



ADDENDUM JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning
116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

File Name: CP14-01
Staff Initials: CLC
Fees Paid: \$350.00

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

Application for a Conditional Use Permit

Name of Project:

Middleway Market

Property Owner Information

Name: Jefferson Reality, LLC
Mailing Address: 4843 Middleway Pike
City: Kearneysville State: WV Zip Code: 25430
Phone Number: 304-283-3120 Email: tonycolandrea@comcast.net

Applicant Contact Information

Name: Antonio Colandrea
Mailing Address: 62 Orchard Drive
City: Ranson State: WV Zip Code: 25438
Phone Number: 304-283-3120 Email: tonycolandrea@comcast.net

Registered Engineer(s) or Surveyor(s) Information

Name: Lavelle & Assoc. Inc. C/O Dustin Lavelle
Mailing Address: 5732 Industry Lane
City: Frederick State: MD Zip Code: 21704
Phone Number: 301-695-9722 Email: dustin@lavellesurvey.com

Physical Property Details

Physical Address: 4843 Middleway Pike
City: Kearneysville State: WV Zip Code: 25430
Tax District: Middleway - 07 Map No: 19A Parcel No: 0014
Parcel Size: 1.70 Acres Deed Book: 1086 Page No: 28

Zoning District (please check one)

RECEIVED

APR 23 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

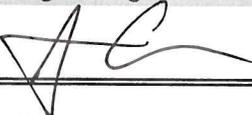
Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential- Light Industrial- Commercial (R-L-C)	Village (V)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Original submitted on 04/11/14. This replaces that version. GH

Please provide any information or known history regarding this property.

The property used to have a fuel island and canopy but currently contains a Convenience Store as shown on the attached Sketch Plan.

Original Signature is Required. The information given is correct to the best of my knowledge.


Signature of Property Owner

4/23/14
Date

Signature of Property Owner

Date

Do not write below this line

Sketch Plan (Pursuant to Section 7.4 (B)(C)

Support Data (Pursuant to Section 7.4(D)

List of adjacent and confronting (in front of) property owners, with addresses (Section 7.4 E)

Compatibility Assessment Meeting

05-02-14
Date

200 East Washington St Charles Town
Location

Notification

N/A
Date of public hearing

N/A
Advertising date

Ø
Posting Requirements
(Number of days prior to scheduled hearing)

To Be Completed By Staff

Conditional Use Permit Application
Support Data
(please attach additional pages if necessary)

1. Name and address of a contact person.

(Refer to Conditional Use Permit Application Section B)

2. Name and address of the owner/developer.

(Refer to Conditional Use Permit Application Section C)

3. Type of development proposed (provide as much detail as possible).

Lifting the nonconforming status from the following existing uses by granting said uses permanent legal status: Convenience store, which includes incidental propane service, ABC off-premises packaged alcohol sales, video lottery/game room area & ABC on-premise alcohol service, office/storage area, counter & deli service. The applicant is also seeking to expand and/or add the following: increase the buildable area from 4,841.75 sq. ft. to 6,000 sq. ft.; to include a residential rental unit, to expand from counter & deli service to a restaurant service with alcohol sales and delivery service; and, to permit gas pumps either on-site or in conjunction with a partnership agreement with an adjacent neighbor.

4. Acreage of original tract and property to be developed.

(Refer to Conditional Use Permit Application Section E)

5. General description of surface conditions (topography).

The property consists mostly of <5% slopes on site but has a few areas that approach 10%. The area near the existing structure contains slopes around 2%.

6. Soil and drainage characteristics.

The site consists of OkC Oaklet Silty Clay Loam, 8 to 15 percent slope, very rock soils which have a Hydrologic Soil Group rating of "C". Group "C" soils have a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils moderately fine texture or fine texture. These soils have a slow rate of water transmission.

7. General location and description of any existing structures.

(See Sketch Plan)

8. General location and description of existing easements or rights-of-way.

(See Sketch Plan)

9. Existing covenants and restrictions on the land.

- The area in which alcohol can be served is restricted to the game room
- Buildable area is restricted to the square footage approved by the Planning, Zoning and Engineering Dept. on June 4, 2002 (4,841.75 sq. ft.)
- A front setback variance applies to the existing parking area only, and does not apply to any future parking developed for the site.

10. Intended improvements and proposed building locations including locations of signs (in addition to narrative, please also show locations on sketch plan).

Expand and/or add the following: increase the buildable area from 4,841.75 sq. ft. to 6,000 sq. ft.; to include a residential rental unit, to expand from counter & deli service to a restaurant service with alcohol sales and delivery service; and, to permit gas pumps either on-site or in conjunction with a partnership agreement with an adjacent neighbor.

