



AGENDA
Jefferson County Planning Commission
Tuesday, January 10, 2017, 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. Election of Planning Commission Officers.
2. Approval of Meeting minutes:
 - November 1, 2016.
3. 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.
4. Request for postponement.
5. **Public Workshop** for a Concept Plan for an Outdoor Resort to be located along Millville Road in Harpers Ferry. Owner/Applicant Old Standard Land, LLC is proposing approximately 160 cabin/tent sites/yurts and 169 RV sites in the vicinity of the quarry lake on the 404.68 acre parcel. The applicant is also proposing a lodge, boat rentals and other outdoor recreational activities. This property is currently zoned Residential/Light-Industrial/Commercial (R-LI-C) zoning.
6. **Public Hearing** for a Waiver request for Waffle House (PCW#16-11). The applicant is requesting a waiver from the following sections of the Subdivision Regulations:
 - Section 21.402D which requires that no permanent encroachments, structures, fences or landscaping be located within any easement area;
 - Section 20.201B which requires the subdivision of a non-residential lot not located in an approved industrial park or existing non-residential subdivision to process as a Major Subdivision; and,
 - Section 20.204 which requires this project to process as a Major Site Development.

The property is designated as Tax District: Charles Town (02); Tax Map: 9; Parcel: 8.1; Zoned: Residential Light Industrial Commercial (R-LI-C); Size: 2.81 acres; Owner: CTSS, LLC.

There is no public comment for the remaining items.

7. Review and possible action regarding whether the Planning Commission wishes to send a letter to the County Commission requesting automatic extension for subdivisions vested under the 2010 SB 595.
 - Sample letter from 2014 attached.
 - Spreadsheet of impacted projects attached.

8. 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 Supreme Court, Docket #15-1031 Possible Executive Session.
9. Planners Memo.
 - Update on Zoning Ordinance and Subdivision Regulation amendments
10. President's Report.
11. Actionable Correspondence.
12. 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 office of the Departments of Planning and Zoning.

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
November 1, 2016

The Jefferson County Planning Commission met on November 1, 2016 with the following Commission members present: Wade Louthan, Vice President; Gary Phalen, Gene Taylor, J Ware, Steve Stolipher, Donnie Fisher, Peter Onoszko and Dickie Childs. Staff members present included Jennie Brockman, County Planner; Lydia Lehman, Assistant Prosecuting Attorney; and Rhonda Greenholtz, Planning Clerk

Mike Chapman, President; was absent with prior notification

Mr. Wade Louthan presided over the meeting and called the meeting to order at 7:00 PM

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

- October 11, 2016

The minutes were approved with no objections.

2. Citizen Communications. None.
3. Request for postponement. None.

4. Review and approval of the 2017 Planning Commission Meeting Schedule.

Mr. Gary Phalen made a motion to approve the 2017 Planning Commission Meeting Schedule. Mr. Gene Taylor seconded the motion which carried unanimously.

5. **Public Hearing:** Waiver request for The Asam Family Limited Partnership (PCW#16-10). The applicant is requesting a waiver from Sections 20.201B and Sections 24.110 through 24.117 of the Subdivision Regulations which requires most non-residential subdivisions to process as a major subdivision. The property is designated as Tax District: Shepherdstown (09); Tax Map: 1; Parcel: 1; Zoned: Residential Growth (RG); Size: 6.15 acres; Owner: The Asam Family Limited Partnership.

Mr. Mike Shepp, Allegheny Surveys presented the request and a brief history of the property on behalf of the applicant. The applicant is requesting a waiver to be able to advance to the Final Plat stage and process as a Minor Subdivision. Mr. Shepp stated that no changes to the infrastructure or new construction is being proposed at this time. He agrees with the recommendation made by staff to add a note on the plat that states that “the lots have the right of access across each other and that if either lot is sold to any non-related entity, an access easement shall be created.” This request is simply to be able to keep the main building on its own parcel for corporate and financial reasons.

Mr. Dickie Childs asked if part of the property is located within the Town of Shepherdstown Corporate limits and if the Town has been informed of this request. Ms. Jennifer Brockman stated that yes a portion of the property is located within the corporate limits and contact had been made with the Town. The property was posted and adjoining property owners were notified. Any further development that may occur on the portion of the property located within the corporate limits will fall under Shepherdstown's jurisdiction.

Ms. Brockman stated the request for the waiver is reasonable. She informed the Planning Commission members that a variance request will be presented at the Board of Zoning appeals

meeting to be held on November 10, 2016 regarding building setbacks, landscape buffers, parking and drive aisles.

Mr. Louthan opened the floor to Public Comment.

No Public Comment was made.

Mr. Louthan closed the floor to Public Comment

Mr. Steven Stolipher made a motion to approve the request as presented by the applicant. Mr. Gary Phalen seconded the motion which carried unanimously.

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. No new report.
- Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session. No new report. This item may be removed from future agendas. Ms. Lydia Lehman will confirm this at a later date.

7. Planners Memo.

Ms. Brockman informed the Planning Commission that a Public Hearing has been scheduled by the County Commission for December 1st at 7:00 pm on the LESA Cluster Amendment. Staff will be available at 6:30 PM to address any questions the Public may have.

Ms. Brockman also provided updates on the upcoming Zoning Ordinances and Subdivision Regulations amendments, including the proposed Mass Event amendment. Mr. Peter Onoszko provided an update on the Mass Event amendment stating it will be further addressed once the LESA Amendment has been passed as the two amendments overlap each other. This item will be brought back to the Planning Commission at a later date.

Planning Commission members are required to complete 2 hours of training once a year. Ms. Brockman suggested a video training related to Signage. This may be helpful as it will relate to an upcoming ordinance amendment. Mr. Stolipher made a suggestion that a training on facades may also be of interest to the members. Ms. Brockman agreed and will explore tiny houses and Air B and B's also.

Mr. Stolipher inquired about the status of the extensions of vested properties as this may come up again soon. He suggested adding this item to the next Planning Commission Meeting agenda for discussion. Mr. Onoszko informed the Planning Commission that a meeting has been scheduled for November 3, 2016 between the County Commissioners and the local Municipalities to discuss the Public Service District (PSD).

The next meeting is scheduled for December 13, 2016

8. President's Report. None

9. Actionable Correspondence. None

10. Non-Actionable Correspondence. None

Mr. Louthan motioned to adjourn the meeting at 7:17 PM.

STAFF REPORT

Jefferson County Planning Commission Meeting

January 10, 2017

Summary of Request

The applicant is requesting the approval of a Concept Plan for Harpers Ferry Outdoor Resort. The Resort is proposed to be located on the western portion of a 410 +/- acre parcel, in the vicinity of the quarry lake, along Millville Road in Harpers Ferry. The Resort is proposed to include cabins, RV sites, yurts and tents. Other amenities to be included are a pool, pavilion, boat rentals, water side areas, bath houses and a lodge. Tent camping and RV areas will conform to the requirements set forth in the Zoning Ordinance and Subdivision Regulations. Anticipated number of sites in these areas are approximately up to 160 with future campsites east of the lake. The site has access to hiking areas, fishing and kayaking on the lake as well as potential access to national park trails on the east and west sides of the property.

Site Plan Category

This site plan associated with this Concept Plan is governed by the Subdivision Regulations, as amended. These Regulations require site plans for proposed developments with a building area between 5,000 and 250,000 square feet to submit a Concept Plan and then process as a Minor Site Plan, which is approved administratively. The newly adopted Campground Regulations found in Appendix B, Division 8 of the Subdivision Regulations and Section 8.17 of the Zoning Ordinance include the requirements for processing a campground in the County. These Regulations also require all campgrounds to process as a Minor Site Plan and campgrounds proposing more than ten (10) sites to process a Concept Plan. This Concept Plan and Site Plan shall meet all of the standards found in these Sections. The Concept Plan provides an opportunity for the public to provide input to the Planning Commission and the applicant in a public workshop and for the Planning Commission to provide direction related to the preparation of the Site Plan. The Site Plan will be administratively reviewed and approved.

Campground Standards

The Site Plan will be required to comply with all the requirements set forth in the Zoning Ordinance and Subdivision Regulations. The Concept Plan is intended to provide an overview of the proposed project without the full engineering details. The overall proposed outdoor recreation development is located on a site of approximately 410 acres, exceeding the required 10 acres. If a conservation easement is executed that restricts development on a portion of this property, the unencumbered acreage shall be used for calculating future development rights for this property.

The proposed development includes 160 tent, cabin and yurt sites within multiple areas totaling approximately 7.65 acres and 169 RV sites within two defined areas totaling 35.5 acres. This is equal to approximately 7.6 sites/acre, within the required 15 sites / acre. The details of dimensional requirements, access, parking, sanitation, landscaping/buffers, and other Zoning Ordinance requirements will be required on the Site Plan.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of the applicant's Concept Plan, Staff found the submitted plan "sufficient" (i.e. meeting all requirements of Section 24.116 of the Jefferson County Subdivision and Land Use Regulations). These requirements,

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found in Section 24.116 (A-J), as well as the current review status for each requirement for the Harpers Ferry Outdoor Resort application, are provided below:

	Description	Status
1. General location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> .	Provided
3. Zoning Information	<ul style="list-style-type: none"> a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map. 	Provided
4. Proposal Description	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided
5. Traffic Impact Data	<p>This shall include:</p> <ul style="list-style-type: none"> a) Average Daily Trip figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project. d) "Highway Problem Areas" according to the current Comprehensive Plan within a one-mile radius of the project. 	Provided
6. Trip Generation	A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.	
7. Agency Reviews	The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.	Letters to required agencies provided
D. Department	<p>The Department review shall include the following:</p> <ul style="list-style-type: none"> 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in the Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan. 	Staff has determined that the requirements of the Zoning and Land Development Ordinance and Subdivision and Land Development Regulations are met in the proposed Concept Plan.

