



AGENDA
Jefferson County Planning Commission
Tuesday, June 13, 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. Approval of Meeting minutes:
 - May 23, 2017.
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. Request for postponement.
4. **Public Hearing:** Request for a waiver by Grace Baptist Church from Section 21.401 of the Subdivision Regulations to allow existing parking to remain within the 50' access easement along the eastern boundary line of the property. (PCW#17-02). The property is located at 4272 Charles Town Road and is designated as Tax District: Middleway (07); Tax Map: 2; Parcel 2.6; Size: 3.91 acres; Zoned: Rural.

There is no public comment for the remaining items.

5. **Discussion and recommendation:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment by property owner Harpers Ferry Holdings for a property located at 126 Alstadts Hill Road is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. This property is currently zoned Residential Growth (RG), and the applicant is requesting Residential/Light Industrial/Commercial District (RLIC) zoning. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 9; Parcel: 58.1; Size: 1 acre. The County Commission has scheduled a Public Hearing on this petition on June 29, 2017 at 7:00 PM in the Old Charles Town Library Meeting room.
6. Reports from Legal Counsel and legal advice to the Planning Commission.
 - a) Active Litigation:
 - Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.
7. Planners Memo.
8. President's Report.
9. Actionable Correspondence.
10. 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.

Jefferson County Planning Commission
May 23, 2017
(Postponed from May 9, 2017)

The Jefferson County Planning Commission met on May 23, 2017 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Gary Phalen, Wade Louthan, Gene Taylor, Secretary; Ron Thomas, Peter Onoszko, and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders County Engineer; Alex Beaulieu, Zoning Administrator; Nathan Cochran, Assistant Prosecuting Attorney; and Rhonda Greenholtz, Planning Clerk.

Mr. J. Ware was absent with prior notification.

Mr. Fisher called the meeting to order at 7:00 PM.

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

- April 11, 2017

The minutes were approved with no objections.

2. Citizen Communications. None.

3. Request for postponement. None.

4. A Public Workshop was held for a Concept Plan (File# S17-05) for the H & G Contracting, LLC Property. The applicant requested approval for a proposed 10,640 sq. ft. retail building (proposed Dollar General) with associated parking on a total proposed 2.4 acre +/- lot (comprised of a 1.85 acre +/- portion of the 3.85 acre Parcel 23 and a 0.5 acre +/- portion of the 3.83 acre Parcel 32.2 to be merged). The property is located at 7174 Martinsburg Pike and is designated as Tax District: Shepherdstown (09); Tax Map: 7; portion of Parcels 23 and 32.2. Zoned: General Commercial and Residential Growth. Mr. Fisher apologized to the public for having to postpone the May 9, 2017 meeting due to an advertising error.

Mr. Fisher stated the purpose of this meeting is to discuss the Concept Plan only for the property as the rezoning of this property has already been discussed and approved. This meeting is to provide the public with information regarding the proposed Concept Plan and to determine if the plan will conform to the Zoning requirements; if it can be served by public services or if it can provide its own utilities, and if there any determining factors that would prohibit this property from being developed under the current Ordinance. A reminder was given that the Planning Commission cannot request a traffic study. These are requested by the WVDOH (West Virginia Dept. of Highways). All traffic questions are be deferred to them.

Ms. Jennifer Brockman pointed the property out on the projected graphic and showed the 75 foot portion of the parcel to the south of Parcel 23, which is zoned Residential Growth, which is intended to be merged with Parcel 23. The final delineation of the proposed lot will come

after the approval of the layout shown on the Concept Plan to avoid future lot line modifications to the plan.

Mr. Paul Raco, Consultant for the applicant spoke. This project is a proposed relocation of an existing Dollar General which is approximately 8,500 square feet and is located approximately ½ mile away to the east on Route 45 in the Old Potomac Market supermarket building. The proposed new building will be approximately 2,000 square feet bigger than the existing business. A petition to rezone the property to General Commercial was reviewed by the Planning Commission and determined to be consistent with the *Envision 2035 Comprehensive Plan*. This property is located within the Shepherdstown Preferred Growth Area and is shown on the Future Land Use map as Residential/Commercial. This recommendation was used by the County Commission to approve the rezoning to General Commercial. The site will have approximately 45 parking spaces and will meet the standards of the Ordinance.

Mr. Raco stated the most important aspect of the Staff Report is the portion that states the Office of Planning and Zoning and the Planning Commission's role is to determine if the proposed Concept Plan meets the existing Subdivision Regulation and Zoning Ordinance standards. Page 3 of 5 of the Staff Report states that "Staff has determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations". The Sheriff's Department and the Jefferson County Historic Landmarks Commission (JCHLC) had responded with no comments. No other outside agencies have submitted any comments as of this date. The Health Department and WVDOH approvals are required with the Site Plan which is the next step of the project. Multiple conversations with WVDOH and the Health Department have occurred. The site is to be served by a well and a septic system which is currently shown on the western edge of the property and will serve as an open green area. The stormwater management is shown on the eastern edge of the property and will be an open green area as well. The site has expanded to approximately 2.4 acres to accommodate these systems within the proposed green areas. The building footprint and the parking area are to be the only impervious areas on the site. The applicant believes the design of the site will meet all current Subdivision Regulations and Zoning Ordinance requirements, including landscaping. Mr. Raco offered to answer any questions.

Mr. Donnie Fisher opened the floor to Public Comment.

Mr. Martin Herbert, Resident, Chickory Court, Shepherdstown. Spoke in opposition to the proposed project citing that Dollar General does not fit into the Gateway of Shepherdstown and traffic is concern to residents in the area. He would recommend a traffic study be performed by the WVDOH prior to approval of Concept Plan.

Ms. Gindy Goff, Resident, Sycamore Hill Drive, Shepherdstown. Opposed to approval of the project citing traffic concerns.

Mr. Jeff Hertrick, Resident, Venice Way, Shepherdstown. Was present at a previous meeting and provided a photo of the view from the intersection of Venice Way and WV45. He is opposed to the project citing traffic concerns. Mr. Hertrick stated that he has been in contact

with Mr. Ken Clohan of the WVDOH and that Mr. Clohan had not seen the plans for this project until the day before this meeting. Mr. Hertrick met Mr. Clohan on the site and questioned if this qualified as a traffic study. Mr. Hertrick believes there could be another entrance location that would better suit this project.

Mr. Doug Horner, Resident, Scott Drive, Shepherdstown. Opposed to the proposed project and wishes to encourage the Planning Commission to not approve the plan until the WVDOH responds with a real traffic study determining the safety of the proposed entrance location.

Mr. Nathaniel Hitt, Resident, W. Washington Street, Shepherdstown. (Mr. Hitt is on the Shepherdstown Planning Commission but is speaking personally at this meeting as a resident.) This area is designated as a "Special Design Area" identified in the *Envision 2035 Jefferson Comprehensive Plan*. Mr. Hitt asked the question to the Planning Commission of how has this designation influenced the Concept Plan to date and how will it influence the plan moving forward? The Preferred Growth Area boundary surrounding Shepherdstown was approved by the Jefferson County Planning Commission on December of 2014. He believes the proposed project is inconsistent with the gateway to Shepherdstown and is opposed to the project.

Ms. Amanda Lewis, Resident, Perth Way, Shepherdstown. Ms. Lewis submitted a petition to the Planning Commission in opposition to the rezoning of the property in 2014. She had suggested planting trees to reduce the impact of the business and to possibly have a traffic light installed to address traffic safety concerns.

Mr. Fred Gates, adjacent property owner. Mr. Gates is opposed to the project citing traffic concerns. He also submitted pictures of the Dollar General recently constructed on Route 9 which is almost identical to the plan of the proposed project. He pointed out that sidewalks were provided in this location and requested that they be considered in this proposed new Dollar General. He suggested that a Public Hearing be held as the WVDOH review does not get aired publicly before their permit has been issued.

Mr. Robert Thatcher, Resident, Heatherfield Subdivision, Shepherdstown. Spoke in opposition to the project citing traffic concerns. A four way stop, traffic light or a left hand turn lane would improve traffic conditions.

Stephen Ayraud, Resident, W New Street, Shepherdstown. Spoke in opposition to the proposed project. Mr. Ayraud believes the concept plan does not conform to the *Envision Jefferson 2035 Comprehensive Plan* and that it presents an unacceptable view of a parking lot of cars to the road entering the Shepherdstown gateway. He also believes the proposed 16' tall pole sign along the road is unacceptable in a special design area.

Mr. Fisher closed the floor to Public comment.

Ms. Jennifer Brockman provided an overview clarifying that the staff and Planning Commission's role is to ensure the proposed Plan complies with local land use regulations and to provide direction to the applicant. The Planning Commission is required to provide

such direction related to a Concept Plan at this meeting or within 14 days of this meeting. She reiterated that the JCHLC and Sheriff's Department had no comments that would affect the design of the plan. The Corporation of Shepherdstown submitted a letter concurring that they were not in opposition to the well and septic as there currently are no public utilities on site. She also stated that currently the Ordinance does not require communication with the WVDOH at the concept plan stage. It does require that the WVDOH determine if a traffic study is required and, if it is required, that it be complete before the Site Plan is submitted. The WVDOH is the approving authority on the entrance location and would ensure that the location is safe for the public and will address concerns.

Ms. Brockman also explained the Special Design Area designation in the Comprehensive Plan. This recommendation of the Plan states that regulations should be developed to encourage limited access to WV 45 and to develop design standards for the corridor to create an attractive gateway to Jefferson County and the Shepherdstown area; however, to date, these regulations and standards have not yet been developed. She also explained that staff and the applicant had met on the proposed Concept Plan and changes to the plans had been made to ensure conformance with the local land use regulations before plans are brought before the Planning Commission. This plan is a Concept Plan only and final design will be addressed on the Site Plan. The Staff has determined that the plan does meet the Zoning Ordinance and Subdivision Regulations as presented and recommends approval.

Mr. Nathan Cochran, Assistant Prosecuting Attorney for Jefferson County, confirmed that West Virginia law provides the WVDOH control of virtually every aspect of the road design in placement of entrances. The WVDOH will decide, based on the existing and proposed conditions, if a traffic study is warranted. The general principal of the law is that if an applicant meets the requirements of the Ordinance, then it is a "ministerial act" and is required to be approved.

Ms. Brockman reminded the Planning Commission that action is not required by the Regulations to be taken at this meeting but is required within 14 days. A special meeting would then need to be called.

Mr. Paul Raco was given the opportunity to provide rebuttal. He stated that staff had explained and cited the Sections of the Ordinance and Regulations that he was intending to respond with. Mr. Raco stated that he met with the WVDOH on site in late December 2015 – early January 2016 in anticipation of selling a portion of this property for commercial development. Contact with the Health Department and WVDOH is advisable before marketing or selling property. The Concept Plan is not required to be sent to the WVDOH at this stage but was submitted to them by Ms. Brockman for early comment. Mr. Raco supplied a timeline of submittals to the WVDOH prior to the submittal of the Concept Plan to the Office of Planning and Zoning.

Mr. Wade Louthan asked about any beautification of the site for the citizens of Shepherdstown.

Mr. Raco responded that the septic area and stormwater management areas are to remain green areas. No trees are allowed in these areas. Landscape buffers are not required in front of a commercial site but street trees will be provided.

Mr. Peter Onoszko asked what the next step for the applicant is assuming this body approves the Concept Plan.

Mr. Raco responded the next step is the engineered Site plans be completed and submitted to the WVDOH, Health Department, the Department of Planning, Zoning and Engineering. He also briefly explained what each Department's review encompasses.

Mr. Onoszko asked if the Planning Commission approval of the Concept Plan means that the plan has been given the green light to proceed?

Ms. Brockman stated that the WVDOH and Health Department approvals are a condition of the final approval of the plan. If the WVDOH requires a traffic study it must be submitted with the Site Plan. Ms. Brockman informed the Planning Commission that a Concept Plan is valid for two (2) years.

Mr. Onoszko asked what would happen if the Site Plan was not submitted in that time frame.

Ms. Brockman stated that the project would have to start over again.

Mr. Louthan reiterated that, as legal had pointed out, the Planning Commission is bound to approve the Concept Plan as it meets all the requirements of the Zoning Ordinance and Subdivision Regulations.

Mr. Ron Thomas asked what would happen if water and sewer becomes available to the site within the next two years.

