



AGENDA
Jefferson County Planning Commission
Tuesday, June 12, 2018 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 1, 2018
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:** Waiver Request for Starbucks (PCW#18-07) Applicant is requesting a waiver from Appendix B, Section 10.6 of the Subdivision that requires sidewalks to support all non-residential subdivision/site development. The applicant is requesting to provide a 10' bike/pedestrian easement in lieu of the sidewalk. Owner/Applicant: Kentland Foundation, Inc. The property is designated as Tax District: Charles Town (02); Tax Map: 9; Parcel 8.7. Zoned: Residential-Light Industrial-Commercial. Size: 15.07 acres.

There is no public comment for the following items.

5. Reports from Legal Counsel and legal advice to the Planning Commission.
6. Planners Memo
7. President's Report.
8. Actionable Correspondence:
9. Non-Actionable Correspondence

DRAFT

Jefferson County Planning Commission
May 1, 2018

The Jefferson County Planning Commission met on May 1, 2018 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Peter Onoszko, County Commission Liaison; Jack Hefestay, Ron Thomas, Mike Shepp 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. J Ware arrived at 7:23 PM.

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

1. The minutes from the April 10, 2018 meetings were approved with no objections.
2. Citizen Communications. None
3. Request for postponement. None
4. A Public Hearing was held for a Final Plat Amendment to the Lots 1 & 2 – Residue June B Mason Minor Subdivision (PC File #04-30) for the purpose of lifting the Single Family restriction from Lot 1 in accordance with Section 24.202.A of the Subdivision Regulations. Owner/Applicant: William (Billy) Madert

Ms. Jennifer Brockman provided an overview of the request. The June B. Mason minor subdivision was created under the 1979 Subdivision Ordinance. The single family restriction note on the plat was a requirement at that time on all Minor Subdivision Plats. Although the “in-law suite” is now a Principal Permitted use under the current Zoning Ordinance, the current Subdivision Regulations state that plats have to be amended in the manner in which it was originally approved. As Final Plats were approved by the Planning Commission under the 1979 Subdivision Ordinance, this request was required to be brought before this body.

Mr. Billy Madert, applicant, stated that the reason for the request is to construct a small residential structure close to the main house for his mother-in-law.

Mr. Donnie Fisher opened the floor to Public Comment

No Public comment was made.

Mr. Fisher closed the floor to Public Comment.

Mr. Steve Stolipher made a motion to approve the application as presented.

Mr. Jack Hefestay seconded the motion. A vote was taken which carried unanimously.

Ms. Brockman made suggestion that with the next set of Subdivision Regulation amendments that a request to lift a single family restriction be permitted to be administratively approved.

A discussion ensued on this matter.

Mr. Steve Stolipher made a suggestion that another roundtable discussion be held regarding the amendment to the Subdivision Regulations

Ms. Brockman informed the Planning Commission that the next set of amendments have been started. The purpose of this amendment is to clean up any conflicting information and to reorganize the regulations to make them easier to read and understand. A roundtable meeting would be held once the revisions have been made to review any changes and to receive input.

5. A review and discussion was held on the previous approval of the Concept Plan for the proposed Magnolia Springs Major Subdivision at the April 10, 2018 Planning Commission meeting.

Mr. Mike Shepp recused himself from this agenda item as he was not present at the previous meeting.

Ms. Brockman provided an overview of the items included in the packet and then provided details related to those items. These items were:

- Staff Memo regarding new information related to PC File 18-05 Concept Plan.
The purpose of the memo is to make the Planning Commission members aware of the fact that there were 10 acres included in the Belvedere National Register of Historic Places Nomination Form, not just the house itself. The Planning Commission motion from the April 10th meeting is not required to be revisited but can be if desired by the Planning Commission. The Offices of Planning and Zoning determined that the proposed project is still in conformance with the Subdivision Regulations and the Zoning Ordinance. The Staff's role and the role of the Planning Commission as detailed in the Subdivision Regulations were explained by Ms. Brockman. The Planning Commission's direction cannot be more restrictive than the Regulations unless the applicant makes a proffer to the Planning Commission that they are willing to conform to suggestions made.
- Letter to Planning Commission (PC) from the Jefferson County Historic Landmarks Commission (JCHLC), dated 4/13/18 that stated they believe the approval to be in error and that proposed development violates Section 4.4 Prohibited uses of the Zoning Ordinance.
- Letter to PC from Peter Onoszko and Jack Hefestay with a letter attached from the Jefferson County Historic Landmarks Commission date, 4/16/18 asking that this matter be taken up in an expeditious manner.
- Belvedere House National Register Nomination, dated 12/16/93.
As a result of the two (2) previous letters, staff researched the National Register Nomination further and found the wording to be confusing as 10 acres were referenced but it also stated that the nomination was for a building. Ms. Beaulieu (Zoning Administrator) contacted the State Historic Preservation Officer. An e-mail was received

from this agency that confirmed that it was not only the structure but also 10 acres of the property. This information was not previously provided to the Planning Commission during the Public Workshop held on April 10th. It was explicitly stated by the applicant that the building only was on the National Register.