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E. WVDOH	WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided.	
F. Traffic Impact	The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.119.B.5.e.	
G. Public Service	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	The proposed development plans to utilize public water and sewer but no response has been received addressing this review.
H. Recommended Conditions	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	

Concept Plan Review

1. External Agency Reviews

Comments have been received from the following agencies (see attached):

- Jefferson County Historic Landmarks Commission
- WV Bureau of Public Health
- Citizens Fire Company

No other external agencies have responded.

It is critical that input be received from the water and sewer utility providers and the WV DOH prior to processing a Site Plan for the proposed project.

2. Staff Recommendation related to Concept Plan

The Subdivision Regulations state that unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff is required to accept or deny the concept plan as complete. Upon accepting the application as complete, Planning staff is required to place it on the next possible Planning Commission agenda as a public workshop, which is advertised at least fourteen (14) days in advance of the meeting and posted on the property.

Planning Staff has accepted the Concept Plan as complete provided that the following issues are addressed in the Site Plan submission:

- Confirmation regarding the provision of water and sewer utilities is received;
- Citizen Fire Company concerns are addressed;
- Approval of the WV DOH is received.

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- Additional comments received prior to the Planning Commission meeting will be provided at the meeting as well as public comment and may generate additional conditions for the submission of the Site Plan.
- It should be noted that this land was divided by a plat which was approved by the WV Development Office and recorded on 6/18/10. The applicant was informed that these lots shall be merged prior to the submission of the Site Plan. This should be a part of the direction provided by the Planning Commission.
- If a conservation easement is executed that restricts development on a portion of this property, the unencumbered acreage shall be used for calculating future development rights for this property and this information shall be accurately reflected in the Site Plan.

3. Planning Commission Direction

The Site Plan Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before complete engineering design and cost are incurred. The Subdivision and Land Development Regulations outline the procedure:

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan can meet the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant's presentation, staff's explanation and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Site Plan Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public hearing takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public hearing is closed.

The Subdivision and Land Development Regulations outline the direction to be provided to the applicant:

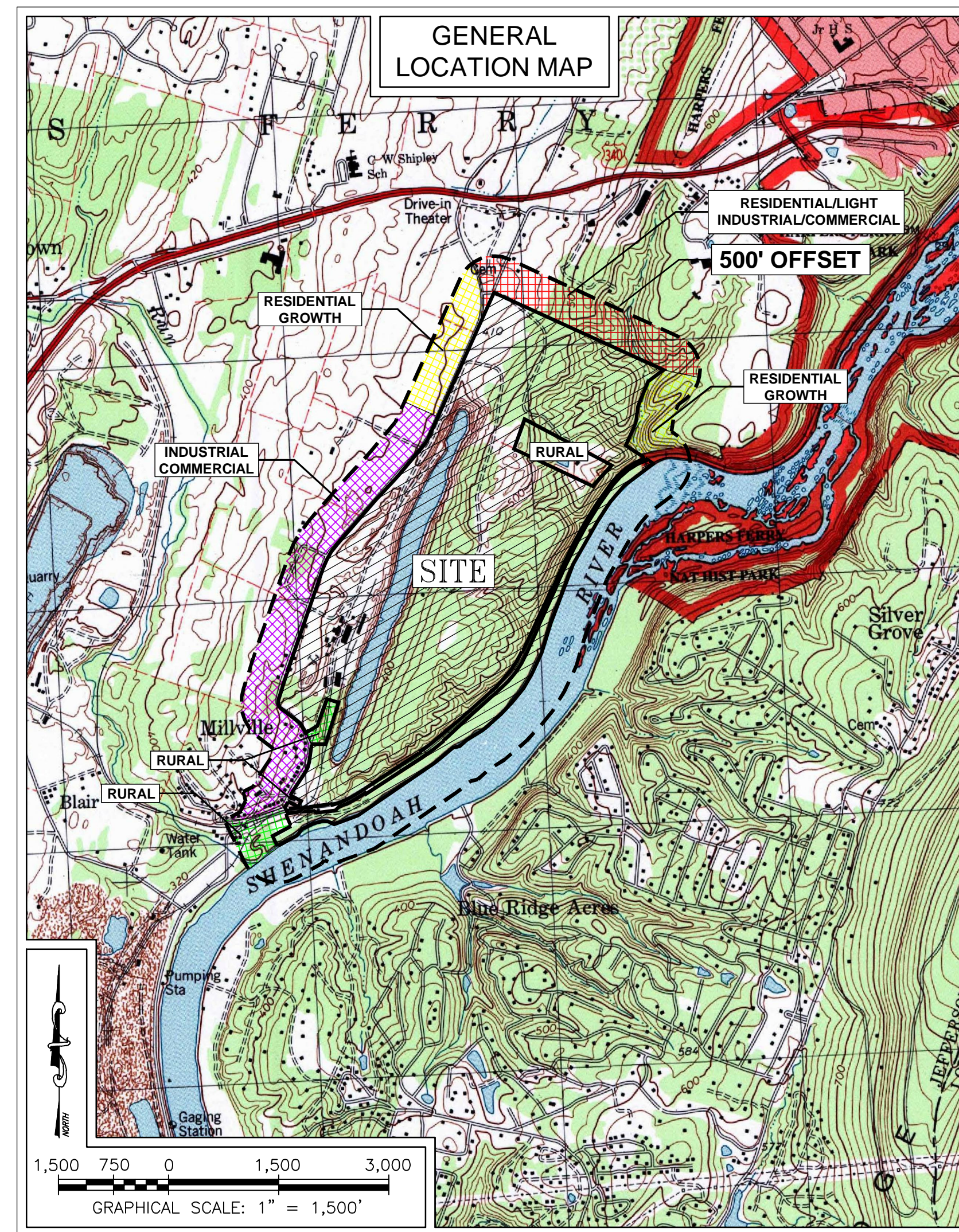
"The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed."

It should be noted that the direction provided to the applicant in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.

