

AGENDA
Jefferson County Planning Commission
Tuesday, February 12, 2019 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.

1. Election of Planning Commission Officers.
2. Approval of Meeting Minutes: 1-8-2019.
3. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
4. Request for postponement.
5. **Public Workshop:** Concept Plan for Seneca Crossing, LLC. (File #18-25). A proposed nonresidential Major Subdivision Lots 1, 2 & 3 (including a proposed 9,676 sq/ft. medical office building). The property is designated as Tax District: Shepherdstown (09); Tax Map: 08; Parcel: 50. Zoned: Residential-Light Industrial-Commercial; Size: 4.5 acres.
6. **Public Hearing:** Waiver request by Seneca Crossing, LLC. (File #19-2-PCW). Applicant is requesting a waiver from Sections 24.114 & 24.115 of the Subdivision and Land Development Regulations to allow Seneca Crossing to process a preliminary plat for a Nonresidential Major Subdivision Lots 1, 2 & 3 administratively. The property is designated as Tax District: Shepherdstown (09); Tax Map: 08; Parcel: 50. Zoned: Residential-Light Industrial-Commercial; Size: 4.5 acres.
7. **Public Hearing:** Waiver request by Richard Beddow (File#19-1-PCW). Applicant is requesting a waiver from section 20.201B(3) of the Subdivision and Land Development Regulations to reduce the required access easement width from 50' to 40' for the creation of (5) family transfer lots. The property is designated as Tax District: Shepherdstown (04); Tax Map: 10; Parcel: 5.2. Zoned: Rural; Size: 17.60 acres.

There is no public comment for the following items.

8. Discussion and Possible Action related to proposing the preparation of an RFQ or RFP for Subdivision Regulation and Zoning Ordinance updates (Steve Stolipher)
9. Discussion and Action on 2nd Quarterly Report for County Commission
10. Reports from Legal Counsel and legal advice to the Planning Commission
11. Planner's Memo.
12. President's Report
13. Actionable Correspondence
14. Non-Actionable Correspondence

Meeting Minutes
Jefferson County Planning Commission
January 8, 2019

The Jefferson County Planning Commission met on January 8, 2019 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Mike Shepp, Ron Thomas and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.

J. Ware was absent without notification.

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

1. Approval of the December 11, 2018 Meeting Minutes. The meeting minutes from the December 11, 2018 meeting were approved with no objections.
2. Citizen Communications. Mr. Fisher called on members of the public who wished to speak under this item. Ms. Teresa Collins, President, and Sean Godsey, Vice President, of Eastern Panhandle Mountain Bike Association, a new 501C3, spoke to the Commission regarding the potential to have off-road cycling opportunities on County owned property. Ms. Collins was advised to speak with the Jefferson County Parks and Recreation Commission regarding her proposal.
3. Request for postponement. None.

Ms. Brockman noted that Election of Officers was inadvertently left off the agenda and that it would be added to the February agenda.

4. Public Hearing: Request by applicant Jeffrey and Robin Smith for an approval of a waiver from Section 20.201 (A or B) to reduce the required access easement width of Firefly Lane from 50' to 40' for the creation of one (1) new residential lot (PCW 18-17). Firefly Lane was created as part of the Mariani Minor Subdivision (PC File #91-36). The property is designated as Tax District: Harpers Ferry (04); Tax Map: 6; Parcel: 9.1. Zoned: Rural; Size: 11.24 acres.

Ms. Brockman provided an overview of her staff report explaining that the proposed lot would access Firefly Lane, an existing 40' access easement. Ms. Brockman noted that the residue parcel would continue to utilize Smith Manor Lane, also an existing 40' access easement.

Jeffrey and Robin Smith, property owners, explained the nature the request stating that at one time they owned all the surrounding parcels and that they had merged the two residue parcels of the previous subdivisions for the purpose of building a garage.

Mr. Fisher opened the floor for public comment. There was no public comment. Mr. Fisher closed the floor to Public Comment.

Mr. Stolipher moved to approve the waiver as requested. Mr. Hefestay seconded the motion, which carried unanimously.

5. Public Hearing: Request by applicant Garnett Catrow & Harry Catrow, Jr. for an approval of a waiver from Section 20.201 and 20.202(C) of the 2008 Subdivision Regulations (adopted

10/9/08) that required all lots to face on an access easement having a width of 50 feet and that the easement be part of the residue or remaining property. The applicant is requesting Lot 1 of the Catrow Minor Subdivision (PC File #09-27) be permitted to utilize a separate driveway onto Sandpiper Lane (PCW 18-18). The property is designated as Tax District: Shepherdstown (09); Tax Map: 7; Parcel 32.15; Zone: Residential Growth; Size: 22.8 acres.

Ms. Brockman provided an overview of her staff report explaining that the applicant wished to retain the existing construction entrance.

Harry Catrow, Jr., property owner, explained the nature the request stating that a separate entrance was unnecessary. Mr. Catrow stated that he has a letter of support from Mecklenburg Maintenance Association, Inc. (MMA) and confirmed that a house has been constructed on the property.

Mr. Lorenzetti arrived at 7:20 p.m.

Mr. Fisher opened the floor for public comment. There was no public comment. Mr. Fisher closed the floor to Public Comment.

Mr. Stolipher moved to approve the waiver as requested. Mr. Louthan seconded the motion, which carried seven (7) in support and one (1) recusal (Mr. Lorenzetti was not in attendance for the entirety of the request).

6. Reports from Legal Counsel and legal advice to the Planning Commission. None.

7. Planner's Memo. Ms. Brockman informed the Commission of the following:

- Proposed text amendments that Staff would be working on during 2019.
- Digital Submissions/Review
- The next meeting would be on February 12, 2019.

8. President's Report. None.

9. Actionable Correspondence. None.

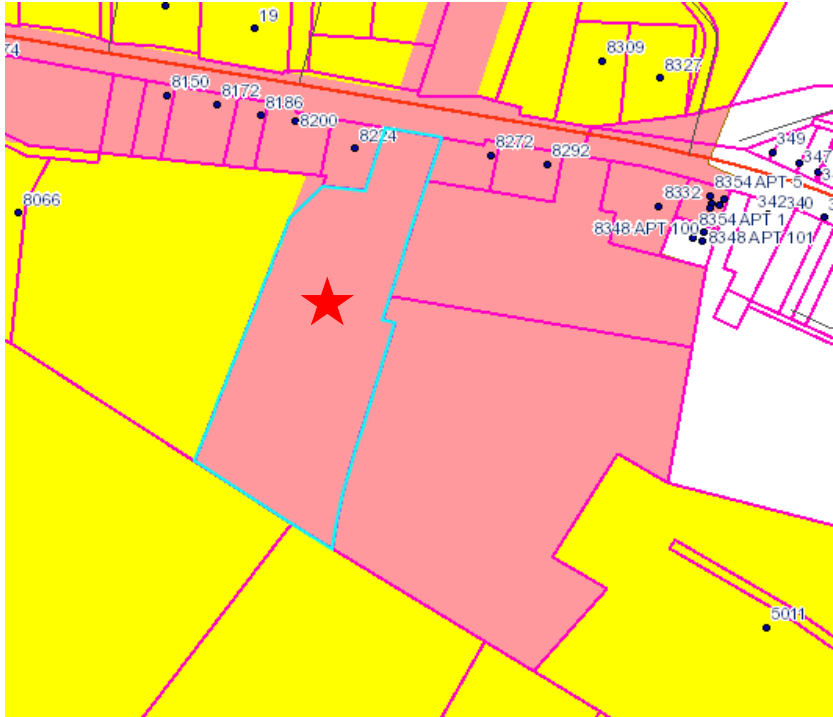
10. Non-Actionable Correspondence. None.

Mr. Fisher closed the meeting at 7:24 PM.

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Item # 5

Public Workshop: Request by applicant for approval of a Concept Plan for the Seneca Crossing, LLC Development (File#18-25) , a proposed Major Non-Residential, Lots 1, 2 & 3 (including a proposed 9,676 sq/ft. medical office building).

APPLICANT:	Seneca Crossing, LLC. Attn: Eric Lewis
OWNER:	Same as Applicant
DEVELOPER:	Same as Applicant
CONSULTANT/ ENGINEER	Paul J. Raco Consulting, LLC./ Fox & Associates, Steve Cvjanovich, P.E.
PROPERTY LOCATION:	Vacant Parcel Approx. 430' West of Sheetz on WV 45/Martinsburg Pike
LEGAL DESCRIPTION & ZONING DISTRICT	<p style="text-align: center;">Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 50; Size 4.5 ac; Zone: Residential-Light-Industrial-Commercial</p> 
ADJACENT ZONING DISTRICTS	<p><i>North:</i> Residential/Light Industrial/Commercial and Residential Growth <i>South:</i> Residential Growth <i>East:</i> Residential/Light Industrial/Commercial <i>West:</i> Residential Growth and Residential/Light Industrial/Commercial</p>
PARCEL HISTORY	Previously approved Seneca Crossing South Subdivision (40 townhouses) (File#06-10) BZA Variance #ZV18-21 to reduce distance requirement from RG zone: 12/13/18
PROPOSED ACTIVITY	3 Non-Residential Lots, 1 including a proposed 9,676 sq. ft. medical office building

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1. Summary of Request:

The applicant is requesting to vacate a previously approved 40-lot residential townhouse subdivision (File # 06-10, PB 24/PG 58) that was approved, bonded and recorded on 10/3/07, but never constructed. The proposed development is to process three Non-Residential Subdivision lots and a common ownership lot, which is required to process as a Major Non-Residential Subdivision, requiring a Concept Plan. In accordance with Section 20.203 of the Subdivision Regulations, once a Major Non-Residential with master planned roads and stormwater is approved, each Site Plan can process as a Minor Site Plan, which is administratively approved and does not require a separate Concept Plan. In order to provide the Planning Commission and public an opportunity to see what is proposed on this site, the applicant has included a Concept Plan for Lot 1 on the subdivision Concept Plan which is proposed to be developed as a 9,676 sq. ft. WVU Medical Office Facility.

