT PROJECT INTO REQUIRED YARD MORE THAN 4' WIDTH, 10' LENGTH MAXIMUM EXCEPT AS PROVIDED BY EXCEPTION WITHIN ARTICLE 9 OF THE JEFFERSON COUNTY ZONING ORDINANCE.
- ALL LOTS TO HAVE ACCESS THROUGH INTERIOR SUBDIVISION ROADS ONLY.
- EACH PARCEL SHOWN ON THIS PLAT SHALL BE RESTRICTED TO A SINGLE FAMILY RESIDENCE ONLY UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION IN CONFORMANCE WITH THE PREVAILING COUNTY LAND DEVELOPMENT LAWS.
- DRIVEWAY CULVERTS TO BE 15" ROUND CMP OR EQUIVALENT ARCH CMP UNLESS NOTED OTHERWISE OR DEEMED NOT NECESSARY BY THE COUNTY ENGINEER.
- PER SECTION 8.2.9.22, A BLANKET EASEMENT, WITHIN ALL PROPOSED RIGHT-OF-WAYS, SHALL BE GRANTED TO THE APPROPRIATE PUBLIC SERVICE DISTRICT FOR CONSTRUCTION OF UTILITIES.
- THERE ARE NO FLOOD ZONES WITHIN PHASE 1A PER FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 540065 0035 C.
- PER ARTICLE 12 "LAND FOR PARKS AND RECREATION", DWELLING UNITS PER ACRE DETERMINES THE PERCENTAGE OF OPEN SPACE REQUIRED, FOR ENTIRETY OF PHASE 1A, 45/22.8 AC. = 1.97 UNITS / ACRE. THEREFORE, NO OPEN SPACE IS REQUIRED.
- A HOMEOWNERS ASSOCIATION MUST BE ESTABLISHED WITHOUT DELAY AS SOON AS 50% OF THE LOTS ARE SOLD. MEMBERSHIP IN THE ASSOCIATION IS MANDATORY FOR ALL LOT OWNERS WITHIN THE SUBDIVISION. ALL DEVELOPERS SHALL DEDICATE ALL COMMON LANDS (SWIM BASIN, ROADS, RIGHTS-OF-WAY, ETC.) TO THE HOMEOWNER'S ASSOCIATION.
- A COMMON INTEREST OWNERSHIP AGREEMENT MUST BE ESTABLISHED TO PROVIDE FOR THE MAINTENANCE OF COMMONLY-OWNED LAND, INCLUDING, BUT NOT LIMITED TO THE PRIVATE ROAD SYSTEM WITHIN THE SUBDIVISION. THIS COMMON INTEREST OWNERSHIP AGREEMENT MUST BE DEVELOPED IN ACCORDANCE WITH THE UNIFORM COMMON INTEREST OWNERSHIP ACT OF WEST VIRGINIA.
- ONCE A HOMEOWNER'S ASSOCIATION IS FORMED. THEY SHALL PETITION THE COUNTY COMMISSION TO ADOPT A "LEASH LAW."
- NO MODEL HOMES SHALL BE PLACED ON ANY LOTS SHOWN HEREON, MODEL HOME LOCATIONS SHALL BE LIMITED ON PLAT ENTITLED, "LOTS 23-45 & PARCELS A AND B, BRECKENRIDGE EAST, PHASE 1A" AND RECORDED AMONG THE LAND RECORDS OF JEFFERSON COUNTY, WEST VIRGINIA AS BOOK 25 AT PAGE 188.
- MAIL BOX KIOSK AND SCHOOL BUS DROP SHALL BE PROVIDED VIA PROPOSED PARKING AREA LOCATED ON PARCEL A: AT THE CORNER OF PERUVIAN DRIVE AND HALLOWED DREAMS COURT.
- CORNERS ARE TO BE SET WITH 5/8" x 30" REBARS WITH I.D. CAPS UNLESS NOTED OTHERWISE.
- ELECTRIC AND TELEPHONE SERVICE TO BE UNDERGROUND.
- ROOF DRAINS SHALL DISCHARGE TO AREAS DESIGNATED OR GRADED TO SAFELY CARRY WATER AWAY FROM DWELLINGS.
- MAINTAIN TREES IN NATURAL CONDITION THROUGHOUT SUBDIVISION WHEREVER POSSIBLE.
- IN ACCORDANCE WITH SECTION 4.1 OF THE IMPROVEMENT LOCATION PERMIT ORDINANCE INDIVIDUAL LOTS WILL HAVE STABILIZED CONSTRUCTION ENTRANCES DURING HOUSE CONSTRUCTION ON THE LOTS.
- LOTS ARE SERVED BY WATER AND SEWER LINES. PRIVATE WELLS AND SEPTIC ARE PROHIBITED.
- WV DOH HIGHWAY ENTRANCE PERMIT # 5-06-0110 & 5-06-0111
- WV HEALTH DEPARTMENT SEWER SYSTEM PERMIT #18392 & WATER SYSTEM PERMIT # 18289.
- ALL EXISTING, PROPOSED AND FUTURE EASEMENTS OF WHICH THE SURVEYOR HAS BEEN ADVISED, ARE SHOWN ON THE PLATS.
- THERE ARE NO WETLANDS, SPRINGS, OR WOODED AREAS WITHIN THIS SECTION (PHASE 1A) OF BRECKENRIDGE EAST; PER ONSITE OBSERVATION AND JEFFERSON COUNTY WETLAND MAPPING.
- ALL STREET SIGNS WILL BE IN COMPLIANCE WITH THE JEFFERSON COUNTY E9-1-1 ADDRESSING ORDINANCE.
- NO STRUCTURES, FENCES OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
- THE PARTIES HERETO STATE AND ACKNOWLEDGE THAT SAID ACCESS ROAD OR ACCESS EASEMENT IS PRIVATE AND ITS MAINTENANCE, INCLUDING SNOW REMOVAL, IS NOT A PUBLIC RESPONSIBILITY OR RESPONSIBILITY OF JEFFERSON COUNTY, WV.
- AREAS DEDICATED FOR SCHOOL BUS SHELTER, MAIL BOX CLUSTER AND STORMWATER MANAGEMENT EASEMENT ARE DEDICATED ON PLAT BOOK 25, PAGE 188.

**FINAL PLAT showing  
 Lots 10-22 and Residue  
 Breckenridge East Phase 1A**

**Harpers Ferry District - Map 10  
 Jefferson County, WV**  
 DATE: July 30, 2015 Scale 1" = 50'  
 Map 10 P/O Parcel 2 DB.850 PG.470

**SOLTESZ**  
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4.2 for review print





# 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)

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

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### MEMO

**To:** Jefferson County Planning Commission

**From:** Jennifer M. Brockman, AICP  
Director of Planning and Zoning

**Date:** August 11, 2015

**RE:** Proposed amendment to the Jefferson County Zoning and Land Development Ordinance creating a new Section 8.16 Campgrounds (ZTA 15-02), and Proposed amendments to the Jefferson County Subdivision and Land Development Regulations regarding the development of Campgrounds (STA15-04)

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On July 14, 2015, the Jefferson County Planning Commission reviewed the citizen-based committee's recommended language regarding rural campground facility standards and processes for both the Jefferson County Zoning and Land Development Ordinance and Jefferson County Subdivision and Land Development Regulations and staff comments on the same. Attached are the edits made by the Planning Commission at that meeting. The changes were incorporated into the red-lined version being prepared for public input at a public hearing scheduled for September 8, 2015.

This draft version was sent to KOA as a local campground in a commercial zone for feedback related to any significant issues that the proposal may cause. An e-mail response with their comments and questions are also attached behind the final Planning Commission version.

#### Attachments

- ❖ ZTA15-02 Proposed amendments to Jefferson Co. Zoning Ordinance (redlined for public hearing)
- ❖ STA15-04 Proposed amendments to Jefferson Co. Subdivision Regulations Ordinance (redline for public hearing)
- ❖ Comments received on both ZTA 15-02 and STA 15-04 from KOA

**Proposed Amendments (ZTA 15-02) to  
Jefferson County Zoning and Land Development Ordinance  
Amendments adopted by the County Commission, June 1, 2014**

**ARTICLE 2: DEFINITIONS**

**Section 2.2 Terms Defined**

Campground<sup>27</sup> An area or premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by tourists occupying camping units such as trailers, self-propelled campers, tents, cabins and/or lodges. A campground 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). All campgrounds shall comply with the defined uses and regulations in Section 8.16 of this Ordinance and relevant sections of the Subdivision Regulations.

Campsite or Campsite Pad Any plot of land within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

**ARTICLE 8: SUPPLEMENTAL USE REGULATIONS<sup>23</sup>**

**Section 8.16 Campgrounds**

Campground facilities provide tourism related accommodations for visitors to Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC) and Rural (R) zoning districts.