CONCEPT PLAN FOR HARPERS FERRY OUTDOOR RESORT

JEFFERSON COUNTY, WEST VIRGINIA
HARPERS FERRY DISTRICT
TAX MAP 11, PARCEL 24.1
DEED BOOK 1149, PAGE 328

OWNER / DEVELOPER
STANDARD LAND COMPANY, LLC.
P.O. BOX 25523
WASHINGTON, D.C. 20027



SHEET INDEX	
1.	COVER SHEET & NOTES
2.	CONCEPT PLAN
3.	CONCEPT PLAN
4.	CONCEPT PLAN

- CONCEPT PLAN REVIEW CHECKLIST NOTES:**
- B.1. SEE GENERAL LOCATION MAP THIS SHEET FOR AREAS WITHIN 500' OF THE SUBJECT PROPERTY.
 - B.2. A CONCEPT PLAN ON 24x36 WHITE PAPER CAN BE FOUND ON THIS SHEET.
 - B.3. ZONING INFORMATION:
 - a. THE SUBJECT PROPERTY IS LOCATED IN THE RESIDENTIAL/LIGHT INDUSTRIAL/COMMERCIAL ZONING DISTRICT.
 - b. DENSITY CALCULATIONS: NOT APPLICABLE
 - c. SEE SHEETS 2 THROUGH 4 FOR THE PROPERTY'S "SITE RESOURCES".
 - c.1. TOPOGRAPHIC INFORMATION PROVIDED PURSUANT TO PREVIOUS AIR SURVEY INFORMATION. CONTOURS SHOWN AT 10' INTERVALS.
 - c.2. SEE SHEETS 2 THROUGH 4 FOR THE LOCATION OF WOODED AREAS, WATERCOURSES AND FLOODPLAIN.
 - c.3. THE PROPERTY WAS FORMERLY A QUARRY AND A LAKE & SOME RUINS REMAIN ON THE PROPERTY.
 - c.4. NO DEVELOPMENT WILL OCCUR WITHIN 1,000' OF THE SHENANDOAH OR POTOMAC RIVERS AND THEREFORE IS NOT SUBJECT TO THE HILLSIDE REGULATIONS FOUND UNDER SECTION 22.504 OF THE JEFFERSON COUNTY SUBDIVISION REGULATIONS.
 - c.4. STEEP ROCK FACES / CLIFFS ADJACENT TO A LAKE WERE CREATED WITH THE PREVIOUS QUARRY OPERATION.
 - c.5. NO OTHER KNOWN PROMINENT ROCK OUTCROPPINGS OR SINK HOLES ARE LOCATED IN THE AREA OF DEVELOPMENT. IT IS POSSIBLE THAT SOME OF THESE FEATURES MAY EXIST AND ARE CONCEALED BY EXISTING VEGETATION OR ARE OUTSIDE THE AREA PROPOSED FOR DEVELOPMENT. ALL STATE, FEDERAL AND LOCAL REGULATIONS WILL BE OBSERVED IF ANY UNKNOWN SITE RESOURCES ARE DISCOVERED DURING CONSTRUCTION.
 - c.6. FEMA MAP 54037C0115E DATED 12/18/2009 IDENTIFIES 100 YEAR FLOODPLAIN ADJACENT TO THE SHENANDOAH RIVER. NO DEVELOPMENT WILL OCCUR WITHIN THE FLOODPLAIN. SEE SHEETS 2 THROUGH 4 FOR FLOODPLAIN LOCATION.
 - d. SEE ADJACENT PROPERTY OWNERS TABLE ON THIS SHEET FOR IDENTIFICATION OF ADJACENT USE DESIGNATIONS. SEE SHEET 2 THROUGH 4 FOR LOCATION OF SAID PARCELS.
 - B.4. PROPOSAL DESCRIPTION: THE REQUESTED CONCEPT PLAN INCLUDES AN OUTDOOR RESORT WITH NUMEROUS AMENITIES SUCH AS RV RESORT SPACES, CABINS, LUXURY TENT CAMPSITES, YURT ACCOMMODATIONS, PRIMITIVE CAMPING ACCOMMODATIONS, A LODGE/GENERAL STORE, SWIMMING POOL, RECREATIONAL AREAS, SPECIAL EVENTS PAVILION AND FIRE PITS. THESE AMENITIES ARE NOT LIMITED TO GUESTS OF THE RESORT AND MAY BE AVAILABLE TO THE GENERAL PUBLIC. THIS CONCEPT PLAN PRESENTS A UNIQUE OPPORTUNITY TO REALIZE THE POTENTIAL OF THE SUBJECT PROPERTY THAT IS CONSISTENT WITH THE QUARRY REDEVELOPMENT AREAS IDENTIFIED IN THE ENVISION JEFFERSON 2035 COMPREHENSIVE PLAN. THE PROPOSAL HAS SIGNIFICANT ECONOMIC DEVELOPMENT POTENTIAL INCLUDING LODGING AND ABUNDANT RECREATIONAL OPPORTUNITIES DESIGNED TO BE CONSISTENT WITH AND SERVE AS AN AMENITY FOR THE SURROUNDING NATIONAL PARK. THERE ARE SEVERAL BUILDINGS PROPOSED WITH THIS APPLICATION.
 - B.4.1. AS PART OF THIS CONCEPT PLAN WE ANTICIPATE THE FOLLOWING STRUCTURES AND APPROXIMATE ASSOCIATED SQUARE FOOTAGES: 7,500 SQ. FT. LODGE, MULTIPLE 1,200 SQ. FT. BATH HOUSES, 5,000 SQ. FT. MAINTENANCE / STORAGE BUILDING, 3,600 SQ. FT. PAVILION AND MULTIPLE ELOO STRUCTURES.
 - B.4.2. RV DISTRICTS: THERE ARE TWO MAIN RV DISTRICTS PROPOSED WITH A TOTAL OF 169 SITES. THE NORTHERN RV DISTRICT CONTAINS APPROXIMATELY 87 RV SITES. THE SOUTHERN RV DISTRICT CONTAINS APPROXIMATELY 82 RV SITES.
 - B.4.3. TENT CAMPING, YURT ACCOMMODATIONS AND CABINS: THERE ARE 8 MAIN TENT CAMPING AREAS DESIGNATED ON THE CONCEPT PLAN (A-H). THESE TENT CAMPING AREAS WILL CONFORM TO THE 1,200 SQUARE FOOT REQUIREMENT IN THE ORDINANCE. THE ANTICIPATED NUMBER OF SITES IN THESE AREAS IS APPROXIMATELY UP TO 160. THERE ARE ALSO SEVERAL FUTURE CAMPSITES THAT ARE DEFINED AS AREAS 1-6 WHICH ARE EAST OF THE LAKE WHICH ARE ANTICIPATED TO BE FUTURE CAMPING AREAS.
 - B.4.4. RECREATIONAL ACTIVITIES: THIS SITE HAS GREAT ACCESS TO HIKING TRAILS AND RECREATIONAL AMENITIES ON THE LAKE SUCH AS KAYAKING AND FISHING. THERE IS POTENTIAL TO ACCESS NATIONAL PARK TRAILS ON THE EAST AND WEST SIDES OF THE PROPERTY. IT IS ANTICIPATED THAT THESE ACTIVITIES WILL BE PROMOTED WITH THE DEVELOPMENT OF THIS PROPERTY.
 - B.5. TRAFFIC IMPACT DATA
 - a. THE WVDOT DOES NOT PROVIDE AVERAGE DAILY TRAFFIC COUNTS FOR MILLVILLE ROAD. MILLVILLE ROAD IS A LOCAL ROAD WITH LOW TRAFFIC VOLUMES. THE WVDOT IDENTIFIES 2,208 DAILY TRIPS FOR ROUTE 27 NORTH OF ROUTE 340 AND 23,232 DAILY TRIPS FOR ROUTE 340 NEAR MILLVILLE ROAD.
 - b. TRIP GENERATION: SINCE THE ANTICIPATED USE OF THE PROJECT IS NOT LISTED IN SECTION 24.106(B)5.B FOR TRIP GENERATION, WE HAVE SELECTED THE FOLLOWING FROM THE ITE TRIP GENERATION MANUAL:
 - CAMPGROUND / RECREATIONAL VEHICLE PARK:
 - PEAK HOUR TRIPS: 329 (CAMPSITES) x 0.41 = 134.89
 - THE NEAREST KEY INTERSECTION AS DEFINED IN THE CONCEPT PLAN CHECKLIST IS THE ROUTE 340/MILLVILLE RD. INTERSECTION.
 - c. THERE ARE NO "HIGHWAY PROBLEM AREAS", AS DEFINED BY THE ENVISION JEFFERSON 2035 COMPREHENSIVE PLAN, WITHIN ONE (1) MILE RADIUS OF THE PROPERTY.
 - B.7. AGENCY REVIEWS: LETTERS WERE SENT TO THE REQUIRED REVIEW AGENCIES AS REQUIRED BY THE CONCEPT PLAN REVIEW CHECKLIST. A COPY OF THE LETTERS ARE INCLUDED AS PART OF THIS SUBMISSION.
 - B.10. A LIST OF ALL ADJOINING PROPERTIES AND OWNERS ADDRESS'S ARE INCLUDED AS PART OF THIS SUBMISSION. PROPERTY OWNERS INFORMATION IS PROVIDED PURSUANT TO JEFFERSON COUNTY TAX RECORDS.
 - E. A LETTER TO WVDOT HAS BEEN SENT REQUESTING THE IDENTIFICATION OF ANY ISSUES, DATA REQUIREMENTS OR NOTICE THAT THERE ARE NONE.
 - F. PURSUANT TO SECTION 24.106.B.6. OF THE SUBDIVISION REGULATIONS, THE PROPOSED DEVELOPER WILL COORDINATE WITH WVDOT TO DETERMINE WHETHER A TRAFFIC STUDY WILL BE REQUIRED FOR THIS DEVELOPMENT.
 - G. THIS PROPERTY CURRENTLY HAS ACCESS TO PUBLIC WATER LOCATED ON MILLVILLE ROAD AND A SANITARY SEWER MAIN LOCATED ON THE SUBJECT PROPERTY.

GENERAL NOTES:

 1. THE SITE PLAN SHALL CONFORM TO THE REQUIREMENTS OF SECTION 8.17 OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE AND APPENDIX B, DIVISION 8.0 OF THE JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS UNLESS OTHERWISE VARIED OR WAIVED BY THE APPROPRIATE BODY.
 2. POTENTIAL WAIVERS SUCH AS SECTION 22.504.B. FOR CAMPGROUNDS B, G & H MAY BE REQUIRED (75' RIPARIAN BUFFER FROM LAKE EDGE).

OVERALL CAMPGROUND	
AREA	APPROXIMATE ACRES
ENTIRE PARCEL / CAMPGROUND	410.1
LAKE	34.2
ACTIVE AMMNITIES (LODGE, POOL, PAVILLION)	2.5
CAMPSITES	43.15
PERMITTED CAMPGROUND DENSITY	
410 (ACRES) x 15 (CAMP UNITS PER ACRE) = 6,150 CAMP UNITS	
PROPOSED CAMPGROUND DENSITY	
329 (CAMP UNITS) / 410 (ACRE) = 0.80 UNITS PER ACRE	

PROPOSED CAMPSITE AREAS							
CAMPSITE AREA REFERENCE	POTENTIAL NUMBER OF CAMPSITES	POTENTIAL CAMP UNIT TYPE	PROJECTED CAMP UNIT TYPE	PARKING	NOTES	APPROXIMATE ACREAGE	APPROXIMATE DENSITY (CAMPSITES / ACRE)
A	70	CABINS, YURTS, TENTS	CABINS	AT CAMPSITE		3.00	23.33
B	6	TENTS	TENTS	AT LODGE	ACCESSED BY CART ONLY.	0.40	15.00
C	8	TENTS	TENTS	AT CAMPSITE		0.45	17.78
D	11	TENTS, YURTS	TENTS	AT CAMPSITE		0.60	18.33
E	20	TENTS, YURTS	TENTS	AT CAMPSITE		1.00	20.00
F	15	CABINS, YURTS, TENTS	YURTS	AT CAMPSITE		1.30	11.54
G	24	CABINS, YURTS, TENTS	CABINS	AT CAMPSITE		0.60	40.00
H	6	TENTS	TENTS	AT LODGE	ACCESSED BY CART ONLY.	0.30	20.00
TOTALS	160					7.65	20.92

- NOTES:**
- 1) EACH CABIN WILL HAVE WATER & SANITARY SEWER SERVICE.
 - 2) YURTS WILL BE SERVED BY A CENTRAL BATH HOUSE CONTAINING WATER & SANITARY SEWER SERVICE.
 - 3) TENT SITE WILL BE SERVED BY EITHER A CENTRAL BATH HOUSE OR BY ELOO SANITARY SYSTEMS / CENTRAL WATER SPICKET.
 - 4) TYPE OF CAMPING FOR EACH AREA IS SUBJECT TO CHANGE BASED ON FINAL ENGINEERING DESIGN.
 - 5) APPROXIMATE CAMPSITE DENSITIES ARE NOT REPRESENTATIVE OF OVERALL CAMPGROUND DENSITY.