Procedurally, because this could have processed as an amendment to a previously approved Preliminary Plat and Final Plat, merging many lot lines and red-lining the Preliminary Plat, staff and the applicant agreed that presenting this detailed Concept Plan detailing the overall end product and the expected development of Lot1 would provide the most transparency to the public and Planning Commission and allow input before the changes to the previously approved engineering on the water and sewer lines, stormwater and access roads are finalized.

The development is proposed to have access via Maclaine Way from Martinsburg Pike (WV 45), within a right-of-way which will exceed the 60' required for a Non-Residential Street. Maclaine Way is proposed to be a shared entrance with the proposed ROCs development occurring to the east of this property. The road is currently proposed to be a cul de sac serving three Non-Residential lots plus ROCs.

It should be noted that the Subdivision Regulations require the Jefferson County Offices of Engineering and Planning to defer to the WV Division of Highways' (WV DOH) requirements and approval for all major subdivisions. The Regulations also state that during the Concept Plan stage, the WV DOH shall determine if a Traffic Impact Study (TIS) is required. If required, such a study shall be completed during the Preliminary Plat stage. As noted below, the WV DOH required the TIS that was undertaken for the ROCs Concept Plan be modified to include the development of this property for future office/commercial development. This TIS is currently under review by the WV DOH.

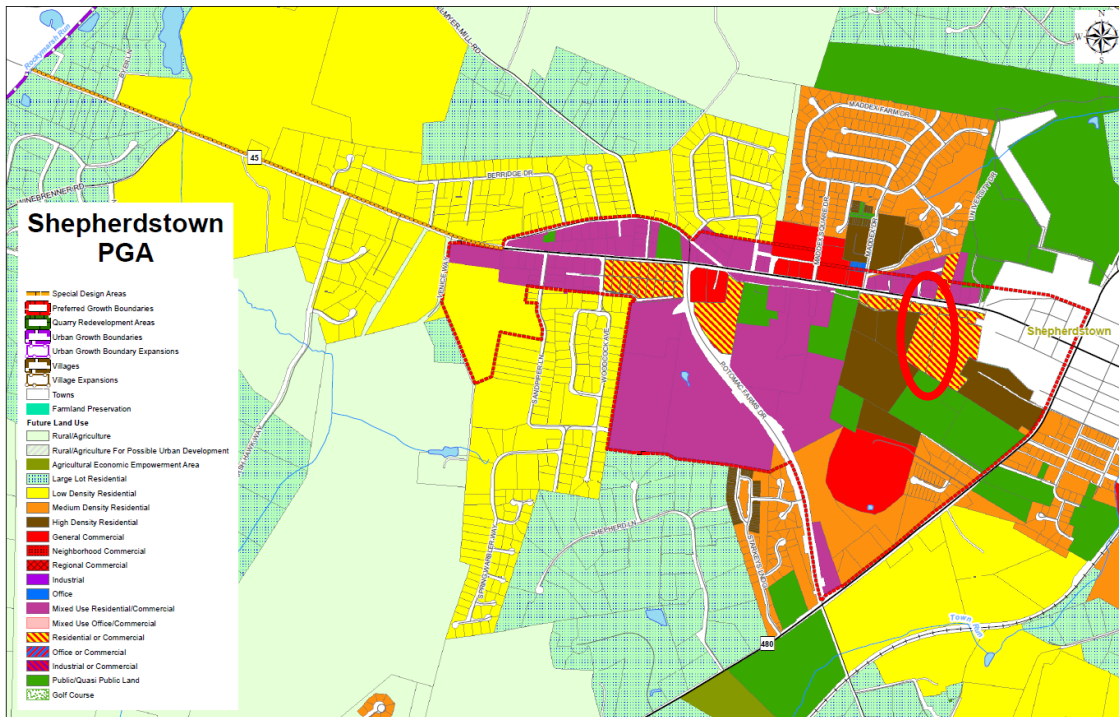
2. Conformance with the Comprehensive Plan:

The 4.5 acres upon which this development is proposed are zoned Residential-Light-Industrial-Commercial. This zoning has been in effect since zoning was adopted by the County in 1988. This area is depicted on the Shepherdstown Preferred Growth Area Map (below) of the *2035 Envision Jefferson Comprehensive Plan* as "Residential or Commercial" which is described in the *Plan* as follows:

"This land use classification reflects properties zoned Residential-Light Industrial-Commercial (R-LI-C) 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 intensity that is permitted in the Highway Commercial is not appropriate in this land use class."

The proposed development conforms with these recommendations of the *2035 Envision Jefferson Comprehensive Plan*.

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3. Waivers/Variations Required

The applicant has applied for the following waiver related to the processing of this subdivision, which shall be heard at a Public Hearing during this meeting, following the Concept Plan Workshop:

- a. Waiver from Section 24.114 and 24.115 of the Subdivision Regulations to process a preliminary plat administratively.

The applicant has received approval for the following Zoning Variance related to the design of this subdivision. The Board of Zoning Appeals held the Public Hearing at their December 13, 2018 meeting:

- a. Variance from Section 4.6B to reduce the distance requirement from 75' to 25' to allow proposed commercial uses adjacent to the Residential Growth District.

The waiver request is addressed in a separate staff report. As the design of this development proceeds through the review process, other waivers or variations may be required and, if so, will require their own Public Hearings.

4. Staff Determination of Application Sufficiency and Concept Plan Completeness Review:

In accordance with the amended Subdivision Regulations, the Concept Plan process incorporates a sufficiency and completeness review in a single step. Staff found the submitted plan “sufficient” (i.e. meeting all requirements of Section 24.110 of the Jefferson County Subdivision and Land Use Regulations) with minor revisions and the approved variance. These requirements, as well as the current review status for each requirement for the Seneca Crossing application, are provided below:

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Required Item from Section 24.110(A-J)	Description	Status
B. Submission Contents	The submission shall contain the following elements:	
1. General Location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, Plan & Plat Standards.	Provided
3. Zoning Information	This shall include: a) Determination of the zoning district in which the proposed project is situated. b) Density calculations. c) Site resource map.	Provided, based on Residential/ Light Industrial/ Commercial Zoning
4. Proposal Description	This site shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided
5. Traffic Impact Data	This shall include: a) Average Daily Trip figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.	Provided; note: the County defers to WVDOH regarding approval of the required Traffic Impact Study (TIS)
Trip Generation	In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access improvements that are typically required by a traffic study. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.	Trip generation is projected to be 57.37 peak hour trips; however the WVDOH required the ROCS TIS to be amended to include Seneca Crossing which is required to be approved by WVDOH prior to approval of the Preliminary Plat

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6. Agency Reviews	The reviewing agencies found in Section 23.203 and 23.204 shall conduct reviews of the proposed concept plan. Applicant shall provide copy of letters sent to outside agencies to the Departments of Planning and Zoning within 7 days of submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.	Letters to required agencies provided; see responses below
7. Adjoining Property	Accurate list of all properties and owners' addresses adjoining the subject property to be notified by staff of the date of the workshop.	Provided
8. Other Data	Any other data or information the applicant believes will assist in the review.	
9. Other Reviews	Any other staff or agency reviews of the plans.	
C. Review Content	The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.	See below
D. Department	<p>The Department review shall include the following:</p> <ol style="list-style-type: none"> 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal. 2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan. 	Staff determined that the proposed Concept Plan has met the requirements of the Zoning Ordinance and the Subdivision Regulations; some design comments are found below
E. WVDOH	The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval.	Noted
F. Traffic Impact	The WVDOH shall determine whether a traffic impact study will be required during the preliminary plat stage.	WVDOH is requiring a TIS in conjunction with the ROCs development
G. Public Service	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system	Subdivision will be served by Shepherdstown Public Works

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	that shall be proposed by the developer to best meet the County's needs in that area of the County.	
H. Recommended Conditions	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	DOH and Utility provider engineering approval required before Preliminary Plat approval
I. Approval	Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete.
J. Effect	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop in a local newspaper and the applicant shall post notice on the property in accordance with the Subdivision Regulations.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

3. External Agency Reviews (correspondence is attached):

- a. WV DEP noted when an NPDES permit is required.
- b. Health Department has no further comments; the project will be served by public water and sewer.
- c. The WVDOH noted that an addendum to the TIS for ROC's has been submitted that includes Seneca Crossing. It is being reviewed and is not yet approved.
- d. Shepherdstown Public Works Departments will be able to serve the Seneca Crossing water and sewer needs. The water line connection will entail a road bore on Rt. 45. The sewer may require a temporary connection to the pump station near the property until the gravity sewer line is built.

As of this date, no other agency review comments have been received. Note that final approval of the engineering design is required from the Shepherdstown as the public water and waste water provider and the WV DOH prior to Preliminary Plat approval. If additional comments are received, they will be provided to the Planning Commission for their consideration.