11. Intended land uses.

Convenience store, which includes incidental propane service, ABC off-premises packaged alcohol sales, video lottery/game room area & ABC on-premise alcohol service, office/storage area, counter & deli service. The applicant is also seeking to expand and/or add the following: increase the buildable area from 4,841.75 sq. ft. to 6,000 sq. ft.; to include a residential rental unit, to expand from counter & deli service to a restaurant service with alcohol sales and delivery service; and, to permit gas pumps either on-site or in conjunction with a partnership agreement with an adjacent neighbor.

12. Earth work that would alter topography.

No earth work is proposed at the current time. During the possible future expansion of the existing Retail Store from 4,445 SF to a maximum of 6,000 SF or the construction of gas pumps, minor earth work will occur. This earth work will include grading and parking lot relocation and/or expansion.

13. Tentative development schedule.

Restaurant delivery service, ABC on-premises alcohol service, & rental apartment to be implemented in the near future. Expansion of the existing convenience store, construction of the addition/gas pumps to take place in the distant future. The owner simply wishes to be allowed to expand in the future if that is a direction he, or future owners, would like to go.

14. Extent of the conversion of farm land to urban uses.

Not Applicable

15. Affected wildlife populations.

While wildlife experts have not been consulted, since the proposed development is minor no foreseeable wildlife populations should be affected. The future gas pumps would have to be designed and constructed with any applicable local, state, & federal regulations, thus ensuring safe use without any adverse impact on wildlife populations.

16. Ground water and surface water and sewer lines within 1320 feet.

The property as well as other nearby properties are currently served by private well and septic. There appears to be no surface water within 1,320 feet of the property. However, upon aerial photography investigation it appears there are small ponds around 1,700 or more feet away.

17. Distance to fire and emergency services that would serve the site.

Middleway Fire Department (110 Dark Hill Rd., Kearneysville, WV) is 3.19 miles away,
Independent Fire Company (200 W 2nd Ave, Ranson, WV) is 7.2 miles away,
Citizens Fire Company Inc (245 Citizens Way, Charles Town, WV) is 8.1 miles away,
Clearbrook Fire & Rescue (1256 First Town Rd, Clear Brook, VA) is 10.9 miles away,
Baker Heights Fire & Rescue Squad (2229 Charles Town Rd, Martinsburg, WV) is 11.1 miles away.

18. Distance to the appropriate elementary, middle, and high school.

South Jefferson Elementary School is 6.81 miles away,
Wildwood Middle School is 10.58 miles away, and
Jefferson High School is 10.73 miles away.

19. Traffic characteristics - type and frequency of traffic; adequacy of existing transportation routes.

The property is served by WV Primary Route 51, which has a sixty (60) foot right of way.

20. Demand for school services created by this development.

The proposed change of the on-site apartment from a private residence to a rental unit should not increase the current demand for school services, as there will still be only one apartment.

21. Proximity and relationship to historic structures or properties within two hundred (200) feet.

There are no historic structures or properties within two hundred (200) feet of this property.

22. Proximity to recreational facilities.

Evitts Run Park is 6.7 miles away, and,
Jefferson County Memorial Park is 7.7 miles away.

23. Relationship of the project to the Comprehensive Plan.

The 2014 Comprehensive Plan is currently being reviewed and updated. The previous version is from 2004. The minor development on this site should not adversely impact the Comprehensive Plan as there is already a convenience store on site and there has previously also been gas pumps on site.



JEFFERSON COUNTY, WEST VIRGINIA

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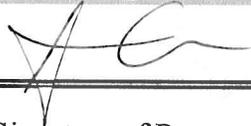
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APR 11 2014
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PLANNING, ZONING AND ENGINEERING

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

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Date

Location

Notification

Date of public hearing

Advertising date

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(Number of days prior to
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(Refer to Conditional Use Permit Application Section C)

3. Type of development proposed (provide as much detail as possible).

The owner wishes to remove "Restriction/Conditions" associated with the current "Zoning Certificate" for the property which would allow for:

- Alcohol to be served anywhere in the store and not restricted to the game room
- Buildable area restriction increased from 4,841.75 sq. ft. to 6,000 sq. ft.
- Renting of the attached apartment
- Food Delivery service for the restaurant
- Gas pumps to be allowed in the Zoning Certificate

4. Acreage of original tract and property to be developed.

(Refer to Conditional Use Permit Application Section E)

5. General description of surface conditions (topography).

The property consists mostly of <5% slopes on site but has a few areas that approach 10%. The area near the existing structure contains slopes around 2%.

6. Soil and drainage characteristics.

The site consists of OkC Oaklet Silty Clay Loam, 8 to 15 percent slope, very rock soils which have a Hydrologic Soil Group rating of "C". Group "C" soils have a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils moderately fine texture or fine texture. These soils have a slow rate of water transmission.