PROPOSED RV CAMPSITE DISTRICTS			
DISTRICT	CAMPSITES	APPROXIMATE ACREAGE	APPROXIMATE DENSITY (CAMP UNITS / ACRE)
NORTHERN	87	16.0	5.44
SOUTHERN	82	19.5	4.21
TOTAL	169	35.5	4.76

- NOTES:**
- 1) EACH RV CAMP SITE WILL BE PROVIDED WITH SANITARY SEWER, WATER AND A CENTRAL BATH HOUSE WILL BE LOCATED IN EACH RV DISTRICT AND WILL CONTAIN RESTROOMS, SHOWERS AND LAUNDARY FACILITIES.
 - 2) APPROXIMATE CAMPSITE DENSITY IS NOT REPRESENTATIVE OF OVERALL CAMPGROUND DENSITY.

FUTURE POTENTIAL CAMPING AREAS	
CAMP AREA REFERENCE	AREA (ACRES)
1	1.0
2	5.5
3	1.0
4	0.5
5	2.0
6	0.7
TOTAL	10.7

- NOTES:**
- 1) FUTURE CAMP TYPES AND DENSITIES TO BE DETERMINED WITH FUTURE CONCEPT PLAN APPLICATION.

Adjacent Property Information									
Reference #	District	Map	Parcel	Owner	Zone	Use	Deed Book	Page	
1	4	9	50	Duncan, Mickey	Rural	Vacant	1137	50	
2	4	9	49	Webb, Charles S Sr. Est	Rural	Vacant	96	576	
3	4	9	47	Gestl, Paul Eric	Rural	Residential	940	434	
4	4	9	48	Helm, Michael Morgan	Rural	Residential	940	432	
5	4	9	21	USA	Residential Growth Residential/Light Industrial/Commercial Industrial/Commercial	Park Customs Training Facility Vacant	957	120	
6	4	9	39.1	Civil War Preservation Trust	Residential/Light Industrial/Commercial	Vacant	1148	519	
7	4	9	58	Grimes, Mark	Residential/Light Industrial/Commercial	Vacant	1162	519	
8	4	9	66.1	Harpers Ferry Holdings LLC	Residential/Light Industrial/Commercial	Commercial	1105	213	
9	4	9	68	USA- National Park Service	Residential Growth	Vacant / Park	968	641	
10	4	11	37	Millville River Properties LLC	Rural	Vacant	1076	276	
11	4	11	42	Johnson, Ellis A Est	Rural	Vacant	222	179	
12	4	11A	30	M E Church South	Rural	Church	127	148	
13	4	11A	28	Dupree, Karin A	Industrial/Commercial	Residential	1051	688	
14	4	11A	29	Ranalli, Joseph & Nancy G	Industrial/Commercial	Residential	351	413	
15	4	11A	24	Bastian, Nicola	Industrial/Commercial	Residential	1081	704	
16	4	11A	31	Eden, Anthony	Industrial/Commercial	Residential	1173	240	
17	4	11A	32.1	Johnson, Leroy M & Nancy J	Industrial/Commercial	Residential	414	191	
18	4	11A	32	Johnson, Leroy M & Nancy J	Industrial/Commercial	Residential	414	191	
19	4	11A	33	Johnson, Daryl W & Melody D	Industrial/Commercial	Residential	1085	205	
20	4	11A	34	KNR Investments LLC	Industrial/Commercial	Commercial	1045	159	
21	4	11A	35	R&D Investments LLC	Industrial/Commercial	Residential	1111	466	
22	4	11A	36	Logue, Stephen P	Industrial/Commercial	Residential	1095	467	
23	4	11A	37	Jones, Anne E	Industrial/Commercial	Residential	363	739	
24	4	11A	38	Lepley, Mary B & Thomas L Schwarz	Industrial/Commercial	Residential	990	310	
25	4	11A	38.1	Longerbeam, Brian J	Industrial/Commercial	Residential	WB 7	323	
26	4	11A	42	Staub, Robert L	Industrial/Commercial	Residential	856	588	
27	4	11	25	Unite States of America	Industrial/Commercial	Vacant / Park	694	540	
28	4	11A	40	Jones, Keith W & Brenda K	Industrial/Commercial	Residential	1117	212	
29	4	11A	41.1	Cornwell, William P & Jessica Marie Cross	Industrial/Commercial	Residential	1119	740	
30	4	11	24.2	East Jefferson Sewer Services LLC	Rural	Sanitary Sewer Treatment Plant	1128	39	

JEFFERSON COUNTY PC FILE: CP-S-16-06

Gordon
PROGRAMMING AND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
SURVEY AND MAPPING
SECURITY CONSULTING
301 N. Mildred Street, Suite 1
Charles Town, WV 25414
Phone: 304-725-8456
www.gordon.us.com

SEAL:

REVISIONS
1) 12/12/2016 - REVISED PURSUANT TO COUNTY COMMENTS.

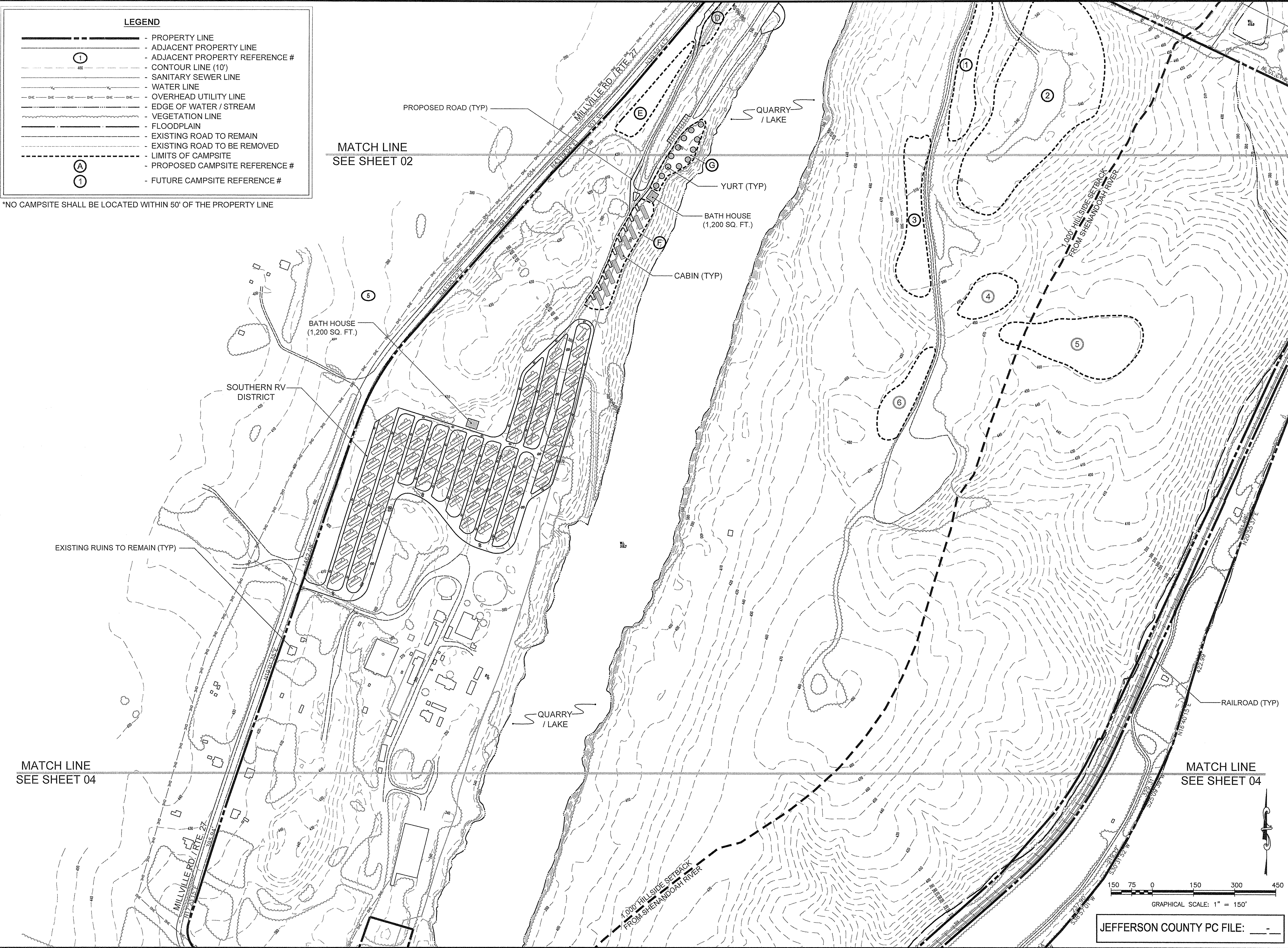
COVER SHEET & NOTES
**HARPERS FERRY
OUTDOOR RESORT**
DISTRICT 4, TAX MAP 11, PARCEL 24.1, DB. 1149, PG. 328
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: 1" = 150'
VERT: NA
DATE: 11-18-2016
JOB: 3111-0102
DRAWN: CHECK:
CADD: 3111-CONCEPT.DWG
NCS:
SHEET:
01 OF 04