- SHPO e-mail comments regarding the National Register Nomination, dated 4/16/18.
- Zoning Administrator determination related to the applicability of Section 4.4C to Magnolia Springs, dated 4/25/18. It was determined that Section 4.4C of the Ordinance does not apply to the proposed subdivision. Section 4.4C is ambiguous and does not define the criteria for “historical character of a property” nor does it clarify what is meant by “destruction of”.
- Letter to the PC from Gordon/applicant responding to letter from JCHLC, dated 4/25/18. This letter was submitted to explain why they don’t believe the 10 acres included in the National Register nomination should be retained and why the 5 acres that has been proposed to be retained around the house is the more critical part of the property to be preserved.

A graphic was shown to depict the approximate 5 acres. A diagram depicting the 10 acres was not provided.

Mr. Chad Wallen, Gordon, Representative for the applicant, and Mr. Hunter Wilson, applicant/owner spoke. Mr. Wallen stated that any misleading statements made at the previous meeting were not intentional. He stated that the nomination speaks solely to the building. The 10 acres fall under the “Geographic Data” section of the Nomination Form. Mr. Wallen also stated that the Historic Landmarks Commission section of the Zoning Ordinance states that “*Historic preservation is not to infringe on the property owners rights.*” He further explained that all the proposed uses in the Magnolia Springs development are “by right”. The 5 acres chosen to be retained with the historic home were due to the number of large oak trees giving character to the site.

Mr. Hunter Wilson explained that the pictures provided in the packet show the viewshed of the mountains. He further stated that if they were required to retain the 10 acres with the historic home, the redesign of the subdivision with the same number of lots would require the proposed houses to be tighter to the existing historic home. The developer believes that proposed layout will block the view of the new Routes 9 and 340.

A discussion ensued regarding the locations of green space, a small pond and a potential proposed fitness trail to be located on the property.

Mr. Martin Burke and Ms. Sarah Lambert, Jefferson County Historical Landmarks Commission (JCHLC) Chair and Commission member spoke. The JCHLC objected to

the approval of the Concept Plan while noting that this application was submitted prior to the approval of the Zoning Ordinance amendment relating to Historic structures and setbacks/buffer zones. Mr. Burke pointed out, however, that Section 4.4C of the Zoning Ordinance which states “*Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted*” is not a new section of the Zoning Ordinance and does apply to this application. The JCHLC is asking for modification in the subdivision design to be more respectful of the main house and to protect the views detailed in the National Park Service National Register Nomination form. Open space and density should be taken into consideration when proposing a new development on a historic site. The JCHLC would be happy to work with the developer to reach a compromise.

Ms. Sarah Lambert explained that the Ordinance cited speaks to protecting the character of the historic property and not just the building. This particular nomination lists the 10 acres as being part of the historic character of not only the building, but of the site. It is felt by the JCHLC that it is inappropriate that the National Register Nomination information be completely ignored as part of this application as the research and application is time consuming. The 5 acres is acceptable as an alternative but they would like to have seen the 10 acres plotted on the plan.

A discussion ensued regarding the location of the 10 acres, setbacks, location of the trees and the 200’ radius as required by the amended Zoning Ordinance. The radius not apply to this application.

Ms. Brockman provided an overview on how a previously approved motion can be amended by the Planning Commission. She further explained that the Planning Commission approval of the Subdivision Regulations may be appealed to the Circuit Court within 30 days of the date the minutes were approved (today) and that the decision of the Zoning Administrator that the Section 4.4C does not apply to the proposed development can be appealed to the Board of Zoning Appeals within 30 days of the date the decision was made. A discussion followed regarding the appeal process.

Mr. Peter Onoszko made a motion to amend the previously approved motion to approve the Concept Plan at the April 10, 2018 PC meeting.

Mr. Jack Hefestay seconded the motion.