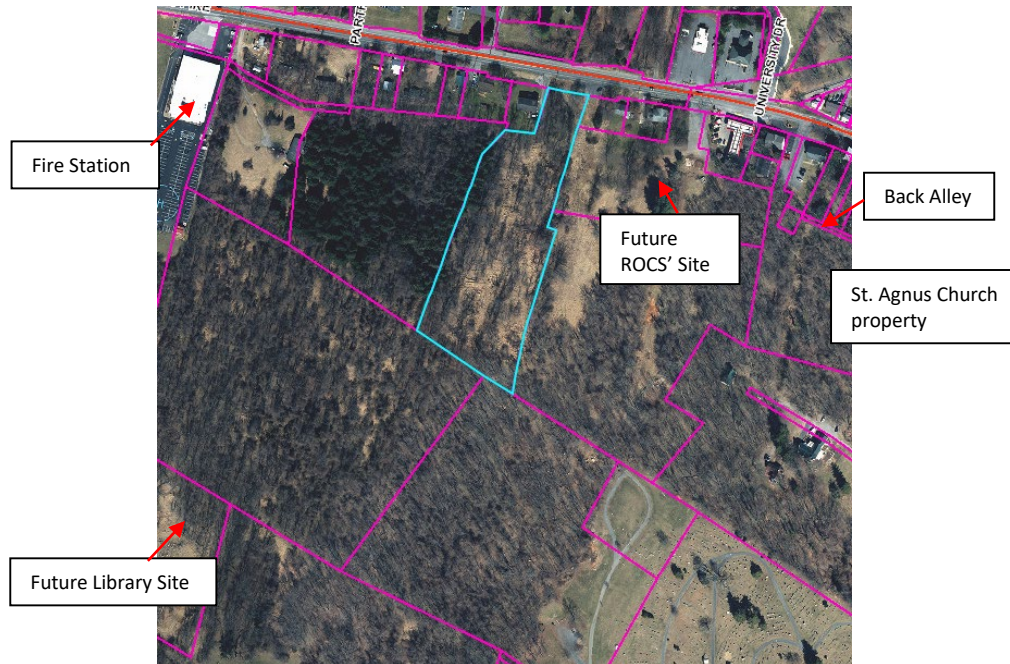
4. Staff Recommendation related to the Concept Plan :

The Planning and Zoning Department Staff finds the Seneca Crossing Concept Plan to be "complete" based on the information provided related to the criteria above; however, the following standards, which were not discussed during the completeness review, will need to be addressed prior to approval of the Preliminary Plat:

- a. The interconnectivity of the road system is a critical recommendation of the Envision Jefferson 2035 Comprehensive Plan, particularly in the Urban Level Development Section and the Economic Development, Employment, and Infrastructure Element. The shared access to ROCS and the Seneca Crossing property supports this concept. This development also has an opportunity to provide connectivity to properties to the west or south that may eventually allow connection to the new library site from WV 45 or to the east to connect to Back Alley toward Shepherdstown. At a

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minimum, the right-of-way should be extended to the adjoining property lines to allow future connections.



Sec. 21.102(D) of the Subdivision Regulations “Future Connections” states: “Where the adjoining land is vacant, the subdivision shall provide stub streets to the property line. Connections shall be made to all properties that are not vacant or have stub streets in place. The access shall be to properties on all sides. In larger subdivisions, not all streets need to be extended. The skipping of block extensions shall not exceed three block lengths or result in no connection being made to an adjoining parcel.”

Based on the Subdivision Regulations as noted above, this project will process as a Major Non-Residential Subdivision and the next step is to process a Preliminary Plat that meets all of the requirements and standards of the Subdivision Regulations, other than those for which a waiver is approved. A waiver request to allow the Preliminary Plat to process administratively as it is essentially a red-line to a previously approved Preliminary Plat is also on this agenda.

5. Planning Commission Direction

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

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

Following the applicant’s presentation, staff’s explanation and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this

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direction at the same meeting during which the Concept Plan public hearing takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public hearing is closed.

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

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

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



JEFFERSON COUNTY, WEST VIRGINIA

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

File Number: 18-25
Staff Initials: RBB
Total Fee(s): CP N/A

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

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

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

Concept Plan Review Checklist

The Concept Plan submittal shall be on white paper and shall show in simple form the proposed project. Further details can be found in the checklist below. The Concept Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules, and regulations.

In order to determine sufficiency, this application and a copy of the Concept Plan must be submitted to the Jefferson County Departments of Planning and Zoning 45 days prior to the next regularly scheduled Planning Commission meeting. Please refer to Article 24 of the Subdivision Regulations for Concept Plan Requirements.

Property Owner Information

Name: Seneca Crossing, LLC Attn: Eric Lewis
Mailing Address: 205 West Liberty Street, Charles Town, WV 25414
Phone Number: 304.279.6574 Email: ejlewis@oll-cpas.com

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

Name: Fox & Associates, Inc. Attn: Steve Cvijanovich
Mailing Address: 981 Mt. Aetna Road, Hagerstown, MD 21740
Phone Number: 301.733.8503 Ext. 129 Email: stevec@foxassociatesinc.com

Physical Property Details

Physical Address: No address assigned. Site is immediately adjacent to 8224 Martinsburg Pike, Shepherdstown, WV
City: Shepherdstown State: WV Zip Code: 25443
Tax District: 9-Shepherdstown District Map No: 8 Parcel No: 0050
Parcel Size: 4.48 acres Deed Book: 1034 Page No: 396

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (O/C). RLIC is checked.

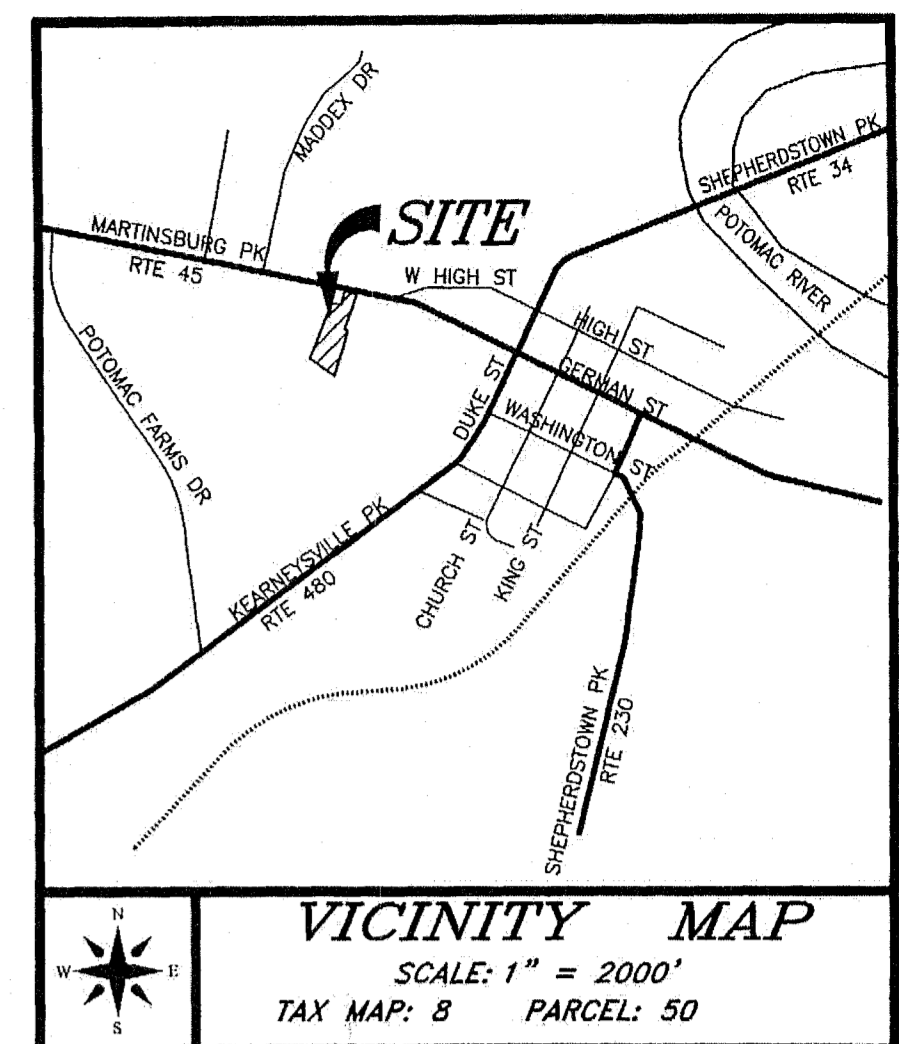
Signature of Property Owner [Signature] Date 12/27/18

Signature of Property Owner Date

CONCEPT PLAN FOR MAJOR NONRESIDENTIAL SUBDIVISION (LOTS 1, 2, & 3)

SENECA CROSSING LLC.

TAX MAP 8 PARCEL 50
SHEPHERDSTOWN
JEFFERSON COUNTY, WEST VIRGINIA
(D.B. 1034, PG. 396)



SITE ANALYSIS-SENECA CROSSING LLC SITE

TAX DISTRICT: 09 (SHEPHERDSTOWN DISTRICT)
PROPERTY MAP: 8
PARCEL: 0050
DEED: 1034/396

ZONING: R-LI-C (RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL DISTRICT)

BUILDING RESTRICTION LINES:
FRONT: 25'
SIDE: 25'
REAR: 25'

FUNCTIONAL DESCRIPTION (PROPOSED USES):

LOT 1-WVU MEDICINE MEDICAL OFFICE BUILDING
LOT 2-OFFICE (OR RETAIL OR OTHER PRINCIPAL PERMITTED OR APPROVED CONDITIONAL USE)
LOT 3-OFFICE (OR RETAIL OR OTHER PRINCIPAL PERMITTED OR APPROVED CONDITIONAL USE)
(LOTS 2 AND 3 SHOWN AS OFFICE FOR ILLUSTRATIVE PURPOSES)

SIZE OF PROPOSED BUILDINGS:

LOT 1-WVU MEDICINE MEDICAL OFFICE BUILDING 9,676 SF
LOT 2-ILLUSTRATED AS OFFICE SPACE 3,800 SF (SEE ABOVE FOR POTENTIAL USES)
LOT 3-ILLUSTRATED AS OFFICE SPACE 4,650 SF (SEE ABOVE FOR POTENTIAL USES)

