CITY OF CHARLES TOWN
PLANNING COMMISSION
AGENDA • SEPTEMBER 22, 2025

Commission/Board Meeting **CITY HALL** **7:00 PM**

101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

2. APPROVAL OF MINUTES

: DRAFT August 25, 2025 minutes
08-25-25 PC MINUTES_DRAFT.pdf

3. UNFINISHED BUSINESS

4. NEW BUSINESS

: **Public Hearing:** *BR2025-09* - Norborne Glebe Phases 9, 10A - Performance Bond Release
1. Staff Report.pdf
2. Application.pdf
3. KH Review.pdf
4. Revsied Light Plan.pdf
5. Prop cert.pdf

: **Public Hearing:** *BR2025-10* - Tiny Treasures Daycare - Combined Bond Release
1. Staff Report.pdf
2. Application.pdf
3. KH Review.pdf
4. Compaction Testing - Overall Results.pdf

: **Public Hearing:** *ANX2025-02* - 330 Southerly Lane - Annexation Request
1. Staff Report.pdf
2. Application.pdf
3. Signed Petition.pdf

5. ADJOURNMENT

6. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:

https://www.charlestownwv.us/government/agendas_minutes.php

Planning Commission
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

Meeting: 09/22/25
Department: Planning Commission
Category: Report
Initiator:

AGENDA ITEM (ID #)

DRAFT August 25, 2025 minutes

ATTACHMENTS:

- 08-25-25 PC MINUTES_DRAFT.pdf

CITY OF CHARLES TOWN

PLANNING COMMISSION •
MINUTES AUGUST 25, 2025

Committee Meeting **CITY HALL** **7:00 PM**

101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

Present: Ann Paonessa - Chair
Jessica Derr – attended virtually
Zakhary Dunning
Jeff Hynes
Kevin Long

James Newman, City Staff - Zoning Administrator

2. APPROVAL OF MINUTES

2.1: Regular Session Minutes of July 28, 2025

RESULT:	**Approved**
MOVER:	Dunning
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes, Paonessa, Long

3. UNFINISHED BUSINESS

None

4. NEW BUSINESS

4.1: Public Hearing: *SLD2024-03: – Preliminary Plan for 231 N Samuel St*

4.2: Public Hearing: *WV2025-01: - Waiver Request for 231 N Samuel St*

The Commission stated that the applicant has requested to postpone action on the items.

Motion to table both items:

RESULT:	**Approved**
MOVER:	Dunning
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes, Paonessa, Long

No comments.

5. ADJOURNMENT

Meeting adjourned at 7:02 pm.

DRAFT

Planning Commission
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/22/25
Department: Planning Commission
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Public Hearing: *BR2025-09* - Norborne Glebe Phases 9, 10A - Performance Bond Release

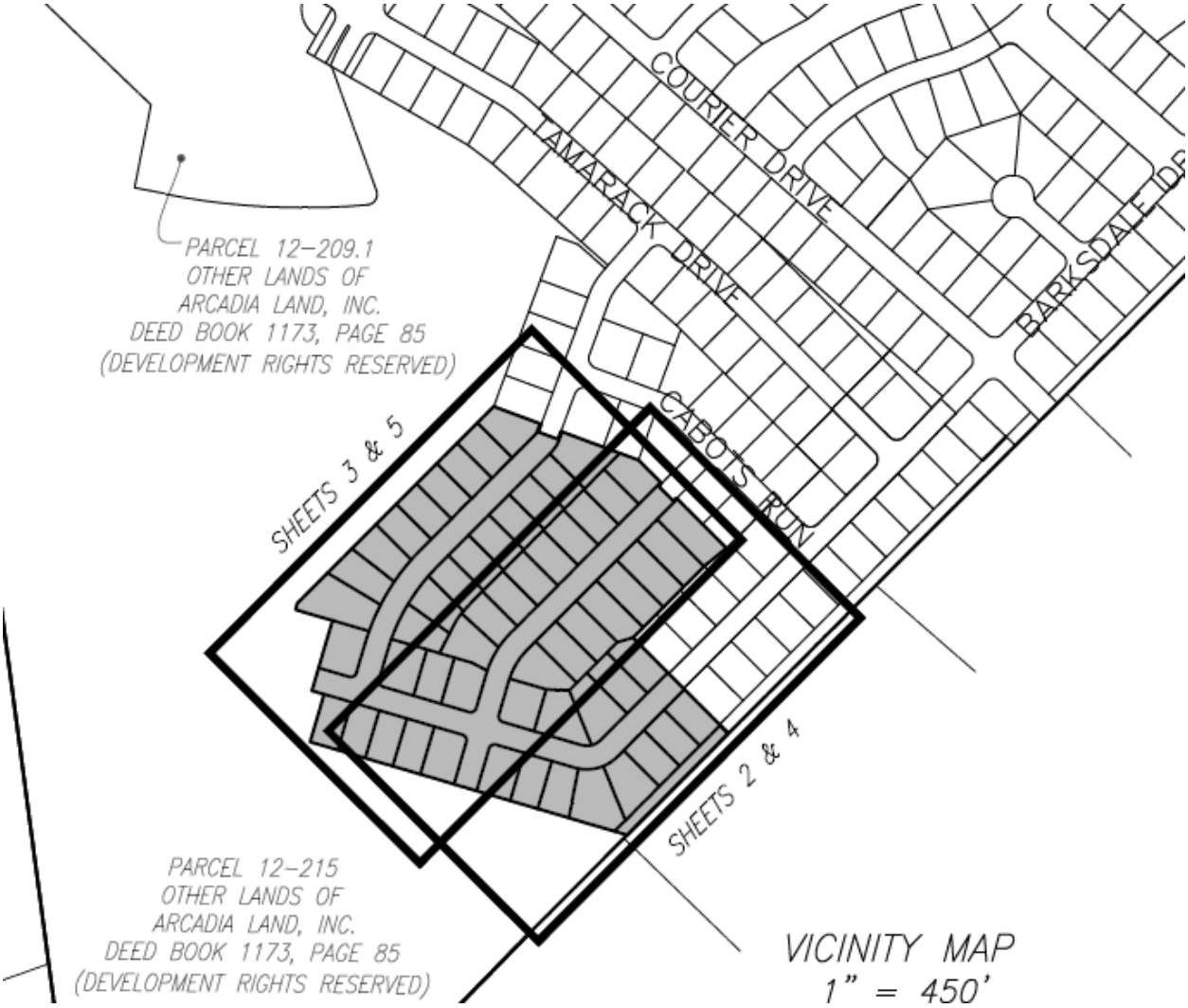
ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. KH Review.pdf
- 4. Revsied Light Plan.pdf
- 5. Prop cert.pdf

Bond Release Request
BR2025-08

Date: For the September 22, 2025 Planning Commission Meeting
Applicant: Arcadia Land Inc.
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: A performance bond release of $430,013.25

Norborne Glebe Phases 9 & 10A



BACKGROUND
The applicant is requesting a bond release of the **performance bond.** The Final Plat was approved by the City in May 2023. The bond was established in December 2022, with a reduction in February 2024.

Performance Bond: $430,013.25

KIMLEY-HORN REVIEW

Upon review of the request the City's 3rd party engineering firm, Kimley-Horn, has determined that the bond release meets the requirements for approval.

BOND COMMITTEE

The Bond Committee reviewed this item at their September 11, 2025 meeting. The Committee recommends approval of the bond release. The applicant revised their plans to reduce over-lighting while still meeting the City's lighting requirements; there are 21 lights in place rather than the initially proposed 24.

STAFF RECOMMENDATION

Recommend **approval** of the performance bond request.

The Commission may recommend approval, denial, or table action to the next meeting.

RECEIVED
AUG 13 2025
BY:

BOND REQUEST AND REDUCTION

1. APPLICATION TYPE :

- ☐ Bond Initiation – No application fee
- ☐ Bond Reduction – No application fee
- ☐ Bond Extension – No application fee
- ☑ Bond Release – Application Fee: $60

2. FEES

Third-party review fees are assessed separately for each application, and will be sent to the applicant. All fees must be paid prior to approval.

3. PUBLIC NOTICE

Only bond release applications require a public hearing, which is held by the Planning Commission. City Council approval is still required.

4. APPLICATION REQUIREMENTS

Please submit one application set with supporting materials in paper, and one copy in PDF format.

1. DATE August 12, 2025

2. PROJECT NAME Norborne Glebe Phases 9/10A

Address 108 N. Goerge St., 2nd Floor, Charles Town, WV 25414

3. APPLICANT'S NAME* Arcadia Land, Inc

Address 108 N. George Street, 2nd Floor, Charles Town, WV 25414

Telephone Number (703-771-8000

Email Address gendler@arcadiacompanies.com

4. PROPERTY OWNER'S NAME Arcadia Land, Inc

Address 108 N. George Street, 2nd Floor, Charles Town, WV 25414

Telephone Number (703-771-8000

Email Address gendler@arcadiacompanies.com

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

5. DESCRIPTION OF REQUEST:

Performance Bond Release for Norborne Glebe Phase 9/10A

6. A) CURRENT BOND AMOUNT $ 430,013.25

B) PROPOSED BOND AMOUNT $ Bond Release- $ = 0.00

C) CHANGE IN BONDED AMOUNT $ < 430,013.25>

7. PARCEL INVENTORY: (List all parcels that are part of this application):

Tax Map No.	Parcel No.	Tax Map No.	Parcel No.
3-12-209			
3-12-212			
3-12-215			

8. PARCEL HISTORY: (List all pending or previously approved applications on the subject parcels inventoried above, including previous plat applications if this application is an amendment)

Application No.	Project Name and Phase	Status	Approval Date
SLD-2021-05	Norborne Glebe Phase 9/10A		10/13/22

9. <u>BOND RELEASE</u> – SUPPLEMENTAL MATERIALS REQUIRED:

A. Copies of inspection and test reports if work was inspected and tested by a third-party inspector.

B. Certification that all bonded Improvements, have been completed in accordance with the approved plans, profiles, and specifications and the requirements of any applicable manual.