Mr. Fisher opened discussion on the amended motion and the determination made by the Zoning Administrator. Further discussion was held between the applicant and the Planning Commission regarding the previously approved motion.

Mr. Hunter Wilson proffered to restrict the lots adjoining the proposed 5 acre lot from Road 2 to Road 8 to single story homes and to keep the building envelope as close to the roads as regulations allow.

Mr. Stolipher respectfully disagrees with amending the motion and believes that the previously approved Concept Plan is in conformance with the Zoning Ordinance and backs the decision made by the Zoning Administrator. He recommends that the JCHLC speak to the owner to see if any proffers can be made.

Mr. Fisher stated that the Planning Commission needs to follow what the Ordinance allows and asked the JCHLC what they would ask the developer for and how receptive they would be to the options provided to protect the viewshed.

A discussion ensued regarding property rights and the protection of historic sites.

Mr. Hunter Wilson responded to the discussion showing the location of the approximate 10 acres. The 5 acres proposed will encompass the house and the oak trees. He also addressed that the viewshed will be protected. He restated that he is willing to keep the proposed houses tight to their front property lines to keep more space between the five acres and restrict the adjoining lots to single story homes.

Further discussion ensued.

Mr. Onoszko made a motion to withdraw the previous motion made. Mr. Jack Hefestay withdrew the second to the motion.

Mr. Stolipher made a motion to accept the proffers made by the developer to restrict adjoining lots between Road 2 and Road 8 to single story homes (to the east, north and south of the historic home) and to keep the building envelope as close to the roads as regulations allow.

Mr. Wade Louthan seconded the motion which passed with a vote of 7-1. Mr. Jack Hefestay abstained from the vote.

Mr. Fisher called for a break at 8:30.

Mr. Fisher reconvened the meeting at 8:37.

Mr. Mike Shepp rejoined the meeting.

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

a) Active Litigation:

- None

7. Planners Memo.

Minutes
Planning Commission
May 1, 2018

Ms. Brockman presented the Planners Memo. The memo included the 3rd Quarter quarterly report of Planning Commission, Board of Zoning Appeals and staff activities which has already been forwarded to the County Commission. She provided an update of the upcoming amendments.

The amendment to the Zoning Ordinance regarding signs is scheduled to be heard by the County Commission on Thursday, May 3, 2018 at 1:30 PM.

The newly adopted Subdivision Regulations were revised and re-recorded due to a scrivener's error relating to numbering only. A full revision is being started to clean up the Regulations to update and reorganize the document for clarity and ease of use.

Ms. Brockman addressed a letter received from the Corporation of Shepherdstown regarding the proposed WV45 Gateway Design Standards. Direction from the Planning Commission is requested on the priority of the drafting of this document. A draft of the document could be presented to the Planning Commission in November.

Mr. Stolipher stated that he agrees, the priority at this time should focus on the Amendment of the Subdivision Regulations.

The next scheduled Planning Commission meeting will be held on June 12, 2018.

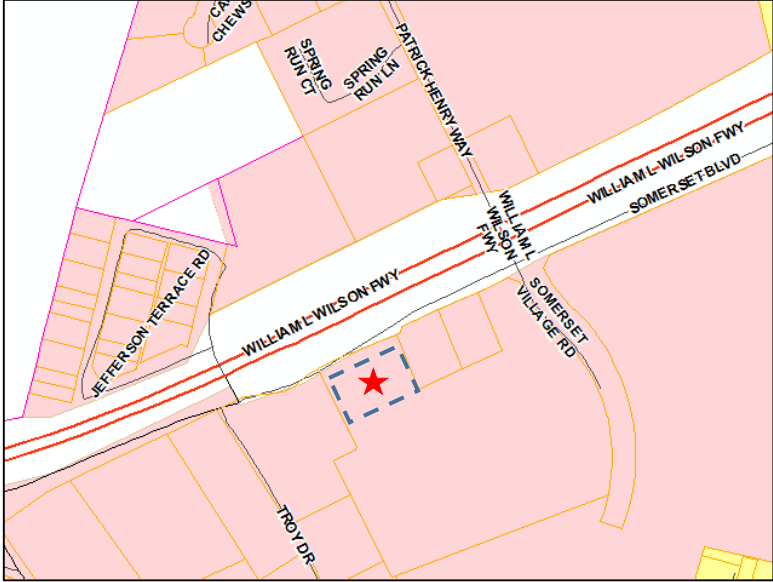
8. President's Report. None
9. Actionable Correspondence. None
10. Non-Actionable Correspondence. None

Mr. Fisher motioned to adjourn the meeting at 9:23 PM with no objections.