SITE COVERAGE OF PROPOSED BUILDINGS BASED ON BUILDING FOOTPRINT

LOT 1-WVU MEDICINE MEDICAL OFFICE BUILDING 15.41%
LOT 2-ILLUSTRATED AS OFFICE SPACE 3,800 SF (SEE ABOVE FOR POTENTIAL USES)
13.53%
LOT 3-ILLUSTRATED AS OFFICE SPACE 4,650 SF (SEE ABOVE FOR POTENTIAL USES)
13.10%

SITE IMPERVIOUS SURFACE COVERAGE (MAXIMUM ALLOWED 80%)

LOT 1-WVU MEDICINE MEDICAL OFFICE BUILDING: 66.85 %
LOT 2-ILLUSTRATED AS OFFICE SPACE 3,800 SF (SEE ABOVE FOR POTENTIAL USES)
49.40%
LOT 3-ILLUSTRATED AS OFFICE SPACE 4,650 SF (SEE ABOVE FOR POTENTIAL USES) 35.19%

SITE AVERAGE DAILY TRAFFIC PER LOT

LOT 1-WVU MEDICINE MEDICAL OFFICE BUILDING: 4.20 TRIPS PER 1,000 SF = 40.64 TRIPS
LOT 2-ILLUSTRATED AS OFFICE SPACE: 1.98 TRIPS PER 1,000 SF = 7.52 TRIPS
LOT 3-ILLUSTRATED AS OFFICE SPACE 1.98 TRIPS PER 1,000 SF = 9.21 TRIPS

PARKING REQUIRED:

LOT 1: 5 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA: 9,676 SF/1,000 X 5 SPACES=49 SPACES
LOT 2: 1 SPACE PER 300 SQUARE FEET OF FLOOR AREA: 3,800 SF/300=13 SPACES
LOT 3: 1 SPACE PER 300 SQUARE FEET OF FLOOR AREA: 4,650 SF/300=16 SPACES

TOTAL PARKING REQUIRED = 78 SPACES (LOTS 2 AND 3 SHOWN FOR ILLUSTRATIVE PURPOSES. ACTUAL WILL MEET STANDARDS FOR USE PROPOSED AT TIME OF APPROVAL.)

TOTAL PARKING PROVIDED:

LOT 1: 50 SPACES INCLUDING 2 VAN-ACCESSIBLE HANDICAPPED SPACES.
LOT 2: 14 SPACES INCLUDING 1 VAN-ACCESSIBLE HANDICAPPED SPACES.
LOT 3: 20 SPACES INCLUDING 1 VAN-ACCESSIBLE HANDICAPPED SPACES.

TOTAL PARKING PROVIDED = 84 SPACES (LOTS 2 AND 3 SHOWN FOR ILLUSTRATIVE PURPOSES. ACTUAL WILL MEET STANDARDS FOR USE PROPOSED AT TIME OF SITE PLAN APPROVAL.)

SOLID WASTE DISPOSAL - DUMPSTER - PRIVATE CONTRACTOR- DUMPSTER LOCATED ON SUBJECT LOTS

WATER: PUBLIC- PROVIDED BY THE TOWN OF SHEPHERDSTOWN

SEWER: PUBLIC- PROVIDED BY THE TOWN OF SHEPHERDSTOWN

WATER/SANITARY SEWER USAGE:

LOT 1-243 GPD (BASED ON AN EXISTING WVU MEDICINE MEDICAL OFFICE BUILDING OF SIMILAR SIZE)

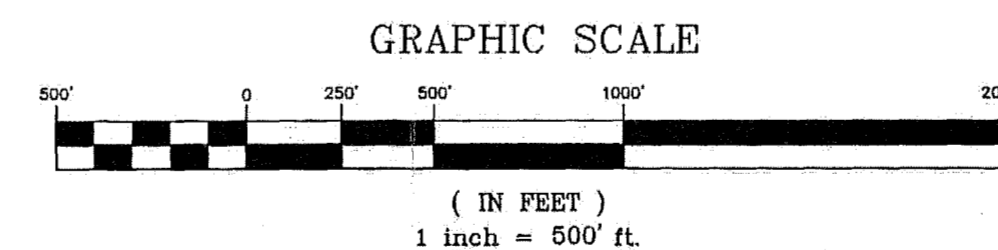
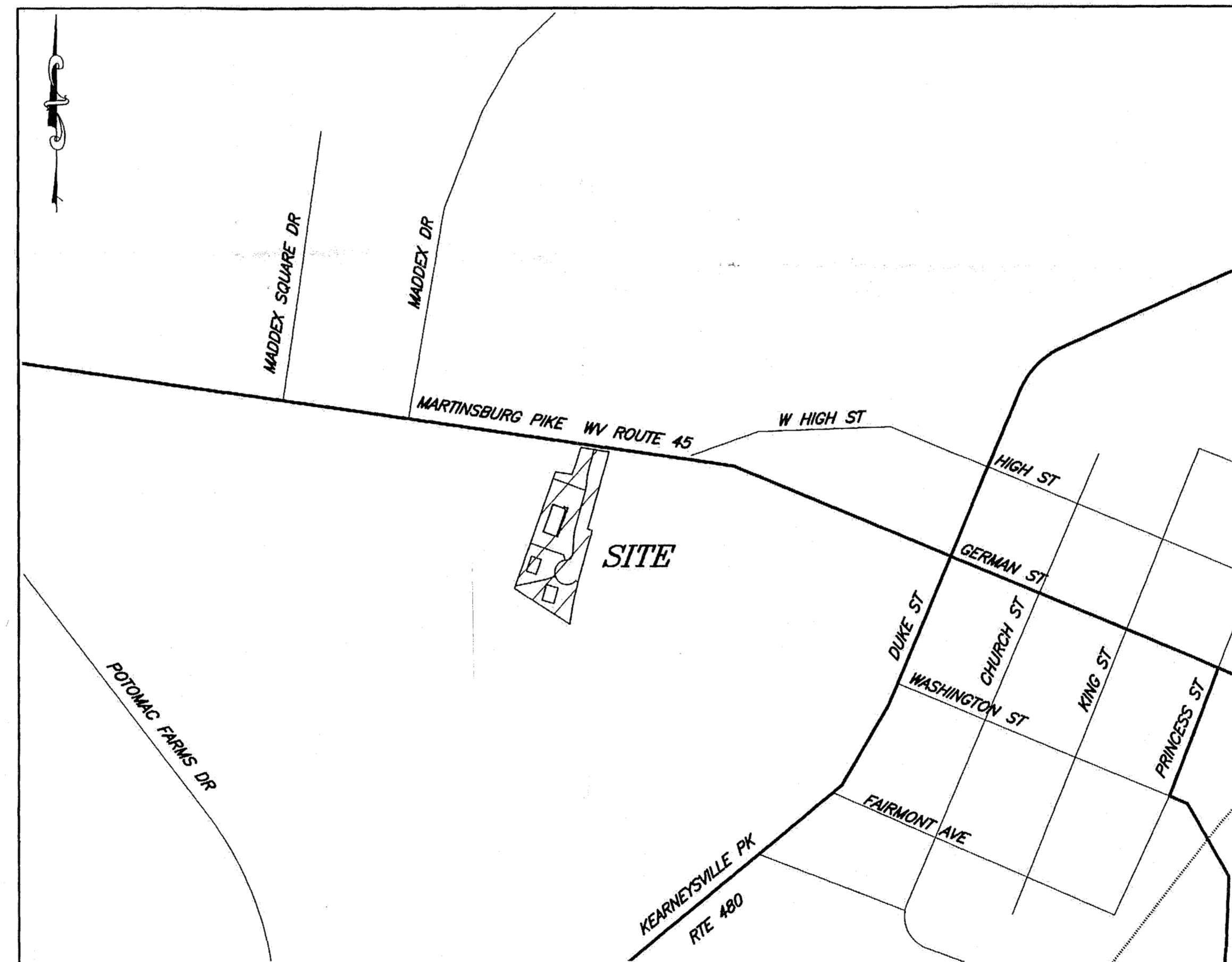
LOT 2-342 GPD (BASED ON A FLOW PROJECTION OF 0.09 GPD PER GROSS SQUARE FOOTAGE OF BUILDING WHICH IS SUBJECT TO CHANGE)

LOT 3-419 GPD (BASED ON A FLOW PROJECTION OF 0.090 GPD PER GROSS SQUARE FOOTAGE OF BUILDING WHICH IS SUBJECT TO CHANGE)

FREIGHT AND DELIVERY REQUIREMENTS - 2 PER DAY FOR EACH LOT (LOTS 1, 2, AND 3)

SITE SIGNAGE:

A FREE STANDING BUSINESS SIGN IS PROPOSED ON THE PROJECT. THE EXACT LOCATION OF THE FREE STANDING BUSINESS SIGN HAS NOT BEEN FINALIZED, BUT WILL BE LOCATED TO ENSURE VISIBILITY FROM MARTINSBURG PIKE, WV ROUTE 45 AND SHALL BE IN CONFORMANCE WITH JEFFERSON COUNTY REQUIREMENTS.