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- A front setback variance applies to the existing parking area only, and does not apply to any future parking developed for the site.

10. Intended improvements and proposed building locations including locations of signs (in addition to narrative, please also show locations on sketch plan).

- Addition to the existing 4,445 SF convenience store for a maximum total of 6,000 SF (i.e. 1,555 SF addition max.). Addition to be added onto the existing structure as shown on the Sketch Plan.
- Gas Pumps, Fuel Island with possibility of a canopy, location to be determined.

11. Intended land uses.

Convenience Store to include incidental propane service, ABC off-premises packaged alcohol sales, restaurant (counter & delivery service) with on-premises alcohol service, video lottery machine area with ABC on-premises alcohol service, office/storage area, and a rental apartment.

Continued Nonconforming Use.

Ref: #ZC99-5, #ZC01-02, #ZC06-05, #S03-06, #ZV10-25.

12. Earth work that would alter topography.

During the future expansion of the existing Retail Store from 4,445 SF to a maximum of 6,000 SF, minor earth work will occur. This earth work will include minor grading and parking lot relocation and/or expansion.

13. Tentative development schedule.

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23. Relationship of the project to the Comprehensive Plan.

The 2014 Comprehensive Plan is currently being reviewed and updated. The previous version is from 2004. The minor development on this site should not adversely impact the Comprehensive Plan as there is already a convenience store on site and there has previously also been gas pumps on site.

Conditional Use Permit Supplemental Information
As Required by the Jefferson County Zoning and Land Development Ordinance
In addition to the Conditional Use Permit application, please submit the following items:

- Support Data (Section 7.4D)
- Sketch Plan (Section 7.4A-C)
- A list of all adjacent and confronting property owners, with tax map and parcel numbers, and mailing addresses. (This includes the properties located across any road, right-of-way or easement. The Jefferson County Court House is the source of property owner information.)

The process and requirements for a Conditional Use Permit application are summarized below. For details regarding the full process and requirements, please see Articles 6 and 7 of the Jefferson County Zoning and Land Development Ordinance.

	Process Steps	Dates
1	Application and fees submittal	Applications may be submitted to the Planning and Zoning Department at any time during business hours
2	Scheduling of a Compatibility Assessment Meeting	At least 10 days following submittal of a complete application
3	Applicant submits 15 copies of Support Data and 15 copies of Sketch Plan.	At least 15 days before the meeting date
4	Planning and Zoning Department publishes notice of Compatibility Assessment Meeting	At least 15 days before the meeting date
5	Applicant posts sign (provided by Planning and Zoning Department) on property	At least 15 days before the meeting date
6	Compatibility Assessment Meeting	Within thirty (30) days from the date that the meeting is scheduled by the staff
7	Board of Zoning Appeals Meeting (if not subject to public hearing)	May be heard on the next available Board of Zoning Appeals agenda.
8	Board of Zoning Appeals Meeting (if subject to public hearing)	Between 30 and 60 days from the date of the Compatibility Assessment Meeting.