Staff Report
 Jefferson County Planning Commission Meeting
 June 12, 2018

Item #4

Public Hearing: Request by the Kentland Foundation (Starbucks PCW#18-07) for a waiver from Appendix B, Section 10.6 of the Subdivision Regulations that requires sidewalks to support all non-residential subdivision/site development. The applicant is requesting to provide a 10' bike/pedestrian easement in lieu of the sidewalk.

APPLICANT:	Starbucks
OWNER:	Kentland Foundation, Inc.
DEVELOPER:	Same as Applicant
CONSULTANT:	Greenway Engineering
PROPERTY LOCATION:	Somerset Village Shopping Center, 58 Somerset Blvd, Charles Town
LEGAL DESCRIPTION & ZONING DISTRICT	<p style="text-align: center;">Tax District: Charles Town (02); Tax Map: 9; Parcel: 8.7 Zone: Residential – Light Industrial – Commercial</p> 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North, South, East, and West:</i> Residential – Light Industrial – Commercial
APPROVED USE:	05-24-88: Shopping Center (87-21) 12-14-17: BZA approved a Conditional Use Permit for a Drive-Through Coffee Shop with Indoor Dining (Starbucks) (CUP17-06)
PARCEL HISTORY:	09/12/00: PC approves a Multi-Use Variance to allow more than one use on a single parcel (MUV00-02) 09/26/00: PC approves waiver of site plan. 02/27/07: PC approves waiver of site plan (PCV07-12).
CONDITIONAL USE PERMIT/ VARIANCES:	12/14/17: BZA approves CUP with conditions (#CUP17-06) 05/24/18: BZA approves of signage related to CUP (#CUP17-06) 05/24/18: BZA approves variance to reduce required parking and eliminate some existing parking for Somerset Shopping Center 05/24/18: BZA approves elimination of required landscape buffer along the side and rear property lines of shopping center and limits street tree installation to the front of the Starbucks site

Staff Report
Jefferson County Planning Commission Meeting
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1. Background:

The site that is the subject of this waiver request is a portion of the property that is occupied by the Somerset Shopping Center, which currently consists of various retail and dining facilities including Food Lion grocery store, Gold's Gym, Dollar General, and Schewel's Furniture Company. The applicant is proposing a stand-alone Starbucks facility with a drive through facility as well as indoor and outdoor seating areas to be located approximately where Cone Zone has been located. This location will continue to be a part of the larger shopping center site, which is zoned Residential - Light Industrial - Commercial. The Jefferson County Zoning Ordinance requires a restaurant that is primarily a pick up counter and/or contains a drive through, in the RLIC zoning district, to obtain a Conditional Use Permit (CUP). The Board of Zoning Appeals held a public hearing on this CUP and approved the CUP with some conditions on December 14, 2017.

The Site Plan has been submitted and while the focus of the review is the area immediately around the proposed new structure, it has to take into consideration the entire shopping center lot that this is a part of. As a result the BZA has also approved two variances related to parking and required perimeter landscaping. The site plan has provided landscaping that meets the parking lot and on-site driveway requirements of Appendix B, Section 10.10. One outstanding comment on the site plan relates to a requirement of the Subdivision Regulations that sidewalks shall be provided to support all non-residential site development (Appendix B, Section 10.6A), which is the subject of this request.

2. Summary of the Request:

The applicant is requesting a waiver from Appendix B, Section 10.6 of the Subdivision Regulations that requires sidewalks to support all non-residential subdivision/site development. The applicant is requesting to be able to provide a 10' pedestrian/bike easement in lieu of the required sidewalk.

3. Staff Comments:

Appendix B, Section 10.6A does provide that on a case by case basis, the Office of Planning and Zoning may consider alternatives to traditional sidewalks such as hard surface trails or meandering paths and that Planning and Zoning Staff may allow a 10 foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of Staff an easement(s) may be a preferred option. Staff generally does not administratively approve the use of an easement only for a commercially zoned property or in an area with urban level density and therefore required the submittal of this waiver request.

Additionally, the interconnectivity of businesses and neighborhoods was identified as an important objective of the *Envision Jefferson 2035 Comprehensive Plan* and, as such, the concept of only providing an easement as opposed to the development of an actual sidewalk, needs to be carefully considered. While the following excerpts from the Comp Plan are not requirements, they should be taken into consideration when reviewing this waiver request and may indicate the need to clarify this provision of the Subdivision Regulations in the future.