C. A copy of the City-approved As-Built Drawings as required for facilities within public rights-of-way or Easements.

D. A letter from a Professional Engineer or Professional Land Surveyor certifying that property corners and Monuments have been set as required under this Ordinance.

Continued on next page.

E. Documentation of acceptance by WVDOH for public roadways and rights-of-way, or a maintenance and indemnification agreement and bond approved by the Planning Commission for public roadways that have been completed in accordance with WVDOH standards but which, due to factors other than their quality of construction, are not eligible for acceptance by WVDOH.

F. **For private roadways**, a letter of acceptance by the entity responsible for maintenance and a Latent Defects Indemnification Agreement and Bond.

   Before a Performance Agreement and surety for private roadway construction shall be released, a Latent Defects Indemnification Agreement and Bond shall be provided by the applicant/Developer and approved by the Planning Commission. The guarantee provided by such Agreement and Bond must be for a period of two (2) years following the date of performance bond release, and must be in an amount equal to no less than 5% of the original performance bond estimate.

G. **Landscaping Surety** is required to ensure the landscaping shown on a Major S/LD plan is maintained for one (1) year. The one (1) year shall start from the date at which the surety for the site has been released, with the exception of this landscaping surety. The landscaping surety amount shall not be less than $5,000.00 or 10% of the total landscaping cost for the project, which ever is greater.

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1335 of the S/LD Ordinance.

Signature of Applicant _____ Date 8/12/2025

Signature of Property Owner (If different than Applicant)

_____ Date _____

Please submit an original completed application to the following:

At City Hall:	Or	Via Mail:
Subdivision Administrator City of Charles Town 101 E. Washington Street Charles Town, WV 25414		Subdivision Administrator City of Charles Town PO BOX 14 Charles Town, WV 25414

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Fee: $_____ Check No._____

Receipt No._____

Site Inspection Date:_____ Inspector:_____

Planning Commission Approval:_____ Date:_____

City Council Approval:_____ Date:_____

Comments:_____

_____

_____

_____

_____

Kimley»Horn

Memorandum

To: Mr. Gary Endler
Arcadia Land, Inc.
108 N George St, 2nd Floor
Charles Town, WV 25414

From: Mark Phillips, P.E.
Diego Carreira

Through: Mr. James Newman, AICP
City of Charles Town
101 E Washington Street
Charles Town, WV 25414

Date: September 8, 2025

Subject: Norborne Glebe Phases 9 & 10A Bond Release Review

This memorandum summarizes our review of the Bond Release request for the Norborne Glebe Residential Phases 9 & 10A (dated September 8, 2024 prepared by H2 Land Company.) for a Bond Release of $1,679,755.40. Using the Final Subdivision/Land Development Plat, site visit observations, and the As-Built plans by Morris & Ritchie Associates, and the respective bond release application, we have no further comments.

Kimley-Horn finds the bond release request to be in conformance with the plans and materials provided by the Applicant and recommends approval of the Bond Release Request.

Note that the Bond Release review does not constitute a formal inspection of work or quality review. Only an observation of visible quantities and available information from As-Built data.

Thank you for the opportunity to review this Bond Release request. In the meantime, please feel free to contact us at 703-870-3631 should you have any questions.

KIMLEY-HORN & ASSOCIATES, INC.



Mark Phillips, P.E.
Project Manager
Associate

NORBORNE GLEBE

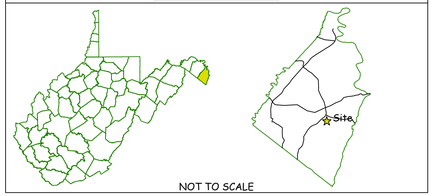
PHASE 9 & 10A

PRELIMINARY SUBDIVISION / LAND DEVELOPMENT PLAT

MAJOR SLD 2021-05

CHARLES TOWN CORP. DISTRICT (3) - MAP 12 - PARCEL 215
DEED BOOK 1173 - PAGE 85
CITY OF CHARLES TOWN
JEFFERSON COUNTY, WEST VIRGINIA
ZONED NEIGHBORHOOD RESIDENTIAL (NR)

GENERAL LOCATION



Plan Revisions

Revision	Date	Comment
1	08/01/2022	PER CITY COMMENTS
2	09/15/2022	PER CTUB COMMENTS
3	08/05/2025	AS-BUILT LIGHT LOCATIONS

STATE & LOCAL PERMITS

AGENCY	PERMIT #/APPROVAL DATE
WVDEP	WVR1101047 / 03/29/2019
WVDOH	5-02-0050 /01-23-2021

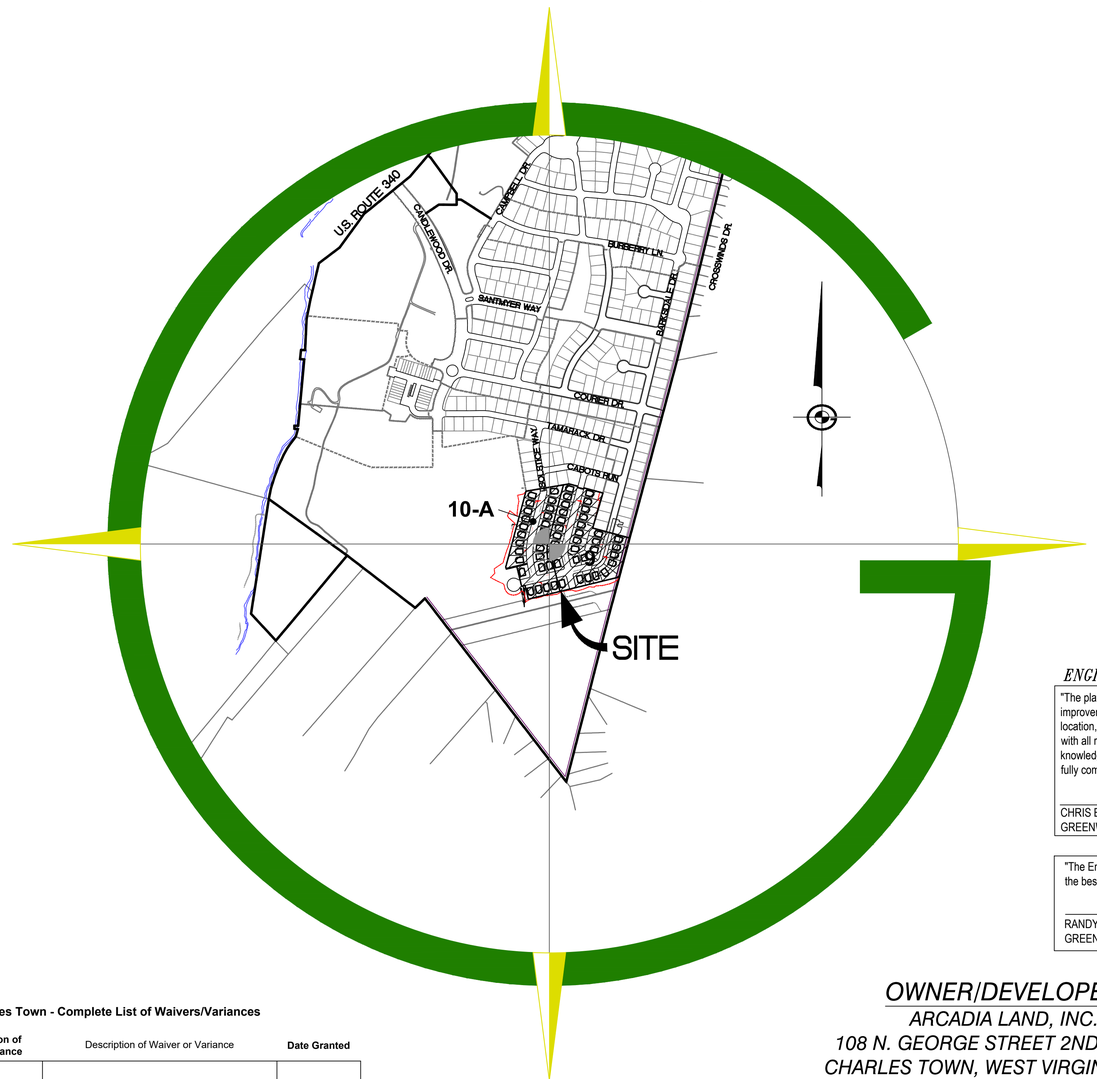
CALL "MISS UTILITY"

MISS UTILITY OF WEST VIRGINIA (MUWV) AT 811 OR 1-800-245-4848, 48 HOURS PRIOR TO THE START OF WORK. EXCAVATORS MUST NOTIFY ALL PUBLIC UTILITY OPERATORS WHO MAINTAIN UNDERGROUND UTILITY LINES IN THE AREA OF PROPOSED EXCAVATING OR BLASTING AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL COUNTY REQUIREMENTS, WEST VIRGINIA CODE AND REGULATIONS.