JAN 11 2019



INDEX OF SHEETS

1. COVER SHEET
2. CONCEPT PLAN

OWNER / DEVELOPER
SENECA CROSSING, LLC
ATTN: ERIC LEWIS
205 WEST LIBERTY STREET
CHARLES TOWN, WV 25414
TELE: 304-279-6574

01/8/2019 REVISED PER AGENCY COMMENTS

PROJECT DESCRIPTION

SENECA CROSSING LLC IS THE OWNER OF PROPERTY LOCATED ALONG MARTINSBURG PIKE IN SHEPHERDSTOWN WEST VIRGINIA. THE 4.48 ACRE PARCEL IS BETTER DESCRIBED AS BEING LOCATED IN DISTRICT 9 (SHEPHERDSTOWN DISTRICT) TAX MAP 8 PARCEL 0050. THE SUBJECT PARCEL LIES WITHIN THE RESIDENTIAL/LIGHT INDUSTRIAL/COMMERCIAL (RLIC) ZONING DISTRICT. THE PROJECT SITE FRONTS MARTINSBURG PIKE, WEST VIRGINIA ROUTE 45. THE SENECA CROSSING TRACT IS TO BE SUBDIVIDED TO CREATE THREE (3) NONRESIDENTIAL BUILDING LOTS. LOT 1 IS TO BE DEVELOPED BY WVU MEDICINE AS A WVU MEDICINE MEDICAL OFFICE BUILDING. THE WVU MEDICINE MEDICAL OFFICE BUILDING SHALL CONSIST OF A BUILDING OF APPROXIMATELY 9,676 SQUARE FEET ON A LOT OF APPROXIMATELY 1.4412 ACRES. THE REMAINING PROPOSED LOTS, LOTS 2 AND 3, ARE APPROXIMATELY 0.6448 ACRES AND 0.8147 ACRES IN SIZE, RESPECTIVELY, AND ARE PROPOSED TO INCLUDE BUILDINGS BETWEEN 3,000 SQUARE FEET AND 4,999 SQUARE FEET, RESPECTIVELY. IN THE ALTERNATIVE, AT THE DISCRETION OF THE OWNER, LOTS 2 AND 3 COULD BE COMBINED TO CONTAIN ONE BUILDING OF UP TO 10,000 SQUARE FEET OF OFFICE/RETAIL OR OTHER PRINCIPAL PERMITTED USE OR APPROVED CONDITIONAL USE. THE USERS ON LOTS 2 AND 3 ARE NOT DEFINED AT THIS TIME BUT WILL BE OFFICE/RETAIL OR OTHER PRINCIPAL PERMITTED OR APPROVED CONDITIONAL USE IN THE RLIC DISTRICT. FURTHER DEVELOPMENT ON LOTS 2 AND/OR 3 WILL BE SUBJECT TO FUTURE SITE DEVELOPMENT SUBMISSION TO THE COUNTY FOR REVIEW AND APPROVAL.

THIS SITE WAS ORIGINALLY PROPOSED TO BE A 40 LOT TOWNHOUSE DEVELOPMENT. THE 40 LOT TOWNHOUSE SUBDIVISION PLAN IS BEING REPLACED WITH THIS 3 LOT NON-RESIDENTIAL SUBDIVISION.

THE SENECA CROSSING PROPERTY IS CURRENTLY UNDEVELOPED AND IS A MIX OF TREES AND OPEN MEADOW AREAS. THE TOPOGRAPHY OF THE SITE IS MODERATELY SLOPING FROM SOUTH TO NORTH WITH THE AVERAGE SLOPE OF THE SITE BEING APPROXIMATELY 5.0%. THE SUBJECT SITE IS DEPICTED ON FEMA FLOODPLAIN MAP 540300040E. THE EFFECTIVE DATE OF THE FEMA FLOODPLAIN MAP IS 12-18-2009. THE SENECA CROSSING SITE IS LOCATED WITHIN A ZONE X AREA WHICH IS DEFINED AS AN AREA OF A MINIMAL FLOOD HAZARD.

THE USE PROPOSED ON LOT 1 IS THE WVU MEDICINE MEDICAL OFFICE BUILDING. THIS IS USE IS A PRINCIPAL PERMITTED USE IN THE RLIC ZONING DISTRICT. AS STATED PREVIOUSLY, THE SPECIFIC USES ON LOTS 2 AND 3 ARE NOT KNOWN AT THIS TIME, BUT FOR CONCEPT PLAN PRESENTATION PURPOSES AND FOR PARKING AND STORMWATER MANAGEMENT PURPOSES, THE CONCEPT PLAN SHOWS AN ILLUSTRATIVE PLAN THAT REPRESENTS A PROPOSED FOOTPRINT AND PARKING AREA THAT WILL BE REVISED TO MEET THE STANDARDS OF THE ORDINANCE BASED ON ACTUAL USE AT SITE DEVELOPMENT PLAN STAGE WHEN USES ARE DEFINED IN THE FUTURE. THE PARKING REQUIRED FOR THE WVU MEDICINE MEDICAL OFFICE BUILDING PROPOSED ON LOT 1 IS BASED ON THE REQUIREMENT OF 5 PARKING SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR SPACE. THE PROPOSED BUILDING SIZE IS 9,676 SQUARE FEET IN SIZE, WHICH YIELDS A REQUIRED PARKING COUNT OF 49 PARKING SPACES. THE SITE LAYOUT OF LOT 1 YIELDS 50 PARKING SPACES INCLUDING 2 HANDICAPPED VAN ACCESSIBLE PARKING SPACES.

THE ILLUSTRATED BUILDING ON LOT 2 (SUBJECT TO CHANGE AS EARLIER DESCRIBED) IS SHOWN AS 3,800 SQUARE FEET IN SIZE AND THE PARKING REQUIRED WAS BASED ON THE REQUIREMENT OF 1 PARKING SPACE PER 300 SQUARE FEET OF FLOOR AREA. THIS BUILDING SIZE AND PARKING REQUIREMENT YIELD 13 PARKING SPACES BEING REQUIRED. THE SITE LAYOUT OF LOT 2 YIELDS 14 PARKING SPACES INCLUDING 1 HANDICAPPED VAN ACCESSIBLE PARKING SPACE. THE ILLUSTRATED BUILDING ON LOT 3 (SUBJECT TO CHANGE AS EARLIER DESCRIBED) IS 4,650 SQUARE FEET IN SIZE AND THE PARKING REQUIRED WAS BASED ON THE REQUIREMENT OF 1 PARKING SPACE PER 300 SQUARE FEET OF FLOOR AREA. THIS BUILDING SIZE AND PARKING REQUIREMENT YIELD 16 PARKING SPACES BEING REQUIRED. THE SITE LAYOUT OF LOT 3 YIELDS 20 PARKING SPACES INCLUDING 1 HANDICAPPED VAN ACCESSIBLE PARKING SPACE. AGAIN, THESE ARE SHOWN FOR ILLUSTRATIVE PURPOSES AND WILL MEET THE STANDARDS OF THE ORDINANCES WHEN THE USES AND SIZES ARE DETERMINED ON LOTS 2 AND 3.

THE SENECA CROSSING LLC SITE IS SERVED BY PUBLIC WATER AND PUBLIC SEWER FACILITIES PROVIDED BY THE TOWN OF SHEPHERDSTOWN. THE PROPOSED UTILITY LINES WILL INCLUDE EXTENSION OF AN 8" PUBLIC SANITARY SEWER LINE THAT WILL RESULT IN A SANITARY SEWER MANHOLE BEING LOCATED ALONG THE EAST SIDE OF LOT 1. THIS SANITARY SEWER CONSTRUCTION WILL BE EXTENDED UNDER THE SENECA CROSSING PROJECT TO PROVIDE SERVICE TO LOTS 2 AND 3 AND ALSO ALLOW FOR AN EASEMENT RESERVATION OVER LOT 3 FOR FUTURE EXTENSION FOR THE TOWN. POTABLE WATER SERVICE TO LOTS 1, 2, AND 3 WILL BE PROVIDED BY A WATERLINE EXTENSION ORIGINATING AT MARTINSBURG PIKE, WEST VIRGINIA ROUTE 45, AND EXTEND INTO THE SUBJECT SITE WITHIN THE ROAD RIGHT OF WAY PROPOSED. THE WATERLINE EXTENSION SHALL TERMINATE NEAR LOT 3 AND SHALL INCLUDE A BLOW-OFF VALVE OR FIRE HYDRANT AT THE WATERLINE TERMINUS.

THE PROJECT PROPOSES TRASH ENCLOSURES ON EACH OF THE 3 LOTS PROPOSED. THE TRASH RECEPTACLES WITHIN THE ENCLOSURES SHALL BE SCREENED FROM PUBLIC VIEW AND THE EXTERIOR OF THE ENCLOSURES SHALL BE SUITABLY LANDSCAPED.

THIS PROJECT AS PLANNED WILL REQUIRE STORMWATER MANAGEMENT FACILITIES. THESE FACILITIES SHALL BE OWNED AND MAINTAINED BY A LOT OWNERS ASSOCIATION COMPRISED OF THE OWNERS OF THE 3 NON-RESIDENTIAL LOTS PLANNED BY THIS CONCEPT PLAN. THE OWNERSHIP AND MAINTENANCE RESPONSIBILITIES OF MAINTENANCE SHALL ALSO FALL UNDER THE LOT OWNERS ASSOCIATION COMPRISED OF LOT OWNERS OF THE 3 LOT NON-RESIDENTIAL SUBDIVISION PROPOSED BY THIS CONCEPT PLAN.

THE ANTICIPATED ADT FOR THIS PROJECT IS 57.37 PEAK HOUR TRIPS. THE NEAREST KEY INTERSECTION TO THIS SITE IS THE INTERSECTION OF WV ROUTES 480, 45, AND 230 COMMONLY KNOWN AS THE 4-WAY STOP IN SHEPHERDSTOWN. THE INTERSECTION OF WV ROUTES 480, 45, AND 230 COMMONLY REFERRED TO AS THE 4-WAY STOP IN SHEPHERDSTOWN IS THE ONLY HIGHWAY PROBLEM AREA WITHIN A 1-MILE RADIUS OF THE SENECA CROSSING SITE. THIS INTERSECTION IS IDENTIFIED AS NUMBER 2 ON THE HIGHWAY PROBLEMS IN JEFFERSON COUNTY MAP. THE PROBLEM RELATED TO THIS INTERSECTION IS THAT ROAD WIDTH THROUGH HISTORIC AREA LIMITS TURN MOVEMENTS.

DESIGNED BY: S.C.C.