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- ADJACENT PROPERTY REFERENCE #
- CONTOUR LINE (10')
- SANITARY SEWER LINE
- WATER LINE
- OVERHEAD UTILITY LINE
- EDGE OF WATER / STREAM
- VEGETATION LINE
- FLOODPLAIN
- EXISTING ROAD TO REMAIN
- EXISTING ROAD TO BE REMOVED
- LIMITS OF CAMPSITE
- PROPOSED CAMPSITE REFERENCE #
- FUTURE CAMPSITE REFERENCE #

*NO CAMPSITE SHALL BE LOCATED WITHIN 50' OF THE PROPERTY LINE



PROGRAMMING AND PLANNING
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 SURVEY AND MAPPING
 SECURITY CONSULTING

Gordon

301 N. Mildred Street, Suite 1
 Charles Town, WV 25414
 Phone: 304-725-8456
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SEAL:

NO.	REVISIONS

CONCEPT PLAN

**HARPERS FERRY
 OUTDOOR RESORT**

DISTRICT 4, TAX MAP 11, PARCEL 24.1, DB. 1149, PG. 328
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: 1" = 150'
 VERT: NA

DATE: 11-18-2016

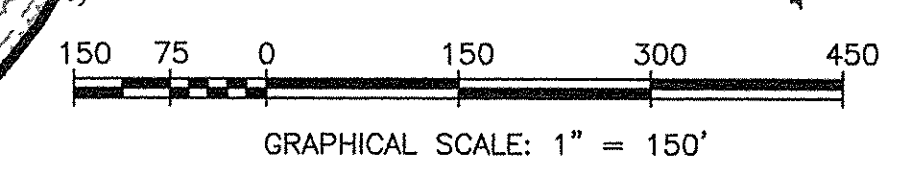
JOB: 3111-0102

DRAWN: CHECK:

CADD: 3111-CONCEPT.DWG

NCS: SHEET:

03 OF 04



JEFFERSON COUNTY PC FILE: - -

Planning Department

From: Planning Department
Sent: Monday, December 05, 2016 4:14 PM
To: 'Jennifer Brockman (jbrockman@jeffersoncountywv.org)'
Subject: FW: "Concept Plan" - Harper's Ferry Outdoor Resort

From: Marchun, Alan F [mailto:Alan.F.Marchun@wv.gov]
Sent: Monday, December 05, 2016 3:58 PM
To: Planning Department
Cc: Herold, William S
Subject: "Concept Plan" - Harper's Ferry Outdoor Resort

Jennifer – per our discussion today, the applicant must obtain construction permits from the West Virginia Bureau for Public Health, Environmental Engineering Division for the swimming pool, water distribution and sewerage collection system to serve the proposed facilities. The submittal must include letters from the utilities who will be providing service stating adequate capacity exists to serve the proposed facility. The plans must be submitted by a WV Registered Professional Engineer.

Additional permits may also be required from the WV Bureau for Public Health, Public Health Sanitation Division and/or the Jefferson County Health Department for facilities at the site, including an RV “dump station”, alternative on-site waste disposal systems, water slide, etc.

Alan Marchun
Kearneysville District Health Office
304-725-9453



December 8, 2016

Ms. Kristen Stolipher
Gordon and Associates
301 N. Mildred Street
Charles Town, West Virginia 25414

Re: Jefferson County Concept Plan Submittal
Harpers Ferry Outdoor Resort

Dear Ms. Stolipher,

I have reviewed the Concept Plan for the Harpers Ferry Outdoor Resort, dated November 18, 2016, submitted to the JCHLC December 2016 by Gordon and Associates of Charles Town, West Virginia. The submittal documents outline the proposed resort buildings and site development on the Old Standard Quarry property in Jefferson County, WV.

A 200 acre section of the Harpers Ferry Battlefield is directly adjacent to the project site, a location prominently involved with the Civil War skirmish known as the 1862 Battle of Harpers Ferry. Also in close proximity is the Murphy Farm, original site of the Harper's Ferry Arsenal and of John Brown's raid. There are no inventoried County Historic Resources from the 2007 JCHLC survey located on the development parcel described in these submittal documents.

The Battlefield area in this location has a rich Civil War history: starting from the 1859 John Brown raid, to the 1862 Siege of Harpers Ferry. In addition, between 1901 and 1974 the area was in operation as a raw dolomite quarry, for the Standard Lime and Stone Company.

The Jefferson County Historic Landmarks Commission objects to the proposed Harpers Ferry Outdoor Resort Concept Plan since the proposed development shows no sensitivity to the Battlefield property, it's scale is too dense for the space allotted, and will negatively impact various viewsheds from both the Battlefield and Murphy Farm. The proposed development is neither compatible with the Battlefield nor respectful of the site and what it represents. Rather, it clashes with the integrity of the setting and the feelings associated with such a historically significant location.

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

A handwritten signature in blue ink, appearing to be "Sara Lambert".

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

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

Planning Department

From: Daniel S Fritsch <daniel.fritsch@citizensfirecompany.com>
Sent: Friday, December 16, 2016 2:26 PM
To: Planning Department
Subject: Harpers Ferry Outdoor Resort-Comments

- Concept plan states public water available. Where are the fire hydrants located? (should be every 500ft)
- Maintain access for fire and EMS apparatus access to the facility (turning radius for apparatus approximately 25-45ft in length, 8 ft wide)
- close proximity of RV's could lead to exposure fire. One unit involved in fire could result in multiple exposure fires
- roof construction of cabins, lodge...use of gusset plates, fire rating?
- fire alarm system in cabins? Report to central alarm system?
- public access AED
- public access emergency phone (direct dial to 911)

Daniel S Fritsch
Fire Chief
Citizens Fire Company

STAFF REPORT

Jefferson County Planning Commission

January 10, 2017

PREVIOUS APPROVALS	ZC13-13: Brewpub in existing bar/lounge/nightclub/restaurant/grill within an existing bowling alley (05/15/13). ZC13-31: Legends Sports Bar & Lounge with 5 slot machines (12/18/13). ZC15-12: Sports Bar & Grill: with 5 slot machines and special Events with live bands; all-ages establishment (04/14/15). 04/12/16: Lot Line adjustment approved.
--------------------	---

Background

The subject parcel was originally created on December 30, 1983 as a 5 acre lot per Section 2.1.c of the 1979 Subdivision Ordinance as a subdivision exemption outsale parcel. The existing structure (bowling alley) was built prior to the adoption of the Zoning Ordinance. On July 22, 2016 a lot line adjustment was recorded to reduce the size of the subject parcel to its current configuration of 2.81 acres.