A. The following uses are identified as Permitted Uses within a campground:

1. Campsites, cabins, campers and recreational vehicles sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year.
3. Caretaker residence
4. Shelters, gathering halls, bathhouses, pools, recreational areas and other uses related to the campground.
5. Campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers.
6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

## B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet all of the following setbacks.
  - a. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.
  - b. All camp sites shall be located a minimum of 200' from existing residential dwellings.
  - c. All camp sites shall be visually screened from existing residential dwellings within 500'.
  - d. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.
  - e. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.
2. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards.
3. Camp sites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
4. Campgrounds may be served by well and drain fields in accordance with Jefferson County Health Department regulations.

## C. Regulatory Approval

1. Campground uses must submit a Concept Plan and be approved by the Planning Commission pursuant to a public hearing.
2. Upon approval of the Concept Plan a site plan must be processed in accordance with Jefferson County regulations.
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23, 27</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses Continued</b>													<b>Sec. 8.9</b>
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
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	
Bar	P	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	PC	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	NP	NP	NP	P	P	NP	
Campground	<u>NP</u> <u>PC</u>	P	NP	NP	NP	<u>NP</u> <u>P</u>	NP	<u>P</u> <u>NP</u>	NP	P	P	NP	Sec. 8.16
Car Wash	NP	P	P	P	PC	P	P	NP	<del>NP</del>	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	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	NP	NP	NP	P	P	NP	
Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	NP	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	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	PC	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	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	PC	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	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	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	NP	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	NP	P	NP	NP	NP	P	P	NP	

**Proposed Amendment (STA15-04) to  
Subdivision and Land Development Regulations  
(Effective January 1, 2014)**

C

**Campground.**

An area or premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by tourists occupying camping units such as trailers, self-propelled campers, tents, cabins and/or lodges. A campground 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). All campgrounds shall comply with the defined uses and regulations in Section 8.16 of the Zoning Ordinance and relevant sections of these Regulations.

**Campsite Pad.**

Any plot of land within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

**Division 7.0 Mobile/Manufactured Home Parks ~~& Campgrounds~~**

---

**Section 7.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 7.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Mobile/Manufactured home parks ~~and campgrounds~~ are subdivisions with special requirements of their own. The provisions of Division 7.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 7.0, then the requirement of Division 7.0 shall apply.

**Division 8.0 Campgrounds**

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**Section 8.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.

**Section ~~8.27.3~~ Campground Requirements**

- A. The following provisions supplement the provisions of the Jefferson County Zoning

Ordinance.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, JC Engineering)
2. Storm water quality and quantity control (JC Engineering)
3. Erosion and sediment control (WVDEP, JC Engineering)
4. Zoning Ordinance compliance (JC Planning and Engineering)
5. Wells and drain fields (JC Health Department)
6. Public water and sewer (JC Engineering Department, JC Public Service District, WV Health Department)

If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. [West Virginia Regulations pertaining to Campgrounds apply to all facilities.](#)

B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.16 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of ~~1,500~~ 1,200 square feet not to include road ~~rights-of-way easement~~.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road ~~right-of-way easement~~.
4. ~~No more than 15 campsites per acre are permitted.~~
5. ~~C.~~ Each campsite shall provide an adequate ~~stand-pad~~ stand pad for the placement of a camping unit. A campsite ~~padstand~~ shall be at least 15 feet by 25 feet in size, shall be flat, ~~and~~ shall not exceed a 3 percent slope in any direction, and shall be separated from all other campsite pads by 20 feet.

~~No more than one camping unit shall be placed on or above a campsite.~~

~~D. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations as determined by the Planning Commission.~~

~~C.E.~~ Road and Access Requirements

1. Campground roads that serve less than 300 vehicle trips per day shall meet the following standards:
  - a. Existing roads may be used to access campsites without meeting road standards.
  - b. May have asphalt or gravel surface.
  - c. 12 foot width with 3 foot pull-off areas that allow larger vehicles to pass.
  - d. Maximum slope 15%
  - e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
  - f. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
2. Campground roads that serve more than 300 vehicle trips per day:
  - a. May have asphalt or gravel surface

- b. 15 foot minimum width.
- c. Maximum slope 15%
- d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
- e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.

~~Main entrance and primary looping roads—as determined by the County Engineer—within a campground, shall be minimum 22 feet wide asphalt paved with shoulders and ditch lines, the same as the asphalt roadway requirements of Appendix B, Section 2.2.C.2.b, *Residential Subdivision with more than 12 lots.*~~

~~F. Roads within a campground that are not main entrance or primary looping roads—as determined by the County Engineer—shall be a minimum of 20 feet wide gravel with shoulders and ditch lines are required, the same as the gravel roadway requirements of Appendix B, Section 2.2.C.2.a, *Residential Subdivision with a maximum of 12 lots.*~~

D.G. Parking Requirements

- 1. Campsites accessed by vehicles shall provide one level parking area at each site.
- 2. If parking is not provided at the camp site, one space per camp site shall be provided in a common parking area.
- 3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.
- 4. Convenient off-street parking shall be provided at the rate of 1 space at each campsite; plus 3 additional spaces for each 50 campsites to be located at or near the campground office. In the public parking area, each ~~Each~~ parking space shall have a minimum dimension of 9 feet by 20 feet. As a minimum, designated parking areas shall be surfaced according to the surfacing requirements for gravel roads. Designated parking areas may not be used for overnight camping or occupancy.

E.H. Sanitation

- 1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
- 2. A campsite may contain any combination of water, sewerage or electrical connections; or trash collection. If not provided at campsites, water and sewerage facilities and sanitary covered trash receptacles must be provided at convenient comfort stations within 500' of all campsites.

~~Each campsite shall be provided with a sanitary, covered garbage can.~~

- 3. I.—A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility.
- 4. J.—As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed ~~plus 25 percent again to accommodate the tent area (if any)~~, plus capacity to accommodate any public buildings an allowance for a sewerage dump station and a water refill station.

F.K. All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.

- ~~L. Road rights of way in a campground shall be a minimum of 50 feet in width.~~
- ~~M. One-way roads shall be at least 12 feet in width with 3-foot wide gravel shoulders. Drainage ditch lines 1-1/2 feet deep shall be provided at a 4:1 slope from the edge of the shoulder, with a 2:1 return slope back to existing grade.~~
- N. Fire Pits (if provided) for campsite must be shown on the site plan. A detail of the fire pit must also be provided.
- O. Camping associated with short term, temporary uses, approved by the appropriate Jefferson County board or agency, are not subject to these regulations.

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## **Division 11.0 8.0 – Non-Residential Subdivisions**

### **Section 11.1 8.1 General**

Non-residential subdivisions shall be subject to all requirements of the Subdivision Regulations except for those requirements which are specifically intended for residences (e.g. Land for Parks and Schools) as determined by staff.

## Rhonda Greenholtz

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**From:** Jennifer Brockman <jbrockman@jeffersoncountywv.org>  
**Sent:** Thursday, August 06, 2015 3:57 PM  
**To:** rgreenholtz@jeffersoncountywv.org  
**Subject:** FW: proposed campground regulations  
**Attachments:** ZTA15-02 Campgrounds revisions for 081115 PC meeting draft72315.rtf; STA15-04 Campgrounds revisions for 081115 PC mtg draft 72315.docx

For the 8/11 PC packet

Jennie Brockman  
Director, Planning and Zoning

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**From:** Al Johnson [<mailto:aljohnson@racpack.com>]  
**Sent:** Thursday, August 06, 2015 11:45 AM  
**To:** [jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)  
**Cc:** Jessie Getman  
**Subject:** proposed campground regulations

Dear Ms. Brockman

Thank you for this opportunity to provide input on your proposed regulations. I am sorry to be later than you requested in your note to Jessie and I hope these comments will be found to be useful.

I have made comments within the proposed documents, attached. In general, I would direct you to the national standard for RV Parks in NFPA 1194. These standards are developed by consensus through a panel of governmental regulators, RV manufacturers, fire professionals, engineers, and park operators. Then they are ratified by the American National Standards Institute (ANSI). As more and more jurisdictions adopt the national standards, campers can be more confident about what they find as they travel around the country and park owners are not left at a competitive disadvantage.

As you will see in the attachments, the length of stay provision is the most damaging and puzzling.

Please let me know if I can provide any other information. Thanks again for the opportunity.

J. Alan Johnson  
Executive Vice President



**Proposed Amendments (ZTA 15-02) to  
Jefferson County Zoning and Land Development Ordinance  
Amendments adopted by the County Commission, June 1, 2014**

**ARTICLE 2: DEFINITIONS**

**Section 2.2 Terms Defined**

Campground<sup>27</sup> An area or premises in single ownership I am not sure what the implications of "in single ownership" are operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by tourists occupying camping units such as trailers, self-propelled campers, tents, cabins and/or lodges. A campground 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). All campgrounds shall comply with the defined uses and regulations in Section 8.16 of this Ordinance and relevant sections of the Subdivision Regulations.

Campsite or Campsite Pad Any plot of land within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

**ARTICLE 8: SUPPLEMENTAL USE REGULATIONS<sup>23</sup>**

**Section 8.16 Campgrounds**

Campground facilities provide tourism related accommodations for visitors to Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC) and Rural (R) zoning districts.