D-6249

SHEET 1 OF 2

FOX & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS

981 MT. AETNA ROAD
HAGERSTOWN, MD. 21740
PHONE: (301)733-8503
or (301)416-7250
FAX: (301)733-1853

82 WORMANS MILL COURT
SUITE 'G'
FREDERICK, MD. 21701
PHONE: (301)695-0880
FAX: (301)733-6009



www.foxassociatesinc.com

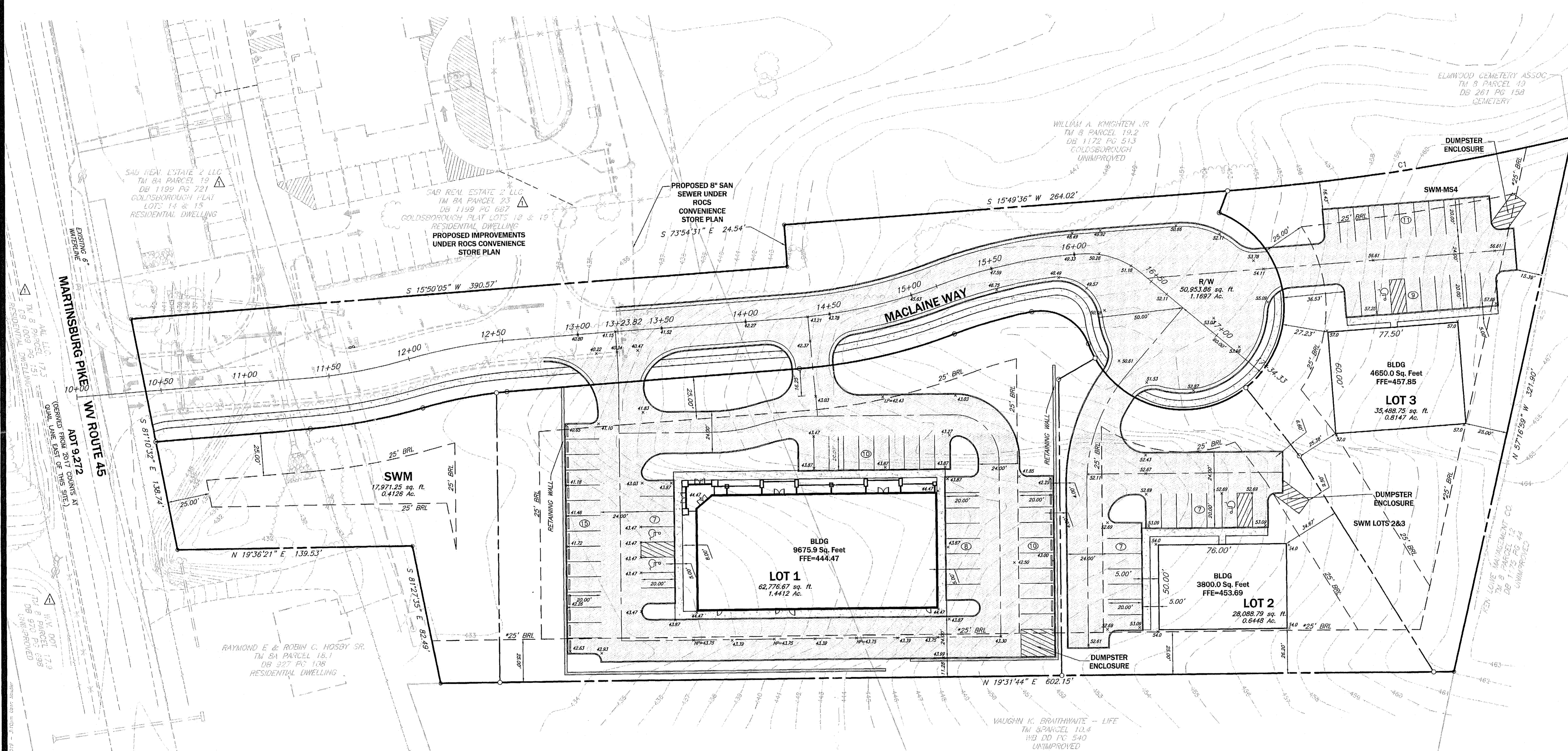
Email: foxassoc@foxassociatesinc.com

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WEST VIRGINIA STATE PLANE NAD 83-NORTH ZONE

FOX & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS

82 WORMANS MILL COURT
SHEPHERDSTOWN, MD 21740
PHONE: (301)733-8503
or (301)416-7250
FAX: (301)733-1853
www.foxandassociates.com



PEAK HOUR TRIP SUMMARY

LOT	USE	BUILDING AREA	PEAK HOUR TRIPS PER 1,000 SF OF BUILDING	PEAK HOUR TRIPS
			* SEE FOOTNOTE	
1	MEDICAL OFFICE	9,676	4.20	40.64
2	PROFESSIONAL OFFICE	3,800	1.98	7.52
3	PROFESSIONAL OFFICE	4,650	1.98	9.21
TOTAL PEAK HOUR TRIPS				57.37

* SOURCE TRANSPORTATION AND LAND DEVELOPMENT INSTITUTE OF TRANSPORTATION ENGINEERS (ITE)

NOTE: THE NEAREST KEY INTERSECTION TO THIS SITE IS THE INTERSECTION OF WV ROUTES 480,45, AND 230 COMMONLY KNOWN AS THE 4-WAY STOP IN SHEPHERDSTOWN.

NOTE: THE INTERSECTION OF WV ROUTES 480,45, AND 230 COMMONLY KNOWN AS THE 4-WAY STOP IN SHEPHERDSTOWN IS THE ONLY HIGHWAY PROBLEM AREA WITHIN A 1-MILE RADIUS OF THE SENECA CROSSING SITE. THIS INTERSECTION IS IDENTIFIED AS NUMBER 2 ON THE HIGHWAY PROBLEMS IN JEFFERSON COUNTY MAP. THE PROBLEM RELATED TO THIS INTERSECTION IS THAT ROAD WIDTH THROUGH HISTORIC AREA LIMITS TURN MOVEMENTS.

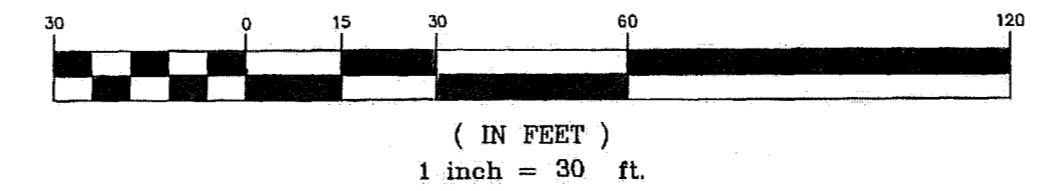
CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	1332.69'	207.13'	8°54'19"	N 11°24'51" E	206.93'	103.78'

BUILDING RESTRICTION LINES:
FRONT: 25'
SIDE: *25'
REAR: *25'

* VARIANCE FROM SECTION 4.6B TO REDUCE THE DISTANCE REQUIREMENT FROM 75' TO 25' WAS GRANTED BY JEFFERSON COUNTY BOARD OF ZONING APPEALS ON DECEMBER 13, 2018.

GRAPHIC SCALE

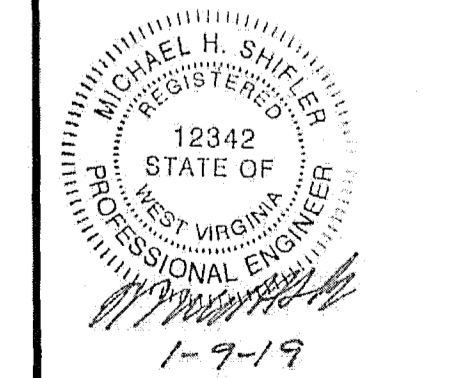


NOTE: TOPOGRAPHY SHOWN HEREON IS BASED ON A RECENT FIELD RUN SURVEY BY FOX & ASSOCIATES INC.

OWNER / DEVELOPER
SENECA CROSSING, LLC
ATTN: ERIC LEWIS
205 WEST LIBERTY STREET
CHARLES TOWN, WV 25414
TELE: 304-279-6574

CONCEPT PLAN FOR MAJOR
NONRESIDENTIAL SUBDIVISION AND MINOR
SITE DEVELOPMENT ON LOT 1
SENECA CROSSING, LLC
SHEPHERDSTOWN
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: 1"=30'



PROJECT NO. 18-50874
DRAWING NO. D-6249
DATE: 12/26/18
DRAWN BY: MTB/DCM
CHECKED BY: SCC

SHEET 2 OF 2

From: [Mullins, Sharon A](#)
To: ["Steve@foxassociatesinc.com"](mailto:Steve@foxassociatesinc.com); [Planning Department](#); [Zoning](#)
Cc: [Anderson, Connie J](#)
Subject: Seneca Crossing, LLC
Date: Thursday, January 10, 2019 1:31:08 PM
Attachments: [Concept Plan Submittal, District 9 \(Shepherdstown\) Tax Map 8 Parcel 0050.pdf](#)

WVDEP has reviewed the concept plans dated 12/27/18 for the land disturbance. Please note that any land disturbance of one acre or more requires an NPDES permit.



JEFFERSON COUNTY, WEST VIRGINIA
DEPT OF ENGINEERING, PLANNING, & ZONING
OFFICE OF GIS/ADDRESSING

116 East Washington Street • Mason Building • Suite 201
Charles Town, WV 25414-0208
Telephone: (304) 724-6759 • FAX: (304) 724-8992
gis@jeffersoncountywv.org



From: Jessica Gormont – GIS Analyst

Date: January 2, 2019

Subject: Seneca Crossing – Non-Residential Subdivision – CP

DPZ File: 18-25

- 1) The previously recorded subdivision on this site was approved with two road names: 'Seneca Drive' & 'Maclaine Way'. The newly drawn subdivision will require only one road name, if approved as drawn on this concept plan. Please label the proposed road with one of the approved road names.