UTILITY NOTICE (AS NEEDED)

Contractors shall notify all public utility operators who maintain underground utility lines in the area of proposed excavating or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition. Names and telephone numbers of the operators of underground utility lines appear below. These numbers shall also be used to serve in an emergency condition.

Water:	Charles Town Utility Board 832 S. George Street Charles Town, WV 25414 (304) 725-2316
Sewer:	Charles Town Utility Board 832 S. George Street Charles Town, WV 25414 (304) 725-2316
Power:	Potomac Edison P.O.Box 3615 Akron, OH 44309 (800) 686-0011
Phone:	Frontier Communications 1108 N. Mildred Street Ranson, WV 25438 (304) 728-8500
Soil Conservation:	Eastern Panhandle Conservation District 151 Aikens Center, Suite 2 Martinsburg, WV 25404 (304) 263-4376



VICINITY MAP

SCALE: 1" = 600'

Charles Town - Complete List of Waivers/Variances

Ordinance	Section of Ordinance	Description of Waiver or Variance	Date Granted

"This property is in an area designated as a special flood area, as shown on Community Map/panel Number 54037C0138E, Effective date 12/18/2009."

Sheet List Table

Sheet Title	Sheet Number
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ADJOINING OWNER INFORMATION AND PHASING KEY	3
EROSION & SEDIMENT PHASE I	4
EROSION & SEDIMENT PHASE II	5
EROSION & SEDIMENT PHASE II	6
EROSION & SEDIMENT CONTROL PLAN NARRATIVE	7
EROSION & SEDIMENT CONTROL PLAN DETAILS	8
EROSION & SEDIMENT CONTROL PLAN DETAILS	9
ROAD & UTILITY PLAN	10
ROAD & UTILITY PLAN	11
GRADING PLAN	12
GRADING PLAN	13
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SOLSTICE DRIVE ROAD PROFILES	16
SOLSTICE WAY ROAD CROSS SECTIONS	16A
SOLSTICE WAY ROAD CROSS SECTIONS	16B
SOLSTICE WAY ROAD CROSS SECTIONS	16C
FELDBERG DRIVE ROAD PROFILES	17
FELDBERG DRIVE ROAD CROSS SECTIONS	17A
FELDBERG DRIVE ROAD CROSS SECTIONS	17B
FELDBERG DRIVE ROAD CROSS SECTIONS	17C
BARKSDALE DRIVE PROFILES	18
BARKSDALE ROAD CROSS SECTIONS	18A
BARKSDALE DRIVE ROAD CROSS SECTIONS	18B
BARKSDALE DRIVE ROAD CROSS SECTIONS	18C
STORM SEWER PROFILES	19
STORM SEWER PROFILES & STORM COMPUTATIONS	20
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SWM PLAN	31
SWM COMPS	32
SWM DETAILS	33

ENGINEER/SURVEYOR'S CERTIFICATION

"The plat represents a survey made by him/her; all Monuments and improvements indicated thereon actually exist, and that their location, size and material are correctly shown; he/she is familiar with all requirements of this Ordinance; and, to his/her best knowledge and belief, all requirements of this Ordinance have been fully complied therewith."

_____ ____
CHRIS BLAIR, PLS Date
GREENWAY ENGINEERING, INC.

STATEMENT OF ACCURACY

"The Engineer and/or Surveyor, in signing this plat/plan, attests to the best of his or her knowledge, is plan is complete and accurate."

_____ ____
RANDY L. KEPLER, P.E. Date
GREENWAY ENGINEERING INC.

PRELIMINARY PLAN AND PLAT APPROVAL

"This Preliminary Plan was approved by the City of Charles Town, on the _____ day of _____, 20_____ , subject to any conditions specified hereon.

All expenses incurred with respect to improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures and all other improvements that may be required shall be the responsibility of the subdivider and not the City.

_____ ____
Secretary of the Planning Commision Date

STATEMENT OF ACCEPTANCE

"The developer, in signing this plat/plan, agrees to abide by all conditions, terms and specifications provided heron; and to complete all the improvements required by the Preliminary Plat and Plan or site plan."

_____ ____
ARCADIA LAND, INC. Date
108 N. GEORGE STREET 2ND FLOOR
CHARLES TOWN, WEST VIRGINIA 25414

OWNER/DEVELOPER

ARCADIA LAND, INC.
108 N. GEORGE STREET 2ND FLOOR
CHARLES TOWN, WEST VIRGINIA 25414
(443) 286-2786

APPROVALS

_____ _____
PRELIMINARY PLAT APPROVAL DATE

_____ _____
PLANNING COMMISSION DATE

_____ _____
ZONING ADMINISTRATOR DATE

THESE PLANS ARE IN CONFORMANCE WITH CITY OF CHARLES TOWN STANDARDS AND ORDINANCES. ANY DEVIATION OR CHANGE IN THESE PLANS SHALL BE APPROVED BY THE ZONING ADMINISTRATOR PRIOR TO CONSTRUCTION

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 262-5411
Fax: (540) 722-9528
www.greenwayeng.com

GREENWAY ENGINEERING
PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN: WINCHESTER, VA & MARTINSBURG, WV

COVER SHEET

NORBORNE GLEBE
PHASE 9 & 10A
CHARLES TOWN CORP. DISTRICT (3)
JEFFERSON COUNTY, WEST VIRGINIA
CITY OF CHARLES TOWN -

RANDY L. KEPLER
REGISTERED
17223
15 AVE. 2025
STATE OF WEST VIRGINIA
PROFESSIONAL ENGINEER

DATE: 05/02/2022
SCALE: N/A
DESIGNED BY: ZJ
FILE NO. 4542A
SHEET 1 **OF** 33

LIST OF SERVICES: CIVIL ENGINEERING I GIS I LAND SURVEYING I ENVIRONMENTAL I ANALYTICAL LABORATORY I QUALITY CONTROL TESTING & INSPECTIONS

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 263-5111
Fax: (540) 722-9528
www.greenwayeng.com

GREENWAY ENGINEERING
EST. 1971
PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN: WINCHESTER, VA & MARTINSBURG, WV

ROAD & UTILITY PLAN

NORBORNE GLEBE

PHASE 9 & 10A
CHARLES TOWN CORP. DISTRICT (3)
CITY OF CHARLES TOWN - JEFFERSON COUNTY, WEST VIRGINIA

Rev. No.	Date
3	08/05/2025

RANDY L. KEPLEY
REGISTERED
17223
STATE OF
WEST VIRGINIA
PROFESSIONAL ENGINEER

DATE: 05/02/2022
SCALE: 1" = 40'
DESIGNED BY: ZJ
FILE NO. 4542A
SHEET 10 OF 33

SCALE: 1" = 40'

MATCHLINE
SEE SHEET 11

MATCHLINE
SEE SHEET 10

BARKSDALE DRIVE
SOLSTICE WAY
FELDBERG DRIVE
BARKSDALE DRIVE
BARKSDALE DRIVE

LOT 13
LOT 12
LOT 11
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LOT 9
LOT 8
LOT 7
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LOT 57

FIRE HYD ASSY
STREET LIGHT
STOP SIGN
STOP BAR
STREET SIGN
CURB & GUTTER
1-8" TEE 3-8" G.V.
18' DW
SAN LAT (TYP)
5' SIDEWALK
8" WATERLINE
8" SAN SEW
WM (TYP)
1-22.5° HORZ. BEND
1-11.25° HORZ. BEND
15" STM
24" STM
15' STORM DRAIN. ESMT.
AIR RELEASE VALVE
STORM DRAIN. ESMT.
1-8" GROSS 4-8" G.V.
HC RAMP (TYPE II) (TYP.)
HC RAMP (TYPE III) (TYP.)
1-8" END CAP W/ BLOW OFF
1-45° HORZ. BEND
15' SAN SEW ESMT.
CURB & GUTTER
STREET LIGHT
SAN LAT (TYP)
WM (TYP)
18' DW
15' SAN SEW ESMT.
TIE TO EX. W/L
SIDEWALK TRANS. LINE
PHASE 9/7 PHASE LINE
EX. STORM LINE
EX. CUL DE SAC (TO BE REMOVED)
EX. ELECTRIC BOX
50' VEPCO (f.k.a. P.L. & P. CO.) EASEMENT D.B. 273, PG. 355
50' VEPCO (f.k.a. P.L. & P. CO.) EASEMENT D.B. 221, PG. 74
100' VEPCO (f.k.a. P.L. & P. CO.) EASEMENT D.B. 221, PG. 74

MAGNETIC NORTH
TRUE NORTH 0°03'06"
NAD83 WV NORTH
10°22'12"

T.M. 3-12-215
ZONED: NR
ARCADIA LAND INC.
1602 VILLAGE MARKET BLVD.
STE 235
LEESBURG, VA 20175
106.29 AC

T.M. 2-19-1
AVON HILLS FARMS INC
PO BOX 42
CHARLES TOWN, WV
25414
246.15 AC

T.M. 2-17-22
DR ACQUISITIONS LLC
60 THOMAS JOHNSON DRIVE
FREDERICK, MD 21702
86.00 AC
USE: UNIMPROVED

40 20 0 40 80
SCALE: 1" = 40'

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 262-5411
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ROAD & UTILITY PLAN