Review of the Request

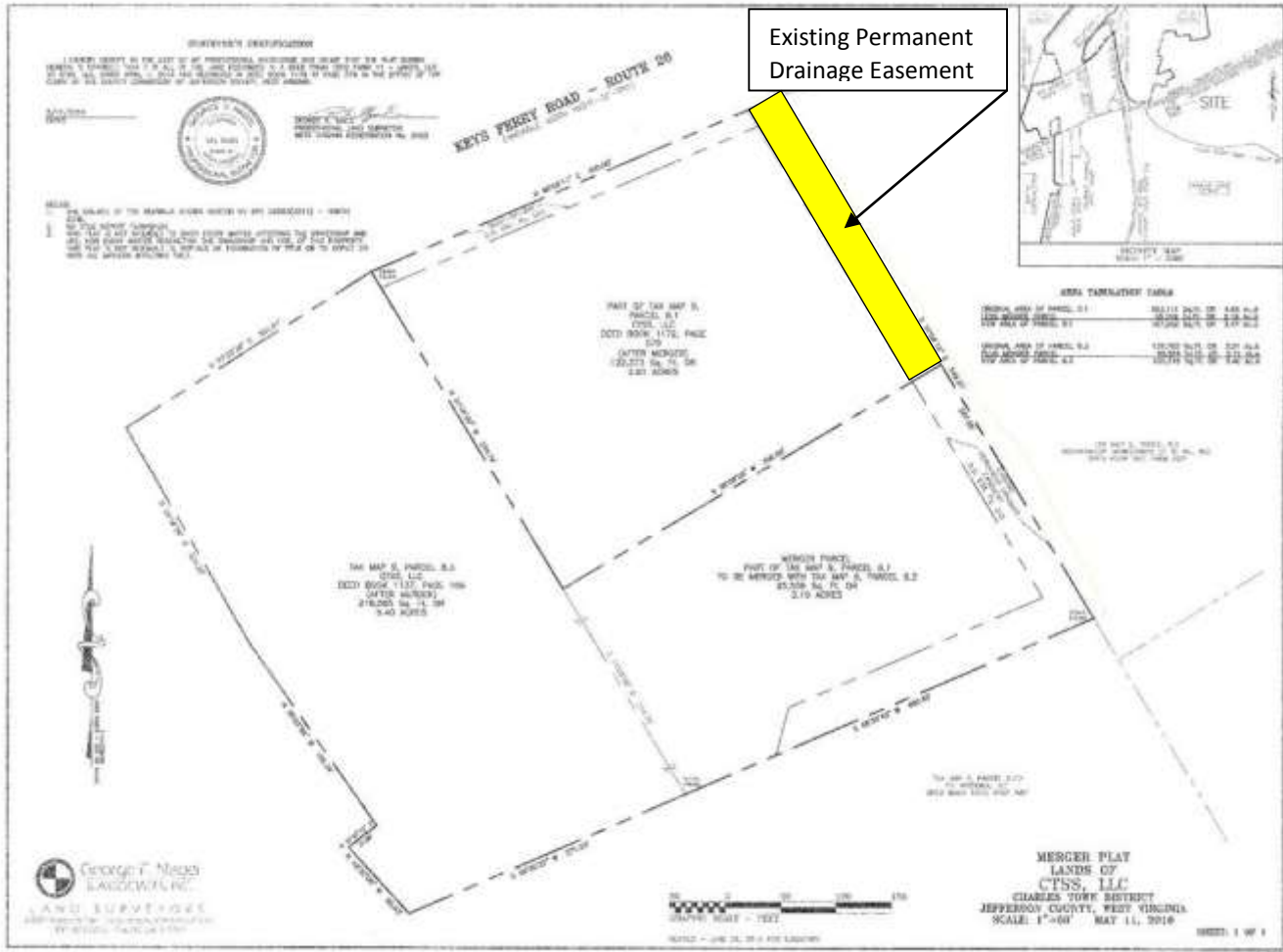
The applicant is proposing to create two lots out of the approximately 2.8 acre parcel which houses an abandoned building previously utilized as a bowling alley and then a sports bar. The goal is to create a separate lot for the construction of a Waffle House restaurant. The applicant is asking that the Planning Commission approve the following waivers to allow for this division and the construction of this establishment:

1. Section 21.402.D of the Subdivision Regulations requires that no permanent encroachments, structures, fences, or landscaping be located within an easement area. The applicant is proposing landscaping to be placed within the 30 foot DOH drainage easement (see graphic below) along the eastern boundary of the property. This is the same easement that was impacted by the recent Charles Town Self Storage expansion. In addition to Planning Commission approval of this waiver, approval from the WV DOH will also be required for this proposed use.

STAFF REPORT

Jefferson County Planning Commission

January 10, 2017



2. Section 20.201B of the Subdivision Regulations includes limited provisions under which a non-residential property can process as a Minor Subdivision. Generally, a nonresidential subdivision may only process as an administratively approved minor subdivision if it is a lot within an approved industrial park or existing major non-residential subdivision or if it is in the Rural Zoning District creating one new lot. Because the 2.81 acre parcel which is the subject of this waiver request is neither in an industrial park or existing major non-residential subdivision nor zoned Rural, approval of this waiver is required.
3. Section 20.204 of the Subdivision Regulations requires projects which include off-site infrastructure to process as a Major Site Development.

Zoning Ordinance Implications

Due to the configuration proposed by the applicant in splitting a lot that contains an existing commercial use to allow for the creation of a second lot for a different commercial use, there are a number of requirements of the Zoning Ordinance that will also have to be varied by the Board of Zoning Appeals. These include Section 4.11A (landscape buffer between commercial uses); Section 5.4D.2 (parking and drive aisle setbacks) and the provisions of Appendix B. A note shall be placed on the plat that states that the lots have the right of access across each other and that an access easement shall be created.

STAFF REPORT

Jefferson County Planning Commission

January 10, 2017

Waiver Requirements:

The Subdivision Regulations require that in order for a waiver to be approved by the Planning Commission, the following four criteria must be met. The criteria are listed below for your review and are addressed in the application.

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

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

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

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

Staff Recommendation

Separate action may need to be taken on the requested variances as they are not necessarily inter-related.

1. Waiver of Section 21.402.D:

Typically no structures or landscaping are permitted within a utility easement in order to protect the utility itself and to ensure the easement holder has full access to the easement to perform maintenance or make repairs as necessary. If the WV DOH does not object to the proposed uses within their easement, the provision of the landscaping allows the project to be in conformance with the County's Zoning Ordinance requirements and would have a positive effect on the adjacent property owners.

Because this easement is owned and maintained by the WV DOH as a part of their stormwater drainage system related to the state road system in the area, staff would support the requested waiver only if the WV DOH provides written approval of the proposed uses within their easement and is contingent upon any conditions that the WV DOH puts on such approval.

2. Waiver of Section 20.201B:

Because the proposed division is for property that is zoned for commercial uses and has always been occupied by a commercial use, and the proposed division is for the purpose of creating one additional lot that will share an access with the existing use, staff supports the request to process the proposed division as a Minor Subdivision; provided that a note be placed on the plat that states that the lots have the right of access across each other and that an access easement is created.

3. Waiver of Section 20.204:

Because the off-site infrastructure improvements relate to the balance of the existing lot and a portion of the Self-Storage lot, it is reasonable to allow the interconnected infrastructure to process through the Minor Site Development process provided it meets all required Engineering standards.



JEFFERSON COUNTY, WEST VIRGINIA
Dept. of Engineering, Planning, and Zoning
Office of Planning and Zoning
 116 East Washington Street, P.O. Box 338
 Charles Town, WV 25414
 www.jeffersoncountywv.org

File Number: _____
 Staff Initials: _____
 Sketch Received: _____
 List of Adjoiners: _____
 Fees Paid: _____

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

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

Waiver Request

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

Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.

Property Owner Information

Name: CTSS, LCC.
 Mailing Address: P.O. BOX 25523 WASHINGTON D.C. 20027
 Phone Number: 202-243-7530 Email: NOAH@ARC.LAND

Applicant Contact Information

Name: SAME AS ABOVE
 Mailing Address: _____
 Phone Number: _____ Email: _____

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

Name: GORDON
 Mailing Address: 301 NORTH MILDRED STREET, SUITE 1 CHARLES TOWN, WV 25414
 Phone Number: 304-725-8456 Email: KSTOLIPHER@GORDON.US.COM

Physical Property Details

Physical Address 107 KEYES FERRY ROAD
 City: CHARLES TOWN State: WV Zip Code: 25414
 Tax District: CHARLES TOWN Map No: 9 Parcel No: 8.1
 Parcel Size: 2.81 Deed Book: 1172 Page No: 579

Zoning District (please check one)

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

Place Date Stamp Here

What Section of the Subdivision Regulations are you Requesting to Waive?

Section 21.402.D, Section 20.201.B, Section 20.204

Briefly Describe the Nature of Your Waiver Request:

FOR THE DEVELOPMENT OF A NEW WAFFLE HOUSE ALONG KEYES FERRY ROAD WE ARE REQUESTING TO ALLOW FOR LANDSCAPING WITHIN THE EXISTING WVD0H DRAINAGE EASEMENT, WAIVER FROM THE MAJOR SUBDIVISION PROCESS TO CREATE A 0.50 ACRE PARCEL AND TO PROCESS AS A MINOR SITE PLAN.

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

THE PROJECT WILL PROVIDE ECONOMIC DEVELOPMENT FOR THE COUNTY AND THE APPROVAL OF THESE WAIVER REQUESTS WILL ALLOW FOR THE PLAN TO BE APPROVED IN A MORE STREAMLINED PROCESS.

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

THE WAIVERS, IF APPROVED, WILL NOT AFFECT THE ADJACENT PROPERTY OWNERS AS THE ADJACENT OWNERS ARE COMMERCIAL IN NATURE OR VACANT.

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

THE WAIVERS, IF GRANTED, WILL BE IN KEEPING WITH THE INTENT OF THE ORDINANCE AS THE REQUESTED WAIVERS WILL ALLOW FOR ECONOMIC DEVELOPMENT WITHIN THE COUNTY AND A MORE STREAMLINED PROCESS IS PROVIDED FOR IN THE ORDINANCE.

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

THE WAIVERS, IF GRANTED WILL ALLOW FOR A LANDSCAPED BUFFER WHILE BEING TO MOST EFFICIENT WITH THE LAYOUT OF THE NEW SITE. ADDITIONALLY, THE GRANTING OF THESE WAIVERS WILL ALLOW FOR A MORE STREAMLINED PROCESS TO ENSURE A QUICK DELIVERY OF THIS SITE IN THE COUNTY.

