



AGENDA
Jefferson County Planning Commission
Tuesday, September 8, 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.

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:
 - August 11, 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:** Petition 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.
4. **Public Hearing:** Proposed Amendments to the Zoning and Land Development Ordinance and the Land Development and Subdivision Regulations regarding Campgrounds

There is no public comment for the remaining items.

5. Request for postponement.
6. 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.
7. Director's Report.
8. 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

9. President's Report.
10. Actionable Correspondence.
11. 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
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. 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
August 11, 2015

The Jefferson County Planning Commission met on August 11, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor ; Secretary, 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. Donnie Fisher was absent with prior notification. Also present were County Commissioners: Jane Tabb, President; Patsy Noland, Vice President; Walter Pellish, and Eric Bell. Mr. Stolipher called the meeting to order at 7:00 PM.

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

- July 14, 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. Citizens Communications:

- Mr. Doug Rockwell, Attorney. Mr. Rockwell addressed the “process” of drafting the Mass Event Ordinance not the Ordinance itself. He suggested a special meeting be held for this Ordinance due to the complexity, detail and the interest from business owners, members of the community and stakeholder representatives that may want to have festivals in the area. It was also suggested that the Public be given more than the obligatory 3 minutes allotted at a typical Planning Commission Meeting to speak on and discuss this topic. He stated that Mr. Stolipher should recuse himself from any participation on this topic citing Mr. Stolipher’s family’s sponsorship of the “All Good Festival” that took place in July of this year.
- Mr. Bob Aitcheson provided copies of a Venue License Agreement between Walther Productions Inc. & Mark Stolipher, Nancy Stolipher and Douglas Stolipher regarding the “All Good Festival” held in July of this year. Mr. Aitcheson’s concerns are found in the last paragraph of page one (Item 2.c) where it is stated that the “All Good Festival” has the option of occurring on the Berry Hill Farm property for the years “2019 through 2023 respectively”. Mr. Aitcheson also noted Page 2 Paragraph 3 “attendee numbers” and stated that the projected number of attendees were to be limited to 35,000 people. He noted that the approximate number of attendees for this past event was under 11,000 attendees and that careful consideration should be taken when drafting the Mass Gathering Ordinance with more than 3 times the amount of attendees at the event in July projected for future events. Mr. Aitcheson agreed with Mr. Rockwell’s request that Mr. Stolipher recuse himself from any participation in any discussion, lobbying of Planning Commission members, or anything related to the development of the Mass Gathering Ordinance, due to his family’s direct financial interest in the outcome. Mr. Aitcheson stated that he has a pending complaint with the State Ethics Commission concerning Mr. Stolipher’s participation with the Planning Commission and other agencies regarding the promotion of the “All Good Festival”.

3. A **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.

Mr. Gary Phalen recused himself from this portion of the meeting.

Ms. Jennifer Brockman provided an overview of the staff report, including the history of a previously denied rezoning, and noting that a subsequently approved Conditional Use Permit (CUP) is in place which permits the development of a proposed Agricultural Economic Empowerment Area on the property that is proposed for rezoning. A CUP for a Site Plan is only valid for 18 months unless commenced by the issuance of a Building Permit pertinent to the proposed use. Ms. Brockman noted that two extensions have been applied for and approved which extended the CUP until December 2016. Ms. Brockman stated that the applicant is requesting to rezone the property to a zoning category which allows some of the proposed uses rather than having to apply for a CUP extension every 18 months. She noted that the current CUP includes 30 conditions, one of which is to maintain the agricultural character of the property and avoid a “strip mall” appearance, and that such conditions cannot be applied to a rezoning. Ms. Brockman also stated that rezoning the property NC would allow a wider variety of permitted uses than the approved CUP currently permits. Additionally, this property is identified in the *Envision Jefferson 2035 Comprehensive Plan* as an “Agricultural Economic Empowerment Area” with language in the Plan which requires a CUP for the proposed use. The Planning Commission’s role is to determine if this rezoning request is in conformance with the *Envision Jefferson 2035 Comprehensive Plan*.

Mr. Fred Blackmer presented the request. Mr. Peter Corum handed out a Zoning Comparison information packet which compared permitted uses in the “Neighborhood Commercial” and “Rural” zoning districts as well as the current permitted conditions stated in the CUP. Mr. Blackmer stated that significant time, money, and effort have been invested in trying to make the CUP work, which has been unsuccessful. He noted that the surety and predictability of zoning uses and standards is required for a project of this type because potential businesses, lending institutions and management firms need predictability. Three years after the start of this project, new ordinances and a new comprehensive plan have been put in place. These amendments incurred costs of staff time, public meetings and other costs which are well in the tens of thousands if not hundreds of thousands of dollars. Time spent on regulatory rewrite by private individuals, committees and general public is incalculable.

Mr. Blackmer cited 5 items:

- The property is well within and is approved as part of the Shepherdstown Growth Management Boundary.
- The property is specifically identified on the Land Use Map as an Agricultural Economic Employment Area. This marketing phrase was developed while seeking the Conditional Use Permit.
- Proposed uses are already approved with the current CUP in place.
- The similarities between approved uses in the current CUP and the Neighborhood Commercial (NC) uses are overwhelming.

- Neighborhood Commercial (NC) allows for small retail business in residential areas.

Mr. Stolipher opened the floor to Public Comment

Mylene Billmyer, Ann & Joe Spurgas and Kristin Allen, all nearby residents, spoke in opposition to the proposed rezoning citing traffic concerns, muddy road conditions, site conditions and other future commercial uses such as gas stations being permitted. Toby Deyenhardt, another nearby resident, spoke in opposition of the request with concerns for devaluing homes in the area.

Ms. Eleanor Finn spoke in opposition to the request. Ms. Finn urged the Planning Commission to deny the request because rezoning the property would expand the possible property uses and free the owner from existing CUP requirements. The current requirements were based on extensive public hearings and written citizen comments. The basic plan for this project is already permitted and an expansion to include additional uses is unnecessary and unwise. Written comments were submitted.

Mr. Stolipher closed the floor to Public Comment

Mr. Corum provided a rebuttal which included a detailed accounting of the agricultural and commercial activities that have been conducted on the subject parcel since the approval of the Conditional Use Permit. He also addressed the public's concerns regarding the muddy conditions of the road and stated that it happened after a torrential downpour and was addressed within a day.

Mr. Fred Blackmer asked Ms. Brockman to state how many changes have been made to the project since she had taken the position of Director of Planning and Zoning. Ms. Brockman stated the concepts have been consistent. Mr. Blackmer stated that the types of businesses allowed have been restricted by the CUP and that the purpose of the request to re-zone to NC is only to memorialize permitted uses. Mr. Blackmer stated that he believed the resident who spoke in opposition lived in an adjoining residential subdivision, which is not agricultural. He further stated that the purpose of a NC designation is to "permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the General Commercial (GC) District (and not otherwise permitted in the NC District) are not appropriate. Developments in the Neighborhood Commercial (NC) District should be appropriate in scale, designed, landscaped and buffered so as to be compatible with neighboring land uses". Mr. Blackmer concluded that by rezoning this property the project will be of smaller scale and will require a new Site Plan.

Mr. Stolipher asked if there were any questions and/or comments from the Planning Commission. There were no questions or comments from the Planning Commission.

Ms. Brockman asked if the County Commissioners had any questions before they excused themselves from the meeting. She also stated that the intention is that after the Planning Commission votes, an Agenda Request to the County Commission will be submitted along with a summary of any comments from the meeting with the Planning Commission's recommendation.

The County Commissioners excused themselves from the meeting.

Mr. Peter Fricke stated that Mr. Corum and Mr. Blackmer actively participated in the Comprehensive Planning meetings. Mr. Fricke also stated the reason the Agricultural Economic

Empowerment Area is in the *Envision Jefferson 2035 Comprehensive Plan* is because Mr. Blackmer and Mr. Corum asked for it. With the current CUP all of their requests have been met. Mr. Fricke believes this to be a totally new proposal and that a new proposal like this is not feasible without some really serious consideration.

Mr. Manuel asked staff to go over their recommendation to the Planning Commission.

Ms. Brockman stated that although Staff supports the applicant's proposed uses and the concept, Staff finds that the proposed zoning map amendment is not consistent with the *Envision Jefferson 2035 Comprehensive Plan*. She noted that the CUP is the appropriate mechanism based on the 5 items listed below.

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.
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.

Mr. Stolipher disagreed with Staff recommendation stating that he believed the Neighborhood Commercial (NC) district was created to allow a commercial center close to neighborhoods and not necessarily high end retail. He stated that there were very few uses permitted in the Neighborhood Commercial (NC) district that were not already permitted in the CUP.

Mr. Chapman inquired as to whether the Morgan's Grove Market project spawned the new zoning categories in place today. He referenced the handout provided from the December 8, 2011 meeting

which cited land use issues regarding this specific property which caused the County Commission to direct the Planning Commission staff to draft an amendment to create new zoning categories.

Ms. Brockman stated that this project was one of the many factors that led to the creation of additional commercial categories. She stated that since the applicant had a CUP in place, a specific zoning category was not identified for this property.

Mr. Manuel made a motion to follow Staff recommendation that the requested zoning amendment is not in conformance with the *Envision 2035 Comprehensive Plan*. Mr. Fricke seconded the motion. A vote was taken and approved 5-2. (Mr. Stolipher and Mr. Chapman opposed)

Mr. Gary Phalen returned to the meeting.

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.

Mr. David Simon provided an overview of the staff report stating that retail sales and general services are not permitted in the Rural zone. He noted that in January 2015, the applicant received a Conditional Use Permit (CUP) for a 7,310 square foot retail store in a 9,100 square foot structure. The current phase under review is the Concept Plan, which was deemed sufficient by Planning and Zoning staff.

Mr. Josh Allen with Cross Development spoke on behalf of the applicant. He provided an overview of the proposed project, a standard Dollar General Store. Mr. Allen stated that a few conditions arose as part of the CUP that are being included in the Site Plan. These were:

1. The Leetown Road access.
2. The proposed well location.

Mr. Stolipher opened the floor for Public Comment.

Ms. Peggy Sclater, Resident of South Childs Road expressed concerns regarding traffic and the possible need for a traffic light to moderate ingress and egress to the site.

Mr. Paul Baker, resident from directly across and downhill from the proposed site. He expressed concerns regarding the septic, storm water management and traffic. He stated that any traffic improvements made may take away part of his front yard. Mr. Baker believes the construction of a Dollar General would take away from the historic and rural setting in the area.

Mr. Stolipher closed the floor to Public Comment.

Mr. Josh Allen provided a rebuttal. He stated that Middleway Pike is a WVDOH controlled road and that a permit was issued by the WVDOH. Per WVDOH, no turn lane or traffic light is required. Mr. Allen stated that a second entrance from Leetown Road was recommended as part of the CUP and

will be constructed. The storm water management concerns are being addressed via a two-step process with a bio retention facility which filters the runoff as the first step, and then handled in a larger detention basin area. Mr. Allen stated that a septic permit was issued by the Health Department and is shown on the Concept Plan. Mr. Allen noted that there are only two (2) bathrooms in this facility.

Mr. Childs questioned the need for another Dollar General in that location as there are two others in close proximity. Mr. Childs also expressed concerns regarding traffic.

Mr. Allen stated that marketing research had been done which determined that this location could be successful as it will capture a different market than the other two stores.

Mr. Manuel asked for clarification of the storm water management release.

Mr. Allen stated this will be released into the right of way as engineered.

Mr. Fricke also spoke of three concerns; traffic in that area citing sight distance, the necessity of a turn lane and the construction of a sidewalk as this is in a proposed growth area.

Mr. Allen had not considered installing the turn lane as it is not required or proposed by the WVDOH. The sidewalk is shown on the Site Plan and is located within an easement. The construction of the sidewalk will begin when the store is completed.

Mr. Jonathon Saunders, County Engineer stated that any road improvements have to be warranted through a traffic study from WVDOH. A flashing red/yellow light is planned to be installed by WVDOH at the intersection of Middleway Pike and Leetown Road.

Ms. Brockman stated there are a few items that will be addressed at the Site Plan Phase. This meeting is for the purpose of approving the Concept Plan.

Mr. Fricke suggested going back to the WVDOH to inquire about the turn lane.