Ms. Brockman responded that the site would be required to hook up to the public utilities. She also noted that the Building Permit Office and the State Fire Marshall are also reviewing agencies.

Mr. Steve Stolipher thanked the public for attending and for the great comments made. He stated that the Planning Commissioner members made an oath to uphold the law and the applicant has met all the Regulations and the Ordinance Requirements, therefore the Planning Commission has no grounds to deny the Concept Plan.

Mr. Stolipher made a motion to approve the Concept Plan as presented. Mr. Ron Thomas seconded the motion. A vote was taken, which carried unanimously.

Mr. Fisher made an announcement that there is no further public comment for the remaining items.

5. A discussion and review of Historic Landmarks Commission's proposed draft amendment to the Jefferson County Zoning and Land Development Ordinance to improve historic and

cultural resource protections based on the recommendations of the *Envision Jefferson 2035 Comprehensive Plan* for the purpose of scheduling a public hearing was presented by Mr. Martin Burke through a PowerPoint presentation. Alex Beaulieu also presented proposed revisions to the Village Zoning District to clarify the application of the revised Conditional Use process.

Mr. Steve Stolipher made a motion to schedule a Public Hearing for the above agenda item to be heard at the July 11, 2017 Planning Commission to allow for advertisement. Mr. Wade Louthan seconded the motion which carried unanimously.

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

a) Active Litigation:

- Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.

Mr. Cochran stated no new reports on this case.

7. Mr. Gary Phalen thanked the Legal staff for their support. Mr. Nathan Cochran stated he appreciated the Planning Commission for its willingness to follow the law.

8. Planner's Memo.

1) Outstanding Zoning Ordinance and Subdivision Regulation Amendments

a) 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 working with staff on 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 initiated 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) Annual Planning Commission Training

- a) The County Commission requires the Planning Commission to have two hours of topical training each year. The last training was held in 2015 on the topic of “Aging in

Minutes
Planning Commission
May 23, 2017

Place Planning's Role and Responsibilities". Staff will have possible topics to discuss at the meeting.

4) Upcoming PC meeting

Next Regular Meeting: June 13, 2017

9. President's Report. None

10. Actionable Correspondence. None

11. Non-Actionable Correspondence. None


Mr. Fisher motioned to adjourn the meeting at 8:35 PM with no objections.

STAFF REPORT

Jefferson County Planning Commission Meeting

June 13, 2017

Item # 4 Public Hearing: Request for a waiver from Jefferson County Subdivision and Land Regulations Section 21.401 to allow existing parking to remain within the 50' access easement along the eastern boundary line of the property (PCW17-02).

APPLICANT/OWNER:	Trustees of Grace Baptist Church
DEVELOPER:	Same as above
CONSULTANT:	Lisa McCauley, Allegheny Surveys, Inc.
PROPERTY LOCATION:	4272 Charles Town Road, Charles Town WV This property is located on the southerly side of Charles Town Rd. (WV 115.) Approximately 1/4 mile southeast of its intersection with Coast Guard Drive.
LEGAL DESCRIPTION:	<p style="text-align: center;">District: Middleway (07); Map: 2 Parcel 2.6; Size: 3.91 Ac. Zoning District: Rural (R)</p> 
SURROUNDING PROPERTIES:	<p style="text-align: center;">Zoning Map Designation</p> <p>North: Residential-Light Industrial-Commercial South: Rural East: Rural West: Rural</p>
PROPOSED ACTIVITY	To allow excess parking spaces within a 50' access easement.
DEVELOPMENT HISTORY:	This site is the former site of Walls Nursery.

STAFF REPORT

Jefferson County Planning Commission Meeting

June 13, 2017

PREVIOUS APPROVALS	
SITE PLANS/ CONCEPT PLANS	4/12/17: Site Plan for Grace Baptist Church Phase 1 (under 2 nd review) 4/11/17: Concept Plan for Grace Baptist Church for a two Phase Church Project (6000 SF for each Phase); well and septic; gravel surface parking lot, was approved. (17-03) 12/14/04: A Site Plan for Walls Nursery was approved on this site to include an office building and 3 greenhouses. (S04-16)
PLANNING COMMISSION VARIANCES/APPROVALS	02/19/10: Variance approved to decrease the length of the deceleration lane.
BOARD OF ZONING APPEALS VARIANCES	06/22/17 (pending): Variance from Section 4.11(A)1, 4.11(D) and Appendix B (non-res) to allow existing parking and access drive to remain within the 50' unscreened green space buffer yard along the eastern boundary and to reduce the side setback from 50' to 15'. (ZV17-10) 05/19/11: Variance from Section 4.11 and 4.16 was granted to allow the removal of 159 shrubs. (ZV11-14)

Background/History of Property

The property upon which the Grace Baptist Church Plan is proposed was the former site of Walls Nursery. It is located on the south side of Charles Town Road (WV 115/Old 9) near the Berkley County line. The Site Plan for the Church is currently under review via the Minor Site Plan process.

Review of the Request

The applicant is requesting a waiver from Jefferson County Subdivision and Land Regulations Section 21.401 to allow existing parking to remain within the 50' access easement along the eastern boundary line of the property (PCW17-02).

The Site Plan proposes using the existing drive aisle and parking that was constructed for the former nursery, which falls within an established 50' access easement that is shared by this property and a single family residence on a lot to the south of the future church site.

All required parking for both phases of the church will be located outside of the 50' access easement; however, the applicant would like to retain these ten spaces for overflow parking. As they are located within the 50' access easement which serves another lot, a waiver is required.



STAFF REPORT

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June 13, 2017

Relevant Sections of the Subdivision Regulations

Sec. 21.401 Private Restrictions and Easements

*Design, signage, use, management, maintenance, and cost sharing may be prescribed or limited by private covenants, conditions, or restrictions, provided that such restrictions are not in violation of County law. **For any subdivision or development that involves a shared access easement, no obstruction of the full use of the easement shall be permitted.** A note to this effect shall be placed on the plat or plan. (emphasis added)*

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 by the applicant in the attached application for the Planning Commission's consideration.

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 has no additional comments on these criteria.

Staff Recommendation

Staff believes that the requested waiver to allow overflow parking within the 50' access easement is reasonable provided all required parking is outside of the easement.



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: RU1702
 Staff Initials: _____
 Sketch Received:
 List of Adjoiners:
 Fees Paid: 700.00

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: Trustees of the Grace Baptist Church c/o Dr. Craig Bush, Pastor
 Mailing Address: 115 Aikens Center, Suite 9, Martinsburg, WV 25404
 Phone Number: 304-620-7025 Email: cbarnes@gbcmartinsburg.com

Applicant Contact Information

Name: Grace Baptist Church c/o Dr. Craig Bush, Pastor
 Mailing Address: 115 Aikens Center, Suite 9, Martinsburg, WV 25404
 Phone Number: 304-620-7025 Email: cbarnes@gbcmartinsburg.com


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

Name: Allegheny Surveys, Inc, c/o Lisa McCauley
 Mailing Address: 25 Lights Addition Drive, Martinsburg, WV 25404
 Phone Number: 304-901-2162 Email: lmccauley@alleghenysurveys.com

Physical Property Details

Physical Address 4272 Charles Town Road
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: Middleway District (07) Map No: 2 Parcel No: 206
 Parcel Size: 3.917 Deed Book: 1180 Page No: 75

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
 JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING <small>Place Date Stamp Here</small>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

* replaces original submitted 5/16/17

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

21.401 to allow parking to remain within the 50' access easement

Briefly Describe the Nature of Your Waiver Request:

The variance is to allow existing parking to remain within the 50' existing access easement along the eastern boundary

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 3.92 Ac site is presently an abandoned, unsightly nursery. The proposed impervious area being proposed is approximately 0.6 acres which is much less than what could be developed. Meaningful stormwater management for both quality & quantity will be provided with attractive plantings. The Church use will provide a service to the local community. The existing entrance safety will be improved with a stop sign, stop bar, and 25' of double yellow lines.

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 parking within the access drive is existing. My understanding of the reason parking is normally not located within access easements is to provide separation between the access road traffic & the traffic using the facility thus improving safety. The only user of this access other than the church is 1 residence.

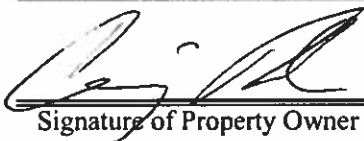
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

The parking within the existing easement (10 spaces) is existing. The access easement is only used for the Church and 1 residence. The majority of the traffic and the required parking (48) is located out of the access easement. Since these 10 spaces are excess, & the farthest & least connected to the facility, it is assumed that these spaces will be the least desirable, therefore, will not contribute a large portion of turning movements within the access easement.

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

The previous site used this parking within the access easement exclusively for this business. This projects' required parking will be provided outside of the access easement and the existing 10 spaces within the access easement will merely be excess parking. The existing entrance on Charles Town Road will be properly controlled with a stop bar, stop sign, and 25' of double yellow lines to improve safety at the intersection.

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


Signature of Property Owner

5-18-17
Date

Signature of Property Owner Date

To Be Completed By Office

Date of Public Meeting/Public Hearing

Official/Administrative Body

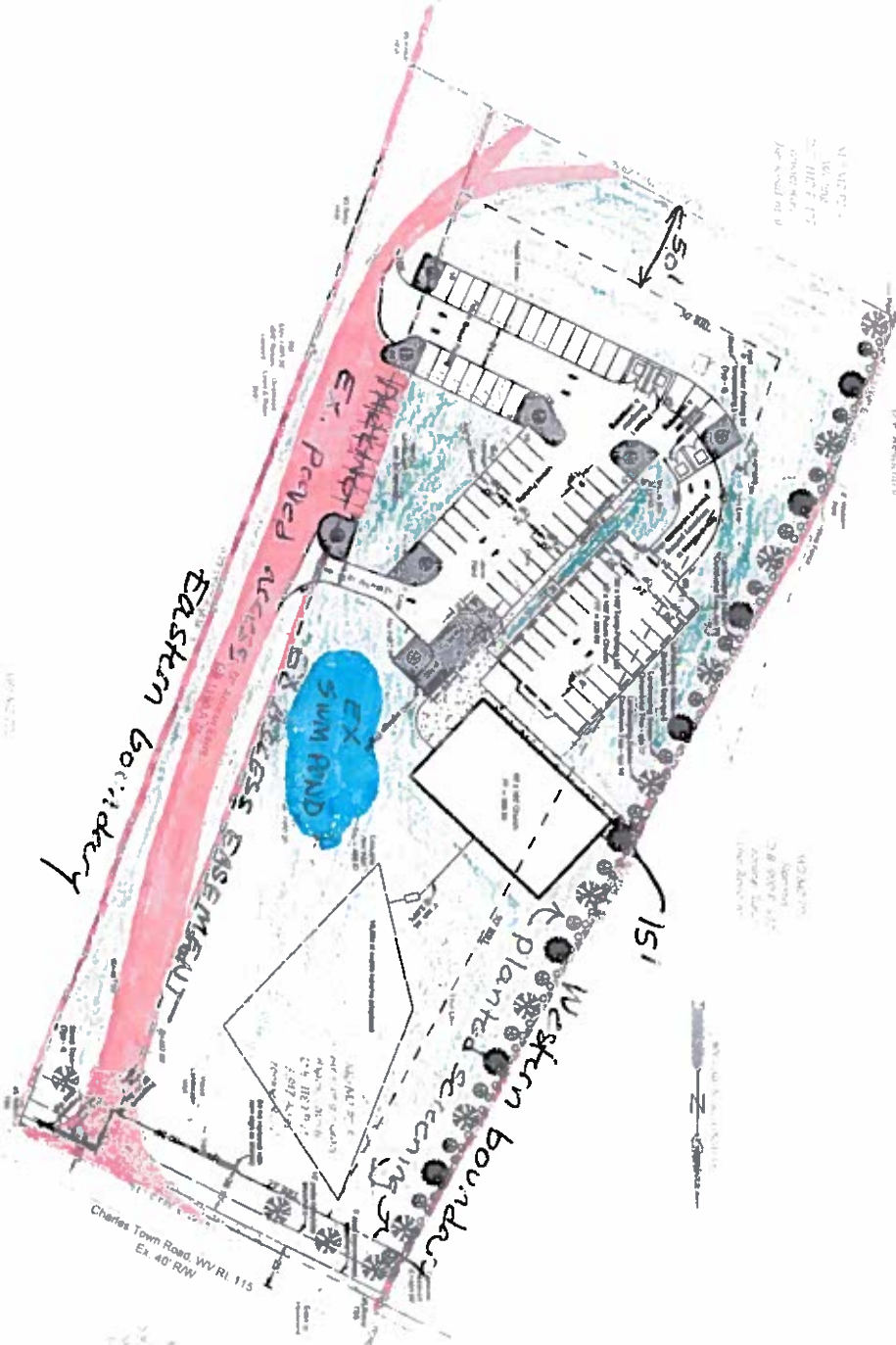
Date Property to be Posted By

Date Adjoiner Letters to be Mailed

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

Approved Denied

- Legend**
- 11 Medium Size Oak (Planned)
 - 8 American Holly (Planned)
 - 17 Eastern Redbud (Planned)
 - 41 Sweetgum (Planned)