A. The following uses are identified as Permitted Uses within a campground:

1. Campsites, cabins, campers and recreational vehicles sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year. I am not sure where this comes from. It is clearly out of step with the industry in general and would be extremely damaging to our business. We have a whole section of the camp for people who stay by the month. They have various reasons: some are full-time RVers who want to explore the area in depth, others have short-term work in the area. Some are staying for medical treatment in the area while others live at the park temporarily while they are building a home in the area. Campers don't establish residency and are all considered transient guests. HUD even specifies that RVs are not considered housing. The campground should determine the length of stay limits, if any, for their guests. Does the county have a similar stay limit for any other types of guest accommodations?

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3. Caretaker residence
4. Shelters, gathering halls, bathhouses, pools, recreational areas and other uses related to the campground. *It might be helpful to specifically include retail stores and food service in this section. Both are very common in modern RV parks.*
5. Campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers.
6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

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#### B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet all of the following setbacks.
  - a. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.
  - b. All camp sites shall be located a minimum of 200' from existing residential dwellings. *This seems excessive.*
  - c. All camp sites shall be visually screened from existing residential dwellings within 500'. *Does this 500' screening provision apply to all other commercial uses within the zones? Motels, inns, B&Bs, reswtaurants, etc.? If not, why is this industry singled out?*
  - d. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.
  - e. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.
2. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards.
3. Camp sites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
4. Campgrounds may be served by well and drain fields in accordance with Jefferson County Health Department regulations.

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#### C. Regulatory Approval

1. Campground uses must submit a Concept Plan and be approved by the Planning Commission pursuant to a public hearing.
2. Upon approval of the Concept Plan a site plan must be processed in accordance with Jefferson County regulations.
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23, 27</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses Continued</b>													<b>Sec. 8.9</b>
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
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	
Bar	P	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	PC	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	NP	NP	NP	P	P	NP	
Campground	NP PC	P	NP	NP	NP	NP P	NP	P NP	NP	P	P	NP	Sec. 8.16
Car Wash	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	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	NP	NP	NP	P	P	NP	
Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	NP	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	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	PC	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	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	PC	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	NP	NP	P	P	NP	
Kennel	NP	P	P	P	PC	P	P	NP	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	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	NP	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	NP	P	NP	NP	NP	P	P	NP	

**Proposed Amendment (STA15-04) to  
Subdivision and Land Development Regulations  
(Effective January 1, 2014)**

C

**Campground.**

An area or premises in single ownership What does “in single ownership” mean? operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by tourists occupying camping units such as trailers, self-propelled campers, tents, cabins and/or lodges. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy. Occupancy can be year-round without being permanent. Campers are transient guests and are not permanent residents whether they stay a few nights, a few months, or a year. The KOA is open year-round and is designed for winter, as well as summer, occupancy. Some guests come for holidays in the winter and some are simply on the road and need a stopover., and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.16 of the Zoning Ordinance and relevant sections of these Regulations.

**Campsite Pad.**

Any plot of land within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

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**Division 7.0 Mobile/Manufactured Home Parks & Campgrounds**

**Section 7.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 7.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Mobile/Manufactured home parks ~~and campgrounds~~ are subdivisions with special requirements of their own. The provisions of Division 7.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 7.0, then the requirement of Division 7.0 shall apply.

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**Division 8.0 Campgrounds**

**Section 8.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and

Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.

### Section 8.27.3 Campground Requirements

A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, JC Engineering) *but not necessarily direct access*
2. Storm water quality and quantity control (JC Engineering)
3. Erosion and sediment control (WVDEP, JC Engineering)
4. Zoning Ordinance compliance (JC Planning and Engineering)
5. Wells and drain fields (JC Health Department)
6. Public water and sewer (JC Engineering Department, JC Public Service District, WV Health Department)

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If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. West Virginia Regulations pertaining to Campgrounds apply to all facilities.

B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.16 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of ~~1,500~~ 1,200 square feet not to include road ~~rights-of-way~~ easement. *I get the intent, but there isn't really a road easement within a campground. Maybe it would be better to end the clause after "road".*
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road ~~right-of-way~~ easement. *I propose that campground roads be shown in an approved drawing or layout to the planning and zoning department, but not that such roads should be platted, especially since lots are not allowed to be sold anyway.-*
4. No more than 15 campsites per acre *of the total development* are permitted. *Some areas within a park may be more dense while others are more widespread, but this is okay for overall density, ie. 150 sites on ten acres.*
5. ~~C.~~ Each campsite shall provide an adequate ~~stand-pad~~ pad for the placement of a camping unit. A campsite ~~padstand~~ pad shall be at least 15 feet by 25 feet in size, shall be flat, ~~and~~ shall not exceed a 3 percent slope in any direction, and shall be separated from all other campsite pads by 20 feet. *Size of pad and proximity aside, the slope on a site should be up to the park owner. He needs to please his guests, but that decision is not a planning department concern. For example, a cabin or lodge might fit on an unlevel site and be perfectly pleasing to guests. See some of the cabin sites at the KOA for example.*

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~~No more than one camping unit shall be placed on or above a campsite.~~

~~D. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations as determined by the Planning Commission.~~

C.F. Road and Access Requirements

1. Campground roads that serve less than 300 vehicle trips per day shall meet the following standards:
  - a. Existing roads may be used to access campsites without meeting road standards.
  - b. May have asphalt or gravel surface.
  - c. 12 foot width with 3 foot pull-off areas that allow larger vehicles to pass.
  - d. Maximum slope 15%
  - e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
  - f. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
2. Campground roads that serve more than 300 vehicle trips per day:
  - a. May have asphalt or gravel surface
  - b. 15 foot minimum width.
  - c. Maximum slope 15%
  - d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
  - e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.

~~Main entrance and primary looping roads as determined by the County Engineer within a campground, shall be minimum 22 feet wide asphalt paved with shoulders and ditch lines, the same as the asphalt roadway requirements of Appendix B, Section 2.2.C.2.b, Residential Subdivision with more than 12 lots.~~

~~F. Roads within a campground that are not main entrance or primary looping roads as determined by the County Engineer shall be a minimum of 20 feet wide gravel with shoulders and ditch lines are required, the same as the gravel roadway requirements of Appendix B, Section 2.2.C.2.a, Residential Subdivision with a maximum of 12 lots.~~

D.G. Parking Requirements

1. Campsites accessed by vehicles shall provide one level parking area at each site.
2. If parking is not provided at the camp site, one space per camp site shall be provided in a common parking area.
3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.
4. ~~Convenient off street parking shall be provided at the rate of 1 space at each campsite; plus 3 additional spaces for each 50 campsites to be located at or near the campground office. In the public parking area, each~~ Each parking space shall have a minimum dimension of 9 feet by 20 feet. As a minimum, designated parking areas shall be surfaced according to the surfacing requirements for gravel roads. Designated parking areas may not be used for overnight camping or occupancy.

E.H. Sanitation

1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
2. A campsite may contain any combination of water, sewerage or electrical connections; or trash collection. If not provided at campsites, water and sewerage

facilities and sanitary covered trash receptacles must be provided at convenient comfort stations within 500' of all campsites. *Or garbage in bags may be picked up at each site daily as a service at the parks option? This is a very common practice.*

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~~Each campsite shall be provided with a sanitary, covered garbage can.~~

3. ~~I.~~—A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility. *The NFPA 1194 National Code for RV Parks states: “One sanitary disposal station shall be provided for each 100 recreational vehicle sites, recreational park trailer sites, and combinations or parts thereof that are not equipped with individual sewer connections.” One dump station for each 40 sites within a park is clearly excessive.*

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4. ~~J.~~—As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed ~~plus 25 percent again to accommodate the tent area (if any),~~ plus capacity to accommodate any public buildings ~~an allowance for a sewerage dump station and a water refill station.~~

~~E.K.~~ All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.

~~L.~~—Road rights-of-way in a campground shall be a minimum of 50 feet in width.

~~M.~~—One-way roads shall be at least 12 feet in width with 3-foot wide gravel shoulders. Drainage ditch lines 1 1/2 feet deep shall be provided at a 4:1 slope from the edge of the shoulder, with a 2:1 return slope back to existing grade.

~~N.~~ Fire Pits (if provided) for campsite must be shown on the site plan. A detail of the fire pit must also be provided.

~~O.~~ Camping associated with short term, temporary uses, approved by the appropriate Jefferson County board or agency, are not subject to these regulations.

## Division **11.0 8.0** – Non-Residential Subdivisions

### Section **11.1 8.1** General

Non-residential subdivisions shall be subject to all requirements of the Subdivision Regulations except for those requirements which are specifically intended for residences (e.g. Land for Parks and Schools) as determined by staff.