Mr. Allen stated the WVDOH criteria to initiate a traffic study is 100 peak hour trips. A study was done for similar stores and found that the peak hour trip for a similar store is 15 peak hour trips. Therefore, a study was not warranted under the WVDOH codes.

A motion was made by Mr. Stolipher to approve the Concept Plan as presented. Mr. Taylor seconded the motion. The motion was approved with a vote of 6-2. (Mr. Peter Fricke and Mr. Manuel opposed)

Mr. Steve Stolipher called for a 3 minute recess at 8:40 PM.

Mr. Steve Stolipher called the meeting back to order at 8:45 PM.

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.

Mr. David Simon gave a brief history of the property noting that the property was formerly known as Community Oil and had been used as a bulk oil storage and sales business. The site was also host to a Citgo Gas Station. Both of these uses have had environmental issues in the past that are in the process of being addressed with the West Virginia Department of Environmental Protection. He noted that the Concept Plan was deemed sufficient by Planning and Zoning staff.

Mr. Gordon Poffenberger, Fox & Associates presented the project. He noted that the existing structure will be razed and that the end result will be more green space and a 26% reduction in impervious cover.

Mr. Stolipher opened the floor to public comment.

No Public comment was made.

Mr. Stolipher closed the floor to public comment.

No discussion ensued.

Mr. Stolipher made a motion to approve the Concept Plan. Mr. Childs seconded the motion. A vote was taken which carried unanimously.

6. **Public Hearing:** Request by applicant Primax Properties, LLC. on behalf of 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.

Mr. David Simon spoke. Because the *Envision Jefferson 2035 Comprehensive Plan* as well as the County Subdivision and Land Development Regulations 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.

Mr. Gordon Poffenberger, Fox & Associates. The waiver request is for the east side of the property only. As no sidewalk exists, it seemed useless to install a sidewalk that doesn't go anywhere. Mr. Poffenberger stated that if there was any opposition to the waiver request, the applicant would withdraw the application and the sidewalk would be installed.

Mr. Stolipher opened the floor to Public comment.

Mr. Paul Rosa spoke. Mr. Rosa concurs with the Staff's recommendation to deny the request citing the following reasons:

- It does not meet the waiver criteria of the Ordinance.
- It is contrary to public interest.
- It will not yield meaningful open or green space.
- It will adversely affect the public health, safety and welfare or the rights of adjacent property owners or residents.
- Without the sidewalk, the project will be of lower quality and/or character.

Mr. Rosa also spoke of the Americans with Disabilities Act (ADA). Persons who are wheelchair bound or have mobility impairments require linear continuity and hard surfaces to travel to and from residential areas to businesses.

Ms. Deborah Quinn spoke. Ms. Quinn welcomes the new store and is glad the area will be maintained; however, she is opposed to the waiver of the sidewalk. Safety is of concern as the new business will be attracting more traffic and a residential area is in close proximity to the location.

Mr. Poffenberger took the allotted rebuttal time stating that the applicant will withdraw the request for the waiver.

Mr. Stolipher closed the floor to Public comment.

Mr. Manuel made a motion to deny the waiver request to not be required to install the sidewalk along Euclid Avenue. Mr. Chapman seconded the motion. A vote was taken and passed unanimously.

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.

Mr. David Simon provided an overview of the staff report and noted that Staff recommended approval of the Final Plat with one condition that the Final Plat Mylar be signed by the owner.

Mr. Dan Snyder, BC Partners presented the project. Mr. Dan Snyder agreed with the Staff recommendation for approval of the project.

Mr. Stolipher opened the floor to Public Comment.

No Public Comment was made.

Mr. Stolipher closed the floor to Public Comment.

Mr. Phalen made a motion to approve the Final Plat. Mr. Louthan seconded the motion. A vote was taken which carried unanimously.

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.

Ms. Jennifer Brockman stated that at the Planning Commission's direction a draft of the proposed amendments were sent to KOA for their input. The Planning Commission has 2 options at this point:

- a) Schedule the Public Hearing and take KOA's comments as part of the Public Hearing or;
- b) Postpone the Public Hearing allowing more time to discuss the comments before scheduling the Public Hearing.

The Planning Commission discussed these options and determined that the Public Hearing would remain scheduled for the September 8, 2015 meeting and the written comments received would be considered as a part of the public input.

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. The applicant had requested the postponement of this agenda item until the September 8, 2015 regularly scheduled Planning Commission meeting.
10. Reports from Legal Counsel and Legal Advice to the Planning Commission.

Mr. Stolipher asked that the following items be heard in reverse order of the original Agenda.

- a) Active Litigation:
 - Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session. Mr. Nathan Cochran reported that the case was continued.
 - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session.

Mr. Nathan Cochran recused himself from this portion of the meeting.

Ms. Lydia Lehman stated that the first portion of this item does not need to be heard in an Executive Session.

Ms. Lydia Lehman drafted an outline of time frames related to BZA and PC actions and related appeals over the past 10 years concerning Far Away Farms as requested by the Planning Commission members in light of the on-going pending litigation. A handout was given to the Planning Commission members as requested.

Mr. Chapman made a motion to enter into Executive Session at 9:05 PM. Mr. Manuel seconded the motion. A vote was taken and passed unanimously.

Mr. Childs made a motion to return from Executive Session at 9:10 PM. Mr. Chapman seconded the motion. A vote was taken which carried unanimously.

Mr. Chapman made a motion to reject the offer that was made in Executive Session in case No. 11-C-325. Mr. Manuel seconded the motion. A vote was taken which carried unanimously.

11. Director's Report (see full report for details).

1) Status of Planning Commission Ordinance and Regulations Amendments:

- a) Campgrounds:
 - i) Public Hearing tentatively scheduled for September 8, 2015
- b) Major and Minor Subdivision and Site Plan Process:
 - i) Committee presentation and Commission discussion and recommendation tentatively scheduled for September 22, 2015
- c) Mass Events Ordinance (#ZTA 14-02):
 - i. Discussion and recommendation tentatively scheduled for September 22, 2015
- d) LESA/Conditional Use and Cluster Subdivision Provision Modifications
 - i.
 - ii. 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
 - iii. 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. 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. 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 or proposed amendments required to Section 12.2C, 12.2D and 12.3 to bring it into conformance with the requirements of WV Code 8A
- 4) A draft Annual Report for Planning and Zoning was handed out to the Planning Commission for review.

12. Planning Commission and Liaison reports:

- County Commission - None
- Health Department - None
- Public Service District - None
- Parks and Recreation - None
- Jefferson County Development Authority - None
- Water Advisory Committee - None
- Planning Commission Exchange - None
- Historic Landmark Commission - None

13. President Report:

- None

14. Actionable Correspondence:

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- None

15. Non Actionable Correspondence:

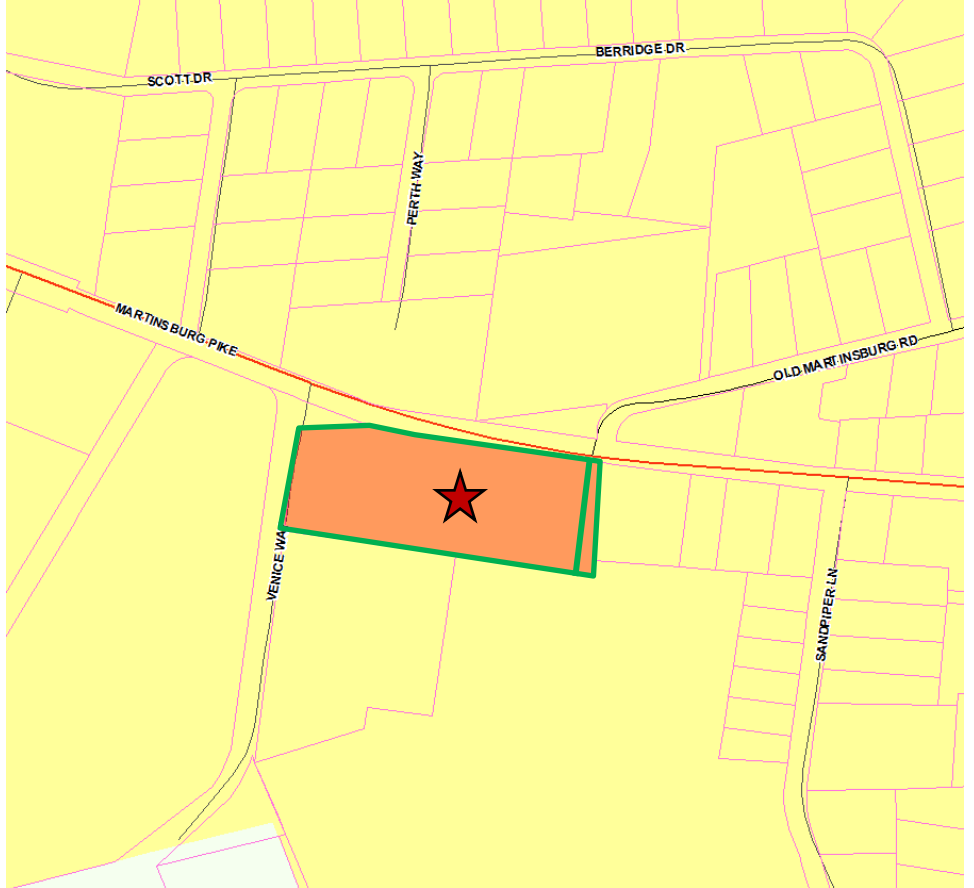
- None

Mr. Stolipher motioned to adjourn the meeting at 9:30PM with no objections

STAFF REPORT

Jefferson County Planning Commission Meeting
September 8, 2015

Item # 3 Public Hearing regarding a Zoning Map Amendment request by property owner Charles M. Carter for a 4.01 acre property combined located at 7174 Martinsburg Pike east of Venice Way. This property is currently zoned Residential-Growth (RG), and the applicant is requesting General Commercial (GC) zoning.

APPLICANT/OWNER:	Charles M. Carter
DEVELOPER:	N/A
SURVEYOR/ENGINEER:	Annette Van Hilst, R.A., The Crossroads Group, Kearneysville, WV
PROPERTY LOCATION:	The property is located at 7174 Martinsburg Pike (Route 45), east of Venice Way
LEGAL DESCRIPTION:	District: Shepherdstown (09), Map: 13, Parcel: 23 & 32.1 
ZONING DISTRICT:	Zoning Map Designation: Residential-Growth
SURROUNDING PROPERTIES:	Zoning Map Designation: North: Residential-Growth South: Residential-Growth East: Residential-Growth West: Residential-Growth
LOT AREA:	Lot 1: 3.85 acres – Lot 2: 0.16 acres = 4.01 total combined acres
DEVELOPMENT HISTORY:	The subject parcels are occupied by a vacant small commercial structure, a residential dwelling and a gravel lot between them.
PROPOSED REQUEST	To rezone from Residential-Growth (RG) to General Commercial (GC).
PLANNING COMMISSION	To advise the County Commission as to whether the requested Zoning

STAFF REPORT

Jefferson County Planning Commission Meeting

September 8, 2015

RESPONSIBILITY:	Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
STAFF FINDING:	In this report, Staff presents the various factors related to these properties based on the <i>Comprehensive Plan</i> . Staff finds that the request is <u>consistent</u> with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .

Applicant’s Request

The applicant’s request is to have the properties located at 7174 Martinsburg Pike rezoned from Residential-Growth to General Commercial. The applicant intends to pursue commercial use of this property and also plans to use the property to provide an access point to the residential growth area in the rear of the property which they also own.

Background/History of Property

The applicant’s property sits on 4.01 acres of land unevenly divided between two properties that front directly onto Route 45/Martinsburg Pike. The parcels are currently the site of a vacant one-story brick workshop, and a residential dwelling that was also used as a commercial building, with a large gravel parking area between the two. The remainder of the parcel under consideration is undeveloped greenspace. Commercial use of this property dates back to the 1950’s, when the structure, currently used as a residence, was a gun shop, as well as at one point, a tavern.

The applicant states that there are no immediate intentions to change the current land use of the property; however, the applicant desires to maintain flexibility going forward to ensure the property is marketable and does not become a parcel with no feasible permitted use.