Variance/Waiver Requests Sketch

*5/12/17
 Dan Mearns*

NO. OF TREES	NO. OF PLANTS	NO. OF SHRUBS	NO. OF PERENNIALS	NO. OF ANNUALS

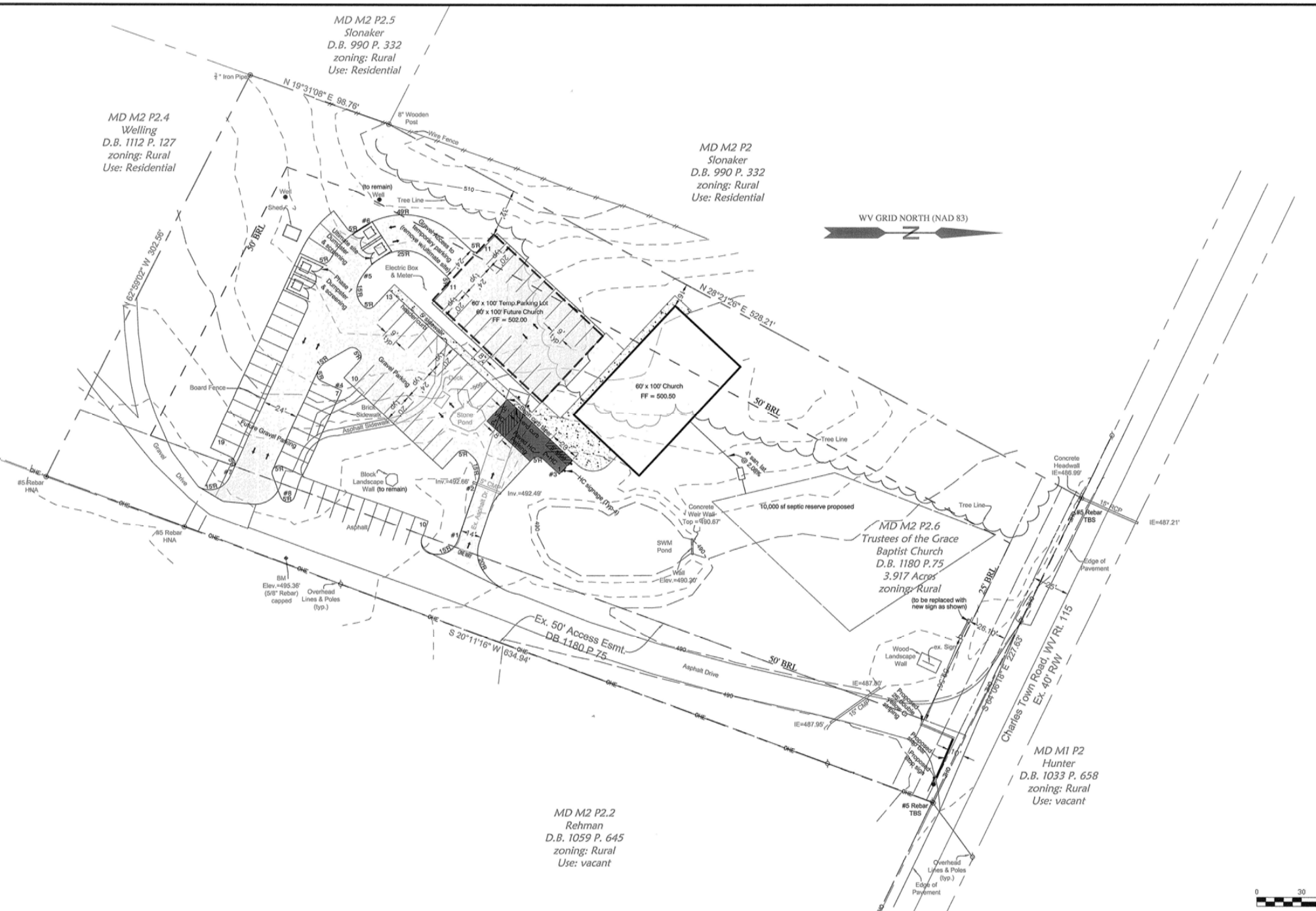


DATE	5/12/17
SCALE	AS SHOWN
PROJECT	GRACE BAPTIST CHURCH
CLIENT	MD M2 P2
LOCATION	JEFFERSON COUNTY, WEST VIRGINIA
DESIGNER	DAN MEARNS
NO. OF SHEETS	4 OF 10
DATE	2017.5

GRACE BAPTIST CHURCH
 MD M2 P2
 Jefferson County, West Virginia

SITE PLAN

Professional seal and registration information for the landscape architect, including name, number, and expiration date.



MD M2 P2.4
Welling
D.B. 1112 P. 127
zoning: Rural
Use: Residential

MD M2 P2.5
Slonaker
D.B. 990 P. 332
zoning: Rural
Use: Residential

MD M2 P2
Slonaker
D.B. 990 P. 332
zoning: Rural
Use: Residential

WV GRID NORTH (NAD 83)



MD M2 P2.6
Trustees of the Grace
Baptist Church
D.B. 1180 P.75
3.917 Acres
zoning: Rural

MD M1 P2
Hunter
D.B. 1033 P. 658
zoning: Rural
Use: vacant

MD M2 P2.2
Rehman
D.B. 1059 P. 645
zoning: Rural
Use: vacant



NO.	DATE	DESCRIPTION	BY
1	5/5/17	Revisions per County	LDM



ENGINEERS SEAL & SIGNATURE

STAFF REPORT

Jefferson County Planning Commission Meeting

June 13, 2017

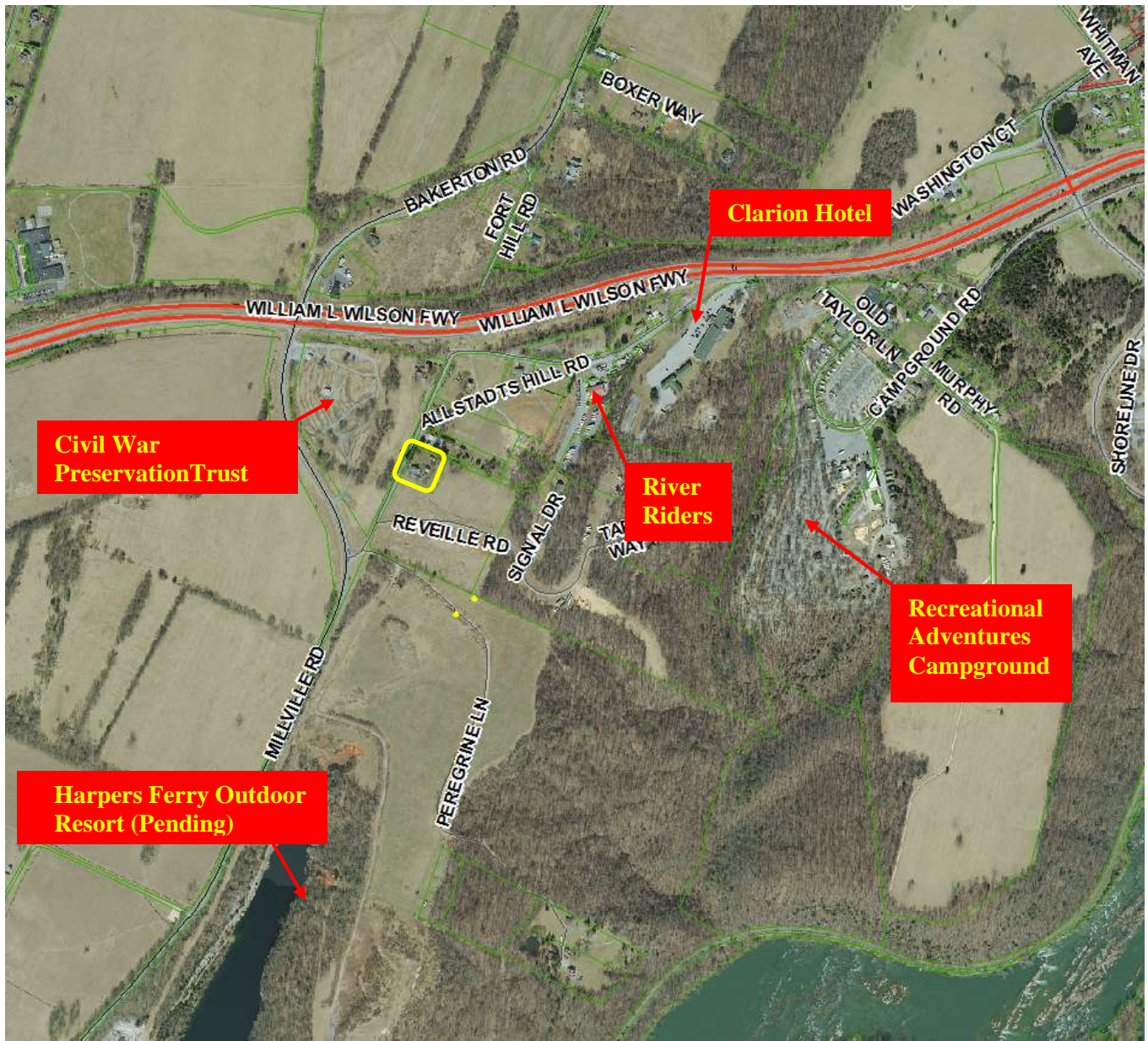
Applicant's Request

The applicant's request is to have the property located at 126 Alstadts Hill Road rezoned from Residential Growth (RG) to Residential/Light Industrial/Commercial (RLIC).

Neighboring Uses

The property under consideration for this Zoning Map Amendment is adjacent to or in close proximity to the following non-residential uses:

- Civil War Preservation Trust
- Harpers Ferry Outdoor Resort (Pending)
- Clarion Hotel
- River Riders
- Recreational Adventures Campground (KOA)



STAFF REPORT

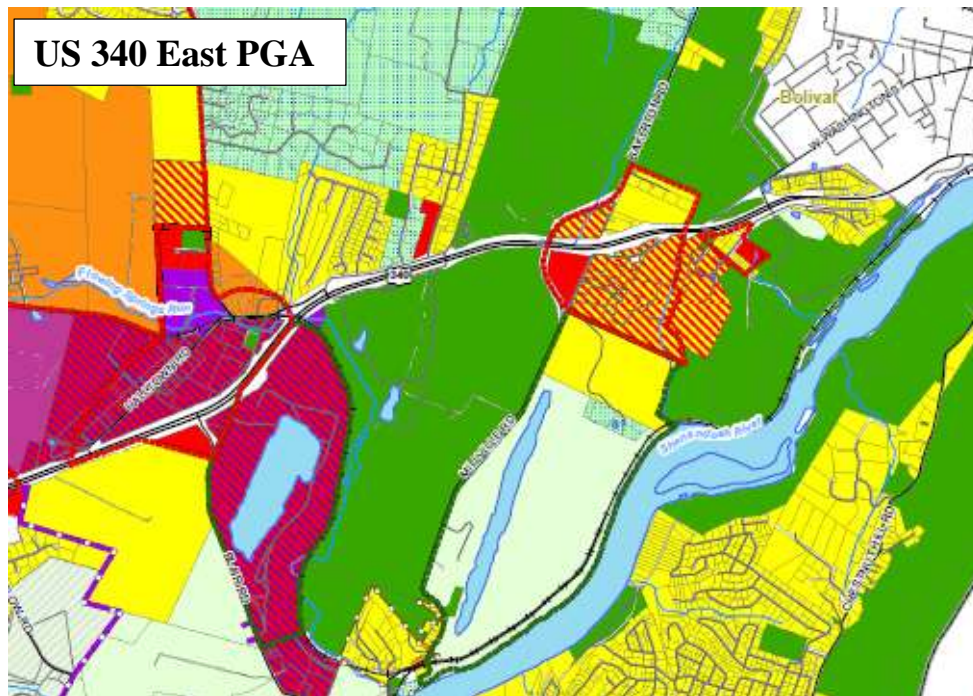
Jefferson County Planning Commission Meeting

June 13, 2017

Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan* (2035 Plan) and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that the request is **consistent** with the 2035 Plan because of its location within the County designated US 340 East Preferred Growth Area and its designation on the Future Land Use Guide as Future Residential or Commercial.