Comprehensive Plan Excerpts

Goals 12 and 13 relate to Transportation. Under Goal #13, which states "Provide a Variety of Options for Mobility and Accessibility for Jefferson County Residents and Visitors, including Public Transportation and Pedestrian/non-motorized Opportunities within the County and Between Neighboring Counties and States" (p. 202), the following objectives particularly relate to the provision of sidewalks:

Staff Report
Jefferson County Planning Commission Meeting
June 12, 2018

Objective #4: Implement a network of sidewalks, shared roadways, and trails that are available to residents of Jefferson County and that connections along the trails/pathway are extended into adjoining neighborhoods, communities, and counties.

Objective #5: Require that sidewalks are constructed (or that at a minimum, easements are provided) within and connecting to existing and new development within the UGBs, PGAs, or Villages.

Under Subsection 2E “Transportation” there is a discussion of “Sidewalks and Trails” (p. 114) which includes the following benefits to sidewalks and trails:

“The increased availability of sidewalks and trails would encourage:

- greater transportation options;
- health, wellness and safety of residents;
- reduced transportation costs for both communities and for residents; and
- a greater sense of community.”

The Transportation Recommendations (Goals 12 & 13) Section (p. 116) includes the following

“#7 Strengthen provisions in the County’s Subdivision and Land Development Regulations to accomplish the following:

- a. Provide for the incremental construction of sidewalks and bicycle and pedestrian paths in and between new and existing neighborhoods as development occurs.
- b. Require commercial developers to enhance sidewalks, bicycle, and pedestrian paths accessibility, and visibility within their developments.
- c. Strive to provide connectivity between bike and pedestrian paths that pass through or connect to adjacent new and existing residential developments. (*emphasis added*)

#8 Coordinate with planning efforts underway by a variety of stakeholder groups to identify and build a series of multi-use trails connecting the County’s municipalities, villages, schools, and parks, as well as developing connections to adjacent counties for commuter and recreational purposes.”

The section entitled “Implementation Tools” includes numerous proposed actions for the Planning Commission including the development of opportunities for “interconnectivity for roads, sidewalks, and trails to other neighboring developments and property” to be required which, in turn, will reduce the traffic volumes on the primary roads.

Subdivision and Land Development Regulations Site Plan Components

Toward this end, the Jefferson County Subdivision and Land Development Regulations also includes Section 21.204 Pedestrian Circulation under Site Plan Components which states the following:

“All proposed site plans shall provide a safe, efficient, and attractive pedestrian environment. The criteria for this include:

- A. **Access to Adjoining Property.** The access to adjoining properties shall provide for continued pedestrian access to adjoining commercial properties. Where the adjoining use is residential, the connections shall be to any street's or stub street's sidewalks.
- B. **Crossings.** Crossings of roads or drives shall be clearly identified and signed to provide safe pedestrian crossings. Landscaping shall not interfere with sight distances. Traffic calming measures shall be encouraged in any locations where pedestrian crossings are proposed. . . .” (*emphasis added*)

Staff Report
Jefferson County Planning Commission Meeting
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Conclusion

The Somerset Shopping Center is ideally located for the provision of pedestrian interconnectivity with the numerous adjoining commercial uses and townhouse and single family residential developments along Keyes Ferry Road as well as future commercial and residential around the property. When Somerset was originally designed, these requirements for pedestrian interconnectivity did not exist, but the Comprehensive Plan recommends providing this interconnectivity for existing as well as proposed development. The question always becomes how to begin to meet this goal in an area that is already partially developed without this feature. In this case, the proposed Starbucks will be located on a small portion of the larger Shopping Center property, adjoining two smaller out parcels (the MVB Bank and the gas station) which were not subject to this requirement. Logically, while the interconnectivity is an important benefit to the community as a whole, even if Starbucks were to install the sidewalk, it would not offer the connectivity desired. The request to provide the easement seems reasonable provided that as the adjacent parcels and the balance of the Shopping Center re-develops in the future additional easements are provided and at some point the sidewalk is required to be installed on the shopping center parcel and the out parcels.