NORBORNE GLEBE

PHASE 9 & 10A
CHARLES TOWN CORP. DISTRICT (3)
CITY OF CHARLES TOWN - JEFFERSON COUNTY, WEST VIRGINIA

Rev. No.	Date
3	08/05/2025

RANDY L. KEELER
LICENSED
17223
08/05/2025
STATE OF WEST VIRGINIA
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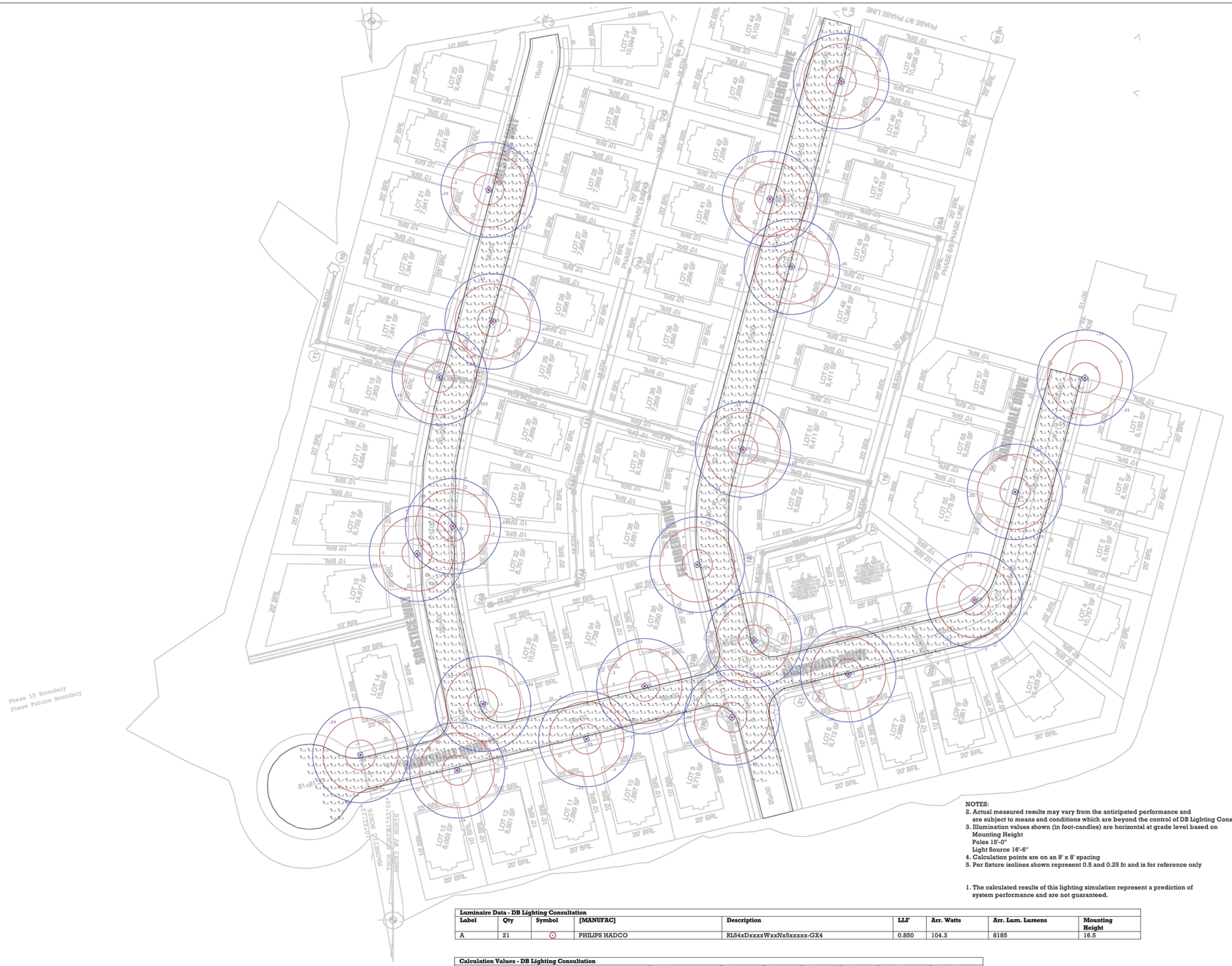
SHEET 11 OF 33



NOTES:
2. Actual measured results may vary from the anticipated performance and are subject to means and conditions which are beyond the control of DB Lighting Consultation.
3. Illumination values shown (in foot-candles) are horizontal at grade level based on
   Mounting Height
   Poles 15'-0"
   Light Source 16'-6"
4. Calculation points are on an 8' x 8' spacing
5. Per fixture isolines shown represent 0.5 and 0.25 fc and is for reference only

1. The calculated results of this lighting simulation represent a prediction of system performance and are not guaranteed.

Luminaire Data - DB Lighting Consultation

Label	Qty	Symbol	[MANUFAC]	Description	LLF	Arr. Watts	Arr. Lum. Lumens	Mounting Height
A	21	⊙	PHILIPS HADCO	RL54xDxxxxWxxNx5xxxxx-GX4	0.850	104.3	8185	16.5

Calculation Values - DB Lighting Consultation

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Roadway	Illuminance	Fc	0.53	1.7	0.0	N.A.	N.A.

Scale: 1 inch= 50 Ft.

DB Lighting Consultation (DBLC) assumes no responsibility for any errors in the IES files, background images, or other information provided to DBLC to be used in these calculations.
Actual or measured results may vary due to manufacturer tolerances, component malfunctions, obstructions, varying surface reflectance's and other field conditions.
The owner assumes all responsibility for compliance with federal, state and/or local codes and regulations.

NOTE:
FIXTURE TYPE AND COUNT TO BE CONFIRMED BY OWNER AND POWER COMPANY PRIOR TO ORDERING.

Prepared For:
Dan Murphy

Prepared by:
DB Lighting Consultation
407-924-4113

Greenway Engineering
151 Windy Hill Ln.,
Winchester, VA 22602

Revisions

Rev	Date	Comments
R1	08/04/25	As-Built
..	....	....
..	....	....
..	....	....
..	....	....

Project Name: Norborne Glebe Ph 14B
Project ID Number: 2028-000
Date: 08/00/2029

24" x 36"
Page 1 of 1

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 620-5111
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PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN: WINCHESTER, VA & MARTINSBURG, WV

PHOTOMETRIC PLAN
NORBORNE GLEBE
Phase 9 & 10A
CHARLES TOWN CORP. DISTRICT (3)
CITY OF CHARLES TOWN - JEFFERSON COUNTY, WEST VIRGINIA

Rev. No.	Date
3	08/05/2025

RANDY L. KEPLER
REGISTERED
17223
5 Aug. 2025
STATE OF
WEST VIRGINIA
PROFESSIONAL ENGINEER

DATE: 05/02/2022
SCALE: N/A
DESIGNED BY: ZJ
FILE NO. 4542A
SHEET 29 OF 33

GREENWAY ENGINEERING

151 Windy Hill Lane
Winchester, VA 22602

June 11, 2025

Arcadia Land, Inc.
108 North George Street
2nd Floor
Charles Town, WV 25414

Attn: Gary Endler

Re: Norborne Glebe Subdivision, Phase 9

Dear Mr. Endler:

With this letter I hereby certify that the proposed property corners of the Norborne Glebe subdivision, Phase 9, have been set as required per the recorded subdivision plat.

Sincerely,
Greenway Engineering, Inc.

Christopher Blair, PLS
Director of Land Surveying

GREENWAY ENGINEERING

151 Windy Hill Lane
Winchester, VA 22602

June 11, 2025

Arcadia Land, Inc.
108 North George Street
2nd Floor
Charles Town, WV 25414

Attn: Gary Endler

Re: Norborne Glebe Subdivision, Phase 10A

Dear Mr. Endler:

With this letter I hereby certify that the proposed property corners of the Norborne Glebe subdivision, Phase 10A, have been set as required per the recorded subdivision plat.

Sincerely,
Greenway Engineering, Inc.

Christopher Blair, PLS
Director of Land Surveying

Planning Commission
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/22/25
Department: Planning Commission
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Public Hearing: *BR2025-10* - Tiny Treasures Daycare - Combined Bond Release

ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. KH Review.pdf
- 4. Compaction Testing - Overall Results.pdf

Bond Release Request
BR2025-10

Date: For the September 22, 2025 Planning Commission Meeting
Applicant: Tiny Treasures Daycare and Learning Center LLC
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: A bond release of $381,014.00

Tiny Treasures location, showing building extension and new parking lot



BACKGROUND
The applicant is requesting a bond release of the **performance and land disturbance bond.** The bond initiation was approved in February 2024.

Combined Performance and Land Disturbance Bond: $381,014.00

KIMLEY-HORN REVIEW
Upon review of the request the City's 3rd party engineering firm, Kimley-Horn, recommend approval of the bond release.

BOND COMMITTEE
The Bond Committee reviewed this item at their September 11, 2025 meeting. The Committee recommends approval of the bond release.

STAFF RECOMMENDATION
Recommend **approval** of the combined performance and land disturbance bond release request.

The Commission may recommend approval, denial, or table action to the next meeting.

RECEIVED
AUG 19 2025
BY:

BOND REQUEST AND REDUCTION

1. APPLICATION TYPE :

- ☐ Bond Initiation – No application fee
- ☐ Bond Reduction – No application fee
- ☐ Bond Extension – No application fee
- ☑ Bond Release – Application Fee: $60

2. FEES

Third-party review fees are assessed separately for each application, and will be sent to the applicant. All fees must be paid prior to approval.