# Jefferson County, West Virginia

## Departments of Planning and Zoning

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## Director's Report Planning Commission Meeting August 11, 2015

### **1) Status of Planning Commission Ordinance and Regulations Amendments:**

#### **a) Campgrounds:**

- i. Finalized draft edits of the proposed amendments to the Zoning and Land Development Ordinance and the Land Development and Subdivision Regulations regarding Campgrounds distributed today
- ii. Referred to PC by Committee in May; reviewed and edits by PC in July
- iii. Public Hearing tentatively scheduled for September 8, 2015

#### **b) Major and Minor Subdivision and Site Plan Process:**

- i. Draft red-line edits created by a citizen based committee for the Proposed Amendments to the Major and Minor process in the Subdivision and Site Development Regulations distributed today
- ii. Referred to PC by Committee in July; PC to review in September and schedule Public Hearing
- iii. Committee presentation and Commission discussion and recommendation tentatively scheduled for September 22, 2015

#### **c) Mass Events Ordinance (#ZTA 14-02):**

- i. Proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) referred back to the Planning Commission by the County Commission in May 2015
- ii. PC determined to wait until after the All Good Festival 2015 After-Action Report is complete for input into the draft ordinance
- iii. Discussion and recommendation tentatively scheduled for September 22, 2015

#### **d) LESA/Conditional Use and Cluster Subdivision Provision Modifications**

- i. Initiation of draft amendments to Jefferson County Land Development and Zoning Ordinance regarding recommendations of the *Envision Jefferson 2035 Comprehensive Plan* regarding modifications to the LESA/Conditional Use provisions of the as well as modifications to the Cluster Subdivision provisions of the Rural Zoning District (pages 38-40 of the *2035 Plan*)

- ii. Discussed at May PC meeting as a priority recommendation from the *2035 Plan*
- iii. Staff held a meeting with Legal on August 5, 2015 to discuss the procedure for these amendments and whether state law requires county-wide mailed notification
- iv. Staff will prepare a document for Legal which highlights which sections of the Ordinance will require amending by 8/28/15. Legal will then determine the notice requirements of the state law and work with the County Commission to determine the appropriate next steps
- v. Planning Commission should consider hosting a workshop with representatives of the agricultural community in October to collaborate on the proposed amendments recommended by the *2035 Plan*

**e) Historic Resource Demolition and Adaptive Reuse**

- i. Proposed amendment to the sections of the Ordinance relative to the demolition of and adaptive reuse of historic resource sites
- ii. Discussed at May PC meeting as a project to undertake
- iii. Staff work session with representatives from the building department for input regarding the requirements of State law pertaining to this issue is being scheduled

**f) Article 12 Zoning Ordinance**

- i. Amendments required to Section 12.2C, 12.2D and 12.3 to bring it into conformance with the requirements of WV Code 8A
- ii. Discussion and recommendation tentatively scheduled for September 22, 2015

**g) Other Text amendments needed:**

- i. Parking Standards – tentative timeframe?
- ii. Landscape Standards – tentative timeframe?
- iii. Signage – tentative timeframe?

**2) An article from the Washington News Post (attached):**

*The Old Suburban Office Park is the new American ghost town*

**3) Upcoming PC meetings**

a) Next Regular Meeting: **September 8, 2015**

- Public Hearing: Charles M. Carter Zoning Map Amendment
- Public Hearing: Zoning/Subdivision Regulations Text Amendment re: Campgrounds

b) Planning Commission Work Session: **September 22, 2015** (requires action by PC or PC President to set date)

- Major and Minor Subdivision and Site Plan Process:

Presentation by Citizen Committee and Planning Commission discussion of draft red-line proposed amendments to the Major and Minor process in the Subdivision and Site Development Regulations for the purpose of finalizing a draft for a Public Hearing

- Mass Events Ordinance (#ZTA 14-02):  
Review and discussion of proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) referred back to the Planning Commission by the County Commission in May 2015; discussion of After-Action Report with specific invited County agencies to consider in review of draft ordinance.
- Article 12 Zoning Ordinance  
Review and discussion of proposed amendments required to Section 12.2C, 12.2D and 12.3 to bring it into conformance with the requirements of WV Code 8A



MEMORANDUM

TO: Steve Stolipher, President, Jefferson County Planning Commission

FROM: Committee on Subdivision and Site Plan Process Ordinance Amendments *PSR*

SUBJECT: Draft of Proposed Amendments to the Subdivision and Site Development Ordinance

DATE: July 29, 2015

As you are aware, this Committee has been working diligently on proposed ordinance amendments for the processing of Subdivisions and Site Plans. The Committee has met for many months to come up with reasonable amendments to the process that would both streamline an application while keeping the Public involved and informed during the process.

The Committee understood that our task was to come up with a more workable process for plan and plat approvals that more closely reflected the intent of the West Virginia State Code and the experiences of the last several years of processing plans. When the Subdivision/Site Development Ordinance was adopted in 2008, the procedures for processing developments were incorporated into the document without much direction from a very vague new enabling legislation.

Although the Enabling Legislation does not contain a lot of public participation, the Committee felt that it served both the Public and the Applicant if the Concept Plan stage remained in the early stages of the plan approval process. Accordingly, the proposed amendments should achieve a balanced approach to public participation along with quicker processing times.

While the State Code makes it difficult to make the process perfect, the Committee believes that it succeeded with their task. The active participants of the Committee included: Suzanne Malesic; Katy Fidler; Mike Shepp; Michael Boyle; Debra Lee Hovatter; and, Paul J. Raco.

As discussed with Staff, the Committee would like the draft of the proposed amendments distributed to the Planning Commission at your August 11, 2015 meeting, but would hope for time in a September meeting to discuss the amendments with you. Ideally, we discussed the possibility of scheduling a second meeting in September to adequately address the amendments.

We appreciate the opportunity that we had to work on this important matter and hope that we can continue on the project until the final version is adopted. Thank you.

cc: Jennie Brockman, AICP, Director of Planning and Zoning

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JUL 29 2015

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING



**M**

**Maintenance Guarantee.** A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to these Regulations or to maintain same.

**Major Change.** A change to the plan that increases density or floor area, decreases open space, *bufferyards*, or which alters the alignment or layout of streets by more than five feet. For conditional approvals granted prior to the effective date of these Regulations, any proposed use not contained in the original advertisement shall be considered a major change.

**Major Site Plan<sup>3</sup>.** A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where new all structures or new additions located on the parcel are equal to or total more than 250,000 square feet or more of GFA on any site;
  - except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- C. ~~Apartment or multi-family development of ten or more dwelling units~~; or
- D. A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

**Major Subdivision Plat.** A plat that proposes subdivision of land, whether residential or non-residential, that requires the development of streets (public or private) or rights-of-way access to the lots, or common area and/or includes the creation of more than five lots that take access to an existing public street.

**Manufactured Home.** Housing built in a factory according to the federal manufactured home construction and safety standards effective June 15, 1976. (Source: *W.Va. Code §8A-1-2(r)*)

**Mean Sea Level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum to which base flood elevations shown on a community's flood Insurance Rate Map are referenced.

**Mean Surface Water Elevation.** The observed limit of dry weather flow elevation in a *watercourse* or mean high water level in tidal areas.

**Minimize.** To reduce to the smallest amount possible using *Best Management Practices*. "Minimize" shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized. With respect to activities, the conduct of which is adverse to the conservation of the natural features of land, the requirement to "minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, sedimentation and erosion control devices, and earthmoving activities shall be planned and designed so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible under the circumstances consistent with the otherwise permitted development.

**Minor Change.** A change to the plan that does not increase density or floor area, does not decrease open space, bufferyards, or parking, or does not *alter* the alignment or layout of streets by more than five feet.



**Minor Site Plan**<sup>1&3</sup>. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

- A. Building(s), both new and additions to existing, where new all structures or new additions to structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all structures located on the parcel total more than 5,000 and less than ~~50,000~~ 5 million square feet gross floor area (GFA) on any site shall:
  - Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
  - In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
  - ~~Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one-time expansion up to 25,000 square feet gross floor area with a concept plan public workshop.~~
- B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub-Section A of this definition does not apply to this provision;<sup>1</sup>
- C. Apartment or multi-family development, ~~of nine or less dwelling units.~~

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.<sup>3</sup>

**Minor Subdivision Plat.** A plat that will not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure, that proposes subdivision of land into five or less lots including the parent parcel.

**Mitigation.** Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

**Moderately Vulnerable Area.** An area where the combination of soils, subsurface conditions, geologic features, hydrology, population density, and Source Water Protection Areas makes the aquifer and groundwater moderately vulnerable to contamination. This area contains a lower intensity of the conditions found in a highly vulnerable area.

**Monument.** A stone or concrete boundary marker, as required by these Regulations, intended to fix the physical location of property lines.

**Subdivision Regulations**



(1) Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all new structures or additions to structures located on the parcel total more than 5,000 and less than ~~50,000~~ 250,000 square feet gross floor area (GFA) on any site shall:

- Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
- In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
- ~~Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one-time expansion up to 25,000 square feet gross floor area with a concept plan public workshop.~~

(2) Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Section 20.203 Sub-Section (1) does not apply to this provision;

(3) Apartment or multi-family development ~~of nine or less dwelling units.~~

Minor Site Development requires Stormwater Management Plans and stormwater management activities per the Jefferson County Stormwater Management Ordinance, as identified in A, B, C, and D within this Section.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this section; unless, development/redevelopment activity at the site triggers stormwater management policy as described in the Jefferson County Stormwater Management Ordinance.