4. Waiver Requirements:

The applicant is requesting that the requirement for providing an interconnecting sidewalk be waived that they be permitted to provide a 10' pedestrian/bike easement in lieu of the required sidewalk. They have addressed the following requirements found in "Division 24.300 Waivers" of the Subdivision Regulations in their attached application:

Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- (1) that 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;
- (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations;
and
- (4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

5. Staff Recommendation:

Staff prefers to see the beginning of an interconnected sidewalk for this area of the County; however, if the Planning Commission is inclined to approve this waiver, staff recommends that the proposed 10' easement be provided by deed or plat and that the easement be marked either by signage or striping if the area is paved so both drivers and pedestrians are aware that foot traffic may occur in this area.



JEFFERSON COUNTY, WEST VIRGINIA
Dept. of Engineering, Planning, and Zoning
Office of Planning and Zoning
 116 East Washington Street, P.O. Box 716
 Charles Town, WV 25414
 www.jeffersoncountywv.org

File Number: PCW18-
 Staff Initials: rlg
 Sketch Received: 5/22/18
 List of Adjoiners: _____
 Fees Paid: 100.00

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: Kentland Foundation, Inc.
 Mailing Address: PO Box 879, Berryville, VA 22611
 Phone Number: _____ Email: _____

Applicant Contact Information

Name: Ms. Helene McCarron
 Mailing Address: PO Box 879, Berryville, VA 22611
 Phone Number: _____ Email: _____

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

Name: Greenway Engineering, Inc. c/o Mr. Randy Kepler
 Mailing Address: 704 Foxcroft Avenue
 Phone Number: 304-620-5111 Email: rkepler@greenwayeng.com

Physical Property Details

Physical Address: Somerset Village Shopping Center, 58 Somerset Blvd.
 Tax District: Charles Town (2) Map No: 9 Parcel No: 8.7
 Parcel Size: 15.07 acres Deed Book: 700 Page No: 61 (PB 10/Pg 59)

Zoning District (please check one)

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

RECEIVED

MAY 22 2018

JEFFERSON COUNTY
 PLANNING AND ZONING DEPARTMENT

Place Date Stamp Here

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

Appendix B Section 10.6 (Sidewalk Requirement) of the Jefferson County Subdivision and Land Development Requirements

Briefly Describe the Nature of Your Waiver Request:

A supplemental report has been provided which addresses all required justification for this waiver. The nature of the request is outlined in the attached report.

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.

A supplemental report has been provided which addresses all required justification for this waiver. This question has been addressed in the attached report.

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.

A supplemental report has been provided which addresses how this request will not adversely affect the public health, safety, or welfare or the rights of the adjacent property owners.

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

A supplemental report has been provided which addresses how this request will be keeping with the intent of the Ordinance.

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

A supplemental report has been provided which addresses how this quest will result in a project of better quality and/or character.

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

Helene W McCann 5/16/18
Signature of Property Owner Date

Signature of Property Owner Date

To Be Completed By Office

_____ Date of Public Meeting/Public Hearing _____ Date Property to be Posted By
_____ Official/Administrative Body _____ Date Adjoiner Letters to be Mailed

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

Approved *Denied*



704 Foxcroft Avenue
Martinsburg, WV 25401

May 22, 2018

Jefferson County Department of Planning and Zoning
Attn: Ms. Jennie Brockman, County Planner
116 East Washington Street, 2nd Floor
PO Box 716
Charles Town, West Virginia 25414

RECEIVED
MAY 22 2018
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Re: **Starbucks Drive-Through Coffee Shop (Somerset Village Shopping Center)
Waiver Application Appendix B Section 10.6 Curbs, Gutters, & Sidewalks**

Dear Ms. Brockman:

I am writing on behalf of our client, the Kentland Foundation, Inc. The applicant is currently working with the Planning and Zoning staff in pursuit of the goal of constructing a Starbucks with a Drive-Thru, in the Somerset Village Shopping Center (#87-21).

Greenway Engineering is currently working with staff through the site plan process. During this process, we have met with County Staff, and analyzed current code to ensure that the site plan is submitted in compliance with the Jefferson County Subdivision and Land Development Regulations.

Through this process, we have found that a sidewalk waiver, in accordance with Appendix B Section 10.6, is required to proceed with the site plan process. Therefore, to complete our Site Plan review with Jefferson County Planning and Zoning, we respectfully request review and approval of a waiver to the following code section: Appendix B, Section 10.6 "Curbs, Gutters, and Sidewalks", of the Jefferson County Subdivision and Land Development Regulations, as amended February 1, 2018.

The following information is the applicant's required justification and response(s) to the conditions required for approval, for each of the subcategories outlined below as outlined in the Subdivision Ordinance.