Introduction and Purpose

The applicant’s request is to rezone the two parcels in question from Residential-Growth to General Commercial (GC). All of the parcels that are immediately adjacent to the subject parcels are zoned Residential–Growth and are occupied by residential uses. The subject parcels are identified as Tax Map 7,



(Above: Street View of Subject Parcels; Building on the left is vacant; formerly a workshop; Dwelling on right is residential structure, formerly a retail establishment and tavern.)

Parcels 23 and 32.1 in the Shepherdstown Tax District. Parcel 23 is approximately 3.85 acres and Parcel is approximately 0.16 acres. Both parcels have requested to be rezoned and merged together. Their combined size would result in 4.01 acres of rezoned land with a potentially new Zoning classification of General Commercial, should the rezoning request be approved.

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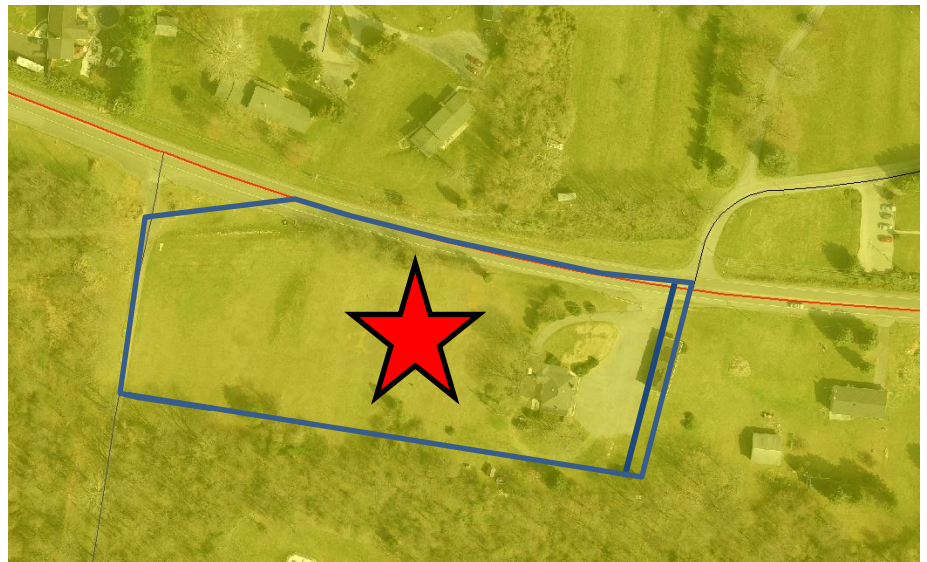
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(Above: Undeveloped greenspace to the West of the two structures on the applicant's parcels, separated by a narrow tree buffer)

Statutory Authority and Requirements

The West Virginia State Code, Section 8A-7-9, and Section 12.2 (b) of the Jefferson County Zoning and Land Development Ordinance detail the process by which boundaries of zoning districts may be amended in response to a petition of 50% or more of the property owners. Both state that before amending the Zoning Ordinance text or map, "the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive



(Above Zoning Map: Yellow shading indicated existing zoning of RG; Subject parcel is outlined in blue with red star)

Plan", or if it is inconsistent, "then the governing body with the advice of the Planning Commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area[See WVC 8A-7-9(c)]."

The Zoning Ordinance further states that the applicant should include discussion of any change of transportation characteristics and neighborhood from when the original zoning was established for the Planning Commission to take into consideration.

Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. It concludes that the request is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan* because of its location within the County-designated Preferred Growth Area in the immediate vicinity of Shepherdstown and its designation on the Future Land Use Guide as Future Mixed Use Residential/Commercial Land Use.

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The format for this assessment includes references to specific provisions of the *2035 Comprehensive Plan*, which are identified by page number citation. Staff has used these notations and quotations in order to address sections of the *2035 Comprehensive Plan* as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the *2035 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.

Finally, this report provides a Staff recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be considered the professional opinion of staff; no more and no less. As the Planning and Zoning staff have no statutory authority to make decisions in this regard, we defer to the Planning Commission, and subsequently the County Commission, for any final recommendation or decision that may be forthcoming, with respect to the application of rezoning the subject parcels.

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

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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 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 **within** the identified Preferred Growth Area for Shepherdstown, this section of the Plan 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). The Plan requires careful review of 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.

Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary

A. Shepherdstown Preferred Growth Area (PGA)

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 that can handle development and growth, and to focus infrastructure and community service investments in these

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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).

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 but 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.

Page 20-21 of the *Envision Jefferson 2035 Plan* states that the Shepherdstown PGA is “defined predominately by existing residential and commercial development, existing zoning, and access to water and sewer services. It encompasses an area broadly described as properties on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480 including land on either side of Potomac Farms Road. This area is included within Shepherdstown’s Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area.”

It further recommends that regulations should be developed to encourage limited access to WV 45 (both within the identified PGA and where future residential is expected to the west) and appropriate design standards to ensure free flowing traffic and a design character that interfaces with the corridor in an appropriate manner and provides an attractive gateway to Jefferson County and the Shepherdstown area.

Staff Comment: The properties included in this proposal are inside the boundaries of the *2035 Plan’s* Shepherdstown PGA and therefore intended for eventual urban-level development intensity. The following recommendations relate to development in this area:

- The applicant is encouraged to coordinate and collaborate with the Corporation of Shepherdstown to determine if and when public water and wastewater treatment may be available to this portion of WV45 to ensure the safety of the ground and surface water in this area of the County.
- WV 45 is not proposed for any improvements in the near future and it is therefore critical to design developments along this corridor in a manner that maintains free flowing traffic and provide an attractive gateway into the County.

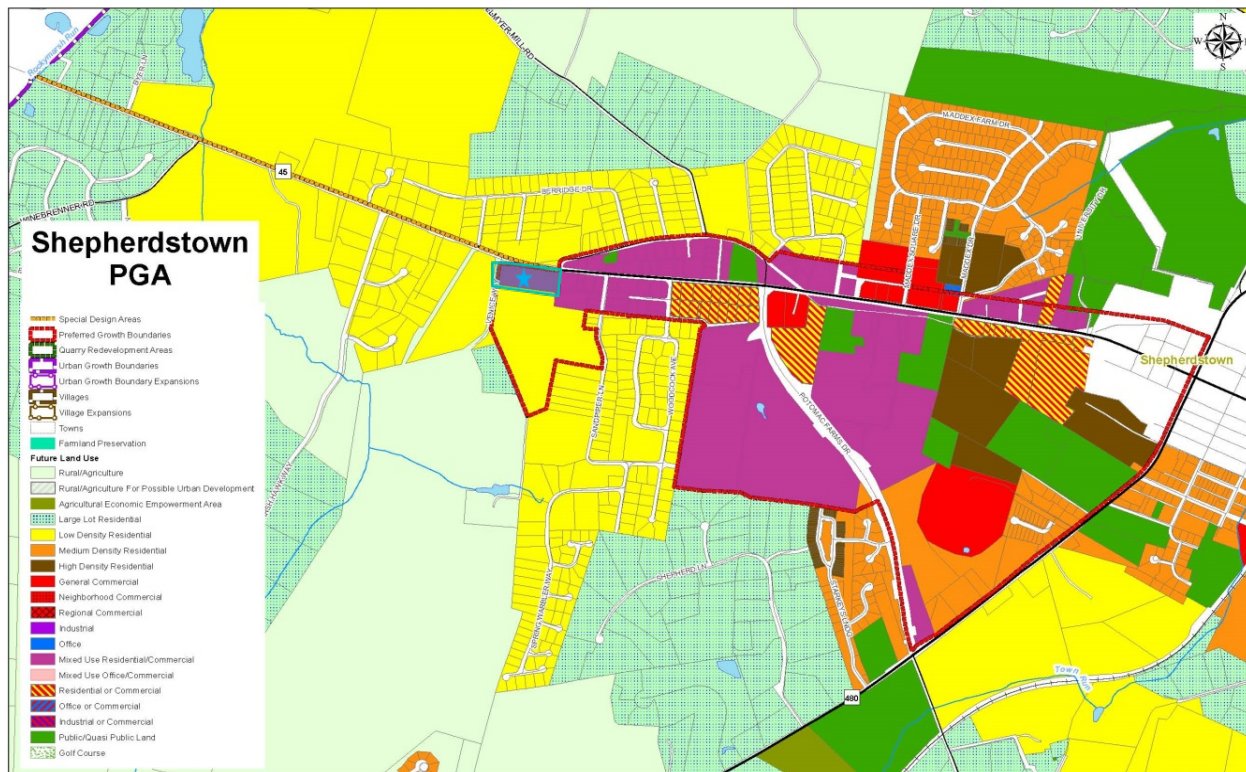
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B. Future Land Use Guide

The properties which are a part of this Zoning Map Amendment request are shown on the Future Land Use Guide and the Shepherdstown Preferred Growth Area Map (below) as Future Mixed Use Residential/Commercial, which is a different zoning category than the one being requested by the applicant.

Appendix G of the Envision Jefferson 2035 Comprehensive Plan provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may result in new zoning categories, this is not a comprehensive list of possible zoning districts. Appendix G states that the intent of the Mixed Use Residential/Commercial land use category is to reflect areas which are intended to support the mixing of residential and commercial uses. It further states that any rezoning to the Residential-Light Industrial-Commercial (R-LI-C) or to a new mixed use zone that permits these uses shall have a mandatory mix of these uses. The Plan states that this land use classification should result in the creation of a new zoning district that would permit this activity, with a mandatory mix of uses to be determined through the zoning text amendment process. The only zoning district which currently exists and requires such a mix is the Planned Neighborhood Development (PND) District.



the

The image above (subject parcels indicated with a blue star, on the Western edge of the PGA) shows the Envision Jefferson 2035 Plan Shepherdstown Preferred Growth Area. The applicant's parcels are inside Shepherdstown's Preferred Growth Area. During the planning stages of the 2035 plan, the applicant sought inclusion within the PGA, because of the property's proximity to the core of Shepherdstown, as well as previously being a commercial structure.

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Staff Comment: While the requested General Commercial is not completely in line with the recommendations of Mixed Use Residential/ Commercial, the zoning of the frontage to General Commercial and allowing the development of access to the rear Residential Growth properties would allow an integrated development of both Commercial and Residential to occur in this vicinity.

C. Special Design Areas

The *Envision Jefferson 2035 Plan* specifically identifies certain areas of the County where development may be appropriate but the design of such development is critical to the character of the County. One such area is along WV 45 west of Shepherdstown. Page 33 of the Plan, under Urban Land Use Recommendations, includes recommendations that design criteria and access management standards be developed for the WV 45 corridor west of the Shepherdstown Preferred Growth Area and within the Shepherdstown Growth Management Boundary to the Jefferson/Berkeley County line. Issues such as requiring additional setbacks, including pedestrian easements, landscaping strips wide enough to support large canopy trees, and requiring lots to be configured to eliminate lots having individual access onto WV 45 are recommended. While such standards have not yet been developed, all development in this area will be encouraged to reflect the spirit of these recommendations.

Staff Comment: The properties included in this proposal are in an area identified for special design considerations along the WV 45 entrance into the County. Staff recommends that during the site plan and/or subdivision stage, the design should be encouraged to reflect the need to maintain free flowing traffic with limited access points and with buildings oriented toward the road to provide an attractive gateway into the County.

D. Proposed Zoning District – General Commercial (GC):

The General Commercial (GC) Zoning District (Section 5.12) was a part of the commercial zoning districts approved by the County Commission in May 2014. The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in the ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the Neighborhood Commercial District.

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*. The GC District includes numerous Principal Permitted and Conditional Uses listed in Appendix C (attached). Residential uses are not permitted in the GC zoning category. The Principal Permitted uses include numerous Institutional Uses, some Industrial Uses, commercial uses and agricultural uses. The existing residential structure would be considered a non-confirming use.

Appendix G of the *Envision Jefferson 2035 Comprehensive Plan* states that the purpose of the GC land use category is to provide for general destination business uses which parallel the description above found in the adopted Zoning Ordinance; however, the 2035 Plan had recommended that

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individual structures have a maximum size of 50,000 square feet, rather than the 100,000 square found in the Zoning Ordinance.

Staff Comment: The properties included in this proposal are inside the boundaries of the 2035 Plan's Shepherdstown PGA and shown for a mixture of commercial and residential uses. While General Commercial can develop structures that are fairly large, the limited size of this property and the intent to use it to provide access to residential development in the rear should result in commercial development that is compatible with the intent of the *Envision Jefferson 2035 Plan*.