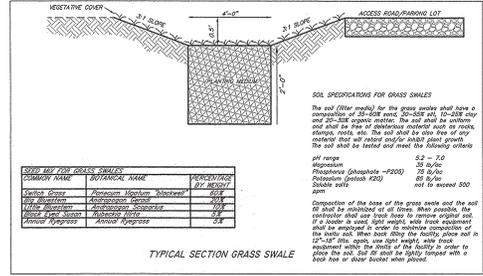
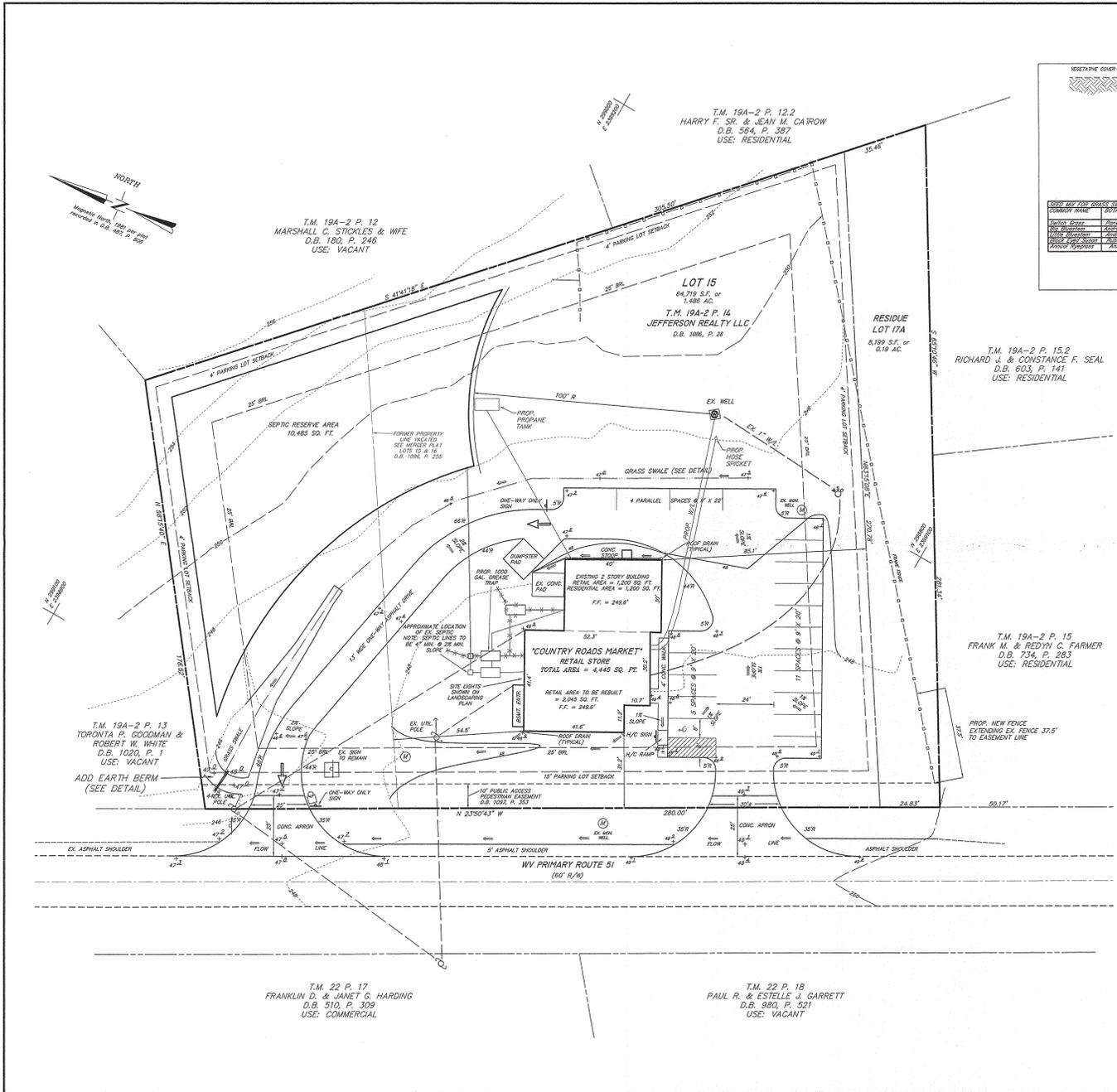
Copies of the application, sketch plan, and development review data shall be available for public review in the Planning Office at such time as the proposed development is advertised in the newspaper.

Section 7.4A-C

A sketch plan detailing the project shall be submitted. The sketch plan shall:

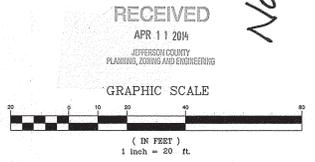
- Include the entire original parcel as it appeared on the date the Zoning and Land Development Ordinance took effect (Oct. 5, 1988).
- Be drawn to a reasonable scale (e.g. 1" = 50', 1" = 100', or 1" = 200').
- Show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries.
- Include contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Departments of Planning, Zoning, and Engineering, superimposed on the sketch plan. The source of all contour lines shall be noted on the plan (Please note: Upon request, the GIS/Addressing Department will provide a contour map).
- Delineate natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries.

The sketch plan should be accompanied by a tract location map and a soils report indicating the soil types on the parcel and a map delineating the boundaries of each soil type. For soil maps and data, see the USDA NRCS web soil survey at <http://websoilsurvey.nrcs.usda.gov>



NOTE: PLAN REFLECTS EX. CONDITIONS ONLY. CONDITIONS ONLY REQUEST NOT INCLUDED.

NOTE: SITE LIGHTS SHOWN ON LANDSCAPING PLAN



SKETCH PLAN
 "COUNTRY ROADS MARKET"
 BEING THE PROPERTY OF
 JEFFERSON REALTY, LLC
 D.B. 1020, P. 1
 T.M. 19A, PARCEL 14
 WISBELEY DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA

LAVELLE & ASSOCIATES INCORPORATED
 PLANNERS • SURVEYORS
 5732 Industry Lane, Friendsville, Maryland 21764
 TEL: (301) 686-9322, FAX: (301) 686-9766

DATE: APRIL 2011
 SCALE: 1" = 20'
 PROJ. No. 11-039
 FILE: 19A/COUNTRY ROADS
 DRAWING:
 PAGE 3 OF 7

#CP14-01