- A. **No Site Plan or Stormwater Management Plan Required.** No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:
  1. The footprint of the addition or the new structure is less than 250 square feet; and
  2. No additional parking is required per Zoning Ordinance standards; and
  3. The disturbed area is no more than 3000 square feet.
- B. **Limited Site Plan and Stormwater Management Plan Addressing Quantity Only Required.** A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:
  1. An addition to an existing structure, or, ancillary to an existing use; and
  2. The footprint does not exceed 1600 square feet or 35% of the existing structure, whichever is smaller.
  3. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.<sup>2</sup>
- C. **Full Site Plan Required.** Any development which does not meet all of the criteria for a limited or rural site plan shall meet all the requirements of these Regulations and the appendices.
- D. **For site plans located in the rural zone, Rural Site Plan Required Standards may be utilized.**<sup>4</sup> A primary function of the Rural/Agricultural zoning district is to preserve the rural



**Sec. 24.105 Minor Site Plan Application – Determination**

- A. **General.** An applicant for a minor site plan, who does not schedule a pre-proposal conference, shall be subject to the procedures of this Section upon submittal of a copy of a site plan application and the corresponding fees to the Planning Commission. All minor site plans shall follow the site plan standards in Appendix A, *Plan & Plat Standards*.
- B. **Application Meeting.** Within seven days after the submission of the site plan, the applicant and the staff shall meet to discuss the proposed site plan and the criteria used to classify the proposal as minor. The applicant may choose to waive this meeting but shall do so upon submission.
- C. **Site Inspection.** The staff shall make a site inspection of the site plan.
- D. **Determination.** Within ten days after the submission of the site plan, the staff shall notify the applicant in writing that the proposed site plan has or has not been classified a minor site development. If the Staff determines that the site plan has been classified as a minor site development and is over 5,000 square feet as described in Section 20.201, then the project shall proceed with Section XXXX, Minor Site Plan Concept Plan. All other Minor Site Plans (under 5,000 sq. ft. and in Industrial/Business Park) shall proceed with Section XXXX (page 50D) Minor Site Plan Process After Concept Plan Direction (Page 50D).
- E. ~~Approval. Within ten days after the site plan has been classified as minor site plan, the staff shall approve, approve with conditions, or deny the site plan.~~

*(For minor site plan criteria see the definition, Site Plan, Minor and Sec. 20.201, Minor Subdivisions.)*

**Sec. XXXXX Minor Site Plan Concept Plan - Submission and Completeness Review<sup>2, 4</sup>**

The submission of a concept plan is a required step for minor site plans determined in Section 24.105. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission workshop.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the planning department. It shall be accompanied by the fee for concept plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.
  - 1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  - 2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*. Show or note if all features are addressed.



**3. Zoning Information. This shall include:**

- a. Determination of the zoning district in which the proposed site plan project is situated.
- b. Density calculations.
- c. Site resource map. (See definition)
- d. Use designations for all adjoining and confronting parcels.

**4. Proposal Description. This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is multifamily residential.**

**5. Traffic Impact Data. This shall include:**

- a. ADT figures for the adjoining or accessible State road.
- b. Trip generation figures based on the following table:

<u>USE</u>	<u>PEAK HOUR</u>	<u>AVERAGE DAILY</u>
<u>Townhouse</u>	<u>0.6</u>	<u>7.0 per d.u.</u>
<u>Mobile Home</u>	<u>0.6</u>	<u>5.0 per d.u.</u>
<u>Light Industrial</u>	<u>1.2</u>	<u>5.5 per 1000 s.f.</u>
<u>Industrial Park</u>	<u>0.99</u>	<u>7.0 per 1000 s.f.</u>
<u>Warehousing</u>	<u>1.63</u>	<u>4.9 per 1000 s.f.</u>
<u>Mini-warehousing</u>	<u>0.29</u>	<u>2.8 per 1000 s.f.</u>
<u>Office</u>	<u>2.82</u>	<u>17.7 per 1000 s.f.</u>
<u>Small Shopping Center</u>	<u>15.51</u>	<u>118.0 per 1000 s.f.</u>
<u>Convenience Market</u>	<u>54.80</u>	<u>625/1000 leasable s.f.</u>

- 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.
  - d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
  - e. If a use is not listed in the table above, the most current edition of the Institute of Transportation Engineers Trip Generation Manual or Handbook shall be referenced to determine appropriate trip generation figures.
- 6. A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the site plan.**<sup>4</sup>



- 7. Agency Reviews.** 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 scheduled 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 Sections 23.203 and 23.204. Applicant shall provide copy of letter sent to outside agencies to the Departments of Planning and Zoning with 7 days of submission of Concept Plan. If any review agency failed to respond, they shall be deemed by these Regulations to have approved the plan.
  - 8. Other Data.** Any other data or information the applicant believes will assist in the review.
  - 9. Other Reviews.** Any other staff or agency reviews of the plans.
  - 10. Adjoining Property.** The applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property. The adjoining and Homeowner's Associations shall be notified by staff of the date of the workshop.
- C. Review Content.** The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.
- D. Department.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (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 site plan submittal.
  2. Staff opinion as to whether the plan meets the site plan criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.
- E. WVDOH.** 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 plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.
- F. Traffic Impact.** The review shall indicate whether a traffic impact study will be required based on analysis required in 24.116.B.5.e.
- G. Public Services.** 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.
- H. Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.
- I. Approval.** 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
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that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.

- J. Effect.** At the time of submission, the concept plan shall be placed on the 1<sup>st</sup> regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in a local newspaper of general circulation in the area one time at least twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

**Sec. XXXX Minor Site Plan Concept Plan - Public Workshop**

At the scheduled Planning Commission meeting, the Planning Commission shall hold a public workshop to take public comments, concerns, and inputs on the proposed concept plan. This workshop is intended to provide the developer and the Planning Commission with said public input.

- A. Plan Presentation.** The developer shall make a short presentation of the plan.
- B. Agency Comments.** The staff shall briefly outline agency comments. The planning department shall specifically address whether the project can meet the standards of the Zoning Ordinance.
- C. Public Comment.** The public will be invited to comment. The Planning Commission shall direct participants to briefly cite concerns or ask questions of the Planning Commission. The intent of this procedure, like the Department comments, is to inform the developer and Planning Commission with regard to issues that should be addressed in the site plan and report such transportation or engineering matters.

**Sec. XXXX Minor Site Plan Concept Plan - Direction**

After the close of the public workshop, the Planning Commission shall, during their regular meeting or at a specific public meeting within 14 days, provide direction on the concept plan. If the Planning Commission decides to postpone action for 14 days, the workshop shall be closed for public comment; however the applicant or designated representative will be permitted to interact with the Planning Commission at that meeting to answer questions raised during the public comment at the workshop.

- A. Direction.** 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.
- B. Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions, unless they are proffered by the applicant.

**Effect.** The direction is to the developer to proceed to prepare a site plan (Section 24.119, *Major Site Plan Application – Submission and Completeness Review*). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

C.

## Section XXXX Minor Site Plan Process After Concept Plan Direction

- A. Formal Site Plan Submission. An Application, applicable fees, two copies of a Site Plan as outlined in Appendices A and B, 2 copies of Storm Water Management Calculations with Stormwater Narrative and all other applicable Site Plan support material can be submitted after the Concept Plan Direction is given by the Planning Commission.
- B. Required Elements. Within 7 days, Engineering Staff shall determine if the Site Plan and support material contain at least 70 percent of the required elements of a site plan submission.
- C. Staff Review Conference. Once Engineering Staff determines that the Site Plan contains 70 percent of the required elements, Staff shall place an advertisement in the Spirit of Jefferson noticing a Staff Review Conference will be held on the first available Staff Review Schedule held on the first and third Fridays of every month. This Staff Review Conference shall be open to the public, but will be conducted only between the Staff, applicant and Design Consultant. The Design Consultant is required to attend, or the Staff Review Conference will be postponed to the next available Staff Review Schedule on a first or third Friday of the month. The purpose of the Staff Review Conference is for the Staff, applicant and design consultant to exchange checklists, ideas, suggestions and questions regarding the applicable site plan regulations as it relates to the submitted site plan and support data.
- D. Site Plan Approval. Once the Staff Review Conference is held, the site plan will be exchanged back and forth between the design consultant and Staff via the approved checklist process until such time that the Staff believes that the site plan and support data meets all applicable local and state regulations. Once the Staff determines that the site plan meets all such regulations, the Staff shall approve the site plan and allow the project to proceed to bond the project under the current Jefferson County Bonding Policy. All Health Department, Highway Department, Public Service District, WVDEP and other applicable State and Local Agency Approvals shall be in place prior to the Staff's Approval.
- E. Site Plan/Checklist Approval Process. Under Section D above, the applicant may at any time request to be on the Planning Commission agenda pursuant to current agenda rules in order to request that the Planning Commission approve the site plan if the applicant believes that the site plan meets the site plan rules and regulations.
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**Sec. 23.203 County Agencies**

The following Jefferson County agencies are involved or may be involved in the subdivision and site development review process.