Staff Recommendation

Staff finds the proposed rezoning is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*. It is located within the identified Shepherdstown Proposed Growth Area in the *Envision Jefferson 2035 Plan* and is proposed for a mixture of residential and commercial development on the Future Land Use Guide. The applicant has indicated the intent to integrate the proposed commercial development along the frontage with an access to future residential development to the rear on adjoining properties.

The properties are located on a two lane road (WV 45) that has not been identified for improvements at this time and is not currently on public water or sewer. Therefore the following recommendations are encouraged to be considered by the applicant:

- The applicant is encouraged to coordinate and collaborate with the Corporation of Shepherdstown to determine if and when public water and wastewater treatment may be available to this portion of WV45 to ensure the safety of the ground and surface water in this area of the County.
- WV 45 is not proposed for any improvements in the near future and it is therefore critical to design developments along this corridor in a manner that maintains free flowing traffic and provide an attractive gateway into the County.

Attachments:

- Portion of Appendix C – General Commercial District
- Shepherdstown Preferred Growth Area Future Land Use Guide

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As Amended June 1, 2014

APPENDIX C: PRINCIPAL PERMITTED USES TABLE²³

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
Dwelling, Single Family	P	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	P	NP	NP	NP	NP	P	NP	NP	P	P	NP	NP	
Dwelling, Two Family	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	NP	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
Mobile Home	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	PC	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	NP	NP	NP	PC	NP	
Church	P	P	P	P	PC	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	PC	P	P	NP	NP	P	PC	NP	
Cultural Facility	P	P	P	P	PC	P	P	P	NP	P	P	P	
Day Care Center, Large	P	P	P	P	PC	P	P	NP	P	P	P	PC	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Elementary or Secondary School	P	P	PC	PC	NP	P	P	P	P	P	NP	NP	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	PC	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	PC	P	P	P	NP	P	
Heliport	NP	PC	PC	P	P	PC	PC	NP	NP	PC	PC	NP	
Hospital	NP	P	P	P	PC	P	P	P	P	P	NP	NP	
Nursing or Retirement Home	PC	P	P	P	NP	P	P	NP	P	P	NP	NP	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Preschool	P	P	PC	PC	PC	P	P	P	P	P	NP	NP	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	PC	
Industrial													
Recycling Drop-Off Center	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	PC	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	NP	NP	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	
Heavy Equipment Repair	NP	NP	PC	PC	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9

Jefferson County Zoning and Land Development Ordinance

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APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Industrial Continued													Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	**	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP	
Manufacturing, Limited	NP	P	P	P	P	PC	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	PC ²	NP	NP	NP	NP	NP	PC ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	PC	PC	P	P	NP	NP	NP	NP	PC	P	NP	
Shooting Range, Outdoor	NP	NP	NP	PC	PC	NP	NP	NP	NP	NP	PC	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	PC	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	PC	P	NP	NP	NP	NP	PC	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Commercial Sawmills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Explosive manufacture or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Jails and Prisons	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Petroleum products refining or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	PC	PC	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	NP	NP	P	P	PC	
Appliance Sales	NP	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
ATM	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	

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APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
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	PC	P	NP	NP	NP	P	NP	NP	NP	P	P	NP	
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	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	

Jefferson County Zoning and Land Development Ordinance

As Amended June 1, 2014

APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Personal Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Professional Office	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food	PC	P	P	P	PC	P	P	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	PC	PC	P	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Retail Sales Limited	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Retail Store, Large	NP	PC	P	PC	NP	PC	NP	NP	NP	PC	PC	NP	
Shipping and Mailing Services	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Storage, Commercial	NP	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Veterinary Services	P	P	P	P	PC	P	P	P	NP	P	P	NP	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Brewery or Winery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	PC	P	P	P	P	P	P	P	NP	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	NP	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	NP	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- NC Neighborhood Commercial
- GC General Commercial
- HC Highway Commercial
- LI Light Industrial
- MI Major Industrial
- PND Planned Neighborhood Development
- P Permitted Use
- NP Not Permitted Use
- PC Use Permitted Conditionally (subject to requirements of district and/or other requirements of this Ordinance)
- * Limited Permitted or Conditional Permitted Uses listed in Permitted Uses Table
- ** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4.





























- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District

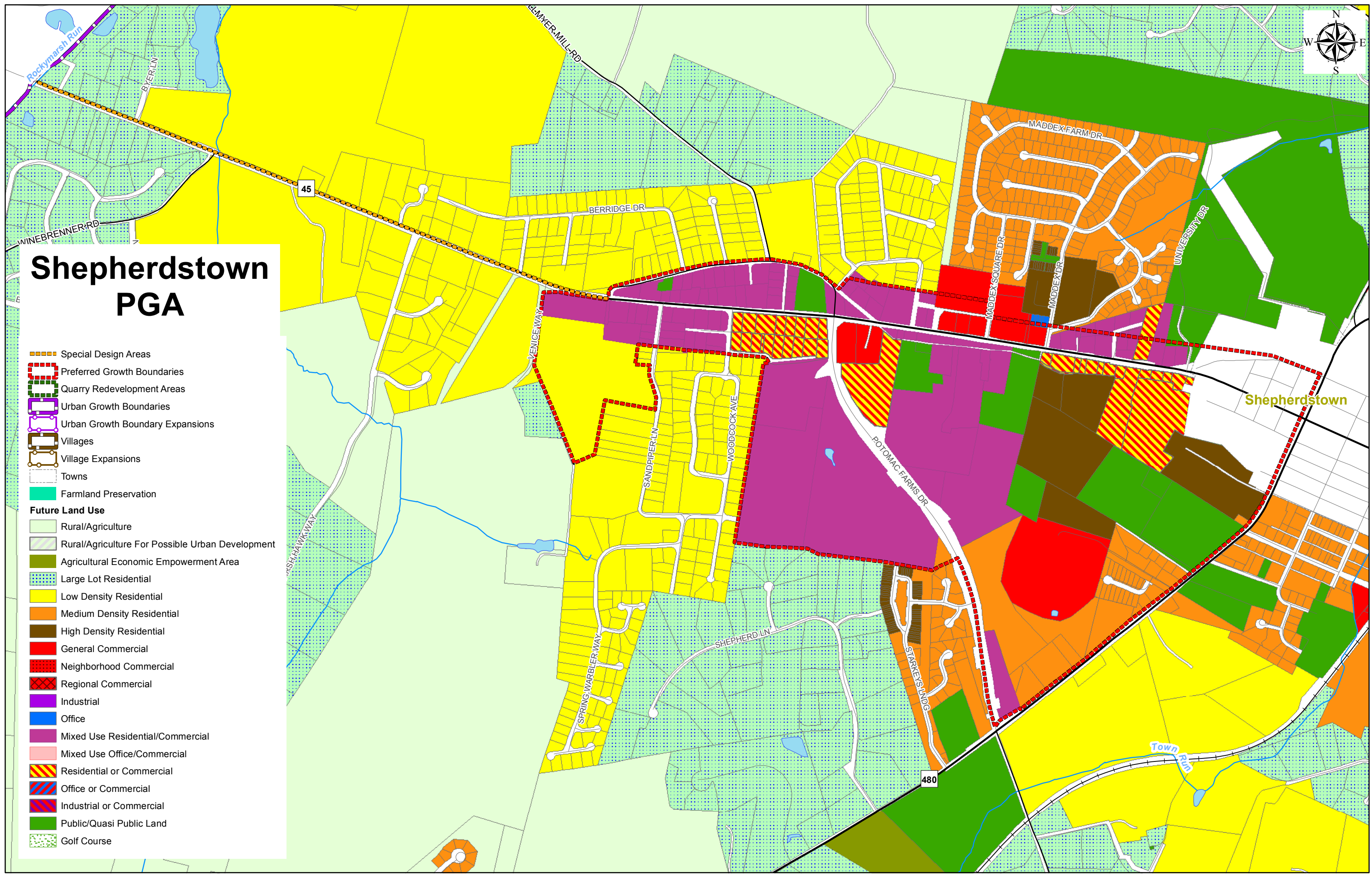
¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this Ordinance

² Approval process is per the Salvage Yard Ordinance.



Shepherdstown PGA

-  Special Design Areas
-  Preferred Growth Boundaries
-  Quarry Redevelopment Areas
-  Urban Growth Boundaries
-  Urban Growth Boundary Expansions
-  Villages
-  Village Expansions
-  Towns
-  Farmland Preservation
- Future Land Use**
-  Rural/Agriculture
-  Rural/Agriculture For Possible Urban Development
-  Agricultural Economic Empowerment Area
-  Large Lot Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  General Commercial
-  Neighborhood Commercial
-  Regional Commercial
-  Industrial
-  Office
-  Mixed Use Residential/Commercial
-  Mixed Use Office/Commercial
-  Residential or Commercial
-  Office or Commercial
-  Industrial or Commercial
-  Public/Quasi Public Land
-  Golf Course





JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning

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

File Number: #715-02
Staff Initials: JFC
Application Fee: \$ 1,250.00

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

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: Charles M. Carter
Mailing Address: 7174 Martinsburg Pike, Shepherdstown, WV 25443
Phone Number: 304/676-8607 Email:

Applicant contact information

Name: Harry F. (Butch) Catrow, Jr.
Mailing Address: 443 Sandpiper Lane, Shepherdstown, WV 25443
Phone Number: 304/676-8607 Email: hgcatrow@aol.com

Applicant representative

Name: Annette Van Hilst, R.A., The Crossroads Group
Mailing Address: 22 Van Clevesville Road, Kearneysvelliie, WV 25430
Phone Number: 571/428-7054 Email: agvh@frontiernet.net

Physical property details

Physical Address: 7174 Martinsburg Pike
City: Shepherdstown State: WV Zip Code: 25443
Tax District: Shepherdstown Map No: 7 Parcel No: 23 and 32.1
Parcel Size: 3.85 & 0.16 acres = 4.01 Deed Book: 161 & 275 Page No: 264 & 194

Current 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), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (O/C). Includes a 'RECEIVED' stamp and date 'JUL 07 2015'.

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 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 checked="" 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.

No Proposed Use. The General Commercial Zone was not available in the past. However, the General Commercial Zone is now authorized for this area in both the 2015 Comprehensive Plan and the Current Zoning Ordinance. As discussed with the Director and Staff, the property will also be used to provide an access point to the growth area in the rear of this property which is owned by the Applicant. Some property will also be merged to this property as discussed.

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).

CM RUTER JR.

7/1/15

Hay 7 Carter

7-1-15

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

#71502

MAP AMENDMENT REQUEST
Article 12, Jefferson County Zoning Ordinance
Charles M. Carter
July 1, 2015

Owner:

Charles M. Carter
7174 Martinsburg Pike
Shepherdstown, WV 25443

RECEIVED

JUL 07 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Applicant:

Harry F. (Butch) Catrow, Jr.
443 Sandpiper Lane
Shepherdstown, WV 25443
304/676-8607

Ordinance Citation:

Article 12 of the Jefferson County Zoning and Development Review Ordinance, as amended.

Map Amendment Definition:

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

Substantiation for the Request:

1. The properties owned by Mr. Carter are currently zoned Residential Growth and the Owner and the Applicant are seeking a map amendment to the General Commercial District. As explained in this Application, the Applicants believe that this change is consistent and compatible with the 2015 Jefferson County Comprehensive Plan. This Comprehensive Plan compatibility is evidenced by the fact that the County Commission specifically added these properties into the Preferred Growth Area and Commercial area upon request of the owner during the recently completed Envision 2035 Comprehensive Plan effort;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. The most significant change was the construction of the Connector Road which functions as a bypass around Shepherdstown. Other changes in the neighborhood include the development of the Maddex Commercial Area (Food Lion, etc.); the construction of the Clarion Conference Hotel and National Training Center; the enhancement to the entrance to the western campus of Shepherd University; and, the rezoning of the Lowe Parcel on the Connector Road to Residential/Commercial and Light Industrial. These changes are addressed in this Petition;
3. The General Commercial District is a newly created District and both the Comprehensive Plan and current Zoning Ordinance endorses this District for these properties. The property will still be considered in the Growth Area and will connect to the area that will remain Residential Growth by Easement or ROW for interconnectivity;
4. The properties were located in the 2004 Comprehensive Plan Growth Area and are now located in the 2015 Comprehensive Plan's Preferred Growth Area. Currently, these properties are located in the existing Residential Growth District, which allows for extremely high density residential development; and,
5. The properties were previously used for commercial purposes. In fact, the owner thought the property was already zoned for commercial because of the previous uses. The uses on the property in the past included a tavern and a retail establishment.