I. What section of the Jefferson County Subdivision Regulations are you requesting to waive?

We are requesting a waiver to Appendix B, Section 10.6 "Curbs, Gutters, and Sidewalks", of the Jefferson County Subdivision and Land Development Regulations, as amended February 1, 2018.

Section 10.6 Curbs, Gutters, & Sidewalks states that Stormwater management using low impact development technology (LID) and landscaping or curb, and gutter systems as well as sidewalks shall be provided to support multi-family residential and non-residential subdivision/site development. On a case by case basis, the Office of Planning and Zoning will review alternatives to traditional sidewalks; such alternatives may include hard surface trails or meandering paths. Planning and Zoning Staff may allow a 10' foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of Staff an easement(s) may be a preferred

Engineers Surveyors Planners Environmental Scientists Laboratory
Telephone 304.620.5111 Fax 540.722.9528
www.greenwayeng.com

option. Where curbs and gutters are provided to convey stormwater from impervious areas to stormwater management facilities; they shall be in accordance with Appendix B, Section 2.2.K.2, Roadway Curbs & Gutter.

II. Briefly describe the nature of the waiver request:

We are requesting that the Kentland Foundation be permitted to waive section 10.6 of Appendix B, requiring a sidewalk be included on their site plan. They respectfully request to provide a 10' foot pedestrian/bike easement in lieu of installation of a sidewalk on their property.

III. 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.

By providing the easement for the use of pedestrian/bike travel, in the future, the applicants are exhibiting their willingness to work towards the public benefit. However, given current site constraints such as overhead utility lines, utility easement, sanitary sewer force main, and stormwater management facilities in the immediate vicinity we believe the most effective means of balancing the needs of the public with the needs and responsibilities of the property owner is to provide a 10' pedestrian/bike easement in lieu of a sidewalk.

IV. 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.

Currently, there are no other sidewalks in the vicinity to increase connectivity between adjacent parcels and uses. Therefore, the applicants believe that the best option is to provide an easement for pedestrian/bike travel, without the incorporation of a sidewalk in an area with overhead utility lines, utility easements, a sanitary sewer force main, and a stormwater management pond.

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

The ordinance states that Planning and Zoning Staff may allow a 10' foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of Staff an easement(s) may be a preferred option. Arguably, it is more appropriate to provide an easement, if connectivity becomes an option in the future, but not to include a sidewalk which could compromise work on the existing utility lines, if it became necessary in an emergency.

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

If granted, this waiver, allows the applicant and staff to review and construct this project considering the constraints that exist on this specific parcel. If granted, this waiver will aid the applicants in redeveloping a portion of the Somerset Shopping Center. The preliminary site plan shows that this project will meet or exceed the landscape requirements within the Starbucks site area, and reduce the overall impervious percentages of the site, and decreasing storm water volumes. The applicant has made every effort to comply with the ordinance, and to submit the most thorough application possible, with the hope that staff and the Jefferson County Planning Commission will look favorably on this application. However, by granting this waiver, the Planning Commission could be of great assistance in the redevelopment process.

Thank you for your consideration of this matter. Please review this information and contact me if you have any questions, or if you need anything else regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie MacLean". The signature is fluid and cursive, with a horizontal line at the end.