If you would prefer to choose another name, you must submit a Road Name Reservation Form to our office with at least 3 unique road names (note: change in suffix does not constitute a change in road name – ex: Summit Way and Summit Drive would be considered the same road name). The form can be found on our website at this URL:

<http://www.jeffersoncountywv.org/home/showdocument?id=153>

Please make sure to consult our Road Name Index to avoid choosing a road name that duplicates or is confusingly similar any existing road names. This will speed up the review/approval process. The RNI can be found at this URL:

<http://www.jeffersoncountywv.org/home/showdocument?id=15358>

If you have questions or comments, please respond via phone, fax, or e-mail to:

Jessica Gormont
GIS Analyst – GIS/Addressing Office
Office: 304.724.8986
Fax: 304.724.8992
jgormont@jeffersoncountywv.org

From: [Phillipson, Danielle R](#)
To: [Planning Department](#); stevec@faxassociatesinc.com
Subject: Seneca Crossing, LLC
Date: Friday, January 4, 2019 9:06:29 AM

Good Morning,

Mr. Custard has reviewed the proposal and has no comments on the project due to public water and sewer.

Sincerely,

Danielle O'Alli CH

Jefferson County Health Department
304-728-8416 Extension 3021

From: [Willis, Trixie A](#)
To: [Planning Department](#)
Subject: RE: Seneca Crossing South Non-Residential Subdivision
Date: Tuesday, February 5, 2019 2:51:56 PM

Hi Jennie,

An addendum to the TIS for ROC's has been submitted that includes Seneca Crossing. This addendum is being reviewed and is not yet approved.

Thanks,
Trixie

From: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Sent: Tuesday, February 05, 2019 10:56 AM
To: Clohan, Kenneth L <Kenneth.L.Clohan@wv.gov>; Willis, Trixie A <Trixie.A.Willis@wv.gov>
Cc: Jennifer Brockman <jbrockman@jeffersoncountywv.org>
Subject: Seneca Crossing South Non-Residential Subdivision

Ken/Trixie

I am working on the staff report for the Seneca Crossing South 3-lot Non-Residential Subdivision and wanted to make sure you had received a copy of it.

I believe that the TIS prepared for the ROCs development included this proposed development but needed to confirm that with you.

Please let me know if this is correct or you intend to request an additional TIS related to these proposed lots.

The Public Workshop is next Tuesday but we mail the packets to the Planning Commission tomorrow.

If you have any comments that I should include, please let me know.

Thanks!
Jennie

Jennifer M. Brockman, AICP
County Planner
116 East Washington Street - Suite 200
P.O. Box 716
Charles Town, WV 25414
Phone: 304-728-3228
Fax: 304-728-8126

From: [Frank Welch](#)
To: [Planning Department](#)
Subject: RE: Seneca Crossing South Non-Residential Subdivision
Date: Tuesday, February 5, 2019 4:42:33 PM
Attachments: [image001.png](#)

Hi Jennie,

I have seen their 3-lot proposal. We had a meeting with their engineer and he explained all that was going on. We will be able to serve their water/sewer needs. The water line connection will have to be placed on the north side of Rt. 45 in order to get fire protection which will entail a road bore on Rt. 45.

The sewer will probably be a temporary connection to the pump station near the property with an understanding that they will connect to a gravity sewer line as it gets built.

This development also needs to follow our procedure and submit a Step 1 application.



Frank Welch
Public Works Director
Shepherdstown Public Works
409 E. High St.
PO Box 248
Shepherdstown, WV 25443-0248
Email: fwelch@shepherdstown.us
Phone: 304-876-3322
Cell: 304-702-2895
Fax 304-876-9207

From: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Sent: Tuesday, February 05, 2019 10:51 AM
To: Frank Welch <fwelch@shepherdstown.us>
Cc: Jennifer Brockman <jbrockman@jeffersoncountywv.org>
Subject: Seneca Crossing South Non-Residential Subdivision

Frank

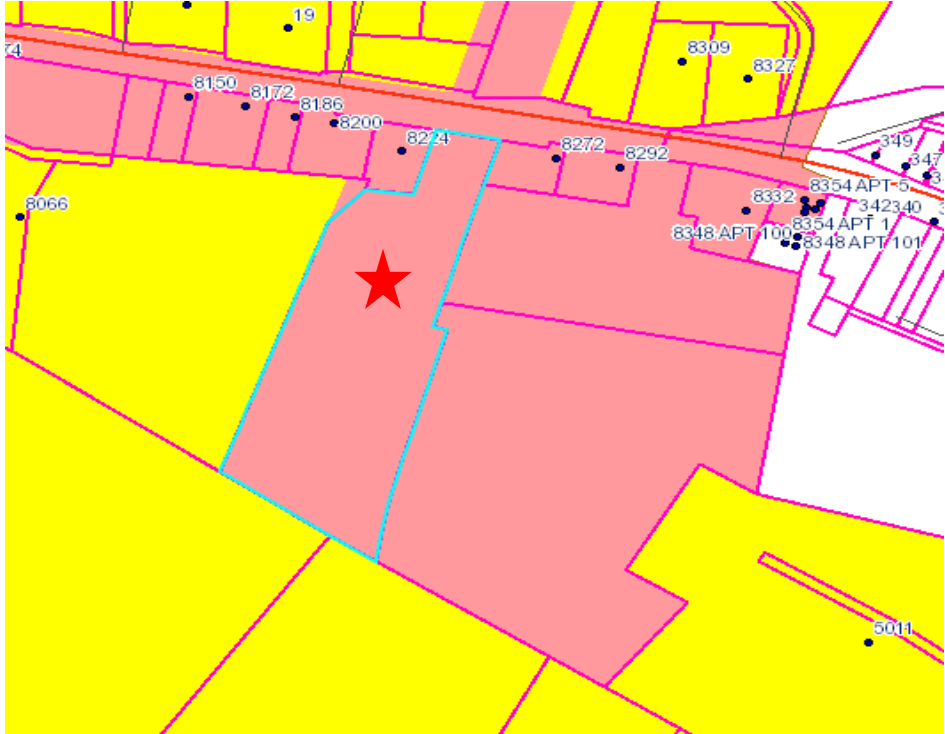
I'm working on the staff report for the Seneca Crossing South 3-lot Non-Residential Subdivision and wanted to make sure you had received a copy of it and are able to serve both water and sewer to the proposed lots.

The Public Workshop is next Tuesday but we mail the packets to the Planning Commission tomorrow.

Staff Report
 Jefferson County Planning Commission Meeting
 February 12, 2019

Item # 6

Public Hearing: Waiver Requests for Seneca Crossing, LLC. (19-2-PCW). Applicant is requesting a waiver from Section 24.114 and 24.115 of the Subdivision Regulations to process a preliminary plat administratively.

APPLICANT	Seneca Crossing, LLC.
OWNER/DEVELOPER	Same as above
CONSULTANT	Paul J. Raco Consulting, LLC., Fox & Associates Steve Cvjanovich, P.E.
PROPERTY LOCATION	Vacant Parcel Approx. 430' West of Sheetz on WV 45/Martinsburg Pike
LEGAL DESCRIPTION & ZONING DISTRICT	Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 50; Size 4.5 ac; Zone: Residential-Light-Industrial-Commercial
	
ADJACENT ZONING DISTRICTS	<i>North:</i> Residential/Light Industrial/Commercial and Residential Growth <i>South:</i> Residential Growth <i>East:</i> Residential/Light Industrial/Commercial <i>West:</i> Residential Growth
PARCEL HISTORY:	Approved Seneca Crossing South Subdivision (40 townhouses) (File#06-10) Variance #ZV18-21 to reduce distance requirement from RG zone: 12/13/18 3 lot Non-Residential Subdivision (File#18-25): Public Workshop 2/12/19
PROPOSED ACTIVITY	Waiver to process 3 lot Non-Residential Subdivision Preliminary Plat Administratively

Staff Report
Jefferson County Planning Commission Meeting
February 12, 2019

1. Summary of the Request:

This property is somewhat unusual because it has an already approved 40-lot townhouse development which has been bonded and recorded but never developed. The applicant is requesting to amend this previous approval (File#06-10) to allow a 3-lot non-residential subdivision, for which a Concept Plan Workshop (File#18-25) was held earlier on this meeting's agenda, and is now requesting a Waiver from Section 24.114 and 24.115 of the Subdivision Regulations to allow the amendment to the previously approved Preliminary Plat to process administratively.

Generally, any non-residential subdivision of more than two lots is required by the Subdivision Regulations to process as a Major Subdivision which requires a Concept Plan (Public Workshop), Preliminary Plat (Public Hearing), and a Final Plat. This plan, however, is in effect an amendment to a previously approved subdivision final plat and a revision to a previously approved and bonded Preliminary Plat, which could have processed as a series or mergers amending the previous Final Plat and a red-line revision to the previously approved Preliminary Plat. These mergers and red-line revision could have been processed administratively; however, the applicant and staff determined that it would be beneficial to hold a Public Workshop that detailed the proposed revisions to the Final Plat and initial concept for the site plan for Lot 1 to allow transparency and public input. While this public input was determined to be an important step, the revisions to the already approved Preliminary Plat does not require public input and the applicant is requesting that this be permitted to be approved administratively.

In accordance with Section 20.203A(3) of the Subdivision Regulations, upon approval of the Non-Residential Final Plat, the site development of the three lots will then exist within "a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater" and will each process as a Minor Site Development.

2. Waiver Requirements:

The applicant addresses the following requirements found in "Division 24.300 Waivers" of the Subdivision Regulations in a lot of detail in the 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.