Tax District, Map and Parcel Number:

Shepherdstown Tax District, Map 7, Parcels 23 and 32.1

Deed Book Reference:

Parcel 23: Deed Book 161 at Page 264
 Parcel 32.1: Deed Book 275 at Page 194

Sketch Plat:

Attached

Tract Size:

Parcel 23: 3.85 Acres
 Parcel 32.1: 0.16 Acre
 Total: 4.01 Acres

Discussion on:

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

A. Comprehensive Plan Compatibility

According to page 13 of the 2105 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcels are within one of these PGAs. As a matter of fact, because of the properties' history, current zoning, past designation in the 2004 Comprehensive Plan, these properties were specifically added to this PGA during the just completed Comprehensive Plan Process. The County Commission added the properties as a result of the attached letter by Mr. Carter. The purpose of Mr. Carter's letter and the County Commission's action was a precursor to this map amendment request. It is only natural that map amendments are requested shortly after the adoption of a new Comprehensive Plan.

Along with the new Comprehensive Plan, the Zoning Ordinance has been amended over the last several years to slowly evolve into a more traditional zoning ordinance that has more available zones and districts. These amendments included the creation of the General Commercial District. This district is for low to medium level commercial development along primary and good secondary roadways. As the owner requested a commercial and/or residential classification in the new Plan and the County Commission granted the request, the owner picked the most appropriate district for this property. The Zoning Ordinance specifically states that the General Commercial Zone should be utilized in the following locations:

“B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.”

As previously described, the subject property is in the Growth Area in the 2004 Comprehensive Plan and is properly located on the future land use map (Guide) as Commercial and/or Residential in the 2015 Comprehensive Plan. As also stated, the property was specifically included into these areas by the County Commission at Mr. Carter's request. So, while many properties on the map were located generally, Mr. Carter's and Mr. Catrow's properties were specifically located by the County Commission for this purpose.

The subject property is located in the most developable category in the County's jurisdiction on the Future Land Development Map on Page 15 of the Plan (attached). The property is also shown in the Shepherdstown Area's PGA and listed as Commercial/Residential on the attached Future Land Use Guide.

Finally, with regard to maps, the property is currently located in one of the most intense available zones on the existing Zoning Map. This property has been located in the high density Residential Growth District in Jefferson County since the adoption of Zoning in 1988. This portion of the Zoning Map is also attached.

All three maps show that this property continues to be slated for urban level development. The requested General Commercial District would really be no more impacting than a high density residential development such as apartments for which the property is currently zoned. The connection with the property to the rear will allow any growth in that area to have direct access to this commercial area. This is what the Commission intended when it was added.

Page 20 of the Comprehensive Plan describes this PGA as follows:

"a. Shepherdstown PGA
(an area located south and west of Shepherdstown)

This PGA is defined predominately by existing residential and commercial development, existing zoning, and access to water and sewer services. It encompasses an area broadly described as properties on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480 including land on either side of Potomac Farms Road. This area is included within Shepherdstown's Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area."

Such description makes it clear that this Map Amendment Request is very consistent with the New Envision Jefferson 2035 Comprehensive Plan.

The new 2015 Comprehensive Plan (Page 25) also strongly encourages that the newer zones that have been created, such as the requested General Commercial

District be utilized instead of the Mixed Use Zone and the Residential Growth Zone. The Comprehensive Plan states that the older zones should be discouraged because they allow too much flexibility and broadness in these categories. Accordingly, the Plan encourages rezoning requests for the newer categories such as General Commercial. The County Commission specifically adopted the separate commercial districts to limit the broadness of an all-encompassing Residential Growth or Mixed Use classification. This aspect, again, demonstrates that the requested map amendment is consistent with the Comprehensive Plan.

The following recommendations are found in the Urban Level Development Recommendations Table starting on Page 30 of the Plan:

“5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.

a. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.

c. Establish a greater variety of zoning district options (in commercial, residential, and mixed-use zoning categories) that adhere to predictability of land use options and outcomes based on the Plan recommendations.

7. Encourage the location of new infrastructure (water, sewer, utilities) within municipalities, UGBs, PGAs, or Villages.

a. Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available.

14. Require all commercial/industrial zoning map amendment requests to utilize new zoning categories adopted on June 1, 2014 (or later) and discourage the use of the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests.

a. Encourage any development in a zone that permits mixed use to be developed according to the Mixed Residential/Commercial or Mixed Office/Commercial ratios found in the land use category recommended by this Plan, unless otherwise provided in the Zoning Ordinance.”

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan by both the narrative (Page 69) and recommendations (starting on Page 70):

“Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses.” (Page 69)

Recommendations:

“5. Create a business friendly environment in Jefferson County.

6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.”

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, the 2004 Comprehensive Plan Growth Area Map, the original 1988 Zoning Classification and the Current Zoning Map, this map amendment is extremely consistent and compatible with the Plan. The adjacency of the Carter Property and the Catrow property was discussed during this process. The Carter and Catrow properties were added specifically to the growth area with Catrow to remain residential and Carter to be added to the Commercial area. The interconnectivity of these properties through a ROW or Easement will meet the goals of the Comprehensive Plan

B. Change of Neighborhood

The neighborhood has undergone significant changes since the zoning ordinance was adopted. In 1988, the Shepherdstown Wastewater Treatment Plant was nearing capacity and that is probably one of the reasons that more land wasn't zoned for commercial and mixed uses at that time. That Shepherdstown Treatment Facility is now nearing the completion of a major upgrade and can now support additional growth. Another major change in the neighborhood is that the Route 45 Connector Road (Potomac Farms Drive) was constructed in 2000/2001. This change will be further discussed in the Change of Transportation Characteristics' part of the petition. Finally, since 1988, the neighborhood has added a significant amount of residential units in several subdivisions including Maddex, Kensington, the Crofts, Tollhouse Woods and

Colonial Hills. Along with this residential growth, other commercial areas have also developed since 1988, leaving a deficit of available commercial land in and around the growth areas of the County.

The following are changes in the neighborhood that would specifically support the requested change from Residential Growth to the Residential/Light Industrial/Commercial District or General Commercial District:

1. Availability of Public Utilities:

Public Water is already near this neighborhood and Wastewater facilities can be extended to this neighborhood now that the Shepherdstown Wastewater Treatment Plant has expanded its capacity. It has long been the goal of Shepherdstown to extend its sewer services along Route 45. This map amendment would allow the applicant to participate in that extension. As stated earlier, several of the Comprehensive Plan's primary objectives are to build out the Preferred Growth Areas and serve them with Public Water and Wastewater.

In this case, the water is already available in the area and sewer expectations are reasonable. There would be no unreasonable costs to the community, since the additional utility customers would allow the Town to add to their customer base.

2. Growth in the Area:

Several large residential projects have been developed in this area that would certainly benefit from the additional commercial growth that would be permitted with this map amendment. Four of these, Colonial Hills, Tollhouse Woods, Kensington Townhouses and Maddex Subdivision, are residential developments that are approved with a significant number of residential units. Although the Maddex development has a limited amount of commercial services available to the residents in the Maddex Subdivision, Colonial Hills, Tollhouse Woods, the Crofts and Kensington Townhouses are approved mostly as a residential developments. When built out, these developments would most certainly need nearby commercial services available to their residents. Due to the limited area of Shepherdstown and the traffic congestion and parking problems within the town, it is important that commercial services be made available to the residents outside of town. As with the construction of the Connector Route, the new commercial services will help with this downtown congestion and back-up at the four way stop sign in town. Furthermore, these new commercial services should not have a negative impact on the businesses within the Central Business District of Shepherdstown, because of the unique collection of eclectic shops that are already in town. As

exhibited in other growth areas, such as Arlington and Alexandria, Virginia, these types of shops continue to thrive in their downtowns.

The other significant development in the area that was built after the zoning ordinance was adopted is the Clarion Conference Hotel and National Training Center. This hotel and conference center hosts major federal government training programs and conferences. The people attending these functions would also benefit from the availability of commercial services in the area.

The primary area that is zoned for commercial uses in the Shepherdstown Growth area is essentially developed. There was very little area in the Shepherdstown Growth Area that was zoned mixed use or commercial when the zoning ordinance was adopted. Most of that area was the Maddex Farm area that is now either fully developed commercially or already platted into residential lots. From this standpoint, it is vital to change some of the residential land into a commercial zone. Otherwise, commercial growth in the Shepherdstown Growth Area will not be able to meet the demands of the residentially zoned and/or developed properties in that growth area. This map amendment is a perfect opportunity to take some property slated for residential use and allow it to develop commercially. This map amendment would provide a balance of land available for both residential and commercial development.

C. Change of Transportation Characteristics:

Please note that this property is already zoned Residential Growth. As such, there should be little significant difference in traffic from this property if it is rezoned to General Commercial. A commercial development would have a more favorable outcome regarding traffic since some of the existing residential subdivision and dwellings local residents could utilize the new commercial services available if the property is rezoned.

Since the adoption of the original Zoning Ordinance, the major change to this area from a transportation standpoint happened when Potomac Farms Drive (Alternate Route 45) was constructed just east of this property. The addition of this road, along with the expanded entrance into the western campus of Shepherd University, has considerably changed the transportation characteristics of the neighborhood. These two improvements have allowed traffic to bypass Shepherdstown to keep pass through and local traffic away from the more congested areas of downtown. The addition of commercial services in the western suburb of Shepherdstown should further reduce commercial traffic in the downtown area of Shepherdstown, without negatively affecting the unique collection of shops in town. The proposed connection through the property to the properties in the rear will also help with growth management.

D. Pre-Existing Uses on the Property

The owner of the property is an older resident who believed that his property was already zoned for commercial use. He believed this because he previously used the property as a tavern and a retail sales establishment. These uses existed when zoning was originally adopted and he just thought that his property would remain approved for commercial uses. If he knew that the commercial grandfathered uses would terminate after a year, he would have tried to maintain a commercial use in the facility.

Once the owner found out that the new Comprehensive Plan was being written, he thought that he could correct that oversight. After submitting the attached letter, the County Commission agreed that this area should be approved as a PGA with a commercial and/or residential use. Accordingly, he is requesting that the property be shifted into the newly created General Commercial District.

E. Current Recommendations in the Future Land Use Guide and Maps in the Envision 2035 Comprehensive Plan Support this Request:

As stated in the Comprehensive Plan Compatibility portion of this request, after the very carefully scrutinized Maps and Guides were approved by the County Commission, it was anticipated that this property would be added to a commercial zone. These Plan Maps support this request as compatible and consistent with the Comprehensive Plan. As a matter of fact, this map amendment request is the culmination of the process that Mr. Carter began last year with his participation in the Envision Jefferson 2035 process.

F. Conclusion:

Mr. Carter and Mr. Catrow respectfully request that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the 2015 Envision Jefferson Comprehensive Plan; the property was included in the 2004 Growth Area and is now included in the 2015 Preferred Growth Area; the property is shown as Commercial and/or Residential on the Future Land Use Guide (Map); the positive changes in the transportation characteristics in the area, especially the construction of the Route 45 Connector Route (Potomac Farm Road); the changes in the neighborhood from when the original zoning ordinance was adopted; the fact that the property was used commercially in the past and is located on a major transportation route between Shepherdstown and Martinsburg; the Zoning Ordinance supports this General Commercial District in this location; and, the fact that the property has access to Public Water and Sewer extensions. This map amendment will change the zoning classification on the Applicant's property from the Residential Growth District to the General Commercial District.

CHARLES M CARTER JR

Charles M. Carter

7/6/15

Date

Harry E Catrow

Harry E. Catrow, Jr.