- A. **On-Site Water Supply and Sanitary Waste Disposal.** The Jefferson County Health Department and West Virginia Department of Health shall be responsible for the review of any on-site water supply or sanitary waste disposal for the proposed development. Approval needed at Preliminary Plat Stage.
- B. **Centralized Water Supply/Distribution and Sewage Collection/Treatment.** The Jefferson County Public Service District or other applicable local agency supplying centralized utilities, West Virginia Health Department, and WVDEP shall be responsible for the review and approval for any centralized sewer and water supply intended to serve the proposed development. Approval needed at Preliminary Plat Stage.
- C. **Jefferson County Historical Landmarks Commission.** This body shall submit a report and findings on whether historical resources exist on the site of the proposed subdivision of site development. If there are, they shall submit findings on whether the proposal meets the requirement of zoning with respect to such structures or places at Concept Plan Stage.
- D. **Jefferson County Parks and Recreation Department.** This body shall determine the adequacy of park, recreation, and trail facilities intended to serve a proposed residential development at Concept Plan stage.- This is a courtesy review for Park Planning Purposes.
- E. **Jefferson County Addressing/GIS Office.** This body shall verify adequacy of proposed addresses, road names, and names of subdivisions in accordance with Jefferson County E 9-1-1 Addressing Ordinance. Approval is needed at either Concept Plan or Preliminary Plat Stage.
- F. **Jefferson County Engineering Department.**<sup>4</sup> This body shall review and either approve or deny the Stormwater Management Plan relating to stormwater management.

**Sec. 23.204 Other Agencies**

The following are the responsibilities of other agencies:

- A. **West Virginia Division of Highways (WVDOH).** WVDOH is responsible for reviewing the site access and potential improvements to public roads at Preliminary Plat Stage.
- B. **Jefferson County Schools.** The Board of Education should determine the adequacy of school facilities intended to serve a proposed residential development at Concept Plan Stage. This is a courtesy review for School Planning purposes.-
- C. **Emergency Services.** Fire, police, and EMS providers should determine the adequacy of emergency response and lifesaving services provided to their respective service area if potentially affected by a proposed subdivision or development project at Concept Stage.-
- D. **U.S. Postal Service.** ~~The U.S. Postal Service shall determine which zip code wholly contains the new subdivision and acknowledge which postal delivery mechanism is approved when affected by a proposed subdivision or development project.~~ WVDEP. DEP approval for NPDES, SWPPP, GPP, and other applicable approvals (if required) are needed prior to Preliminary Plat Approval.

**Division 23.300 Planning Commission**

The County Planning Commission shall be the agency overseeing the review of subdivisions and site development. This is a function that grants limited authority for the approval. The duties are identified in W.Va. Code §8A-2-11 and the Planning Commission By-Laws.



**Sec. 24.106 Major Subdivision Concept Plan - Submission and Completeness Review<sup>2</sup>**

The submission of a concept plan is a required step for major subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission workshop.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the planning department. It shall be accompanied by the fee for a concept plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.
  - 1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  - 2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*. Show or note if all features are addressed.
  - 3. **Zoning Information.** 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.
  - 4. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
  - 5. **Traffic Impact Data.** This shall include:
    - a. Average Daily Trip figures for the adjoining or accessible State road.
    - b. Trip generation figures based on the following table:

<u>USE</u>	<u>PEAK HOUR</u>	<u>AVERAGE DAILY</u>
Single family	0.8	8.0 per d.u.
Detached	0.7	6.0 per d.u.
Townhouse	0.6	7.0 per d.u.
Mobile Home	0.6	5.0 per d.u.

START



- 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.
  - d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
  - e. 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 may will be required which includes generators, etc. or unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access improvements that are typically required by a traffic study, the traffic study shall not be required. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative. The traffic study or a letter from the West Virginia Division of Highways outlining proposed improvements shall be received prior to with the first submission of the preliminary plat approval.<sup>4</sup>
6. **Agency Reviews.** The reviewing agencies may shall conduct reviews of the proposed concept plan. Agency comments, if responding, shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide a copy of the letter sent to outside agencies to the Department of Planning and Zoning within 7 days of the submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.
7. **Adjoining Property.** The applicant must provide an accurate list of all properties and owners’ addresses adjoining the subject property. The adjoining and Homeowner’s Associations shall be notified by staff of the date of the workshop.
8. **Other Data.** Any other data or information the applicant believes will assist in the review.
9. **Other Reviews.** Any other staff or agency reviews of the plans.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.
- D. **Department.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (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.
  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 plan for modifications that would improve the plan.
- E. **WVDOH.** The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval. 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 plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.~~

- F. **Traffic Impact.** ~~The WVDOH shall determine~~ The review shall indicate whether a traffic impact study will be required during the preliminary plat stage. ~~based on analysis required in 24.106.B.5.e.~~
- G. **Public Services.** 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.
- H. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a preliminary plat or reasons why the plat should be denied.
- I. **Approval.** 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.
- J. **Effect.** At the time of submission, the concept plan shall be placed on the 1<sup>st</sup> regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in the local newspaper one time at least twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

**Sec. 24.107 Major Subdivision Concept Plan - Public Workshop**

At the scheduled Planning Commission meeting, the Planning Commission shall hold a public workshop to take public comments, concerns, and inputs on the proposed concept plan. This workshop is intended to provide the developer and the Planning Commission with said public input.

- A. **Plan Presentation.** The developer shall make a short presentation of the plan.
- B. **Agency Comments.** The staff shall briefly outline agency comments. The planning department shall specifically address whether the project can meet the standards of the Zoning Ordinance.
- C. **Public Comment.** The public will be invited to comment. The Planning Commission shall direct participants to briefly cite concerns or ask questions of the Planning Commission or Applicant. The intent of this procedure, like the Department comments, is to inform the developer and Planning Commission with regard to issues that should be addressed in the preliminary plat and report such transportation or engineering matters.

**Sec. 24.108 Major Subdivision Concept Plan -Direction**

After the close of the public workshop or at any public meeting within 14 days thereafter, the Planning Commission shall provide direction on the concept plan. If the Planning Commission decides to postpone action for 14 days, the workshop shall be closed for public comment; however the applicant or designated representative will be permitted to interact with the Planning Commission at that meeting to answer questions raised during the public comment at the workshop.



- A. **Direction.** The Planning Commission shall direct the preparation of a preliminary plat subject to conditions to be addressed in the preliminary plat application. The purpose of this review is to guide the developer so that when the preliminary plat 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.
- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions unless they are proffered by the applicant.
- C. **Effect.** The direction is to the developer to proceed to prepare a preliminary plat (Section 24.109). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, and then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

### Sec. 24.109 Major Subdivision Preliminary Plat - Application Submission and Completeness Review

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

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  - 1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  - 2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
  - 3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.



4. **Preliminary Engineering Plans.** An preliminary engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.
5. **Preliminary Landscape Plans.** A preliminary landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
6. **Transportation Impact Study.** If required, TIS and materials agreed to at the concept plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review. Where applicable, analysis, commentary, drawings, or other material specifically addressing conditions in the concept direction. This shall include comments or material from WVDOT regarding the impact study and any responses from the developer's engineers.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers. Capacity Letters are required at Completeness Stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** A Phase I archaeological study is required. A historic resources impact study shall also be included.
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan and Narrative, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Jefferson County Engineering Department. This is a required element in the first submission or the submission will automatically be determined as incomplete.<sup>4</sup>
13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.

15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
  16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
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- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department of Planning.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
  2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat Approval by Staff. When appropriate, the WVDOH review shall determine whether the on-site conditions of the preliminary plat are acceptable to the Department, including sight distances, access location, turning or by-pass lanes, road configuration, road alignment and road drainage. A review of the traffic study shall be conducted and any problems or concerns with the study methodology or findings identified. WVDOH shall identify any off-site improvements that shall be required of the developer. A list of concerns to be addressed on the final plat shall be provided.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the preliminary plat and application with the condition that the remaining items identified as necessary by the Ordinance be completed prior to final preliminary plat approval
- I. **Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.110 , *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

**Sec. 24.110 Major Subdivision Preliminary Plat - Public Hearing**

Within 45 days of accepting an application as complete or essentially complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed preliminary subdivision plat. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing. The scope of this public hearing shall be limited to whether the application meets the requirements of these Regulations and the Zoning Ordinance.



**Sec. 24.111 Major Subdivision Preliminary Plat -Approval**

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning Commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up for 45 days for additional information. If the application is to be held for the additional time, a date certain for re-opening the public hearing must be set by the Planning Commission simultaneously with the vote to hold. Additional legal advertisement is not required.