3. PUBLIC NOTICE

Only bond release applications require a public hearing, which is held by the Planning Commission. City Council approval is still required.

4. APPLICATION REQUIREMENTS

Please submit one application set with supporting materials in paper, and one copy in PDF format.

1. DATE 07/31/2025

2. PROJECT NAME TINY TREASURES DAYCARE EXPANSION

Address 248 CHERRY TREE DRIVE CHARLES TOWN, WV 25414

3. APPLICANT'S NAME* INY TREASURES DAYCARE AND LEARNING CENTER, LLC

Address 248 CHERRY TREE DRIVE CHARLES TOWN, WV 25414

Telephone Number (410 206 4791

Email Address CHRIS@TRISTATEWV.COM

4. PROPERTY OWNER'S NAME TRI-STATE INVESTMENT PROPERTIES, LLC

Address PO BOX 1 KEARNEYSVILLE, WV 25430

Telephone Number (410) 206-4791

Email Address CHRIS@TRISTATEWV.COM

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

5. DESCRIPTION OF REQUEST:

COMPLETION OF LOT AND EXTERIOR SITEWORK, ALL STABILIZED, BOND RELEASE REQUESTED

6. A) CURRENT BOND AMOUNT $381,014.00

B) PROPOSED BOND AMOUNT $_____

C) CHANGE IN BONDED AMOUNT $_____

7. PARCEL INVENTORY: (List all parcels that are part of this application):

Tax Map No.	Parcel No.	Tax Map No.	Parcel No.
10	9.20		

8. PARCEL HISTORY: (List all pending or previously approved applications on the subject parcels inventoried above, including previous plat applications if this application is an amendment)

Application No.	Project Name and Phase	Status	Approval Date

9. BOND RELEASE – SUPPLEMENTAL MATERIALS REQUIRED:

A. Copies of inspection and test reports if work was inspected and tested by a third-party inspector.

B. Certification that all bonded Improvements, have been completed in accordance with the approved plans, profiles, and specifications and the requirements of any applicable manual.

C. A copy of the City-approved As-Built Drawings as required for facilities within public rights-of-way or Easements.

D. A letter from a Professional Engineer or Professional Land Surveyor certifying that property corners and Monuments have been set as required under this Ordinance.

Continued on next page.

E. Documentation of acceptance by WVDOH for public roadways and rights-of-way, or a maintenance and indemnification agreement and bond approved by the Planning Commission for public roadways that have been completed in accordance with WVDOH standards but which, due to factors other than their quality of construction, are not eligible for acceptance by WVDOH.

F. **For private roadways**, a letter of acceptance by the entity responsible for maintenance and a Latent Defects Indemnification Agreement and Bond.

   Before a Performance Agreement and surety for private roadway construction shall be released, a Latent Defects Indemnification Agreement and Bond shall be provided by the applicant/Developer and approved by the Planning Commission. The guarantee provided by such Agreement and Bond must be for a period of two (2) years following the date of performance bond release, and must be in an amount equal to no less than 5% of the original performance bond estimate.

G. **Landscaping Surety** is required to ensure the landscaping shown on a Major S/LD plan is maintained for one (1) year. The one (1) year shall start from the date at which the surety for the site has been released, with the exception of this landscaping surety. The landscaping surety amount shall not be less than $5,000.00 or 10% of the total landscaping cost for the project, which ever is greater.

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1335 of the S/LD Ordinance.

Signature of Applicant _____ Date 7/31/25

Signature of Property Owner (if different than Applicant) _____ Date 7/31/25

Please submit an original completed application to the following:

At City Hall:	Or	Via Mail:
Subdivision Administrator City of Charles Town 101 E. Washington Street Charles Town, WV 25414		Subdivision Administrator City of Charles Town PO BOX 14 Charles Town, WV 25414

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Fee: $_____ Check No._____

Receipt No._____

Site Inspection Date:_____ Inspector:_____

Planning Commission Approval:_____ Date:_____

City Council Approval:_____ Date:_____

Comments:_____

_____

_____

_____

_____

Kimley»Horn

Memorandum

To: Mr. Christopher Hill
Tri-State Investment Properties LLC
PO Box 1
Kearneysville, WV 25430

From: Mark Phillips, P.E.
Diego Carreira

Through: Mr. James Newman, AICP
City of Charles Town
101 E Washington Street
Charles Town, WV 25414

Date: September 9, 2025

Subject: Tiny Treasures Daycare Expansion – Bond Release

This memorandum summarizes our review of the Bond Release request for the Tiny Treasures Daycare Expansion (dated August 19, 2025 prepared by Tri-State Investment Properties LLC) for a Bond Release of $381,013.97. Using the Final Subdivision/Land Development Plat, and site visit observations conducted on September 9, 2025, we have no comments.

Kimley-Horn finds the bond release request to be in conformance with the plans and materials provided by the Applicant and recommends approval of the Bond Release Request.

Note that the Bond Release review does not constitute a formal inspection of work or quality review. Only an observation of visible quantities and available information from As-Built data.

Thank you for the opportunity to review this Bond Release request. In the meantime, please feel free to contact us at 703-870-3631 should you have any questions.

KIMLEY-HORN & ASSOCIATES, INC.



Mark Phillips, P.E.
Project Manager
Associate

TRIAD ENGINEERING, INC.
Hagerstown
1075 D Sherman Avenue
Hagerstown, MD 21740
Phone: (301) 797-6400

Compaction Testing

4/8

Client:
Tri-State Improvements
PO Box 1
Kearneysville, WV 25430

Project:
03-24-0954
Tiny Treasures Daycare & Learning Center
248 Cherry Tree Dr
Charles Town, WV

Test Results

Test #	Retest Of	Test Date	Sample ID	Method	Soil Class	Probe Depth	Oversize (%)	Opt. Moisture (%)	Max Dry Density (pcf)	Moisture (%)	Dry Density (pcf)	Comp. %	Rem. Code
1		04/08/2025	S-1	C	GW	2 (in)		6	136.2	5.6	134.3	98.6	DP/MP
2		04/08/2025	S-1	C	GW	2 (in)		6	136.2	4.8	134.7	98.9	DP/MP
3		04/08/2025	S-1	C	GW	2 (in)		6	136.2	5.1	133.9	98.3	DP/MP
4		04/08/2025	S-1	C	GW	2 (in)		6	136.2	4.8	133.6	98.1	DP/MP

Tests are "Direct Transmission" (Method A) unless probe depth is noted as "Backscatter". Gauge calibration data on file with the testing Agency.

Test Information

Test #	Test Location	Elevation	Gauge Make / Model / SN / Calibrated	Field Technician
1	Sidewalk: Sidewalk on Side sound of building and E side of building		Troxler / 3430 / 37509 /	Justin Threatt
2	Sidewalk: Sidewalk on Side sound of building and E side of building		Troxler / 3430 / 37509 /	Justin Threatt
3	Sidewalk: Sidewalk on Side sound of building and E side of building	Subgrade	Troxler / 3430 / 37509 /	Justin Threatt
4	Sidewalk: Sidewalk on Side sound of building and E side of building	Subgrade	Troxler / 3430 / 37509 /	Justin Threatt

Remarks : DP/MP : Density Pass / Moisture Pass**Test**(1,2,3,4)

Tony Miller - 04/08/2025

NOTE: This report shall not be construed as providing recommendations or certification by an engineer. Rather, it provides the results of the testing described herein and summarizes the observations of our personnel while on site.

Planning Commission
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/22/25
Department: Planning Commission
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Public Hearing: *ANX2025-02* - 330 Southerly Lane - Annexation Request

ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Signed Petition.pdf

Annexation Request

ANX2025-01

Date: For the September 22, 2025 Planning Commission meeting

Applicant: Christina Smith and Patrick Wallace

Property Owner: Christina Smith and Patrick Wallace

Report by: James Newman, City Planner, Zoning/Subdivision Administrator.