It should be noted that Staff have no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.



Zoning Map Amendment Public Hearing Process

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)].

Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary

1. Land Use and Growth Management Element

Future Land Use Guide (p. 215)

The *Envision Jefferson 2035 Comprehensive Plan* differs from other Plans previously adopted in Jefferson County, in part, due to the inclusion of the Future Land Use Guide, which depicts recommended future land uses (p.16). The Future Land Use Guide is intended to be used in combination with the recommendations of the 2035 Plan when considering owner initiated zoning map amendments. The purpose of the Future Land Use Guide is to assist the Planning Commission and County Commission in making decisions on changes to the Zoning Map. The 2035 Plan states

STAFF REPORT

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that the review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan and that all zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of the *2035 Plan* (p.17). The Future Land Use Guide also includes a note that states: “Use of this map is to be in combination with the text and land use recommendations of the *Envision Jefferson 2035 Comprehensive Plan* when considering zoning map amendments and future land use decisions.”

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

“The land use classifications on the Existing Land Use Map and Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification. These land use classifications are intended to provide guidance to the County and Planning Commissions when considering owner initiated zoning map amendments (rezoning requests). According to Chapter 8A of the West Virginia State Code, as amended, the County Commission can approve any zoning ordinance map or text amendment by finding that the request is consistent with the Comprehensive Plan.”

The subject parcel is located within the identified Preferred Growth Area for US 340 East and is shown on the Future Land Use Guide as Future Residential or Commercial and does not specify a single zoning district. The applicant is requesting Residential-Light Industrial-Commercial.

The criteria for evaluating zoning map amendments in a Preferred Growth Area are found within the Recommendations Section under “Urban Level Development” (p. 30).

The *2035 Plan* includes a recommendation that states all future commercial/industrial zoning map amendment requests should be required to utilize the new zoning categories and should be discouraged from using the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests. However, because the surrounding properties are primarily zoned Residential-Light Industrial-Commercial, it seems appropriate to allow this one acre parcel to utilize the same zoning category as the surrounding properties to create uniformity.

2. Land Use Map Classifications

Appendix G (p. 237) of the *Envision Jefferson 2035 Comprehensive Plan* provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests).

Appendix G states that the intent of the “Residential or Commercial” land use category is to reflect properties zoned Residential-Light Industrial-Commercial where it may be more likely that residential or commercial development would occur. However, the property is still zoned R-LI-C and has the zoning entitlement right to utilize light industrial uses.

The majority of the surrounding properties are owned by Harpers Ferry Holdings and zoned Residential-Light Industrial-Commercial. Therefore, based on the Future Land Use Map reflecting Future Residential or Commercial, and the location within the Preferred Growth Area, Staff believes the request is compatible with the *Comprehensive Plan*.

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3. **Proposed Zoning District – Residential-Light Industrial-Commercial:**

The purpose of the Residential-Light Industrial-Commercial (RLIC) District (Section 5.8) is to guide high intensity growth into the designated growth area. The uses permitted in this district include light industrial uses.

4. **Staff Recommendation**

Staff finds the proposed rezoning is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*. It is located within the identified US 340 East Preferred Growth Area and is shown as Future Residential or Commercial development on the Future Land Use Guide.

5. **Planning Commission Action**

Article 12 of the Zoning Ordinance, in accordance with State Code, requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation will be required to be sent to the County Commission prior to the County Commission's public hearing which shall be held within 60 days of the date the petition is presented.

The County Commission has scheduled the required Public Hearing for June 29, 2017 at 7:00 PM. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

Attachments:

- Appendix C: Residential/Light Industrial/Commercial Principal Permitted and Conditional Uses



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338

Charles Town, WV 25414

#Z17-02

File Number: #Z17-02

Staff Initials: C/C

Application Fee: \$1050.00

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

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

Property owner information

Name: Harpers Ferry Holdings, LLC
Mailing Address: 408 Alstadt Hill Road Harpers Ferry, WV 25425
Phone Number: 304.535.2663 Email: _____

Applicant contact information

Name: Same as above & below
Mailing Address: _____
Phone Number: _____ Email: _____

Applicant representative

Name: Paul J. Raco, P.J. Raco Consulting LLC
Mailing Address: P.O. Box 548, Charles Town WV 25414
Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical property details

Physical Address: Alstadt Hill Road
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: HF D Map No: 9 Parcel No: 58.1
Parcel Size: 1 ac Deed Book: 1183 Page No: 309

Current Zoning District (please check one)

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

RECEIVED
MAY 25 2017
JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING
Place Received Date Stamp Here

Proposed Zoning District (please check one)

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

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

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

SEE Attached

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

see Attached

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

See Attached

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

- Yes, I request that the Planning and Zoning Staff present the petition N/A
- No, I prefer to present the petition

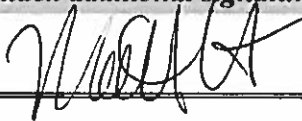
Plat or Sketch Plan (provide as an attachment to this application)

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

Is Plat or Sketch Plan attached?

Yes No

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



Signature of Property Owner

Date

Signature of Property Owner

Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

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

Recommended Not Recommended

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

Approved Disapproved

Final Determination/Other Comments

MAP AMENDMENT REQUEST
Article 12, Jefferson County Zoning Ordinance
Harpers Ferry Holdings, LLC
April 15, 2017

#Z17-02

Owner:

Harpers Ferry Holdings, LLC
408 Alstadts Hill Road
Harpers Ferry, WV 25425
304-535-2663

RECEIVED
MAY 25 2017
JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Applicant:

Same: Harpers Ferry Holdings, LLC C/O Matt Knott

Ordinance Citation:

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

Map Amendment/Rezoning Request:

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

Substantiation for the Request:

1. The Envision 2035 Comprehensive Plan and Future Land Use Guide are the documents that were just adopted to guide growth. Both the Plan and Map/Guide support the Map Amendment/Rezoning. The properties are currently shown on the Future Land Use Guide as Commercial/Residential and the Owner is seeking a map amendment to the Residential/Light Industrial/Commercial District (commonly known as the Mixed-Use Zone). The property is already zoned Residential Growth, so the addition of the commercial possibility will make it much more consistent with the surrounding land already zoned Mixed Use. The Light Industrial aspect of the zone is not relevant as the property is only one acre, so that use would not be practical.

2. Many of the properties in this area were zoned as Mixed Use since 1989. However, in the last 5 years, the remaining property surrounding this property were rezoned to the Mixed-Use Zone (including the Old Standard Quarry Property most recently). As illustrated on the attached zoning map, the subject one acre parcel is totally engulfed by the Mixed-Use Zone.
3. The subject property is within the US 340 East Preferred Growth Area. As such, the Comprehensive Plan supports Urban Level Growth in and around this property.
4. Central Water and Sewer services are available in this neighborhood.
5. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. The Ordinance requires a discussion on the Neighborhood Change from the original zoning ordinance adopted in 1988. These changes are addressed in this request; and,
6. There have been changes in the Transportation Characteristics since the Jefferson County Zoning Ordinance was adopted in 1988. The Ordinance requires a discussion on these changes in the transportation from when the original zoning ordinance was adopted in 1988. These changes are discussed in this application; and,

Tax District, Map and Parcel Number:

Harpers Ferry Tax District, Map 9, Parcel 58.1

Deed Book Reference:

Deed Book 1183, Page 309

Sketch Plat:

Attached

Tract Size:

1 +- Acre

Discussion on:

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

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

A. Comprehensive Plan Compatibility

According to page 13 of the 2015 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcel is within one of these PGAs. The attached map shows the US 340 East PGA. The Comprehensive Plan was recently adopted after several years of meetings in various neighborhoods of the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. Accordingly, both text and map amendments to the ordinances are going to be common in the next several years to make the Ordinances and Zoning Map more consistent with the new Plan. These changes are based in part on the new Comprehensive Plan and its recommendations.

While the new Plan encourages the use of the newer zoning districts for map amendments, the Plan also encourages rezonings based on the following (found on Page 30 of the Plan):

“Urban Level Development Recommendations (Goal 1)

2. **Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:**
 - a. **Economic Well-Being of the County; or**
 - b. **Error or Under Scrutinized Property on the Future Land Use Guide; or**
 - c. **Change in Neighborhood; or**
 - d. **Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or**
 - e. **Environmental impacts are considered.”**

As explained in this Application, the map amendment for this one acre parcel totally fits within this Recommendation. The subject parcel is totally surrounded by the Mixed-Use Zone and was unfortunately left out of the Mixed-Use Zone as a result of the fact that either the County designated portions of the area as the Mixed-Use Zone, or the County Commission approved property owners petitions to rezone their property around this site. The County’s Mixed Use Designation included all of the area adjacent on the north side of the subject property. The County Commission approved property owners’ rezonings include the Capriotti Parcel adjacent on the east and south side of the subject property; the Gibson Property confronting this property on the west side; and, the large Old Standard

Property south of the Capriotti parcel. Now, the 1 acre parcel is a small island surrounded by Mixed Use Zoned property.

As previously described, the subject property is properly located on the Future Land Use map (Guide) as Commercial or Residential in the 2015 Comprehensive Plan. The property is now Residential and would like to expand the capabilities of the property to commercial opportunities. As shown on this guide, this requested change is consistent with the Future Land Use Guide.

The Comprehensive Plan's maps and guides show that this property continues to be slated for future development. The requested Mixed Use District would really be no more impacting than what is already located and permitted in the area. This type of use is what the Commission intended when it was added to the Preferred Growth Area and designated as Commercial or Residential on the Future Land Use Guide.

Page 17 of the Comprehensive Plan describes the various categories of land, including PGAs as follows:

"Land Use Activity Areas

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

Four Comprehensive Types of Land Use Activity within the Designated Areas

Urban Growth Boundaries
Preferred Growth Areas (PGAs)
Villages
Rural/Agricultural Areas

The first two area types addressed below, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) (including one residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035." Emphasis Added.

A further explanation of PGAs is found on **Page 20** of the Plan:

"The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another. Each of the PGA Maps can be found in Appendix F – Maps" Emphasis Added.

Such description of the PGA, along with the previously cited section of the Plan that allows the Commission to approve map amendments that make sense from an economical perspective, proves that this Map Amendment Request is very consistent with the New Envision Jefferson 2035 Comprehensive Plan.

Furthermore, the following recommendation is found in the Urban Level Development Recommendations Table starting on **Page 30** of the Plan:

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

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan:

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

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

Recommendations:

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

6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.” (Page 70)

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, and the US 340 East PGA Map, this map amendment is consistent and compatible with the Plan. The Consistency and Compatibility to the existing Comprehensive Plan and the Future Land Use Guide are the two most important criteria that should be used for a Map Amendment.

B. Compatible with Surrounding Zoning Classification

As eluded to in the previous discussion on Comprehensive Plan Compatibility, the second compelling argument for rezoning of the 1 acre subject parcel is that it is the only remaining parcel in that entire area that is not zoned Mixed Use. It is left as a spot zoning of Residential Growth as a donut hole in the center of a Mixed-Use District. The size and existing structure limits the use from anything that would include heavy impacts. Anything that the Applicant could do

residentially will not change since the Mixed-Use designation would allow the same residential uses and currently permitted. Nothing really could be added of the industrial nature due to the size limitation and needed setbacks. So, the rezoning would only allow the addition of a commercial type use. Accordingly, this use would be compatible with the other uses that the Applicant already has in the surrounding area.