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

Signature of Property Owner

Date

Signature of Property Owner

Date

To Be Completed By Office

_____ Date of Public Meeting/Public Hearing

_____ Date Property to be Posted By

_____ Official/Administrative Body

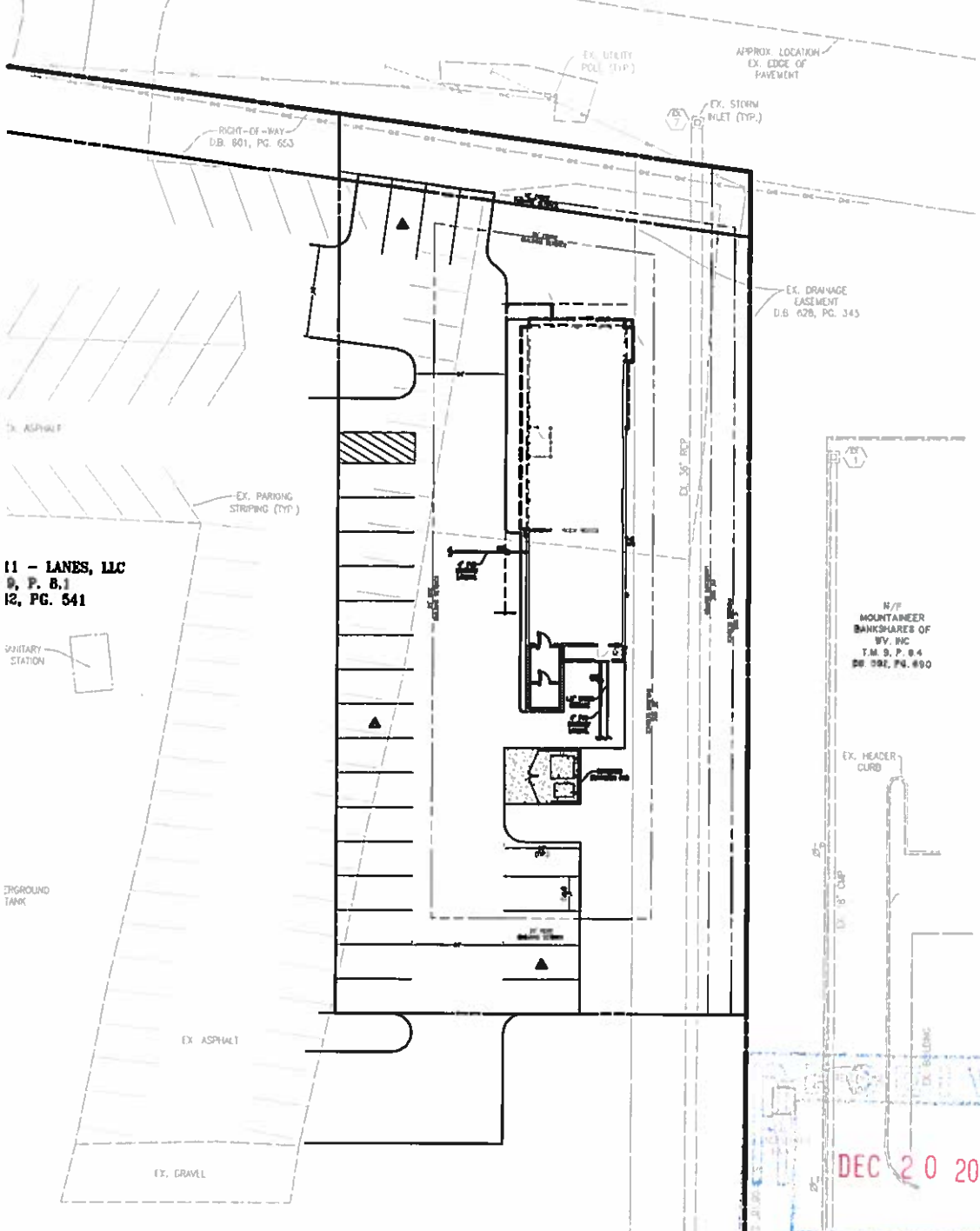
_____ Date Adjoiner Letters to be Mailed

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

Approved Denied



ROUTE 340/6 - SOMERSET BOULEVARD
 (VARIABLE WIDTH RIGHT-OF-WAY)



11 - LANES, LLC
9, P. 8.1
12, PG. 541



UNDERGROUND TANK

R/W
 MOUNTAINEER
 BANKSHARES OF
 WV, INC
 T.M. 9, P. 8.4
 DB 092, PG. 600

EX. HEADER CURB

DEC 20 2016

PCW16-11





Letter of Transmittal

To Jefferson County Planning and Zoning
116 East Washington St
Charles Town, WV 25414

Date December 20, 2016
Shipped Via Courier
Plan Name Waffle House Waiver
Project No. 2581/Phase No. 0202
Subject Waiver Request
From Kristen Stolipher

County No./ Town No.

We are sending you Print(s) Correspondence(s) Electronic Media Originals
 Submission 1st 2nd 3rd Other

Copies	Date	Description
1		Waiver Request
1		Fee check (\$100.00)
1		Waiver exhibit

These are transmitted For your use As requested For approval For review and comment
 Other _____

Comments

#PCW16-11

DEC 20 2016

INTERNAL PLAN PROCESSING USE ONLY

Notes:

Signature of Receipt

Christina Chalmers

Date

December 20, 2016

cc:
G:\Project\Admin\314\Karl Cartridge\4 - Submissions\Original Submission documents\1-Transmittals\County_City\2016-00-04_SITE PLAN.doc

www.gordon.us.com
DCJS License # Is 11-7158

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SURVEY AND MAPPING
SECURITY CONSULTING

CHANTILLY: 4501 Daly Drive, Chantilly, VA 20151 — Phone: (703) 263-1900

CHARLES TOWN: 301 N. Mildred St., Suite 1, Charles Town, WV 25414 — Phone: (304) 725-8456

Outstanding Projects – only includes projects that have not had at least one Final Plat approved, bonded and recorded
Yellow Highlights Indicate that they would Benefit from Proposed Time Extensions (1/10/17)

Project Name	CUP	CUP Approval/ Extension Date	CUP Expiration Date*	Is it "valid and outstanding?"	Subdivision	Preliminary Plat Approval Date	Does it have "Preliminary Approval by the PC?"	Final Plat Approval or Due Date**	Do SB 595 Provisions Apply?	Extension Requested/ Approved or Denied	Comment
Daniels Forest	Z01-03	Ext. 2/24/09 SB 595 applied	4/6/10 7/1/12	Yes	02-01	01/20/10	Yes	Approved 3/23/10	Yes -- for bonding and recording	n/a	Extension to 07/01/17 to bond and record
Beallair West	X	N/A	N/A	Yes (no CUP)	07-30	1 st review 10/09	The return of 1 st review; considered "approved with conditions"	PH due by 07/01/17	Yes		
Kensington	X	N/A	N/A	Yes (no CUP)	06-41	12/28/09	Yes	Approved 3/23/10	Yes – for bonding and recording		Extension to 07/01/17 to bond and record
Aspen Green	Z02-06	BZA Ext. 6/18/09 BZA Ext. 11/18/10	12/20/10 7/1/12	Yes	07-15	Approved on 4/10/12	No (prior to SB 595) Yes (following SB 595)	Phase 1A PH held 6/12/12 Phase 2A PH held 6/9/15	NO		CUP active due to recordation of Final Plat
Far Away Farms	Z04-04	Issued 10/6/08 BZA Ext. 1/21/10 Settlement agreement 8/3/11 Court Order 12/15/16	4/6/10 10/6/11 8/3/14 12/15/19	Yes	08-28	Not yet submitted	No Preliminary Plat must be submitted by 8/3/13 12/15/18	FP PH due by 8/3/16 12/15/19	NO	Request extension to 03/2/2015 – PC denied 12/21/10; Out of Court Settlement 8/3/11; Court Order 12/15/16	CUP is valid for 3 years from 8/3/11 12/15/16 and Plat is to be processed under new sub regs with CIS counting for Concept Plan
Allemont	X	N/A	N/A	Yes (no CUP)	07-21	CIS/File reopened 11/10/09	The return of 1 st review -- considered to be "approved with conditions"	FP PH required by 5/10/10 – expired 7/1/12 (SB 595)	Yes		Believed to be a project that is no longer being pursued
Sectionalized Projects									Any project submitted under the old sub regs with an approved FP can delay approval of next phase to 7/1/17 per 595	Have to bond and record within 90 days and/or have to process the next phase within 2 years: <ul style="list-style-type: none"> • Harvest Hills FP approved 4/24/12; • Cambridge FP approved 4/24/12 • Breckenridge East Phase 1A FP approved 4/10/12 • Beallair Phase 3 FP 1/21/10 	
Wild Goose	X			Yes	08-18	CIS approved 8/26/08 Preliminary Plat approved on 4/3/09	The return of 1 st review – considered to be "approved with conditions"	FP PH required by 06/27/10 7/1/12 (SB 595) Approved 1/10/12	Yes		Needs to be bonded and recorded by 7/1/17

- *18 months from approval to commence construction
- **24 months from date of preapplication to Final Plat Public Hearing
- "Valid and Outstanding" means that the application was existing and valid as of January 1, 2010, in accordance with the memo dated June 8, 2010 re: Local Application of SB 595
- "Preliminary Approval by the PC" means that a Preliminary Plat was approved prior to March 1, 2010; this includes plats that have been "approved with conditions" and have outstanding comments



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

June 10, 2014

Walt Pellish, President
Jefferson County Commission
124 E. Washington Street
Charles Town, WV 25414

RE: "SB 595" Vested Development Time Extensions Follow Up and Discussion

Dear County Commissioners:

As most of you are aware, in 2010, when the impacts of the economic downturn were impacting developments that had begun to process in communities throughout the state, the State Legislature amended the "Vested Rights" provisions of state law to automatically extend development projects that met certain criteria to July 1, 2012. On June 21, 2012, upon the request of the Jefferson County Citizen's for Economic Preservation (JCCEP) the County Commission, and after receipt of public comment following the public hearing, the County Commission approved a Policy Related to Vested Property Rights in Jefferson County, WV further extending the vested development rights to July 1, 2015.