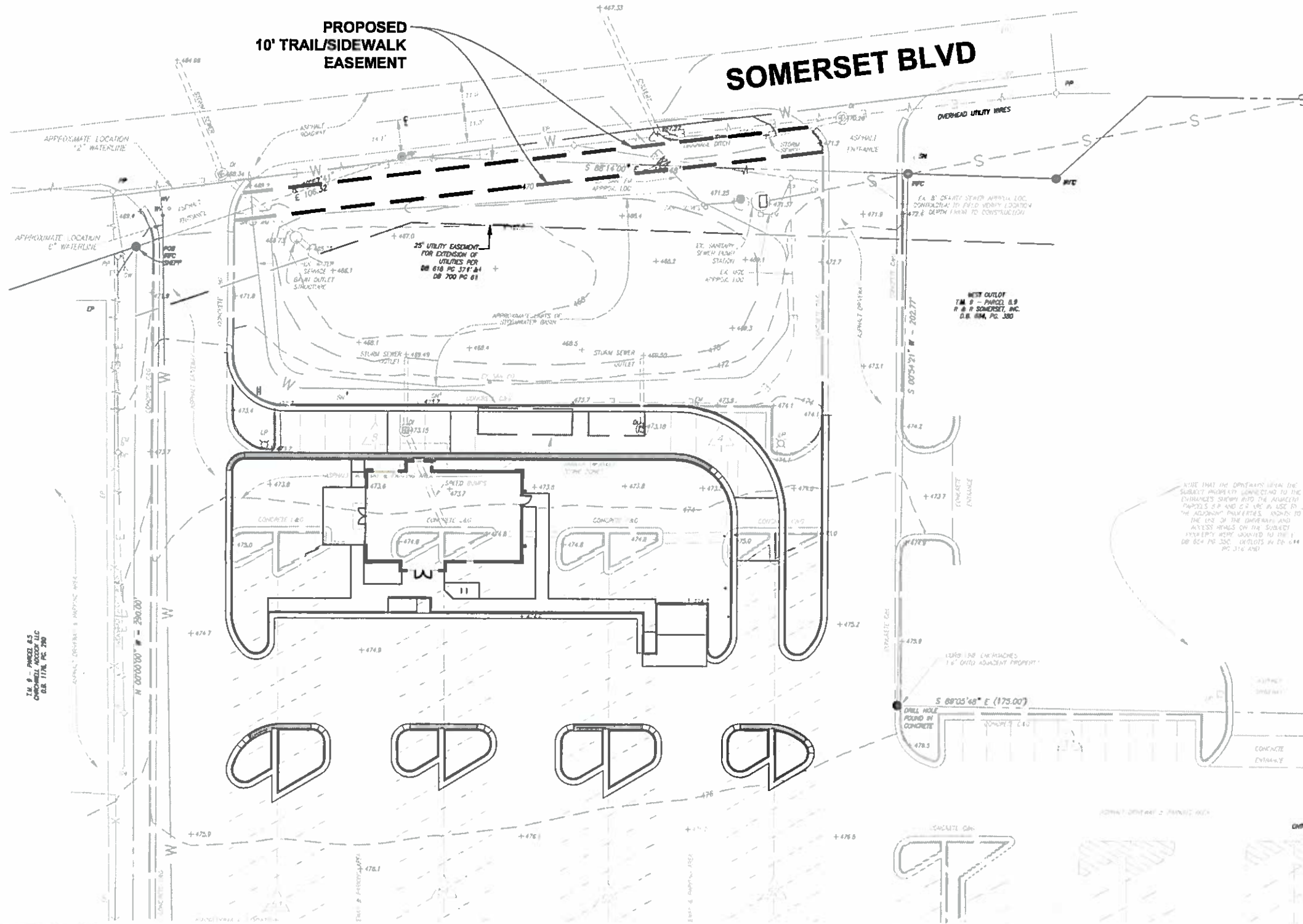
Jamie Rogers MacLean CFM, CZO
Director of Planning
Greenway Engineering, Inc.

Attachments: Exhibit #1-Proposed 10' Pedestrian Easement

OLD ROUTE 340

WV COUNTY ROUTE 340/6
 VARIABLE WIDTH R/W
 PAVEMENT WIDTH = 22'±

**OLD ROUTE 340
 WV COUNTY ROUTE 340/6**



714 Fozzrell Avenue
 Martinsburg, West Virginia 25401
 Telephone: (304) 835-5111
 Fax: (304) 722-8528
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SIDEWALK EASEMENT

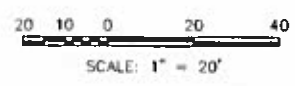
STARBUCK'S SOMERSET VILLAGE

CHARLES TOWN DISTRICT
 Jefferson County, WV

RECEIVED

MAY 22 2018

JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING



Rev. No	Date

DATE: 05/18/2018

SCALE: 1" = 20'

DESIGNED BY: MAM

FILE NO. 8008

SHEET 1 OF 1

S18-03



Jefferson County, West Virginia

Office of Planning and Zoning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

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Planner's Memorandum Planning Commission Meeting June 12, 2018

1) Zoning Ordinance Text Amendments

a) Landscape Standards

- Stakeholder meeting with staff held – draft amendment to be developed.

b) Parking Standards

c) WV45 Gateway Design Standards (ZTA17-02)

- Shepherdstown Planning Commission input received 4/4/18
- Staff to initiate effort in Fall 2018

2) Subdivision Regulation Text Amendments

a) Subdivision and Land Development Regulations Amendments (STA18-01)

- Staff initiated effort on larger amendment including reorganization of Sub Reg. sections is underway.

3) Upcoming PC meetings

- #### a) Next Regular Meeting: July 10, 2018