Proposal: Annexation Request

Property Location: TD 2 / Map: 9 / Pcl 4.18

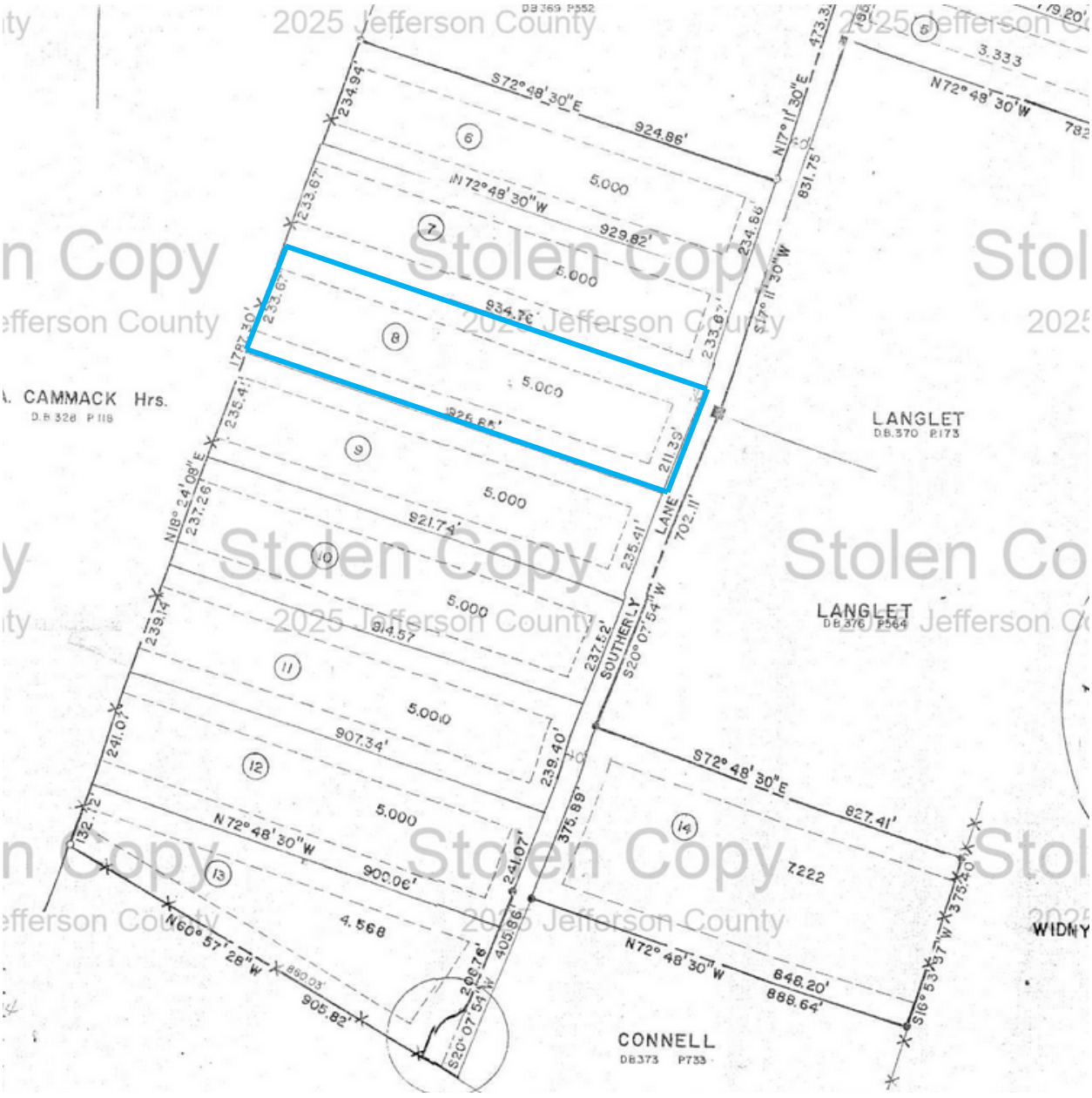


PROJECT OVERVIEW

Request to annex one five-acre lot from Jefferson County into the municipal limits of the City of Charles Town.

PROPERTY SURVEY

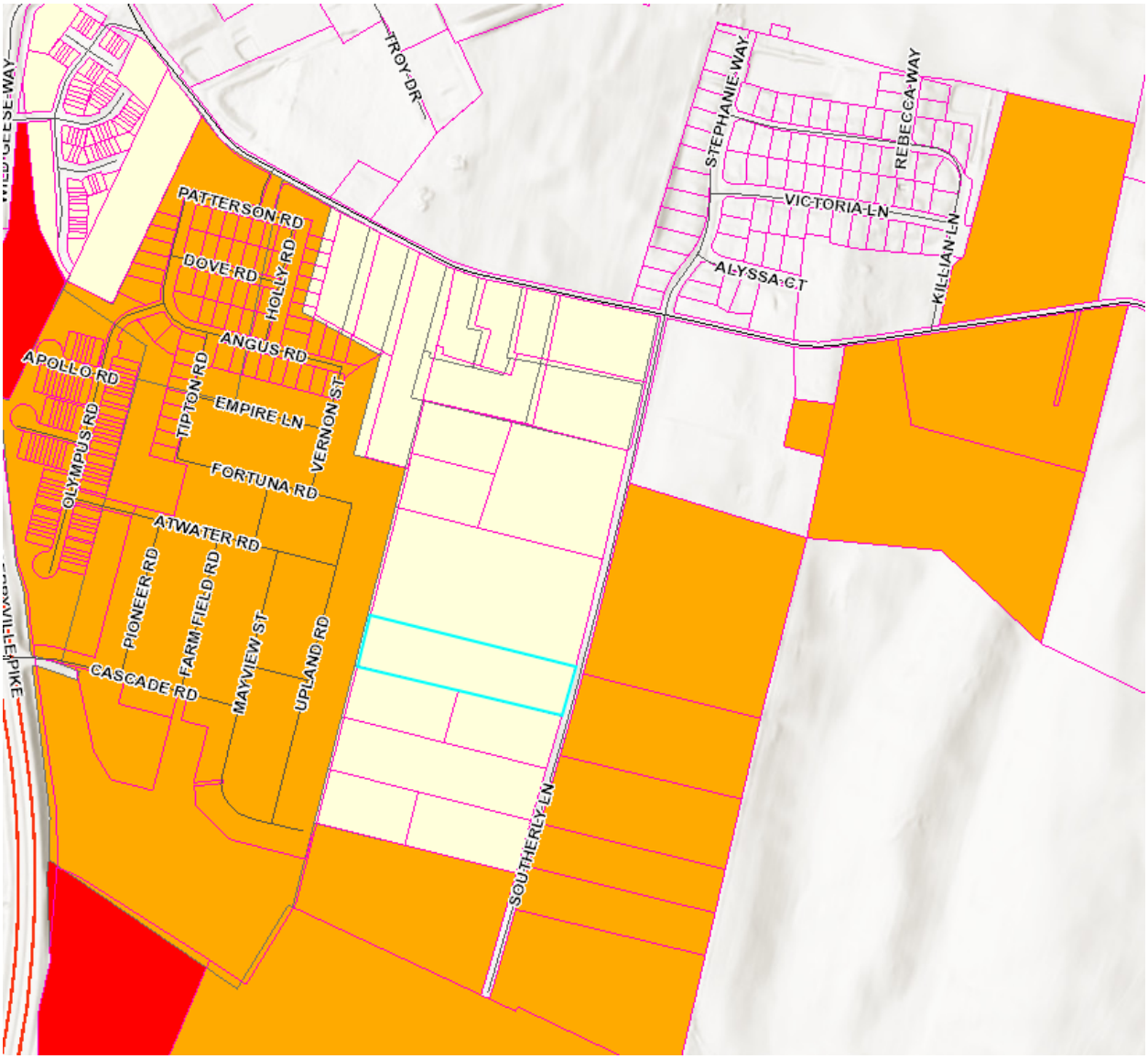
From January 1975:



2025 Jefferson County Stolen Copy

ADJACENT ZONING

Three adjacent properties are within City limits and are zoned Neighborhood Residential (one parcel to the rear and two parcels on the opposite side of Southerly Lane).



Key

Orange – Neighborhood Residential

Red – General Commercial

Tan – Jefferson County zoning

CONDITIONS OF ANNEXATION

The applicant has not proffered any Conditions of Annexation.

USE

Applicant proposes to continue the use of the property as a single-family detached residence.

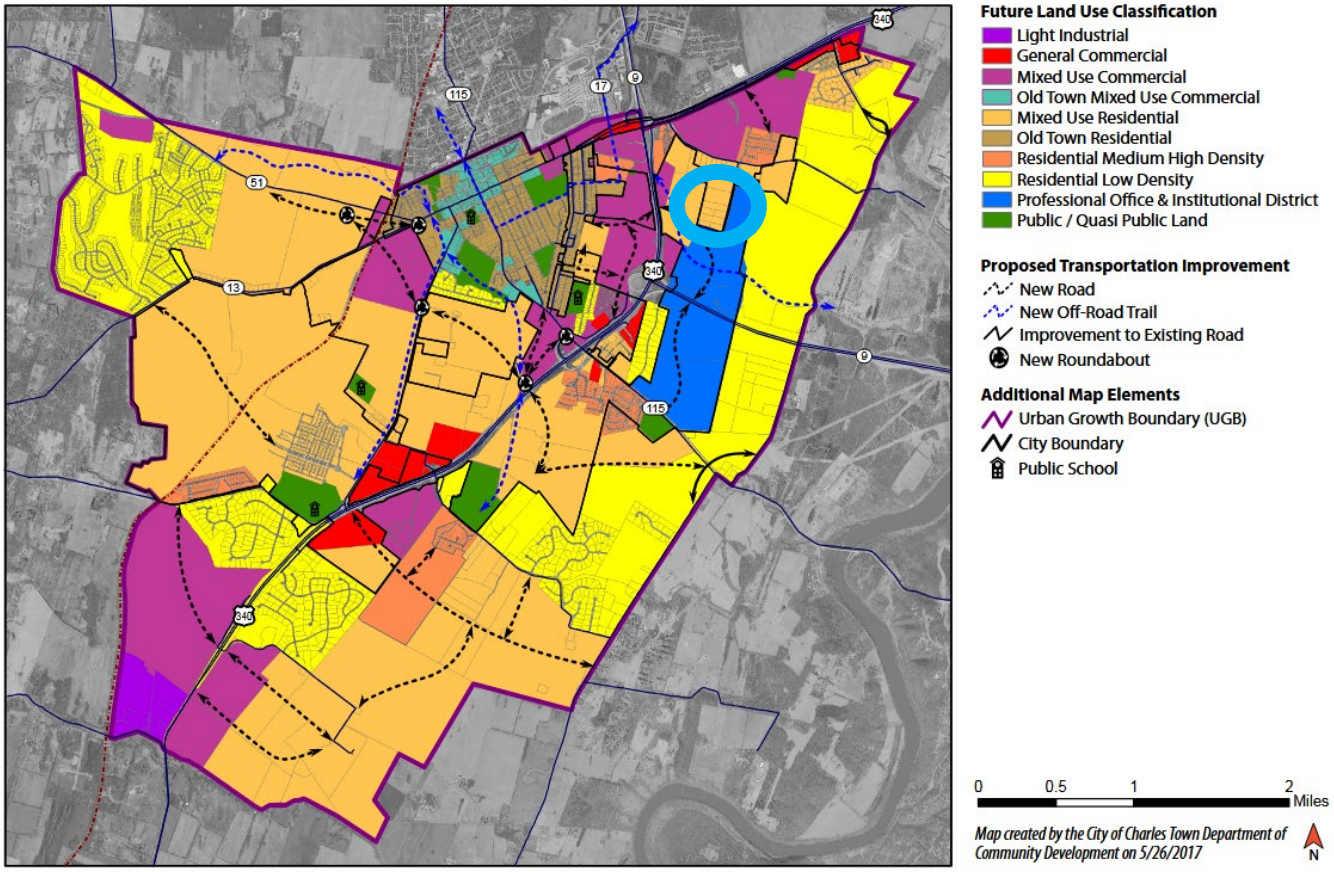
CHARLES TOWN ZONING ORDINANCE DISTRICT USE TABLE Key: P – Permitted Use S – Special Exception Use PA – Permitted Accessory Use SA – Special Exception Accessory Use		ZONING DISTRICTS						
		Residential Low Density	Residential Medium-High Density	Neighborhood Residential	Neighborhood Commercial	General Commercial	Old Town Mixed Use Commercials	Old Town Residential
ITE Code	Land Use	R-3	R-15	NR	NC	GC	OT-MUC	OT-R
210	Single-Family Detached Housing	P	P	P	P		P	P