The Applicant, personally and with his corporations, owns all but three parcels from the top of Alstadts Hill down to this parcel. This includes the Fly Fishing Outfitters and Beauty Shop at the Clarion Inn (Former Cliffside/Quality Inn) entrance, the Clarion Inn, River Riders and the area at the bottom of the Alstadts Hill. His properties are approved for a large Commercial Recreational Master Plan that includes multiple vacation homes, campgrounds, cabins, large proposed commercial, recreational building, maintenance and storage areas for his buses and multiple recreational and tourism related items such and zip lines, adventure park, zorb course, amphitheater, etc. These uses have all gone through the proper planning and zoning procedures. All of these properties are already zoned as Mixed Use and even the three parcels not owned by the Applicant are already zoned for the same use. This is literally the only parcel remaining without the designation.

The requested rezoning will make this property compatible with all the properties in that entire area.

C. Preferred Growth Area in 2015 Envision 2035 Comprehensive Plan

This issue was also presented under the Comprehensive Plan Compatibility Section. The subject parcel is within this area's portion of the US 340 East Preferred Growth Area (PGA). As such, the property has already been determined to be an intensive growth area. This area was vetted by the Public, Staff, Planning Commission and County Commission as an area for Urban Level Growth. This is a small lot that needs to be included in the same zoning district that the County Commission has already approved for all the area surrounding the property.

D. Availability of Central Water and Sewer

This property, as the rest of the area, now has access to central water and sewer. Although the house on the property currently utilizes a septic system and well, the property can be easily served by these central utilities if either the well or septic fails. Although any use on the property will not need additional utilities, the Comprehensive Plan endorses a higher intensity of Urban Level Growth in areas that are or can easily be served by Central or Public Water and Sewer facilities. Based on the presence of these utilities, the Comprehensive Plan supports the rezoning.

Page 27 of the Comprehensive Plan explains the rationale for designating areas as PGAs:

“This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan. By encouraging higher densities within the Urban Growth Boundaries and Preferred Growth Areas and working closely with municipalities, the best result can be accomplished by providing opportunities for development within these areas with established infrastructure systems. It should be noted that these statements are not about reducing development; it is about growing in a fashion that more efficiently uses existing infrastructure and services.”

Statements like this are found throughout the Comprehensive Plan. The availability of these services support this requested map amendment.

E. Change of Neighborhood

Although it seems odd to discuss changes in the neighborhood since 1988, the Zoning Ordinance does require a discussion of these changes all the way back to the **original** adoption of the Zoning Ordinance. These changes are therefore relevant.

The most recent changes are probably most relevant and they include the purchase of all but three of the parcels by the same Applicant. These include the Clarion Inn (formerly known as Cliffside and Quality), the small businesses around the Clarion Inn, and most of the properties bounded by the quarry, Route 340, and the western section of Alstadts Hill Road that turns into Millville Road. This area now includes a Master Plan for development into a Tourism and Recreational Area and Adventure Resort. Many changes have already been completed in the Clarion and River Riders has expanded several times in the past 10 years. The Applicant is currently in the active design phase of internally connecting the Clarion Hotel with the River Riders and Adventure Park with two roads to make the area into a destination resort.

The other major recent change to the area includes the recent rezoning of the Old Standard Quarry to the Mixed-Use District (same district requested by the Applicant). This was approved by the County Commission in the last several years. The Developer of the Quarry has already submitted a Concept Plan to develop this property into a tourism based project.

Other significant changes to the neighborhood that would support the requested change from Residential Growth to the Mixed-Use Zone going back to 1988 include:

Availability of Central/Public Water and Wastewater Treatment Facilities:

Public utilities were not available in this neighborhood when the original zoning ordinance was adopted. These services are now available in the neighborhood. As stated earlier, a goal of the Comprehensive Plan is to encourage growth and development where sewer and water services are available.

Adjacent and Confronting Zoning, Commercial and Industrial Subdivision Approval and Intensity of Use has changed:

The zoning classification on the property directly across Route 340 (Shenandoah Professional Building) was changed from Residential Growth to the Mixed-Use district. As earlier stated, the zoning classification of nearly all the other adjacent and confronting properties to the subject property has been changed to the Mixed-Use District. These include, the Capriotti Property to the South and the Gibson Property to the West. These rezonings have engulfed the subject one acre parcel creating a donut hole that needs to be corrected to be compatible with the other properties.

Since the adoption of zoning, the intensity of use on nearby properties has also increased. River Riders has greatly expanded operations to the benefit of the region and the Shenandoah Professional Building is a converted residential structure.

In additions to those changes and expansions, the nearby Old Standard Quarry was rezoned and now has an approved Concept for a commercial tourism mixed use development. This is certainly a change in the neighborhood that should favorably justify this application.

Addition of the Park Service Parking Lot and Bus Transportation/Tourist Center:

The Park Service parking lot and transportation center was added since the adoption of the zoning ordinance. This parking and transportation has enhanced the transportation network in the area. It also converted open land into a paid parking lot.

Addition of Commercial and Residential Uses in the Neighborhood:

Besides the Shenandoah Professional Building, at least two other commercial enterprises have opened in the immediate neighborhood. These include Through the Garden Landscaping and Meadow's Nursery. These businesses were opened after the zoning ordinance was adopted and are adjacent to two residential developments that were developed after zoning was adopted. These additions

further demonstrate that the neighborhood has changed into a mixed-use neighborhood.

Most recently, the Customs and Border Patrol completed one of the largest nonresidential developments in the neighborhood. Regardless of who owns it, it is a massive complex that includes offices and training facilities, among other uses. It can't be ignored as a notable change in this particular neighborhood. Based on intensity of use, it is a significant quasi-commercial development in this area.

There have been multiple changes in the slightly expanded neighborhood that would support a change to the Residential/Light Industrial/Commercial District. These include the addition of Eckels-Spencer Funeral Home, the Sears Store along with the multi-unit commercial and warehousing complex in which it is located, the new Sheetz store, the Aldi Grocery Store, Gypsy Antique Store, the Farm and Tractor Supply Store, the WVU Urgent Care and Physical Therapy Offices, the zip-line operation along the Potomac River and the townhouse development at Windmill Crossing. All of these projects were developed after the zoning ordinance was adopted. Not only does this demonstrate that the neighborhood has changed to mixed-use, it also demonstrates that mixed-use must be consistent with the Comprehensive Plan, since all of these projects were approved in the past twelve or so years.

Finally, with regard to changes in the area since the zoning ordinance was adopted, no discussion would be complete without mentioning the addition of slot machines and table games at the Charles Town Race Track. These enhancements to the Race Track have increased incoming visitors to this area of Jefferson County. Accordingly, the Route 340 Corridor needs to continue to change in order to accommodate the additional commercial growth needed to serve these visitors.

F. Change of Transportation Characteristics:

Please note that this property is already been determined to be part of the Preferred Growth Area. This fact alone makes it evident that the property has adequate roads serving the area. The existing uses, the proposed and approved new uses in the area, as well as the other commercial and redeveloped commercial uses in the area, were also a factor in that PGA designation. As such, the change in Transportation Characteristics have already been taken into consideration for the PGA designation and associated Plan support for this commercial rezoning. The beneficial thing about the subject property is that most of the surrounding area is already used commercially, so any enhancements or additions to this small property should not produce a large volume of additional traffic.

Again, keeping in mind that the zoning ordinance dictates a discussion of changes in transportation characteristics going back to 1988, some of these changes may seem out of date. However, it is required.

The more recent changes include the addition of the signalized intersection at the Customs and Border Patrol facility. While some would argue that it may not be necessary, it was added to facilitate traffic in the area during peak hours of operation for that facility. However, the most recent change that does directly affect this property was the addition of the signal at the intersection of Route 340 and Millville and Bakerton Roads. This allows the effective and safe flow of traffic that serves this area.

A new change to the transportation characteristics in the area is currently proposed should be very favorable to the area. This is the proposed internal connections of the Clarion Hotel and the River Riders area along Alstadts Hill Road. Since most of these properties are now commonly owned, this interconnectivity of projects should reduce the amount of traffic in the area that now must enter onto Route 340 in order to access the other portions of the proposed tourism center. The Applicant is currently working with the Engineering Department and the Department of Highways on the design.

There have been other changes in the transportation characteristics in this area since the adoption of the zoning ordinance in 1988. These include: the reconstruction of the Route 340 Bridge over the Shenandoah River; a new traffic signal at the intersection of Route 230 and Route 340; a new traffic signal at the intersection of Route 24 (Country Club Road) and Route 340; the improvement of the Shipley School access to Route 340; and, the addition of the previously mentioned Harpers Ferry Parking Facility and Bus Transportation Center along Route 340 near Bolivar.

All of these improvements have had a positive effect on the transportation characteristics and traffic flow in this area. The opening of the new four lane Route 9 towards Leesburg has also had a positive effect on the traffic flow along Route 340.

Furthermore, the proposed map amendment from Residential Growth to Residential/Light Industrial/Commercial should have very little impact on traffic, since the property is only an acre and is already zoned for high density residential uses.

G. Practical and Common Sense Reason for Rezoning/Map Amendment:

This document lists all of the technical and Comprehensive Plan needed reasons for a Map Amendment; however, it is important to explain the most practical reason for this request. One glance at the Preferred Growth Area Map, the Future Land Use Guide and the Zoning Map will show that the one acre parcel is the only

parcel in the entire area not zoned RLIC. It just looks incorrect and should be fixed to make the zoning of the parcel consistent with the area.

H. Conclusion:

The Applicant respectfully requests that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the 2015 Envision Jefferson Comprehensive Plan; the property is included in the 2015 Preferred Growth Area; the property is shown as Commercial or Residential on the Future Land Use Guide (Map); the positive changes in the transportation characteristics in the area and the changes in the neighborhood from when the original zoning ordinance was adopted; the fact that the Applicant (and his other corporations) own all but three of the properties in the described area; all of the properties surrounding the land are already zoned as RLIC; the property can be served by central water and sewer; and, the rezoning will have a negligent impact on the neighborhood, but a positive impact on economic development. This map amendment will change the zoning classification on the Applicant's property from the Residential Growth District to the Residential/Light Industrial/Commercial District.