A. **Approval.** The Planning Commission shall review the recommendations and opinions of the reviewing agencies, the staff's decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. The Planning Commission may approve the plan if it meets the standards of the land use ordinances, deny the plan if it does not meet the standards of the land use ordinances, or approve the plan with conditions to complete any remaining items. In the event that the preliminary plat is approved with conditions to complete any remaining items, unless otherwise directed by the Planning Commission, the Staff shall have the authority to grant final approve the preliminary plat once the conditions are met. Also, if the Planning Commission conditionally approves the preliminary plat, then the Applicant shall be required to submit a notarized document expressly and explicitly waiving the 45 day time requirement for the Commission and/or Staff to act. If the Applicant is unwilling to provide such document, then the Planning Commission shall proceed in the final consideration of the preliminary plat. In making the decision, the following rules apply:

1. **Zoning.** The preliminary plat application must be denied on zoning grounds if the staff's decision is that the proposed project does not comply with the Zoning Ordinance. If staff indicates it can meet zoning with a specific condition, these conditions shall be required by the Planning Commission. The Planning Commission cannot deny an application on the basis of zoning if the staff's decision is that the application complies with the Zoning Ordinance.
2. **Impact Fees.** The County has adopted impact fee requirements that apply to parks and recreation, schools, law enforcement, fire protection, and emergency services. All fees are collected from individual landowners or builders in conjunction with the building permit process. For this reason, the preliminary plat application cannot be denied on the grounds of adverse impact on these services.
3. **Roads.** The Planning Commission shall defer to the WVDOH on final requirements and approvals for improvements to the public roads. Staff, Applicant and WVDOH are encouraged to work together for an acceptable final approval by WVDOH. have the jurisdiction over any developer or subdivider to require the installation of such improvements as are deemed proper within or adjacent to the subdivision to assure safe access to and from the public highway, and maintain an adequate flow of traffic on the public highway. Improvements required may include the installation of traffic signs and signals, constructing left or right turn lanes, acceleration and deceleration lanes, or reconstructing public roads to eliminate vertical or horizontal curves. Such improvements shall be acceptable to and approved by the West Virginia Division of Highways, provided a denial of such approval shall supersede Planning Commission authority under this provision. The roads impacted by a development are State roads under the jurisdiction of WVDOH. The Planning Commission shall not substitute its judgment of the safety or performance of roads for that of WVDOH unless there is compelling professional evidence that WVDOH has erred in its determination of impact.
4. **Sewer and Water Systems.** All sewer and water systems, whether privately owned or publicly owned shall be permitted only on the recommendation of the Jefferson County Public Service District (JCPSD), and/or the City of Charles Town or private utilities,

*Done 5/9/14*

depending on the service area within which they are proposed. The Planning Commission shall not make a decision contrary to the agency provider recommendation unless there is compelling professional evidence that its recommendation is in error.

5. **On-Site Water Supplies and Sanitary Waste Disposal.** The Jefferson County Health Department shall make a determination regarding the feasibility of on-site wells and septic tanks (or other means of on-site disposal), where applicable.



- 6. **Engineering and Landscaping.** The plan being reviewed consists of substantial sediment and erosion control, stormwater management and sewer or water system engineering, landscaping, and site development plan. There will be adjustments in additional work that needs to be done for final engineering, landscaping, and site development plan. The preliminary plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and Engineering Department may attach conditions to ensure that specific issues are addressed.
- 7. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the preliminary plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.
- B. **Conditions.** It is anticipated that there will be conditions for slight site adjustments and many conditions from the planning department and agencies on engineering and landscaping that must be met in the preparation of the final plat, final engineering, and final landscaping. In addition, there will be conditions on surety, payment of impact fees, and any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.
- C. **Effect.** The approval of the preliminary plat, with or without conditions, allows the applicant to proceed to prepare a final plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of final plat including all engineering and landscaping.

**Sec. 24.112 Major Subdivision Final Plat - Application - Submission and Completeness Review<sup>4</sup>**

The submission of a final recordable plat, bonding estimate and-application is a required step for all subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. ~~At the time of submission, the final plat shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the completeness public hearing.~~ Within the 45 days, the department shall have ten

(10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. ~~In order to keep on the proposed schedule, the applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission meeting.~~

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department of Planning. It shall be accompanied by the fee for final plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  - 1. **Final Plat.** The final plat shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.



2. **Density Calculation.** ~~The final recording plan shall include a current density calculation note or table. **and Site Resource Map.** This map shall have the final plat superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.~~
3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. ~~**Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Department of Engineering. If preliminary engineering plans satisfy the requirements of the Department of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.~~
5. ~~**Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.~~
6. ~~**Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the preliminary plat approval. WVDOH approvals shall be secured prior to final approval.~~
7. ~~**Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plats, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.~~
8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system, and its their location on the site shall be indicated.
9. ~~**Special Engineering.** If the site is in or partially in areas designated as high vulnerability areas, preliminary geotechnical engineering assessment may be required. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations shall be complied with and require final engineering approval. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.~~
10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the final plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
11. ~~**Stormwater Management Plan.** If the preliminary Stormwater Management Plan satisfies the requirements of the Department of Engineering and no modifications to the preliminary Stormwater Management Plan is required, then preliminary plans previously approved shall be considered final plans. Preliminary stormwater management plans requiring modifications will require a final Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, to be submitted as part of the final plat to be reviewed by the Jefferson County Engineering Department.<sup>4</sup>~~
12. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety.*
13. ~~**Other Agencies.** Required agency sign-offs that the final plat is approved by that agency. These agencies shall include the Jefferson County Health Department, West~~

## Subdivision Regulations

## Jefferson County, West Virginia



~~Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County 911 Addressing Department, and other review agencies certifying that the application is consistent with approved preliminary plat and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.~~

14. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.

C. **Endorsements on Final Plats.** The following certificates shall be placed on all final plats:

1. **Surveyor.** Certificate of accuracy and mapping by professional licensed surveyor signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, and corporations, and lenders with financial security interests.

D. **Additional Information.** The Department shall:

1. Review and approve all matters under its jurisdiction.
2. Issue a zoning compliance letter.
3. Certify that all proffers have been satisfied.

E. **Approval.** Based on the Planning Commission's approval or conditional approval of the final Preliminary Plat, the approval of the final recording plat shall be completely a Staff function unless there is a disagreement between the Staff and the Applicant. The Staff or Applicant can request that the final recording document be addressed by the Planning Commission by having the matter placed on the next available meeting agenda. If the final plat is found by the Planning Commission to be incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

F. **Effect.** ~~After staff concludes the completeness review, staff shall place the final plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.113, Major Subdivision Final Plat - Public Hearing. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.~~

### **Sec. 24.113 Major Subdivision Final Plat - Public Hearing**

~~Within 45 days of accepting the application as complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed final plat. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing.~~

- A. **Subjects Covered.** ~~The scope of this public hearing shall be limited to whether the final plat application meets the requirements of these Regulations and the Zoning Ordinance.~~
- B. **Hearing Procedure.** ~~The hearing shall be conducted in accordance with the Bylaws of the Jefferson County Planning Commission.~~

### **Sec. 24.114 Major Subdivision Final Plat - Approval**

~~After the close of the public hearing or at any meeting within 14 days thereafter, the Planning Commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the~~

application, or (4) hold the application for up to 45 days for additional information.

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- A. **Approval.** If the final plat application is consistent with the preliminary plat application and meets all other requirements of these Regulations and the Zoning Ordinance and has received sign-off from the agencies specified in Section 24.112 (B)(12), the Planning Director-Commission shall approve the subdivision application.
- B. **Denial.** Denial can only be done on the following basis:
  - 1. The plat (plan, ~~plat, final engineering, or final landscaping~~) is inconsistent with the approved preliminary plat or conditions of said approval.
  - 2. Failure to provide approved surety.
- C. **Plat Signing.** The Planning Director, or their representative shall sign ~~Commission President shall authorize the signing of~~ the plat.
- D. **Effect and Vesting.** The approval of the final plat application and signing of the plat makes the document recordable.

**Sec. 24.115 Major Subdivision Final Plat -Recording**

The applicant shall have 180 days after approval to file and record the final plat for lots to be recorded, together with any deed restrictions as may be required, in accordance with W.Va. Code §39-1-13. The approval shall become void if it is not recorded within the 180 day period. The Planning Commission may grant a waiver to this provision pursuant to the waiver process. The following documents shall be submitted to the Department of Planning:

- A. One (1) Mylar copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County;
- B. Three (3) paper copies of the Final Plat;
- C. One (1) digital copy of the Final Plat compatible with the Jefferson County GIS, as specified by the Jefferson County GIS Office-requirements; and
- D. One (1) digital and one (1) paper copy of any deed restrictions/covenants in a form suitable to the Department.

END

# The old suburban office park is the new American ghost town



6116 Executive Blvd. in Rockville, Md., is one of many area office parks that are closing. (Joshua Yospyn/For The Washington Post)

By [Dan Zak](#) July 20

**The shrubbery stirs in the breeze, which carries the odor of crushed asphalt.**

Yellow paint is chipping off the curbs. A single orange traffic cone sits in the revolving door that no longer revolves, at the front of an office building that's no longer an office building. The building in North Bethesda has eight floors. It is 98.7 percent vacant. There is one life form within its nearly 210,000 square feet — not counting the lobby fern on

life support — and she wears a security uniform, sits at the front desk and listens to the muffled whine of a faulty alarm for hours at a time, every day between 6 a.m. and 2 p.m.