7-7-15

Date

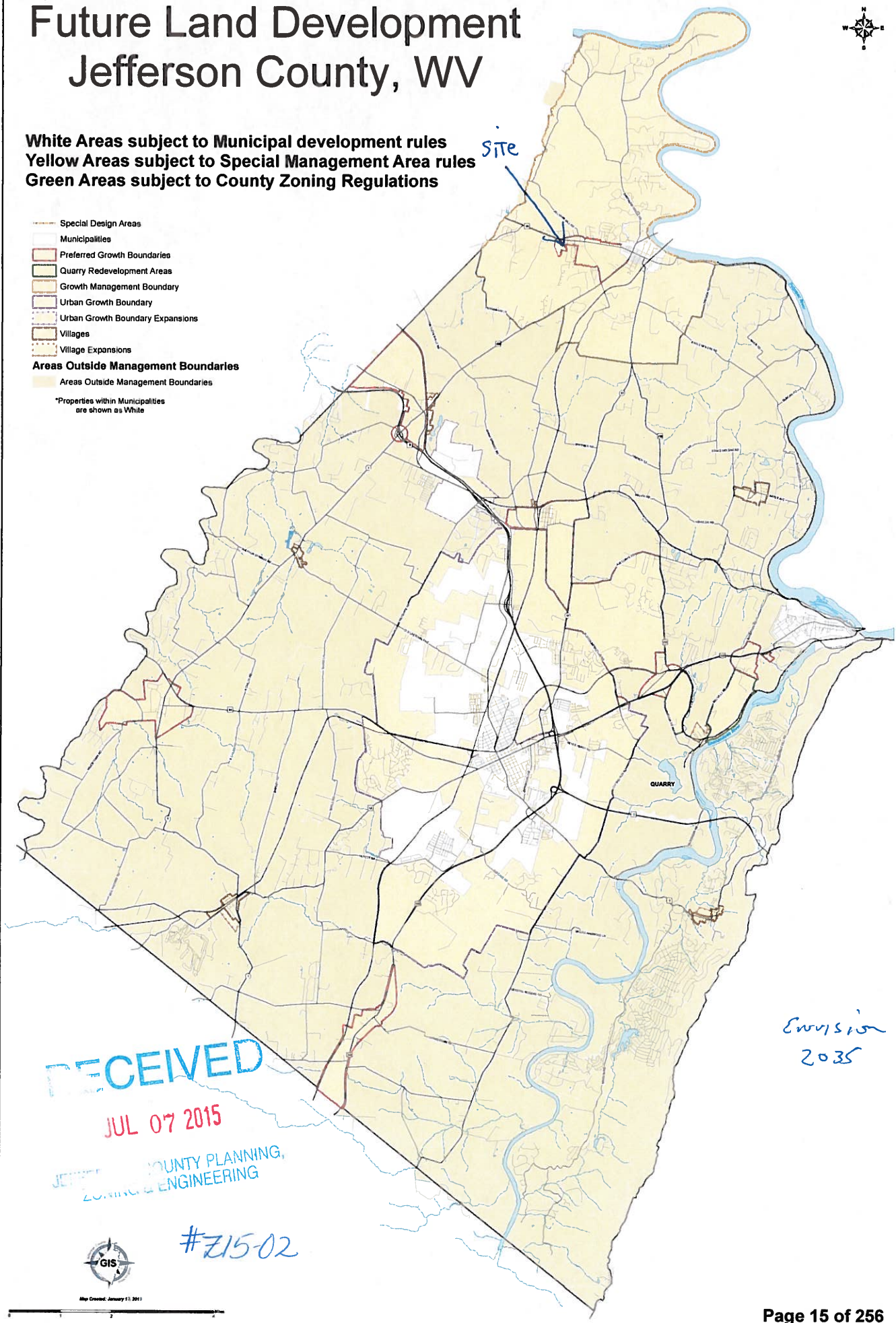
Future Land Development Jefferson County, WV



White Areas subject to Municipal development rules
Yellow Areas subject to Special Management Area rules
Green Areas subject to County Zoning Regulations

- Special Design Areas
 - Municipalities
 - Preferred Growth Boundaries
 - Quarry Redevelopment Areas
 - Growth Management Boundary
 - Urban Growth Boundary
 - Urban Growth Boundary Expansions
 - Villages
 - Village Expansions
 - Areas Outside Management Boundaries**
 - Areas Outside Management Boundaries
- *Properties within Municipalities
are shown as White

Site



RECEIVED

JUL 07 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Division
2035

#715-02



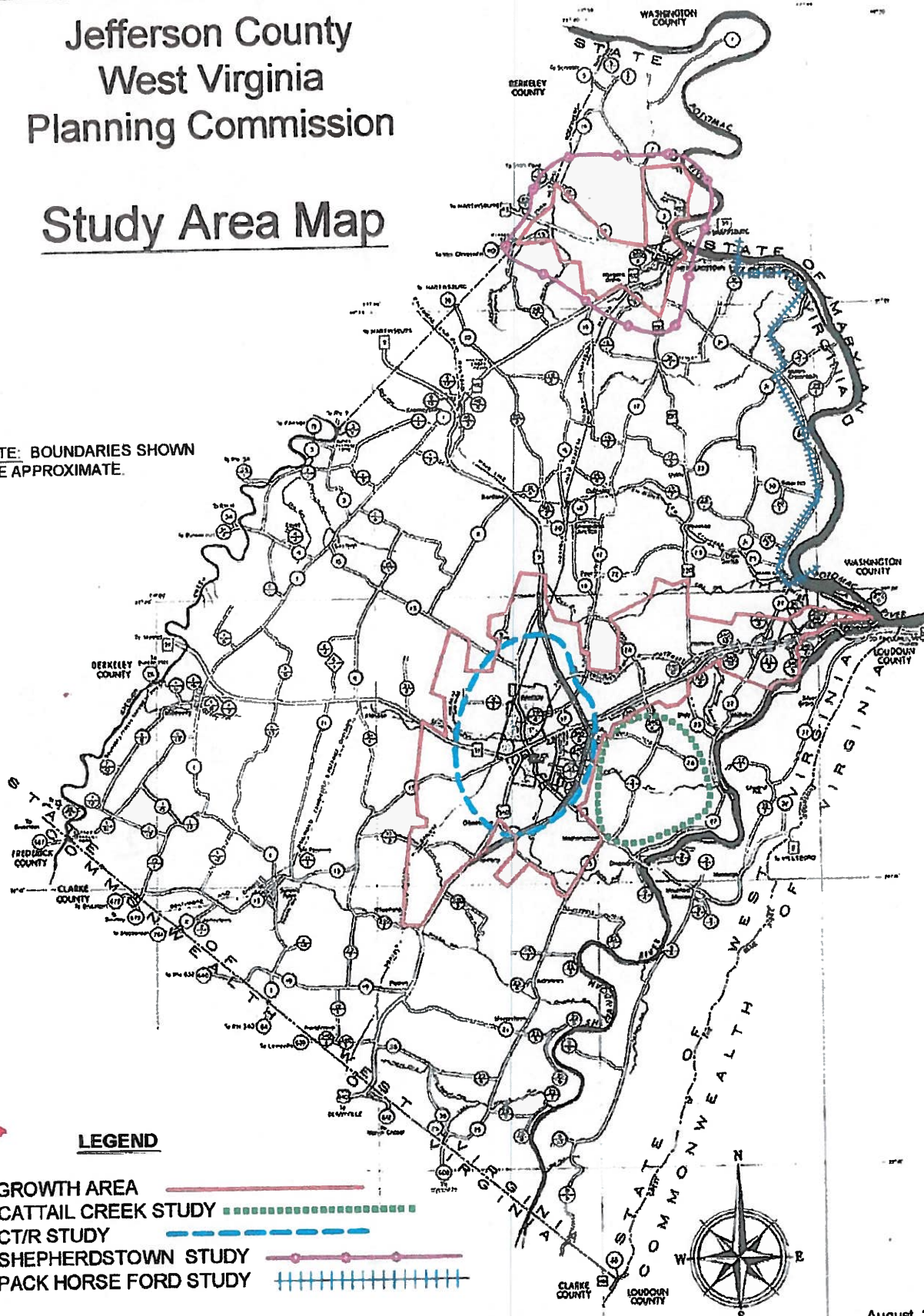
Map Created: January 11, 2011



#215-02

Jefferson County West Virginia Planning Commission Study Area Map

NOTE: BOUNDARIES SHOWN
ARE APPROXIMATE.



LEGEND

- 1. GROWTH AREA —————
- 2. CATTAIL CREEK STUDY
- 3. CT/R STUDY - - - - -
- 4. SHEPHERDSTOWN STUDY —●—●—●—
- 5. PACK HORSE FORD STUDY | | | | |

August, 2003
NOT TO SCALE

#715-02

Mr. Charles Carter
7174 Martinsburg Pike
Shepherdstown, WV 25443

November 5, 2014

Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414

Dear Commissioners,

I am the owner of two properties that directly front on Route 45. These properties are Parcels 32.1 and 23 on Tax Map 7 in the Shepherdstown District. My neighbor recently told me that a new plan was being written that may have a negative impact on my property. I believe that my property is currently zoned Residential Growth and is also shown in the Shepherdstown Growth Area in the current 2004 Comprehensive Plan. My property was also used commercially for many years. The commercial uses included a bar and a gun shop. Although I am zoned for Residential Growth, it would seem more logical that my property would be either residential or commercial in the new plan since it fronts on Martinsburg Pike and is located in an area that is mixed use.

I am told that in the proposed plan, the Future Land Use Map has my property outside of all of the preferred growth areas. I take issue with the fact that my property isn't in the preferred growth area or shown as commercial/residential on the new map. This is very odd, especially since my property: was used commercially in the past; is located in the Residential Growth District; is located in the current Comprehensive Plan's Shepherdstown Growth Area; fronts on a major road; and, is shown adjacent to the proposed Preferred Growth Area and property slated for commercial and residential development on the Future Land Use Map. Any of these reasons by themselves would make it logical to place my property back into the Growth Area and shown as Commercial/Residential on the Future Land Use Map.

This entire area is slated for growth in the current ordinance and comprehensive plans; so, I don't know why this new growth area is going to be before my property. I have had people interested in purchasing my property because of the zoning, but now the new designation on the map will reduce the value of my property. I don't think this is fair and would respectfully ask that my land be included in the Preferred Growth Area and shown as Commercial/Residential. These two areas are immediately next to my property. Why would the line stop there, when I am in the current growth area?

Please take this request in consideration before you vote on the Plan and designate my property appropriately. Thank you.

Sincerely,

Charles Carter

RECEIVED

JUL 07 2015

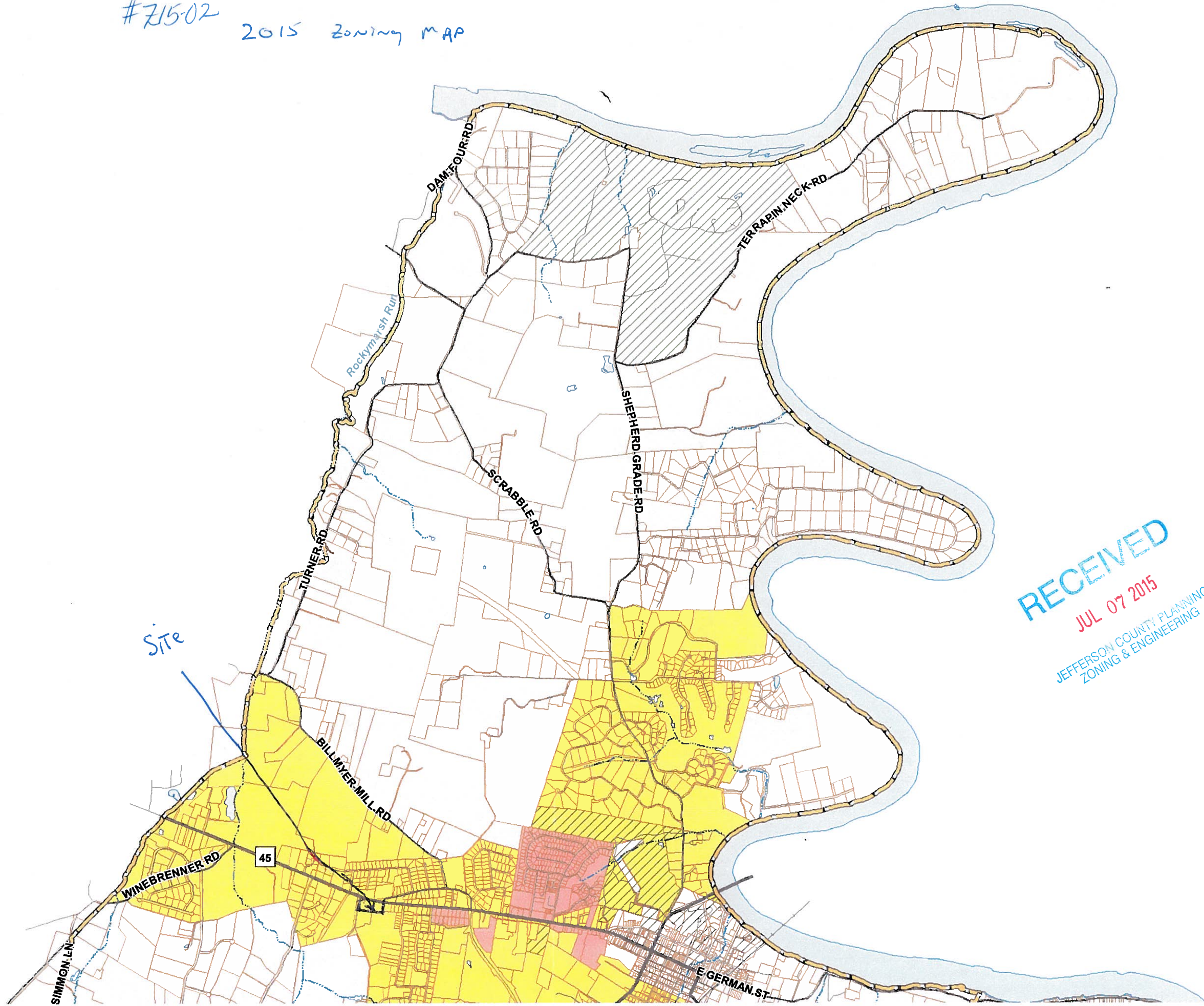
JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