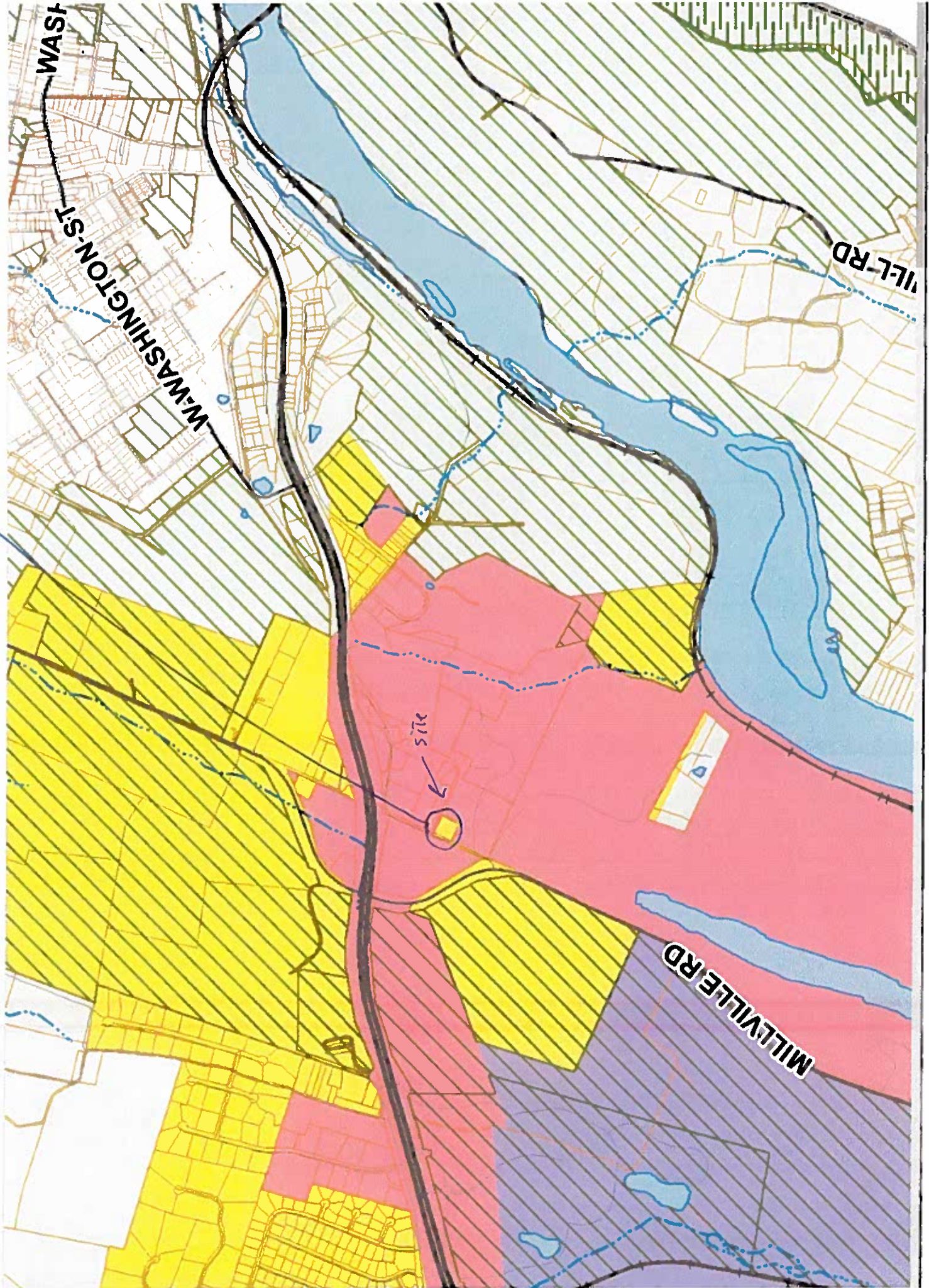


Matt Knott, Owner
Harpers Ferry Holdings, LLC



Date

site



WASH

WASHINGTON ST

MILL RD

MILLVILLE RD

site

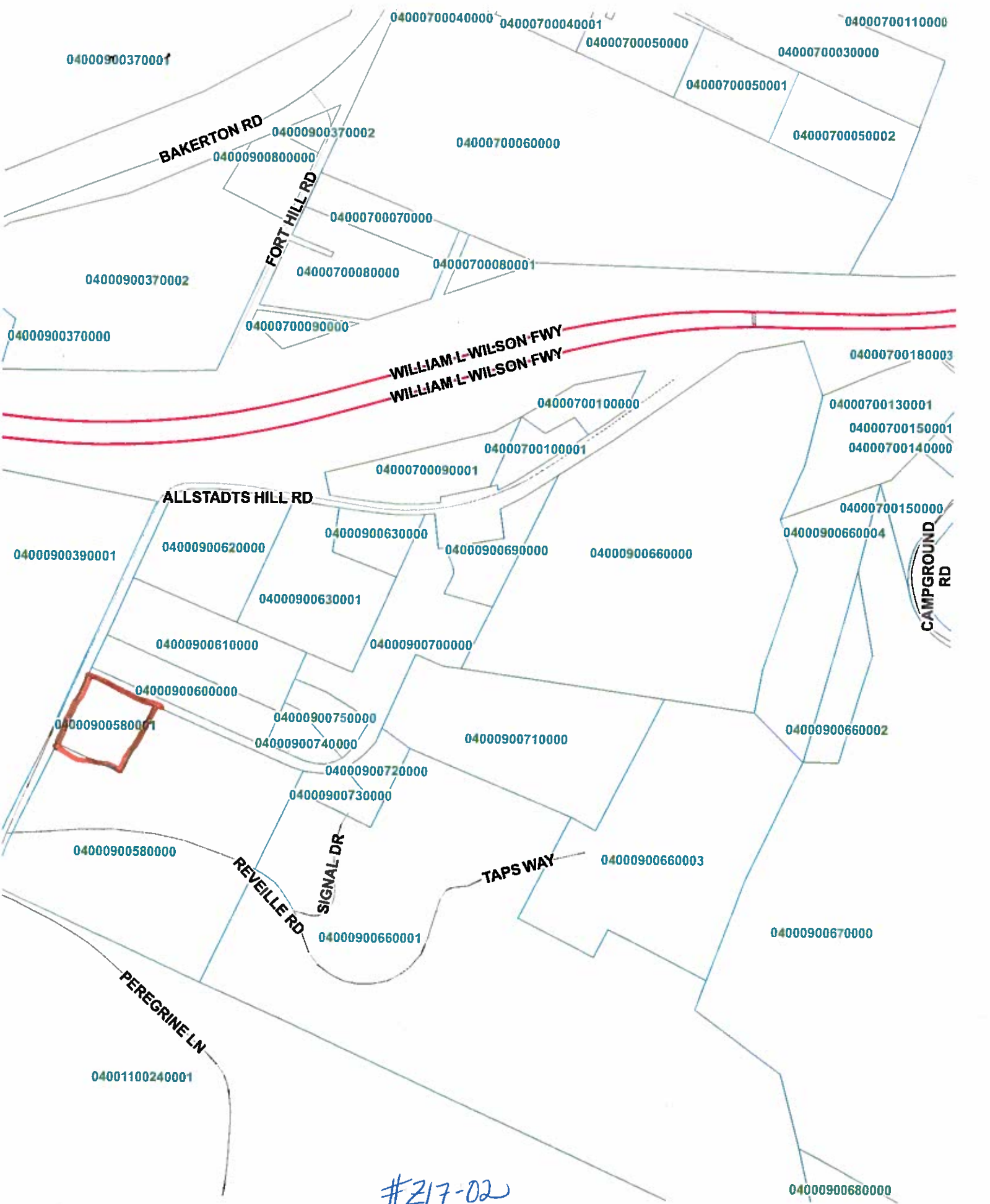
PJR stash



#Z17-02



217-02



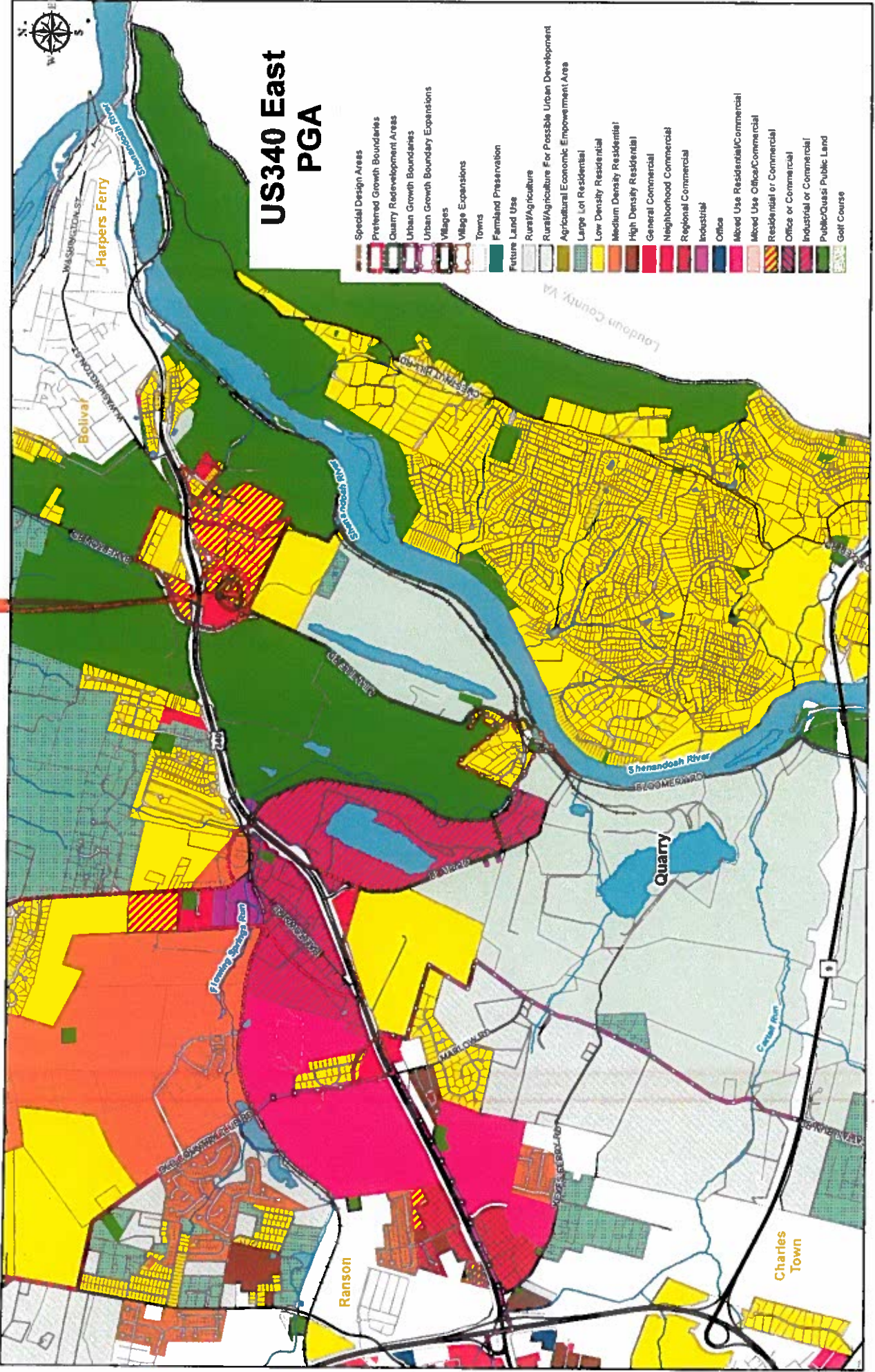
#217-02



US340 East PGA

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

Site



717-M

Corners are to be set #5 Rebars unless otherwise noted.

09 M 9 P 60
D'ANGELO
DB 184 P 225

RTE. 27 30'-R/W
N27°13'20"E
38.55'

00 09 M 9 P 58

S62°40'12"E
73.49'

MERGER PARCEL
0.46 Acres

00 09 M 9 P 58
Copyright
DB 584 P 587

104.12'
N27°09'33"E

S62°43'14"E
143.96'

To be merged & combined with

drill spot in retaining wall

N62°43'14"W
214.52'

S27°55'51"W
202.01'

RECEIVED

MAY 25 2017

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

RESIDUE

00 09 M 9 P 58
Copyright
DB 584 P 587

PLAT of SURVEY showing a
MERGER PARCEL

HARPERS FERRY DISTRICT
JEFFERSON COUNTY, W.V.

DATE: 19 May 1987

SCALE: 1" = 40'

R. Michael Shepp

R. Michael Shepp, LLS

APPALACHIAN SURVEYS, INC.

P.O. Box 35 CHARLES TOWN, W.V. 25414



#1735

State of West Virginia, County of Jefferson, Sct.

IN THE CLERK'S OFFICE OF COUNTY COMMISSION:

On JAN 10 1989, at 4:50 P.M., the foregoing
Deed of B. & S. was received in my said office and duly
admitted to record.