Most of the projects impacted by these policy changes have multiple steps to accomplish prior to the July 1, 2015 deadline and would need to start making progress in the summer and fall of 2014 in order to meet this required deadline. Because the economy has not yet fully recovered in a manner to make substantial investments prudent at this time, the Planning Commission is recommending that the County Commission consider holding a public hearing to further extend the vested rights dates to assist in this economic recovery.

The proposed language that the Planning Commission recommends be considered is as follows:

1. The validity of any subdivision plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2015 until July 1, 2017. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period.
2. The requirements for the vesting of property rights contained in an ordinance enacted pursuant to 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the

Planning Commission prior to March 1, 2010 shall be extended from July 1, 2015 until July 1, 2017. This provision would apply to all special and conditional use permits or any other agreement or zoning action.

3. Any plat or plan affected by this extension shall conform with the Stormwater Requirements of the most current regulations in effect at the time when the plat or plan is submitted for approval.

By vote of the Jefferson County Planning Commission __ for and __ against, _____.

Sincerely,

Stephen Stolipher, President
Jefferson County Planning Commission

SAMPLE



West Virginia E-Filing Notice

CC-19-2011-C-325

Judge: David Sanders

To: Carrie Lehman
llehman@jeffersoncountywv.org

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT OF JEFFERSON, WEST VIRGINIA

Division 1

GARY L. CAPRIOTTI v. JEFFERSON COUNTY PLANNING COMMISSION, A

CC-19-2011-C-325

The following order - case was FILED on 12/22/2016 2:02:18 PM

Notice Date: 12/22/2016 2:02:18 PM

Laura Storm
CLERK OF THE CIRCUIT
Jefferson
119 N George Street
CHARLES TOWN, WV 25414

(304) 728-3213
laura.storm@courtswv.gov

Circuit Court on August 3, 2011.

5. On October 26, 2011 Petitioners filed a Petition for a Writ of Prohibition with the Supreme Court asking that the Circuit Court's Order from August 3, 2011 be set aside.
6. On January 12, 2012 the Supreme Court rejected Petitioner's Petition and dismissed the appellate case.
7. In the meantime, on September 9, 2011, Petitioner filed another lawsuit against the Planning Commission.
8. Petitioner then moved for summary judgment on April 2, 2012.
9. On June 19, 2012 the Circuit Court granted Petitioner's Motion for Partial Summary Judgment.
10. On June 11, 2013 the Planning Commission held a curative meeting to correct the prior violation of the Open Meeting Act.
11. The Planning Commission filed A Motion to Reconsider the Court's Order granting Partial Summary Judgment on August 20, 2013.
12. On November 8, 2013 the Circuit Court granted the Planning Commissions Motion to Reconsider and granted Summary Judgment to the Planning Commission.
13. The Petitioner then filed an appeal with the Supreme Court.
14. On January 28, 2015 oral argument was held before the Supreme Court.
15. On February 26, 2015 the Supreme Court affirmed, in part, and reversed, in part the November 8, 2013, and November 27, 2013, orders of the Circuit Court and remanded the case to the Circuit Court for further proceedings to determine the remedy, if any, the Circuit Court may deem appropriate under the facts and circumstances of this case.

CONCLUSIONS OF LAW

16. The Supreme Court narrowly returned the case to this Court for a remand. The Supreme

Court remanded this case to the circuit court for further proceedings to determine the remedy, **if any**, the circuit court may deem appropriate under the facts and circumstances of this case.

17. The Supreme Court found that “Although we have found two violations of the Act, the violations do not necessarily require that the actions taken at the July 26, 2011, meeting be invalidated. The remedies provided in W. Va.Code §§ 6–9A–3, 6–9A–6 (1999) (Repl.Vol.2010), and 6–9A–7 (1999) (Repl.Vol.2010) are left to the discretion of the circuit court.” Capriotti v. Jefferson Cnty. Planning Comm'n, No. 13-1243, 2015 WL 869318, at *8 (W. Va. Feb. 26, 2015)
18. The Supreme Court pointed the Court in the direction of McComas v. Board of Education of Fayette County, stating “Moreover, as we explained in McComas v. Board of Education of Fayette County, 197 W.Va. 188, 475 S.E.2d 280 (1996), “[a] finding that a violation [of the Open Governmental Proceedings Act] occurred ... does not necessarily require invalidation of all actions taken during or following from the wrongfully held meeting.” 197 W.Va. at 201, 475 S.E.2d at 293. Capriotti v. Jefferson Cnty. Planning Comm'n, No. 13-1243, 2015 WL 869318, at *8 (W. Va. Feb. 26, 2015)
19. The McComas Court held “...a decision made following an improper meeting may be upheld ... if subsequent action taken by the public body corrected the prior violation.” McComas v. Board of Education of Fayette County, 197 W.Va. 188, 475 S.E.2d 280 (1996)
20. The McComas admonition is to consider “the seriousness of the violation, intent, and possible effects as the most important considerations in fashioning an appropriate remedy.” McComas v. Board of Education of Fayette County, 197 W.Va. 188, 475 S.E.2d 280 (1996)
21. The Jefferson County Planning Commission (herein the Planning Commission) held a curative meeting on June 11, 2013 in which they re-noticed consideration of the settlement

with the Intervenor Far Away Farm, LLC, in accordance with Open Meetings Advisory Opinion No. 2007-10 issued by The West Virginia Ethics Commission Committee on Open Governmental Meetings.

22. WV Code §6-9A-11(c) states that “a governing body... that acts in good faith reliance upon a written advisory opinion sought by another person or governing body has an absolute defense to any civil suit... for any action taken in reliance upon a written opinion of the West Virginia Ethics Commission.”
23. The Supreme Court did not choose to characterize the curative notice/meeting as ineffective.
24. The violations found by the Supreme Court were not of a serious nature, did not involve malicious intent and were not willful on behalf of the Planning Commission.
25. The fact that the Planning Commission held the curative meeting shows there was no malicious intent on the part of the Planning Commission.
26. There was no finding of bad faith on the part of the Planning Commission.
27. The government body was acting to discharge what they had before them.
28. The Planning Commission acted in good faith reliance on an advisory opinion and acted in accordance with that opinion when holding the curative meeting on June 11, 2013.
29. It does not matter which Advisory Opinion the Planning Commission chose to rely on when deciding to hold the curative meeting. Under WV Code §6-9A-11(c) the governing body that relies on an advisory opinion has an absolute defense to any civil suit for any action taken in reliance upon a written opinion of the West Virginia Ethics Commission.
30. The Court concludes that attorney fees are therefore not available to Petitioners in this case.
31. Consequentially the Court does not grant annulment of the settlement agreement between the Planning Commission and Far Away Farms to the Petitioners due to the lack of malicious intent and bad faith of the Planning Commission and the curative meeting held by the

Planning Commission.

32. The effect of an annulment of the settlement agreement would just draw this case out for a longer period of time.
33. In Jefferson Utilities the Supreme Court has held “the trial court is hereby directed to enter an order approving the reissuance of the subject permits and adjust, where necessary, any time deadlines established in the Ordinance that may have passed during the pendency of this appeal so that the parties are not penalized for pursuing their statutory rights of appeal.” Jefferson Utilities, Inc. v. Jefferson Cnty. Bd. of Zoning Appeals, 218 W. Va. 436, 624 S.E.2d 873 (2005).
34. Therefore, the Court will toll the running of the extensions for Far Away Farms under equitable tolling.
35. In accordance with the originally negotiated settlement agreement between the Planning Commission and Far Away Farms the Court grants 3 years of equitable tolling from today’s date, December 15, 2016, to Far Away Farms.

WHEREFORE, for Good Cause it is ORDERED and ADJUDGED that the Court does not grant attorney fees to the Petitioner, the original settlement agreement between the Planning Commission and Far Away Farms is not annulled and is equitably tolled for three years from today’s date.

The Court notes the objections and exceptions of the Petitioner to any adverse ruling herein.

The Clerk is directed to send attested copies of this Order to all counsel of record. The Clerk is then ordered to remove this case from the docket and place it amongst matters ended.

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/s/ Judge David Sanders
Circuit Court Judge
23rd Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.



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Planner's Memorandum Planning Commission Meeting January 10, 2017

1) Ongoing Zoning Ordinance and Subdivision Regulation Amendments

a) LESA/Cluster Amendment (ZTA16-01)

- Amendment to replace the current nontraditional Zoning Ordinance with a traditional Zoning Ordinance – Public Hearing held 12/1/16 – action anticipated in January 2017.

b) Mass Events Ordinance (ZTA 14-02):

- CC Public Hearing postponed until Summer 2016 – no action to date

2) Upcoming Zoning Ordinance and Subdivision Regulation Amendments

a) Historic Resource Demolition and Adaptive Reuse

- JCHLC drafting proposed language

b) Landscape Standards

- Stakeholder meeting with staff held – draft amendment in progress

c) Signage

- Including animated vs digital signs to be addressed; sign industry may need early input

d) Parking Standards

e) Subdivision Regulations Amendments

- Staff initiating amendments related to sections requiring frequent interpretations and issues, including but not limited to processing mergers/lot line adjustments; contents of minor subdivisions, etc.

3) Upcoming PC meeting

- a) Next Regular Meeting: February 14, 2017