#715-02



#715-02 2015 Zoning MAP

C
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JUL 07 2015
JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

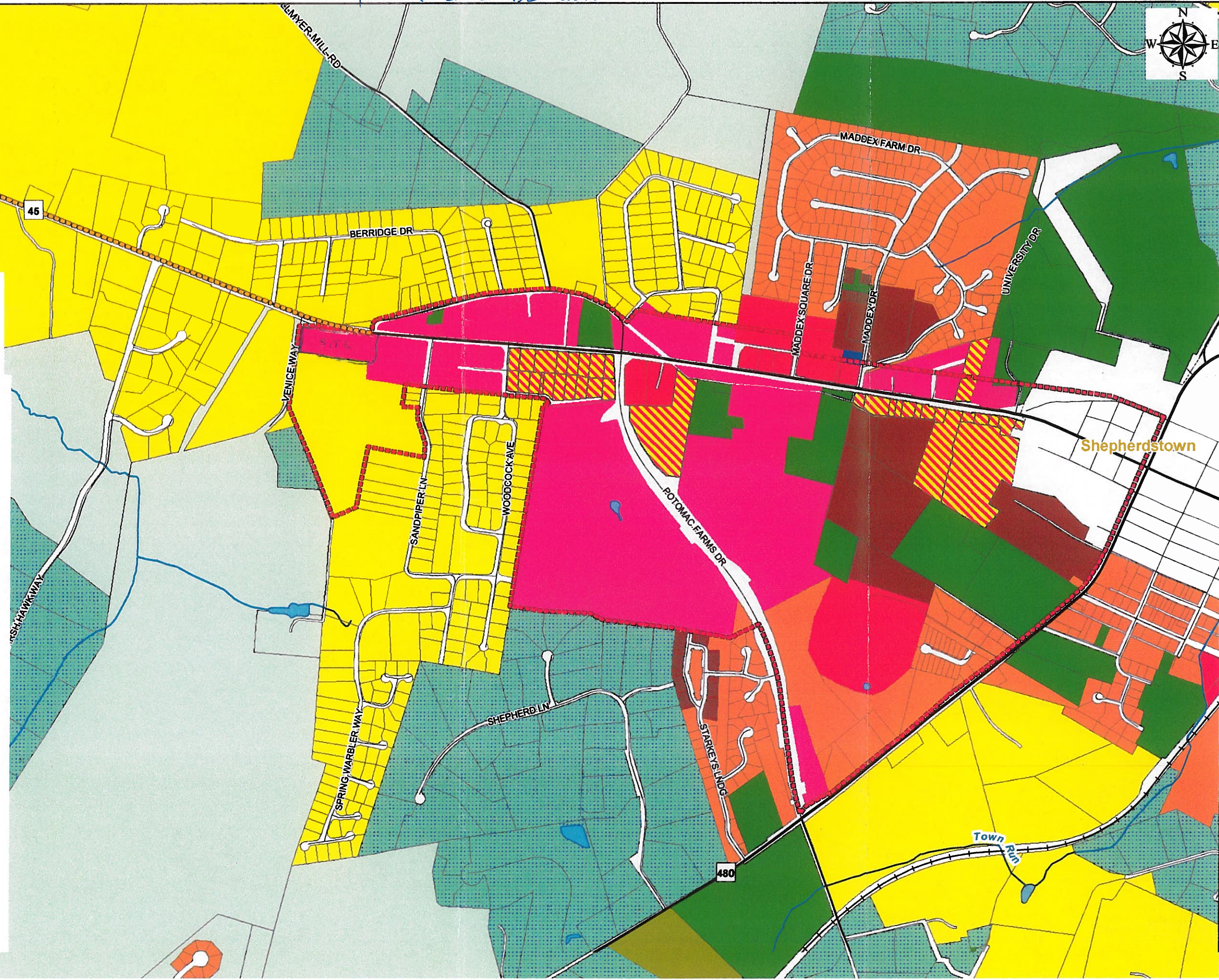
#215-02

FUTURE LAND USE GUIDE



Shepherdstown PGA

- Special Design Areas
- Preferred Growth Boundaries
- Quarry Redevelopment Areas
- Urban Growth Boundaries
- Urban Growth Boundary Expansions
- Villages
- Village Expansions
- Towns
- Farmland Preservation
- Future Land Use**
- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course



Public Comment
received
prior to Public Hearing

From: [Gloria Thatcher](#)
To: planningdepartment@jeffersoncountywv.org
Subject: Rezoning Map Amendment Request
Date: Wednesday, August 26, 2015 9:09:39 AM

We are responding to the request for a Zoning Map Amendment by property owner Charles M. Carter for the property located at 7174 Martinsburg Pike, designated as Tax District: Shepherdstown (09); Tax Map: 7; Parcel: 23 and 32.1. The property is currently zoned Residential Growth (RG), and request has been made to change all to the General Commercial (GC).

We live in the Heatherfield community and see no need for an additional commercial zone along Martinsburg Pike, particularly as the new commercial zone would front along an especially dangerous portion of that road. Going East to West, the road crests at the 7/11, intersects with Old Martinsburg Pike, curves to the right and concurrently begins a descent to intersect with Berridge Drive with an immediate raise thereafter to a speed limit of 55 MPH from 45. It is both difficult and dangerous to exit our community from Berridge Drive. From Berridge Drive neither can an exiting driver nor a west-bound driver see one another. There have been several accidents at this intersection; and, with the increased traffic from any commercial development, this problem will only be exasperated.

Further, with no indication of what Mr. Carter has planned, a designation of General Commercial would definitely have an effect on our whole residential community. We like living in our residential community and are opposed to any unknown commercialization.

We strongly urge that this property NOT be rezoned.

Robert and Gloria Thatcher, 126 Berridge Drive, P.O. Box 1764, Shepherdstown, WV 25443 Telephone No. 304 876-1397

Planning Department

From: Cindy Webster <cindyw02@gmail.com>
Sent: Tuesday, September 01, 2015 5:35 PM
To: planningdepartment@jeffersoncountywv.org
Subject: Public Hearing Rezoning Property Charles M. Carter to General Commercial

August 31, 2015

Attention: Planning Commission Jefferson County, WV
Subject: Public Hearing Rezoning Property Charles M. Carter to General Commercial

Please be advised that we are opposed to the request for a zoning map amendment by property owner Charles M. Carter for the property located at 7174 Martinsburg Pike, designated as Tax District: Shepherdstown (09); Tax Map:7; Parcel: 23 and 32.1 currently zoned Residential Growth (RG) to that of General Commercial (GC).

The conversion of the property to General Commercial services no purpose as known, other than the asking that it be done. No need has been shown for such a change. Would not the granting of General Commercial entitle the property adjacent/adjoining the same right.? Is this a valid question, if one considers the surrounding properties? We would think that this would follow. Where does it stop? As the owner has shown no justifiable reason nor given any reason for conversion to GC other than just asking, can it be assumed it is being done so the property could be sold to others for use as they wish with the coveted General Commercial status

The owner of parcel 7/23 has enjoyed the benefits of being residential and parcel 7/32.1 a narrow strip of land paying a paltry rate as an empty lot. The property owner could have objected to his property being designated Residential when the county designated it as such. This is not Jefferson County of twenty years ago or even ten or five. The development in both residential and commercial growth must now be planned in order to promote the general welfare of all and not just one. Growth has been phenomenal! **Continued unabated assignment of a parcel here and there does not work now! The owner cannot have it both ways by changing his mind at his own will. He has enjoyed the benefits of being residential not only through taxes but also of not having a business of unknown enterprise next to him. He was given the same rights that we are asking to be given.**

The maturity of the County over the years has shown that it recognizes the need to protect both commercial and residential areas by the enactment of planning and zoning regulations. Should this not be the case, then any resident in a residential area could request such a change to the detriment of local property owners. This would be a precedent cited for anyone wanting to change their property from RG to GC. **Again, no information or justification has been provided for the rezoning.**

Furthermore, the granting of the zoning to general commercial would be detrimental to property owners in the area allowing for a business or businesses to operate in a manner inconsistent with that of a residential area. The county in developing RG and GC recognized this by assigning the area as RG. This granting as a GC could include a business/ businesses such as so called Gentlemen's Clubs or Bars that would interfere with the enjoyment, welfare, property value, and safety of surrounding residents. **Other unknown named businesses could do the same.** There is enough designated commercial property/areas available and being developed for those who wish to establish a business in other GC areas close by to the present RG area. Why does this area need to be changed? This area to our knowledge is not even in the Shepherdstown future growth area plan. Additionally, the necessary services such as sewage for Commercial Growth is not presently available for the property described. These needs along with additional requirement for services from the Sheriff's department along with the increased traffic in an area where there have been numerous accidents are further grounds for

dismissal. There are far too many accidents and near misses in this area. When talking with local residents, the near misses, are only prevented by them recognizing the danger associated with the area or with just being lucky or should we say by the grace of God. Some have not been that fortunate to escape. Under the present conditions, I do not see a resolution to the traffic issue in this area due to the speed limits, consideration of other properties/developments entering Route 45, and physical hindrances such as line of sight.

We do not consider ourselves anti-growth. There are designated areas for commercial and residential. It is of major importance that this be enforced. One can say, there are other business in the area. However, there was an established endpoint both in time and location, and the county has done so have by designating certain areas as RG or GC. This was done because of complaints raised by citizens and County members themselves who recognized the need to control unregulated development. **Not a "parcel here and there" fits in with the county's plan and assigned zoning requirements.** The county did this in recognizing the need for a growing Jefferson County. **We view the changing of the property as described above from RG to GC is without merit and fails to meet the criteria established by the County, and we REQUEST THAT IT BE DENIED.**

Cynthia H. & Roger A. Webster

[142 Berridge Drive](#)

[Shepherdstown, WV 25443](#)

Sent from my iPad

From: [William Garrett](#)
To: planningdepartment@jeffersoncountywv.org
Subject: Request to rezone property (re a public hearing on Tuesday, Sept. 8)
Date: Sunday, August 30, 2015 3:42:34 PM

Since We can not be at the meeting on September 8, we would like to express our objection to the request to rezone property from residential to general commercial. This property is located across Rt. 45 from the Berridge Drive entrance into Heatherfield. The Berridge Drive exit is already hazardous intersection to exit onto Rt. 45 without adding a commercial entrance across from Berridge Drive. (The hill there creates a limited field of vision to determine when it is safe to pull out.)