Test,

John E. Ott
Clerk of County Commission

#Z17-02

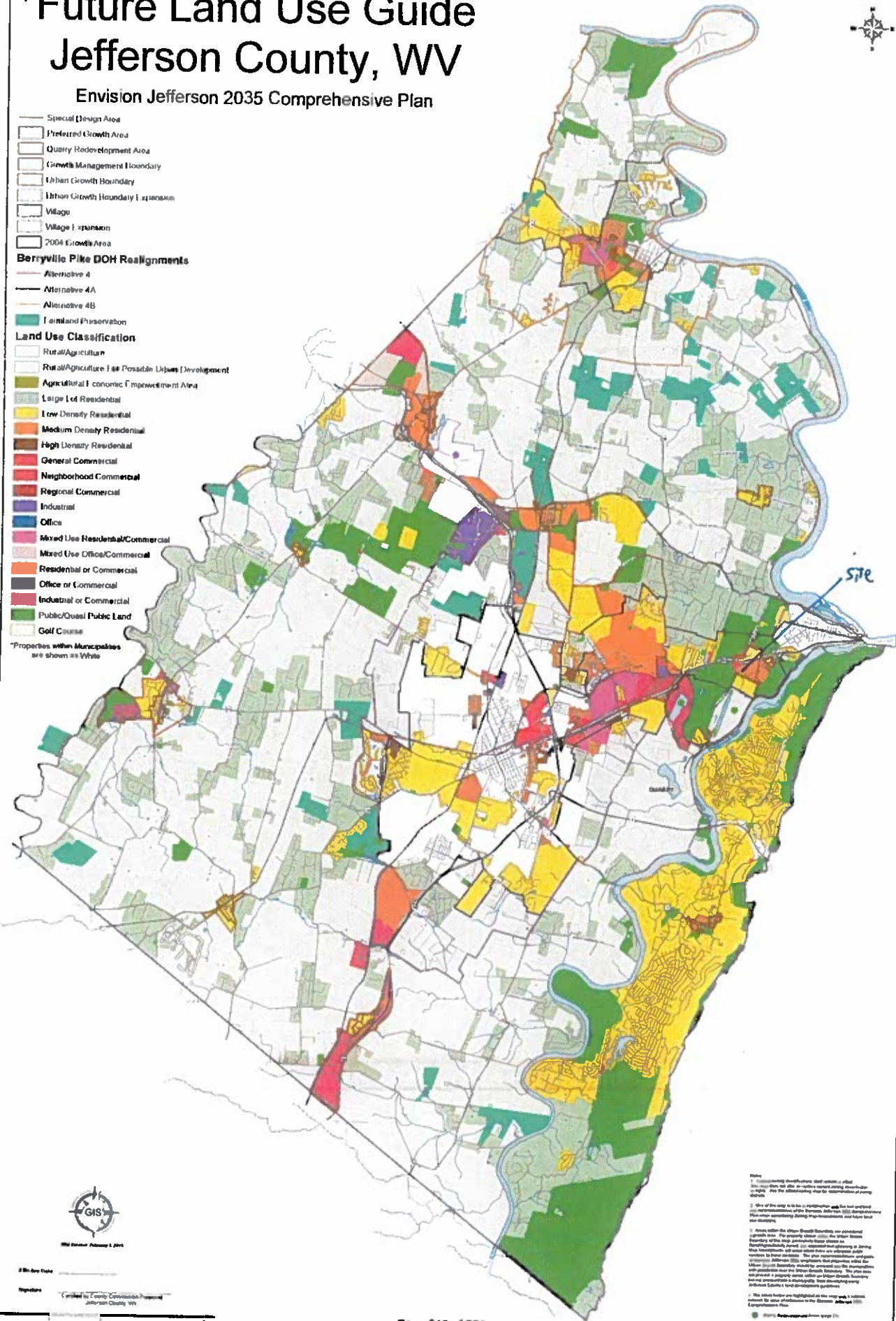
Future Land Use Guide Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan



- Special Design Area
- ▭ Preferred Growth Area
- ▭ Quarry Redevelopment Area
- ▭ Growth Management Boundary
- ▭ Urban Growth Boundary
- ▭ Urban Growth Boundary Extension
- ▭ Village
- ▭ Village Extension
- ▭ 2004 Growth Area
- Berryville Pike DOH Realignments**
- Alternative A
- Alternative 4A
- Alternative 4B
- ▭ Farmland Preservation
- Land Use Classification**
- ▭ Rural/Agricultural
- ▭ Rural/Agriculture I & II + Possible Urban Development
- ▭ Agricultural Economic Empowerment Area
- ▭ Large Lot Residential
- ▭ Low Density Residential
- ▭ Medium Density Residential
- ▭ High Density Residential
- ▭ General Commercial
- ▭ Neighborhood Commercial
- ▭ Regional Commercial
- ▭ Industrial
- ▭ Office
- ▭ Mixed Use Residential/Commercial
- ▭ Mixed Use Office/Commercial
- ▭ Residential or Commercial
- ▭ Office or Commercial
- ▭ Industrial or Commercial
- ▭ Public/Quasi Public Land
- ▭ Golf Course

*Properties within Municipalities are shown as White



2010 Update February 2, 2011

3/16/11 Date

Signature: *[Signature]*
 Certified to County Commission President
 Jefferson County, WV

Notes:

1. Consistency check: this map is a plan for the future. It does not show existing conditions. It is a guide for the future. It is not a guarantee of future conditions.
2. The map is a guide for the future. It is not a guarantee of future conditions. It is a guide for the future. It is not a guarantee of future conditions.
3. Areas within the Urban Growth Boundary are zoned for residential use. The growth boundary is the Urban Growth Boundary. The growth boundary is the Urban Growth Boundary. The growth boundary is the Urban Growth Boundary.
4. The map is a guide for the future. It is not a guarantee of future conditions. It is a guide for the future. It is not a guarantee of future conditions.

#Z17-02

Future Land Development Jefferson County, WV



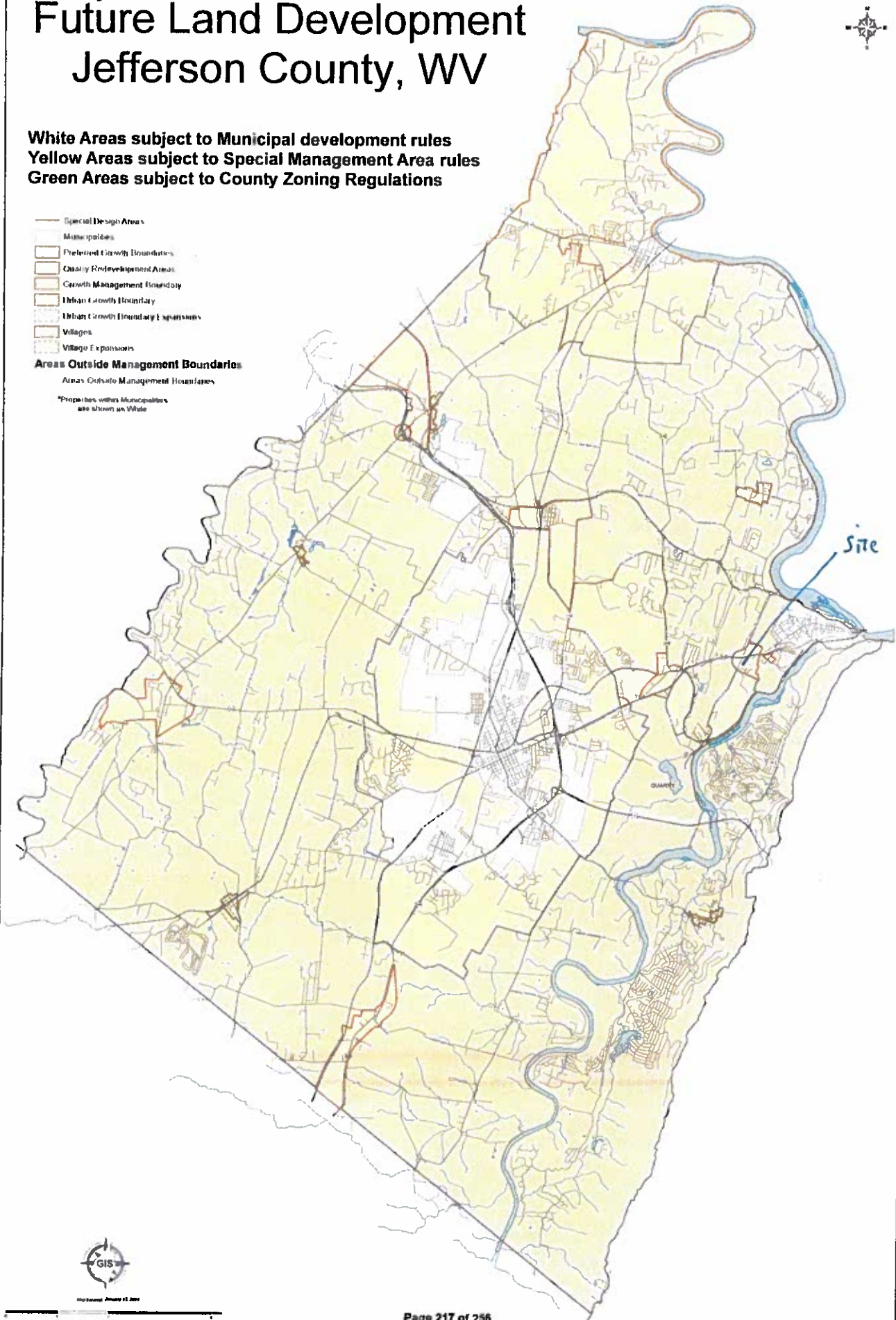
White Areas subject to Municipal development rules
Yellow Areas subject to Special Management Area rules
Green Areas subject to County Zoning Regulations

- Special Design Areas
- Municipalities
- Preferred Growth Boundaries
- Quarry Redevelopment Areas
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansions
- Villages
- Village Expansions

Areas Outside Management Boundaries

Areas Outside Management Boundaries

*Properties within Municipalities
are shown as White



Map Revised: January 11, 2009

#Z17-02



Jefferson County, West Virginia

Office 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

Planner's Memorandum Planning Commission Meeting June 13, 2017

- 1) **Upcoming Zoning Ordinance and Subdivision Regulation Amendments**
 - a) **Historic Resource Demolition and Adaptive Reuse**
 - Planning Commission Public Hearing scheduled for July 11, 2017.
 - 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 meeting with surveying community regarding proposed amendments related to sections requiring frequent interpretations and issues, including but not limited to processing mergers/lot line adjustments; contents of minor subdivisions, etc. scheduled for mid-July 2017.
- 2) **Annual Planning Commission Training**
 - a) Topic and date to be determined.
- 3) **Upcoming PC meeting**
 - a) Next Regular Meeting: July 11, 2017

November 10, 2010

TRAFFIC ENGINEERING DIRECTIVE

106-2

Supersedes TED 106 -1

SUBJECT: PROCEDURE FOR CONDUCTING TRAFFIC IMPACT STUDIES

In order to establish uniform Traffic Impact Study content, the following criteria shall be used:

WHEN A TRAFFIC IMPACT STUDY IS REQUIRED

A traffic impact study (TIS) will be required under the following conditions.

1. When the proposed development is projected to generate 100 or more trips per hour during the peak generating time for the development.
2. For smaller developments under one of the following three conditions:
 - a. when the proposed new approach is to an intersection already operating at Level of Service (LOS) "D" or worse,
 - b. when the developer is requesting a new traffic signal,
 - c. when modification of an existing traffic signal is being requested.
3. An older TIS may need to be updated when the data is more than two years old.

A TIS may not be required in situations where the project's impact on traffic is obvious and where the Division of Highways is agreeable to the proposed mitigation measures without conducting a TIS.

CERTIFICATION BY PROFESSIONAL ENGINEER

All traffic impact studies must be certified by the WV registered professional engineer who conducted and/ or supervised the study. A professional engineer registered in West Virginia must certify all traffic impact studies by stamping and signing all copies of the study. A current Certificate of Authorization (COA) from the WV PE Board is also required.

SCOPE OF WORK

Prior to beginning the TIS, the consultant shall contact the West Virginia Division of Highways (WVDOH) Traffic Operations Section of the Traffic

Engineering Division to discuss the scope of the study. The consultant will provide a list of intersections that are proposed to be studied in the traffic impact study and the type of development being planned. Once the scope of work is approved, and prior to beginning detailed analyses as part of the traffic impact study, a preliminary submission should be made to the Traffic Engineering Division. This submission should include proposed locations of new approaches, existing turning movement counts, trip distribution percentages, pass-by percentages, and internal capture (if applicable) for all intersections and interchanges. Where applicable, actual signal timing data should be obtained from the DOH by the consultant. It would be in the developer's best interest not to proceed with completing the TIS until being notified by the Traffic Engineering Division that the preliminary submission is acceptable.

The consultant shall also provide, prior to beginning any work, the legal name of the proposed development, a contact person for the development, and the postal address, phone number, and email address of the developer and/or consultant. An agreement may be prepared with the developer indicating that they must pay for the cost of review of the traffic impact study.

TRAFFIC PROJECTIONS

Traffic projections should be made utilizing the latest edition of Trip Generation published by the Institute of Transportation Engineers (ITE). Additional studies and references can be provided as needed to supplement the information in Trip Generation. The projected trips for each entity of the development shall be displayed on a chart showing the entering and exiting volume per hour during all affected peak hours.

Shopping centers and other commercial facilities shall be designed for a typical Friday afternoon and Saturday mid-day. Background traffic counts shall be conducted during favorable weather conditions at a minimum for every hour on a Friday afternoon between 3:00 and 6:00 p.m. and for every hour on a Saturday between 11:00 a.m. and 2:00 p.m. Each intersection shall be counted on the same Friday and Saturday and these days shall be consecutive. The traffic volumes should be balanced between intersections if no major access points are existing between the intersections. All trip distribution percentages and their justification shall be included in the report. Residential and industrial development shall be designed for the Friday morning and evening peak hour of the roadway which will usually be between 7:00 a.m. and 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. The percent of trucks on the main highway and in the development may be a consideration and should be counted where appropriate. For developments to be located in an area that is directly affected by a College/University or Public K-12 School, counts should be conducted while classes are underway (typically August - June). Counts should not be conducted during a sporting or special event.