“It’s quite annoying,” says Lum Tumentang, the guard. The building engineer sometimes stops by and turns it off, but it inevitably trips again. There’s one or two IT people who do IT stuff one flight up, but they’re not here right now. The building was built in 1989, and it shows: a mountain of tinted glass and beige concrete in commercial dullsville. Over the past decade, its value dropped by 64 percent. The largest tenant, the National Institutes of Health and its contractors, started packing up two years ago as leases expired. By 2014, the owner reported cash-flow problems, foreclosure arrived this past January, and that was it for 6116 Executive Blvd.



This vacant office building at 6116 Executive Blvd. in Rockville, Md., is in foreclosure. (Joshua Yoslyn/For The Washington Post)

Across the empty parking lot, over the islets of mulch, past security gates that no longer have gates, in a near-identical building that is actually 100 percent vacant, a man named Duane pushes a broom over the renovated floor of another lobby that isn’t being used.

“Keep it up, spruce it up,” he says. “In case somebody wants to buy it.”

There are 71.5 million square feet of vacant office space in the Washington region, much of it piled in office parks. That's enough emptiness to fill the Mall four times over, with just enough left to fill most of the Pentagon, the granddaddy of office buildings. If office space was a commodity, we would make a killing by selling our excess in bulk to San Francisco, where it's so scarce and costly, [according to Quartz](#), that start-up employees are starting to work in shopping malls.

Another 1 million square feet of office space will flow onto the market over the next seven years, as Marriott International moves out of its Bethesda office park at 10400 Fernwood Rd., which was built in 1978 and is leased until 2022.

"I think, as with many other things, our younger folks are more inclined to be Metro-accessible and more urban," Marriott chief executive Arne Sorenson [told The Washington Post in March](#), after announcing the plans to move.

If tastes keep trending away from office parks, buildings like 6116 Executive Blvd. and 10400 Fernwood Rd. may soon be hollow, oversize memorials to the Way We Worked.

Misty water-colored memories

The American ghost town has assumed different forms: the abandoned gold-rush towns out West, the silent Floridian subdivisions of underwater McMansions. Now, we have fiefdoms of mid-Atlantic office space, on streets named Research Boulevard and Professional Drive, thinning out in the sprawl. They are hobbled by changing work styles and government shrinkage. People telecommute. People move into the city or into faux-urban areas that are friendlier to pedestrians, that aren't barnacled on a highway. Younger generations don't want to be stranded in a "Dilbert" cartoon. They want [cozy nooks and nap spaces](#), walkable commutes, the tastes and conveniences of the city.



There are 71.5 million square feet of vacant office space in the D.C. region, much of it piled in office parks. (Joshua Yospy/For The Washington Post)

**How did we get here? Why do we work in office parks, and why are we now souring on them?**

**Let's blame Thomas Jefferson.**

**"I think our governments will remain virtuous for many centuries; as long as they are chiefly agricultural; and this will be as long as there shall be vacant lands in any part of America," Jefferson wrote to James Madison in 1787. "When they get piled upon one another in large cities, as in Europe, they will become corrupt as in Europe."**

**"In some kind of really bizarre way, there's a line from Thomas Jefferson to the office park," says Louise A. Mozingo, chair of the department of landscape architecture and environmental planning at the University of California at Berkeley, who wrote the book ["Pastoral Capitalism: A History of Suburban Corporate Landscapes."](#) Office parks "are very symbolic of American distrust of the center city. . . . The ideal American, in [Jefferson's] political writing, is a small farmer. We're no longer on farms, but we work in this tended green environment."**

Starting in 1941, companies such as AT&T pioneered the concept of corporate campuses, which were modeled after universities in order to attract PhDs and other top-flight brains. The first office park opened in Mountain Brook, Ala., an upper-class white suburb of Birmingham, in the early 1950s as commuters became uneasy with simmering racial tension in city centers. The model soon spread to Atlanta and Boston, where the real-estate firm Cabot, Cabot & Forbes turned the speculative development of office parks into a bonanza of profit.

The parks were landscaped like Winslow Homer paintings, with a touch of Philip K. Dick science fiction.

They were hooked onto the spreading American highway system or planted near new regional airports.

They were designed to be utterly predictable, familiar, disconnected and unchanging, both socially and aesthetically — the better to soothe employees and keep them focused.

With its space-hungry bureaucracies and contractors, Washington became a colossal hive of office parks, especially during years of government expansion — most recently the post-Sept. 11, 2001 period, when the military ramped up and the national-security apparatus spread along the Dulles Corridor.

Now?

In the 1950s, “Businessweek wrote this article about how work goes on in an atmosphere attractive to ‘brainy youngsters,’ ” Mozingo says. “I now say that brainy youngsters are trending urban and urbane, away from your grandfather’s office parks.”

Factor in the D.C. region’s [net outward migration](#), its slowing growth rate and the government erosion wrought by sequestration, and you’ve got a problem. The office-

market artery of Interstate 270 is shriveling, according to [a June report prepared for the Montgomery County Planning Department](#). Last year, federal agencies vacated 7,315 buildings, abandoning 47 million square feet of office and warehouse space, [Federal News Radio says](#).

The U.S. government hasn't signed any major leases this year, Delta Associates says, but it maintains 98 million square feet in the District alone (411 million if you throw in Maryland and Virginia). In March, the Office of Management and Budget instructed federal agencies to continue reducing their footprint by capping the amount of square footage per workstation.

The National Institutes of Health — which has moved out of satellite offices like 6116 Executive Blvd. and into a single facility in Shady Grove — reduced the average square footage per employee by 22 percent.

The sound you hear is the quiet whistle of an office balloon deflating. The walls are closing in.

All is not lost! Commercial leasing in the Washington area was up 16 percent in the second quarter, particularly in mid-size buildings that are attracting nonprofits and start-ups, according to financial and professional services firm JLL. This past quarter, Northern Virginia gained more leases than it lost for the first time since 2013, mostly because of the magnetic powers of Metro's new Silver Line, according to realty company CBRE Group.

Most analyses of the market indicate that office parks simply aren't as appealing or profitable as they were in the 20th century and that Americans just aren't as keen to cloister themselves in workspaces that are reachable only by car. Yet Facebook, Apple and Google — companies that brag about their forward thinking — are trying to reinvent this template of the past. They have commissioned high-profile architects to design

versions of the ultimate office park in Silicon Valley, an hour-plus shuttle ride from San Francisco. They will, of course, provide life's necessities and amenities on-site: micro kitchens, rooftop gardens, translucent roofs, bike paths, restaurants. They will be movable, lightweight structures instead of blocky concrete buildings. Anything to attract brilliant minds and assure employees that they're living in the future, not a glorified version of the past.

Smiles we gave to one another

Office parks do have a lingering utopian appeal that makes order out of a chaotic world. Two miles from the Grosvenor Metro station, in between the gray legs of the I-270 spur, Rockledge Drive encircles a man-made kidney-shaped pond that is the same color as the grass (space-alien green). There are seven office buildings on Rockledge. One is a third vacant. One is half vacant. One is entirely vacant as it undergoes renovations, with the hope that an aura of newness will attract renters to this secluded spot.

Laurel, Md., resident Dawn Chepures is checking her phone on a bench by the pond. She used to work in Capitol Heights and didn't like to leave her office building. Employees' cars were burgled routinely. Here, she says, you can wander outside without encountering, say, a riot.

"You don't have anything going on like what happened in Baltimore," says Chepures, who works in accounts payable at a military research firm. "It's a little more upscale here."

And more guarded. You need a key fob to make the elevators work. A stranger in casual dress who is strolling around the pond is viewed with suspicion. Lunches are eaten in cubicles or consumed quietly at the single deli on the grounds.

Marriott International is just to the south. The other corporate campus across the street belongs to Lockheed Martin, whose baleful perimeter is regulated by gates and police

cruisers. There's an overall aura of disconnection and loneliness in this triumvirate of office parks, although Thomas Jefferson might interpret that as peacefulness.

Back to Executive Boulevard, which is (no joke) off East Jefferson Street: It's a mile from a Starbucks, an Arby's and the White Flint Metro station, but it still feels a world away from the world. How does one pass the time in an office building where nobody ever comes in and nobody ever goes out?

Every hour, the security guard has to write a brief security report, even if it's just one line.

But, we ask, what if nothing happens?

"You have to write something," Tumentang says. "Now that you have come, I will log that."

We feel weirdly special. We thank her for the short chat and say goodbye.

"It's been a pleasure," she says, and she seems to mean it.



Dan Zak is a feature writer and general assignment reporter based in the Style section. He joined the Post in 2005, after stints as an editorial assistant at Entertainment Weekly and a city-desk reporter and obituary writer at The Buffalo News.