Thank you for allowing our input,

Bill & Elaine Garrett
163 Billmyer Mill Rd
Shepherdstown, WV 25443

From: dkerr@usa.com
To: planningdepartment@jeffersoncountywv.org
Subject: Charles M. Carter property rezoning request
Date: Tuesday, September 01, 2015 2:40:37 PM

Charles M. Carter property at 7174 Martinsburg Pike Shepherdstown, WV has requested a rezoning of his property to General Commercial. We own the property at 7006 Martinsburg Pike and have a great many concerns if this property is rezoned to Gererall Commercial. We have lived at this address since 1972 and have seen numerous accidents on this stretch of the road. Making this property Commercial would increase the volumn of traffic making the highway more dangerous especially if the establishment sold liquor. The area currently has several school bus stops near by and the added traffic could cause a serious accident involving a school bus. We realise the nature of the business would be a major factor but someone buying the property for one thing could resale it for a profit to an undesirable business. Also a lot of the residents in this area are on fixed incomes and being made to hook onto water and sewer could be a major hardship for many. Therefore, we would like to make the request that you leave the property zoned as it is residential. Thanks for your consideration of this matter.
David and Carolyn Kerr

From: JLMcDonel
To: Planningdepartment@jeffersoncountywv.org
Subject: Request for Zoning Change
Date: Tuesday, September 01, 2015 7:37:24 PM
Attachments: [Zoning Meeting.pdf](#)

Dear Sirs,

I have received a letter from you with the following subject:

“Notice to adjoining property owners of a Request for a Zoning Map Amendment received from Charles M. Carter for a 4.01 Ac. Combined acre property located at 7174 Martinsburg Pike at the intersection with Venice Way.”

As owners of approximately 12 acres, part of which are contiguous with the 4 acres being discussed, I am attaching to this email a copy of a letter signed by my wife and me which is to serve two functions:

- 1) the expression of our position on this request and the rationale for that position (namely, we are opposed to the requested change).
- 2) verify that we have asked Mr. Gregory Lance, who we allow to make limited use of our 12 acres of land for hiking and other transient activities, to represent us at the meeting on September 8, 2015. We are unable to attend because of the distance from our home and work. Mr. Lance has the signed copy of this letter. If you require a signed copy, please let me know and I will provide one.

Please read through our position and rationale, which I believe should be the major consideration for considering this zoning change request.

Also feel free to contact me if you have any questions or require further information from us.

Thanks!

Dr. James L. McDonel
1355 Hidden View Rd SW
Roanoke, VA 24015
Cell Phone: 540-597-6537
email: JLMcDonel@cox.net

Jefferson County, West Virginia
Department of Planning
116 East Washington Street, 2nd Floor
Charles Town, West Virginia 25414

September 1, 2015

RE: "Notice to adjoining property owners of a Request for a Zoning Map Amendment received from Charles M. Carter for a 4.01 Ac. Combined acre property located at 7174 Martinsburg Pike at the intersection with Venice Way."

Dear Planning Commission,

I, James L. McDonel, and my spouse, Doris J. McDonel, are the owners of approximately 12 acres, part of which tract is contiguous with the above referenced property. Our signatures, address and contact information are given below.

Because both of us live in southwest Virginia, and have employment obligations that prevent us from attending the meeting on this request, we are signing below to empower Mr. Gregory Lance to represent our interests at the meeting. Nevertheless, I will state our position on this request as follows:

Land that currently is zoned either for single family residential or agricultural use should be considered for rezoning to commercial use only with the most compelling justification by the owner, and the most compelling community needs to support such a change. In other words, only if some very pressing need by the surrounding community is currently not being met, but could now be met by such a zoning change, should such a change even be considered, let alone granted.

Single family residential or agricultural use both are relatively narrowly-defined, with very limited latitude for abuse. Commercial use, on the other hand, can be extremely broad and carries the potential for a dramatic shift in surrounding property use and value. Even if the current owner were to offer a use plan that appeared reasonable, there is nothing to prevent a dramatic change in such plans once the commercial zoning is granted, either by the current owner, or a future owner whose plan of use could be far less reasonable.

It is difficult for us to imagine what dire pressing community, municipal, or county need could exist, let alone be ameliorated by commercial zoning, given the location and size of these 4 acres. They are only 2 miles from the center of Shepherdstown, and the vast majority of the properties surrounding the 4 acres are either agricultural or residential, with relatively low population density.

It is our strong opinion that there is no need to debate the merits, or lack thereof, of whatever plan of use the current owner would present because the simplest, most powerful and responsible standard should be that given above, namely, that a serious community deficit leading to community hardship has been previously identified, and this zoning change would promise to alleviate this hardship and deficit. The argument that an owner could theoretically make more money with land zoned commercial doesn't come close to a compelling argument. Were such an argument to be grounds for a zoning change, I would think many other property owners would follow suit and a land use disaster would be the outcome. We believe Jefferson County has a rich history of far better land management than that. As a result, we are opposed to a rezoning of these 4 acres being granted.

Continued:

Page 1 of 2



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, WV 25414

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

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

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)

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 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

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.

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.

**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

Campground²⁷ 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 REGULATIONS²³

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^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
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	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	

Public Comment
received
prior to Public Hearing

Rhonda Greenholtz

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

From: Al Johnson [<mailto:aljohnson@racpack.com>]
Sent: Thursday, August 06, 2015 11:45 AM
To: 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



PO Box 295
Hill City, SD 57745

(605) 574-3401 direct line

Note: The information contained in this message, including any attachments, may be privileged, confidential, or protected from disclosure under state or federal laws. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the Sender immediately by a "reply to sender only" message and destroy all electronic or paper copies of the communication, including any attachments.

**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.

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

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.

**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

Campground²⁷ 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 REGULATIONS²³

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^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
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Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
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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	
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Gambling Facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
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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	
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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	

Dr. James G. Gibson
201 Needwood Farm Lane
Harpers Ferry, WV 25425

August 7, 2015

Mr. Steve Stolipher
P.O. Box 338
Charles Town, WV 25414

Dear Steve,

As you are aware, I was on the Campground Committee appointed by the Planning Commission. At this point, the Commission has received a copy of the committee's final recommendations along with the Staff's suggestions and changes. As a reminder, this committee was appointed with the direction to facilitate the location of campgrounds in the rural areas of the County since the current regulations only allowed them in the commercial and industrial areas of the County. I have had an opportunity to review Recreational Adventures Company's (RAC) response to these proposed amendments and I share most of their thoughts. As a matter of fact, their comments and my comments below are very similar on a lot of the topics. Please pay close attention to RAC's proposal as they have experience in this field.

I have looked closely at the final form of the amendments with the Staff suggestions and I believe that there are still some issues that need to be clarified to meet the intent of the Committee's work. Here are some of the issues that I believe should be cleared up before the public hearing is scheduled:

1. The intent of the committee's provisions was to allow existing roads or driveways on farms to be used without any changes to the road. In both ordinances, it is stated that existing roads can be used without being upgraded, but the amendments also state that the campground should have direct access to State Roads. It should be made very clear that existing roads, driveways, easements or rights of way can continue be used to serve the farm, family lots or the existing residences without being upgraded to the new standards. If a campground is only on a certain area of a farm, then it can share the access with the other activities along the farm lane or easement without the need for upgrading. Again, it just needs to be made a bit clearer in the proposal.
2. Regarding cabins, the committee's intent was to allow permanent cabin structures in addition to cabins like the KOA has on their property. This is just a definition issue and can be easily clarified by adding a definition of 'Cabin' to the proposal. However, the Committee's intent was to allow nice cabin structures.
3. In the proposal, there is still a limit on the number of days that a person can stay at the campground. Again, while it is easy to enforce if the campground was in a National Park and everyone was checking in and out using a centralized system, it would be impossible for the County to keep track of the number of days an individual is using a campground in 4 or 5 different campgrounds around the County. The County would have to keep a check-in and check-out ledger/log to keep track of this information. It is an impossible standard to keep track of or to enforce, so it should be removed.
4. The maximum number of campsites per acre should be in the Zoning Ordinance, not the Subdivision Ordinance.

5. The committee's proposal also makes it clear that some of the provisions can be varied by the BZA. The Staff's suggestion is that the BZA can grant variances without specific permission granted to the Board. However, the ordinance does not allow the BZA to grant variances to otherwise prohibited uses. As such, I believe that it has to be clear in the proposed amendments that properties less than 10 acres aren't prohibited if the BZA grants a variance. Therefore, the Committee's proposed language expressly allowing variances to certain provisions should remain.
6. The 10 acre size limitation is proposed to be in both the Site Plan/Subdivision Ordinance and the Zoning Ordinance. It should only be in the Zoning Ordinance so that they are the only body that needs to grant the variance.
7. The Staff suggests making the parking and parking surface standards to remain the same in the existing ordinance. However, I believe that the parking standards should remain flexible as proposed by the Committee. Additional parking and or surfacing requirements require more land and makes the area appear less rural. While it is important that you allow the campgrounds to be located in the Rural Districts, it is also important that that the County doesn't require the clearcutting of the land in order to build paved roads and large paved parking lots to serve the 'rural' campground.
8. The Staff questions the 12 and 15 feet widths of the service roads (if required). If appropriate turn-offs are provided to accommodate an RV or Fifth-Wheel, then this should be more than adequate.
9. One of the biggest problems with the amended proposal is the section on compliance with a list of standards. This section needs fixed before the proposal is sent to public hearing:

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: The use of these private facilities does not post a transferable risk to Jefferson County, whose primary responsibility lies in the requirement to ensure the following;

1. Safe access and egress to state roads (WVDOT, 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)

The committee proposed flexible design, however the added red highlighted portion makes the design and County review impossible to predict. If the Engineering Department was reviewing a proposal under this section, they would interpret number 2 to mean that the entire existing SWM section of the ordinance must be met. This provision should either remain flexible, or additional language should be added with the exact standards that a proposal needs to meet.

In summary, I believe that the Planning Commission's goal was to allow campgrounds, by right, in areas outside of the Commercial and Industrial Districts. I also believe that the Commission's intent was to facilitate the location of campgrounds in a way that allowed the Planning Commission and Staff to be flexible in the design of a project. Finally, it would defeat the purpose to require the clearing of all of the trees or building new roads and paving 50 percent of the area to develop a rural campground.

Thank you for opportunity to clarify some of my thoughts as a committee member. As you know, I was also a member of the Envision 2035 Steering Committee and a major goal of the Comprehensive Plan was to support Rural Economic Development and Tourism opportunities. This is a perfect first opportunity to realize that goal. I believe that the proposal needs to be further refined before the Public Hearing. However, if the Public Hearing is planned, then please accept these comments in account during the public process. If it does go to Public Hearing, I will propose specific changes to the amendments.

Please let me know if you have any questions.

Sincerely,



Jim Gibson
304/279-2688

cc: Ms. Jane Tabb, President, County Commission of Jefferson County
Ms. Stephanie Grove, Jefferson County Administrator
Ms. Jennie Brockman, AICP, Director, Jefferson County Planning and Zoning



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Director's Report Planning Commission Meeting September 8, 2015

1) Status of Planning Commission Ordinance and Regulations Amendments:

a) September 22, 2015 PC Workshop to discuss and provide direction on the following text amendments:

- i. Major and Minor Subdivision and Site Plan Process:
- ii. Mass Events Ordinance (#ZTA 14-02):
- iii. Article 12 Zoning Ordinance

b) LESA/Conditional Use and Cluster Subdivision Provision Modifications

- i. Staff requires additional time to prepare a document for Legal which highlights which sections of the Ordinance will require amending (late September) so that Legal can determine the notice requirements of the state law and work with the County Commission to determine the appropriate next steps
- ii. Planning Commission should consider hosting a workshop with representatives of the agricultural community in October to collaborate on the proposed amendments recommended by the *Envision Jefferson 2035 Comprehensive Plan*

c) Historic Resource Demolition and Adaptive Reuse

- i. Staff work session with representatives from the building department for input regarding the requirements of State law pertaining to demolition of and adaptive reuse of historic resource sites is scheduled later in September

d) Other Text amendments needed:

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

2) Upcoming PC meetings

a) Planning Commission Work Session: **September 22, 2015**

- 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

b) Next regular Planning Commission Meeting: **October 13, 2015**

- Shepherdstown Library Concept Plan Public Workshop