For most residential and commercial developments, the consultant shall provide the traffic projections and analyses for the year that final build-out is expected. For larger developments, the WVDOH may require projections further into the future. In the case of phased construction/development, traffic projections and analyses shall also be provided for intermediate stages of build-out. The consultant shall contact the WVDOH Program Planning and Administration Division to acquire appropriate growth rate to be applied to the count data.

Existing roadway ADT's (Average Daily Traffic) shall be obtained from the WVDOH and discussed within the traffic impact study. Consultant shall also discuss projected ADT's based upon projected volume increases due to development to determine any need for roadway widening per AASHTO Green Book.

Pass-by trips and internal capture rates should be discussed with the WVDOH during the scoping process.

DATA DISPLAY

A diagram shall be provided showing the existing Friday and Saturday Peak hour turning movements at all affected intersections. A separate diagram shall be used to display the projected new trips and pass-by trips. A third diagram shall show the total combined trips. An exhibit should be included showing the distance between intersections and existing lane configurations. The length of storage lanes and proposed turning lanes and lengths should also be shown in at least one of the exhibits or diagrams. This is not to preclude using additional diagrams and figures as needed.

When referring to diagrams, exhibits and/or figures in the text of the report, both the exhibit number and page number should be indicated to make them easier to find.

CAPACITY ANALYSIS

Capacity analyses should be conducted using the latest edition of the Highway Capacity Manual (HCM) published by the Transportation Research Board. Highway Capacity Analyses software such as "HCS" distributed by McTrans and/or "SYNCHRO" distributed by Trafficware may be utilized. Other comparable software using the procedures of the HCM, such as "TEAPAC" distributed by Strong Concepts, may also be used if prior approval is obtained from the Traffic Engineering Division. The analyses shall be "operations analyses" rather than "planning analyses". SYNCHRO shall be used to analyze closely spaced intersections. Additionally, when using SYNCHRO, the roadway layout shall be drawn to scale.

The Level of Service (LOS) of all intersections affected by the proposed development should be no worse than the LOS before the new facility opens. If it is determined that the LOS of an intersection is adversely affected as a result of the proposed development, the traffic impact study shall recommend all reasonable improvements (i.e. construction of turn lanes, construction of through lanes, lengthening of turn lanes) to alleviate projected problems. In some instances it may be necessary to worsen the LOS and increase the queue length inside the development to insure that the state highway operates at an acceptable LOS.

Capacity analyses shall be conducted for all intersections for both the Friday and the Saturday peak hour (morning and afternoon peak hour for residential and industrial development). Any internal intersection that could potentially impact the main highway shall also be analyzed. Analysis worksheets showing inputs, LOS, delay, and back of queue shall be included in the report. Charts shall be used when possible to summarize capacity analysis results such as LOS, delay, and back of queue.

Guidelines for the Preparation of Intersection Capacity Analyses are discussed later and provide more specific requirements for the analyses.

QUEUING ANALYSES

Queuing analyses shall be included within the report to determine the length of any proposed or recommended auxiliary turn lanes, or if there is a need to extend any existing auxiliary turn lanes. It may also be necessary to conduct analyses to determine if there are overlapping queues for adjacent intersections. Queuing analyses must be based upon either simulation software or a mathematical computation utilizing the AASHTO method. Acceptable simulation software includes those packages previously noted under Capacity Analyses or prior approved queuing specific software.

The AASHTO queuing method is based upon a factor of safety of two (2) and the assumption that all approaches are signalized. This method utilizes the turning movement data and signal timing data to determine the volume in a particular lane during a normal signal cycle. This value is then multiplied by two to account for traffic surging with the peak hour. Once the volume per lane per cycle is known, this quantity is multiplied by 25 feet to calculate the length of queue in feet. If the intersection being studied is unsignalized, a cycle length of 90 seconds should be assumed.

GEOMETRIC IMPROVEMENTS

The latest edition of A Policy on Geometric Design of Highways and Streets (Green Book) published by AASHTO shall be utilized in conjunction with West

Virginia Division of Highways Design Directives to design geometric improvements needed for mitigation. Procedures recommended in the Green Book will be utilized in addition to the Highway Capacity Manual to determine the need and length of auxiliary lanes. If the construction of a development changes the classification of a roadway or section of roadway (refer to DD-601), then the developer may be required to provide mitigation to allow for safe and efficient traffic flow along the roadway.

A list or sketch shall be included in the report illustrating any recommendations for mitigation, including lane configuration, storage lengths, traffic control, etc. If improvements are needed based upon existing conditions and/or background growth, then they should be included in the recommendations and listed separately from improvements needed as a result of the development. Any improvement shown as an existing need (DOH responsibility) prior to development must be clearly corroborated with engineering data.

The report shall include labeled color photos of the project site and 2 or more labeled color photos of each approach to every intersection (existing and proposed) studied. All color photos shall be 4 inches by 6 inches or larger.

TRAFFIC SIGNALS

The need for any additional traffic signals shall be adequately justified utilizing one or more warrants of the Manual on Uniform Traffic Control Devices (MUTCD). Because full eight (8) hour warrant counts are not required, consultant should use existing and projected volumes and use engineering judgment to compare to warrants. The method for warranting traffic signals based upon ADT contained in the ITE Manual on Traffic Signal Design can also be considered.

The actual design of any new traffic signals will be performed or reviewed by the Traffic Engineering Division of the West Virginia Division of Highways. Any traffic signals not to be designed by the Traffic Engineering Division must be designed by a West Virginia Division of Highways approved consultant. Any recommendations for signal timing changes should be justified using highway capacity software such as SYNCHRO to account for interconnection of any traffic signals near the development. Final signal timings for traffic signal installations will be determined by the Traffic Engineering Division.

OTHER TRAFFIC CONTROL

The need for other traffic control devices such as STOP and YIELD signing, markings, and intersection channelization shall be indicated in the report with appropriate reference to MUCTD, HCM, WVDOH Design Directives, and/or AASHTO Green Book. The traffic control scheme for internal intersections should

be designed by the traffic engineer. Traffic control at these intersections may have to be designed in order that inbound traffic will have the right of way. In any event, the design shall be such that traffic does not back onto the state highway. No internal intersections, driveways, or parking aisles will be allowed within 100 feet of the state highway.

CONTENTS OF COMPLETED REPORT

All copies of the traffic impact study report shall be bound with plastic binding, three ring binders, or other appropriate professionally appearing binding. As a minimum the completed traffic impact study report shall contain the following:

1. Pages shall be numbered
2. Executive summary
3. Table of contents
4. Summary of the project scope and location map including city and/or nearest town
5. Existing roadway geometry including distances between intersections and existing turn lane lengths, sight distances (where limited) at intersections, and speed limit along the roadway shall be shown on intersection drawings
6. Existing peak hour traffic volumes and ADT's
7. Traffic projections for proposed development
8. Projected Trip distribution
9. Peak hour summary of new trips
10. Discussion of pass-by trips and, if needed, internal capture
11. Total peak hour trips at build-out and projected ADT's
12. Summary of HCS analyses
13. Summary of Queuing analyses
14. Summary of negative operational impacts
15. Summary of recommendations for mitigating the impact
16. If improvements are needed due to existing conditions and/or background growth, then they should be included in the recommendations and listed separately from improvements needed based on the development. Any improvement shown as an existing need (DOH responsibility) prior to development must be clearly corroborated with engineering data.
17. Photographs of the site and affected intersections
18. Aerial photos (if provided) shall be labeled to show the various intersections affected
19. Appendix with actual turning movement counts
20. Turning movement count data as well as 2 photos along each approach to each intersection and a written description of photo details shall be on the same page as the photo
21. Appendix with all calculations and analyses
22. Digital copy of report, photos, and all calculations and analyses

GUIDELINES FOR THE PREPARATION OF INTERSECTION CAPACITY ANALYSES

1. A typical amber change interval used for intersections is between four and five seconds. Three seconds of amber can sometimes be utilized on low speed approaches, such as in a central business district (CBD), and would be considered an absolute minimum to comply with national standards. Amber times depend primarily upon the geometry of an intersection with consideration also being given to the speed. For high speed roadways, longer amber time should be used. A typical all red clearance interval of one second is employed following the amber change interval in most cases. This all red period can be omitted on low speed approaches and increased up to three seconds on high speed approaches, such as on a four lane divided highway. For existing intersections, change and clearance interval timing should be obtained from WVDOH. For proposed intersections, change plus clearance interval times should be calculated per the formula outlined in Table 13-2 in the Traffic Engineering Handbook published by ITE.
2. Typical cycle lengths range from 90 to 120 seconds in ten second increments. Downtown intersections typically have 90 second cycle lengths. The heavier volume intersections tend to have longer cycle lengths up to 120 seconds. For design purposes, especially for designing the length of turn lanes, cycle lengths of 90 to 120 seconds shall be used. For congested high volume arterial signal systems, cycle lengths will sometimes exceed 120 seconds and reach cycle lengths up to 150 seconds. For studies in these areas, actual signal timing should be used for analysis purposes.
3. Actuated traffic signals, although they vary in cycle length, utilize the same basic principles for analysis purpose. All signalized capacity analyses should use actuated signal operation for all phases in most cases. Pre-timed operation may be utilized for specific conditions, such as the intersection of two one-way streets in a CBD. Semi-actuated control, where the side streets are actuated and the mainline is non-actuated, is common on lower speed arterial systems in urban areas. For intersections that are part of a coordinated signal system, the signal timing utilized for the capacity analysis should reflect the existing and proposed system timing obtained from the WVDOH. For developments which propose to create a new coordinated signal system, the proposed signal timing can be obtained by utilizing software such as SYNCHRO.
4. The typical saturation flow rate used is 1900 passenger cars per hour per lane for signalized analyses and 1700 passenger cars per hour per lane for unsignalized analyses. It should be noted that this may or may not be the

default value of the HCS analysis. In any event, these values should be used for design purposes unless field data is provided to justify the use of another value. Saturation flow rates can be determined in the field by measuring the average time between vehicles as they proceed through the green phase of the traffic signal. The first five vehicles must be discarded and the average times between subsequent vehicles should be utilized. The headway between the vehicles is averaged and divided into 3600 seconds per vehicle to arrive at the saturation flow rate in passenger cars per hour. This value will usually be between 1700 to 1950 passenger cars per hour.

5. The primary information needed to conduct an intersection capacity analysis is as follows: traffic volume, number of lanes per approach, width and function of lanes, whether parking is prohibited on the approach, heavy vehicle percentage on each approach, the grade on each approach, the peak hour factor on each approach, the arrival type, and the green/amber time for each phase of the signal cycle.
6. The typical arrival type utilized is Type 3. This is for a random arrival of vehicles on an approach. Type 4 arrival rate would tend to be a platoon arrival resulting from an adjacent traffic signal that is or will be coordinated with the study intersection. Arrival Type 3 is a default value in the HCS program.
7. The HCS program utilizes several default values, many of which can be changed simply by inputting new values. Any changes to default values shall be justified with calculations or other documented information that is included with the analysis.
8. The default value for peak hour factor is 0.90. Use the traffic counts in 15 minute intervals to calculate the actual peak hour factor to be used in the analysis. The peak hour factor can be calculated by dividing the peak hour volume by four times the peak fifteen minute volume within that specific hour. If the peak hour factor is unknown or if the approach is new, use the default value of 0.90.
9. The existing geometric conditions and traffic volumes at an intersection should be analyzed first and used as a base analysis. Additional analyses to reduce the delay and improve the LOS of the intersection may be run by adding turn lanes, etc.
10. At a signalized intersection on an expressway having a speed limit of at least 50 miles per hour, a protected only left turn phase should be provided on the main line approaches. Right turns from the side street approaches can be allowed during the mainline left turn phase. Right turns on red will not be permitted from side streets during the mainline through movement's green time.

11. For the initial unmet demand, use the default of 0 vehicles. This simply indicates the number of vehicles waiting at the beginning of the signal phase.
12. Minimum green times for stand-alone traffic signal phases shall be 10 seconds.
13. An electronic version (disk or CD) of all analyses shall be included with the traffic impact study. Consultant shall name the files in a manner which is easy to determine the intersection and scenario the file references.


Cindy L. Cramer, P.E.
Acting Director Traffic Engineering Division