COMPREHENSIVE PLAN

The 2040 Comprehensive Plan designates this property as Mixed-Use Residential. The property is circled in blue below:

CITY OF CHARLES TOWN COMPREHENSIVE PLAN

UGB Future Land Use: 25-Year Growth Scenario



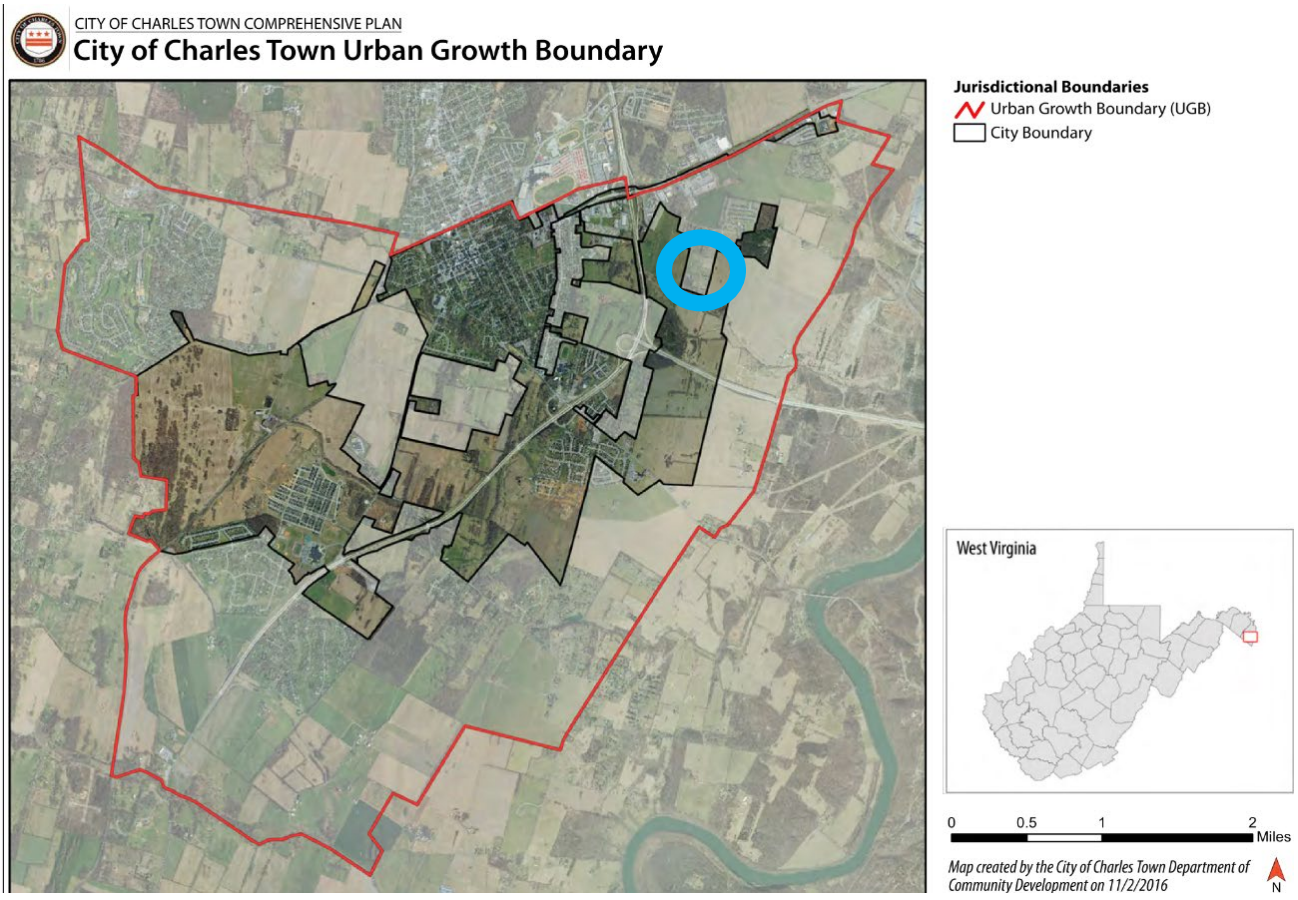
The Comprehensive Plan defines *Mixed-Use Commercial* Future Land Use as:

"Mixed-Use Residential Future Land Use categories are intended to provide for a mix of housing types and sizes (e.g. tiny houses), as well as related services and uses, including compatible and supporting commercial uses and office services. Regarding the mixing of uses, residential uses are predominate and non-residential uses are secondary, supporting the needs of the residential uses. Areas classified as Mixed Use Residential are a continuation of Charles Town's existing zoning category of Neighborhood Residential District and by extension, the non-residential uses would be similar to that of the Neighborhood Commercial zoning category. The Future Land Use Map envisions a higher intensity and density of uses oriented near Downtown to provide for greater walkability, accessibility, and mobility between Downtown commerce and surrounding neighborhoods."

-Comprehensive Plan page 72

URBAN GROWTH BOUNDARY

The property lies within the Urban Growth Boundary for future annexations:



ANNEXATION CRITERIA

The Planning Commission shall consider the most appropriate Zoning District classification(s) for any property proposed for Annexation and provide a recommendation to City Council. Upon Annexation, City Council shall consider the Planning Commission's recommendation and designate the property within one or more appropriate Zoning Districts --- Zoning Ordinance Section 1321.05, Applicability

The Urban Reserve (UR) District is the zoning classification which is applied to annexed parcels upon approval and assignment into the City's jurisdiction. The UR District is a temporary holding district meant to accommodate existing Uses until the most appropriate zoning classification is enacted through the zoning amendment provisions specified under Section 1321.12 of this Ordinance --- Zoning Ordinance Section 1322.05, Urban Reserve

CONCLUSION

The applicant is proposing to annex one parcel into the municipal limits of the City. The parcel is part of an area of the Country which is surrounded on three sides by parcels within the City: Stone Spring subdivision, and the end and east sides of Southerly Lane. This annexation will help fill in the City's Urban Growth Boundary, and provide tax revenue to the City. If annexed, the property will enter the Urban Reserve Zoning District unless City Council approves a different zoning designation at the recommendation of the Planning Commission.

RECOMMENDATION

Recommend to City Council approval subject to conditions:

1. Prior to public hearing for City Council the applicant shall provide staff with a metes and bounds description of the property.
2. The property shall be designated for Neighborhood Residential zoning.

Annexation No._____

RECEIVED
AUG 12 2025
BY:

PETITION FOR ANNEXATION

Fee: $1,110

1. PUBLIC NOTICE
   Annexation requires public hearings at the Planning Commission and City Council.

1. DATE: August 8, 2025

2. APPLICANT'S NAME* Christina Smith and Patrick Wallace

Address: 330 Southerly Lane, Charles Town, WV 25414

Telephone Number (240) 643-3026

Email Address cpsmallace@gmail.com

3. PROPERTY OWNER'S NAME Christina Smith and Patrick Wallace

Address: 330 Southerly Lane, Charles Town, WV 25414

Telephone Number (240) 643-3026

Email Address cpsmallace@gmail.com

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY: (list all parcels that apply)

Property Address: 330 Southerly Lane, Charles Town, WV 25414

Tax Map # and Parcel(s): 02 90000400180000

Property Area in Square Feet or Acres: 5 acres

5. PROVIDE SCALED MAP OF THE PROPERTY CLEARLY SHOWING THE PROPERTY'S LOCATION AND PROPERTY AREA IN SQUARE FEET AND/OR ACRES:

6. DESCRIPTION OF APPLICANT'S INTEREST IN THE PROPERTY:

☑ Owner ☐ Buyer ☐ Other (specify)_____

7. DESCRIPTION OF THE PRESENT USE(S) OF THE PROPERTY AND EXISTING ZONING DISTRICT:

Primary Residence in Charles Town Corporation District 3

8. REQUESTED ZONING FOR THE PROPERTY:

To be within city limits

9 DESCRIPTION OF THE PROPOSED USE(S) OF THE PROPERTY:

No change - maintain primary residency

10. DESCRIBE HOW THE REQUESTED ZONING WILL BE CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE CHARLES TOWN COMPREHENSIVE PLAN:

The land to the east and west of the property is within city limits.

This annexation would continue to fill in the irregular city border.

11. CONDITIONS OF ANNEXATION

If applicant is proposing conditions for the annexation, such conditions must be provided in writing as part of this application.

NOTES

Additional exhibits may be required by the Zoning Administrator such as a plot plan or site plan showing existing and if applicable, proposed structures, easements, watercourses, curb cuts and description of the uses of adjacent property that are necessary to describe existing or proposed conditions.

Any desire to amend or withdraw this petition must be submitted in writing to the Zoning Administrator. Also, if ownership of any part of or all of the real property subject to the petition shall change during the pendency of the petition, the Petitioner shall immediately notify the Zoning Administrator in writing.

CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read the City of Charles Town Annexation Policy and relevant provisions of the Charles Town Zoning and Subdivision/Land Development Ordinances outlining applicable procedures.

Signature of Applicant _____ Date 8/12/25

Signature of Owner(s) (If different than Applicant)

_____ Date _____

Please submit an original completed application to the following:

At City Hall:	Or	Via Mail:
Zoning Administrator City of Charles Town 101 E. Washington Street Charles Town, WV 25414		Zoning Administrator City of Charles Town PO BOX 14 Charles Town, WV 25414

FOR CITY USE ONLY

Application Number:_____ Date Petition Received:_____

Fee: $_____ Check No._____ Receipt No._____

City Council Approval:_____ Date:_____

Comments:_____

_____

_____

_____

_____

Jefferson County West Virginia

Tax Map Viewer

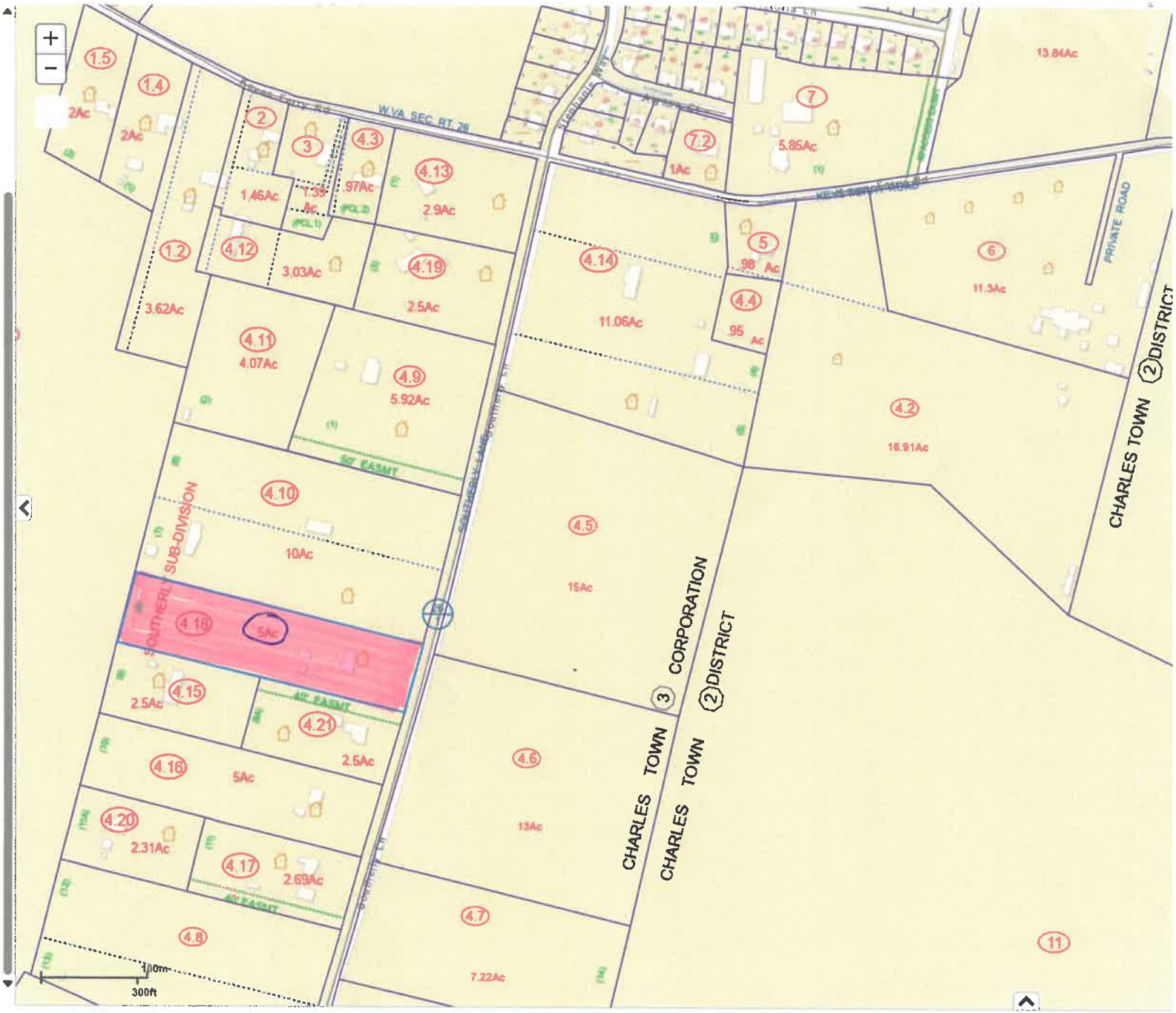
▸ Directions

▾ Identify

1 features currently selected

Tax Year: 2025
Parcel: 02 9000400180000
Deeded Owner: WALLACE PATRICK H & CHRISTINA M SMITH

Parcel ID: 02 9000400180000
Tax Year: 2025
Deeded Owner: WALLACE PATRICK H & CHRISTINA M SMITH
C/O:
Owner Address: 330 SOUTHERLY LN
City: CHARLES TOWN
State: WV
Zip: 25414
Deed Book/Page: 1177/594
Description: LT #8 (5 A) SOUTHERLY
Year Built: 1979
 # Stories: 1
Square Foot Living Area: 1820
 # Rooms: 5
 # Bedrooms: 3
 # Full Baths: 1
 # Half Baths: 1
Heat Type: Central with A/C
Fuel Type: Electric
Heat System: Electric
Land Appraised (100%): 201200
Building Appraised (100%): 190500
Total Appraised (100%): 391700
Last Sale Date: 25-JUL-2016
Last Sale Amount: 290500
Legal Area: 0
Calculated Parcel Area (SF): 209398
County Tax Infomation: County Tax Info
Map Card Viewer: Map Card
Plat: Plat
State Info: State Info
State Assessment Info: State Assessment Info



BEFORE THE TOWN COUNCIL OF THE MUNICIPALITY OF CHARLES TOWN

IN RE:	)	**PETITION FOR ANNEXATION OF**
	)	**CHRISTINA SMITH AND PATRICK WALLACE**

Your Petitioners would respectfully say unto the Honorable Mayor and the Members of the Town Council of Charles Town, as follows:

-1-

This Petition for Annexation is brought before the Mayor and Council pursuant to §8-6-4 of the West Virginia Code.

-2-

The Petitioners, Christina M. Smith and Patrick H. Wallace, are qualified voters and the sole freeholders of certain lands located in Jefferson County, West Virginia, situate in the vicinity of the corporate limits of the City of Charles Town, and in the planned urban growth area thereof, which lands are described as that certain parcel of real estate in the Charles Town District comprised of Tax Map 9, Parcel 4.18 as the same **is** more particularly shown and described on Exhibit "A" hereto attached and incorporated herein.

-3-

WHEREFORE, your Petitioners request the following:

a) If satisfied that the Petition is sufficient in every respect, that the Town Council enter that fact into its journal and forward a certificate to that effect to the Jefferson County Commission.

b) That the Town Council provide, by ordinance, according to law, for the annexation of the additional territory.

c) That the Town Council perform all acts required of it under §8-6-4 of the West Virginia Code in connection with this proposed annexation.

Christina M Smith

Patrick H Wallace

STATE OF WEST VIRGINIA

COUNTY OF JEFFERSON, to-wit:

Christina M Smith and Patrick H Wallace, Petitioners named in the foregoing Petition for Annexation, being duly sworn, says that the facts and allegations contained therein are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, they believe them to be true.

Christina M Smith

Patrick H Wallace

Taken, subscribed and sworn to before me, the undersigned Notary Public, this 16th day of September , 2025, by **Christina M Smith and Patrick H Wallace.**

OFFICIAL SEAL
Notary Public, State of West Virginia
KELLI R COOPER
29 Keyes Ferry Road
Charles Town, WV 25414
My Commission Expires Aug. 22, 2028

Notary Public

My commission expires: Aug. 22 2028