Staff Report
Jefferson County Planning Commission Meeting
February 12, 2019

3. Staff Comments/Recommendation:

Under the circumstances detailed above and explained in the applicant's waiver application, Engineering, Planning, and Zoning staff recommends that the waiver to allow the Preliminary Plat to process administratively be granted. Note that if the proposed Preliminary Plat design results in the need for any waivers from the design standards of the Subdivision Regulations or any other variance from the standards of the Zoning Ordinance, these will need to process in accordance with the requirements of the respective Regulations or Ordinance and will be considered on their own merits after public input.



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: 19-2-PCW
 Staff Initials: GH
 Sketch Received:
 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: Seneca Crossing LLC
 Mailing Address: P.O. Box 1027, Shepherdstown, WV 25443
 Phone Number: c/o Paul Raco 304/676-8256 Email: c/o Pjraco.consulting@gmail.com

Applicant Contact Information

Name: Above and Below
 Mailing Address: _____
 Phone Number: _____ Email: _____

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

Name: Consultant: Paul J Raco P.J. Raco Consulting, LLC Engineer: Fox and Assoc. Steve Cvijanovich, P.E.
 Mailing Address: P.O. Box 548, Charles Town, WV 25414 981 Mt. Aetna Road, Hagerstown, MD 21740
 Phone Number: 304/676-8256 301/733-8503 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: Martinsburg Road Vacant Parcel
 Tax District: Shepherdstown Map No: 8 Parcel No: 50
 Parcel Size: Approx 4.5+- Acres Deed Book: 1034 Page No: 396

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input checked="" 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 (OC) <input type="checkbox"/>

RECEIVED

JAN 22 2019

JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING
 Place Date Stamp Here

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

24.114 and 24.115

Briefly Describe the Nature of Your Waiver Request:

See Attached

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.

See Attached

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.

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

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

See Attached

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

1/18/19

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*

Seneca Crossing, LLC
Request for Waiver
Section 24.114 and Section 24.115
Jefferson County Subdivision and Site Development Ordinance
January 22, 2019

RECEIVED

JAN 22 2019
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Brief Description

The proposal is to replat an approved and recorded 40 Townhouse Lot Subdivision into just three commercial/professional lots. The primary user of the subdivision will be Berkeley Medical Center for a Medical Office Facility for the community that will be operated by WVU and its affiliates associated with Berkeley and Jefferson Medical Centers.

The Applicant and/or their representatives had two Official PPC Meetings with Staff and another one with the Planner and Zoning Administrator for clarification purposes. Normally, there would be two ways to process this type of project. One way would be to do a Major Subdivision since there are three lots (2 nonresidential lots constitute a Minor Subdivision) and then each building on the three lots would be a Minor Site Development. Or, you could process it as a Minor Subdivision after processing a Waiver for the Planning Commission to treat it as a Minor. However, in this case, since there is a Plat already approved and recorded for 40 lots, the Staff agreed with the Applicant and opined that it could be processed by a series of mergers/boundary adjustments that would reconfigure the 40 lots into 3 lots as shown on the Concept Plan that is being presented tonight.

The easiest way for the Applicant from a cost and time standpoint would be the third way with the series of mergers. However, in the third meeting with Staff, the Applicant and Staff thought that it would be in everyone's best interest to essentially process it a Subdivision with the layout for Lot 1 (the Medical Office Building) shown on the Concept Plan for the Subdivision. If it was processed as such, the community along with the Planning Commission could see exactly what was being processed. The one problem with doing it that way was the time and cost of the extra steps added for presenting it back to the Planning Commission a second time. So, the Staff stated that they would support a waiver to process the Concept Plan with a Public Workshop on the Concept Plan and then process the site plan and preliminary plat administratively after the Concept Plan was approved. The Staff and Applicant believe that this would be the best way to be transparent with what was going on with the site (transformation from 40 Townhouse Lots to 3 nonresidential lots) without unnecessary time added to the process.

It was an agreed upon compromise to do more than the minimum boundary adjustments, but to allow it to continue processing administratively after the Public Workshop. This hybrid process would achieve the intent of the Ordinance while allowing the Applicant to effectively reconfigure the approved subdivision. If granted, the waiver will essentially allow the subdivision to follow the same process as if it were merged, but with the Concept Plan added for the benefit of the Commission and the Public.

The Applicant is not asking for any waivers at this time from complying with any other standard or regulation found in the Subdivision and Site Development Ordinance. Currently (and unless something comes up during the engineering stage) the Applicant plans on meeting or exceeding all the other standards and regulations of the ordinance, including Health and Highway Departments' approvals, DEP Approval, Erosion and Sediment Controls, Stormwater Management (SWM), Road Design, Landscaping Standards, etc. The project will also be fully

bonded by both the Hospital for the Site Plan on Lot 1 and the Applicant for the infrastructure improvements to each of the lots and for the Medical Office Building (including SWM).

This area of the County is considered a 'Preferred Growth Area' by the Envision Jefferson 2035 Plan. As such, the Comprehensive Plan supports 'urban level' growth within the boundaries of this Preferred Growth Area. The Future Land Use Map also identifies this area as a mix between residential, commercial, retail and office developments. Accordingly, the Plan has already vetted this area and has identified it as an area already approved for this type of a project. The granting of the waiver will recognize that there are areas in the County such as this Preferred Growth Area where the Plan endorses a streamlined process after the public workshop is held. In this case, the Plan supports the waiver. The waiver is also supported from the fact that it is merely a reconfiguration and lessening of impact from 40 lots to three lots.

Finally, the applicant believes that the already approved and recorded 40 lot townhouse subdivision would have more impact on the adjacent properties than the proposed concept plan that includes just three small commercial/office type lots as the new alternative. The entire subdivision process was already followed once when the original development was approved by the County. This proposed process will allow the 40 lots to be redesigned into the three shown on the Concept Plan in the Preferred Growth Area and the Urban Growth Boundary. Both areas endorse this type of development.

Based on the above, the Applicant respectfully requests the Planning Commission to grant the waiver to allow the process to continue administratively. Thank you for your consideration of the request.

Seneca Crossing, LLC.
Waiver Request
Sections: 24.114 and 24.115
Jefferson County Subdivision and Site Development Ordinance
January 22, 2019

Four Criteria:

1. *Explain how the design of the Project will provide public benefit in the form in the reduction of Public maintenance costs, greater open space, parkland consistent with the County Park Plans or benefits of a similar nature;*

This project will have no Public costs since this is the private construction of a commercial project that will be maintained by the owner. There will be no public maintenance costs involved as the infrastructure will be built and maintained with private funds. In actuality, the project will be a net gain for the County since the Tax Benefit for Commercial projects is greater than the public cost to privately provide infrastructure. In this case the project will benefit the community with a medical facility and an extension of public water and sewer. The extension of the public water and sewer will be at the applicant's expense and will be dedicated to Shepherdstown Utilities. Furthermore, the Public Utility will have a recurring benefit of the applicant paying a monthly bill for the water and sewer service.

This project also includes the connection of the two neighboring commercial projects that will share an entrance. This will reduce the number of entrances onto Route 45 and will provide for access between the two without the subject property building a separate entrance onto Route 45. This interconnectivity of projects benefits the community, especially in the immediate neighborhood.

Finally, this proposal will result in the merger of 40 existing Townhouse lots that were previously approved and recorded. Accordingly, the net benefit of commercial taxes will be greater than the net benefit of a residential project taxes, since commercial projects that build their own infrastructure need fewer public paid services.

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

If the waiver is granted, it will have absolutely no adverse effect on public health, safety or welfare since the project will still be required to meet every standard and requirement of the ordinance. It will need to obtain the necessary Health Department Approval, as well as, the necessary Division of Highways' approval. The granting of the waiver will effectively allow the merger of the 40 townhouse lots into the three

proposed commercial lots, while showing the Commission, Staff and Community exactly what to envision with the Concept Plan. The public workshop is also an added benefit that wouldn't happen if the applicant simply processed the mergers. The applicant chose the processing of a Subdivision, instead of mergers, so that they could be transparent with the submission of a Concept Plan and the Staff and Commission could envision the end product. The Applicant could have processed a multiple step series of boundary adjustments to reconfigure the already approved 40 townhouse lots into these three commercial parcels. However, they chose to make it easier to understand by showing the three lots and layout of the medical office building on one of the lots on a Concept Plan. If the waiver is denied to process the balance of the project administratively, it would add costly and timely stages to the project without adding any benefit. Again, all the requirements of the ordinances will still be met.

Additionally, both the subdivision and the Medical Office Building will be bonded to ensure that all the improvements will be completed to County Standards.

The waiver will not have any effect on the neighbors since the development still needs to provide plans that are reviewed by the professional Staff to ensure compete ordinance compliance.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

The Staff and Ordinance would have allowed the processing of the above explained merger process which would have allowed the Applicant to process only a Minor Site Development Concept Plan. Therefore, the intent of the ordinance is to allow one Concept Plan Public Workshop in this case since the project already exists as 40 lots. This Public Workshop is already taking place simultaneously with this waiver request. Therefore, the intent of the ordinance, as well as, the actual ordinance requirement is being fulfilled. The waiver will allow the Applicant to continue with the balance of the process administratively, just as if they merged the parcels into the 3 commercial lots. Nothing in the ordinance is being sidestepped. The purpose of the ordinance is to make sure that a proposed project is designed and constructed to ordinance standards and requirements. The granting of the waiver will not change that fact since the project will be reviewed completely for design purposes and then the projects will be bonded to ensure proper construction.

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

Again, if the Applicant chose to process mergers, then the subdivision wouldn't have to go through the Public Workshop process. With the Staff's concurrence, the Applicant chose to go through the Concept Plan process to allow the Public participation and for the Planning Commission to have early input into the project. This should make the project a better quality and with more public acceptance. The waiver essentially allows the public participation and Planning Commission involvement with the subdivision to be upfront and transparent. It also makes it easier for the Staff to keep the improvements and bonding separate for the Medical Office Building owners and the Applicant separate.

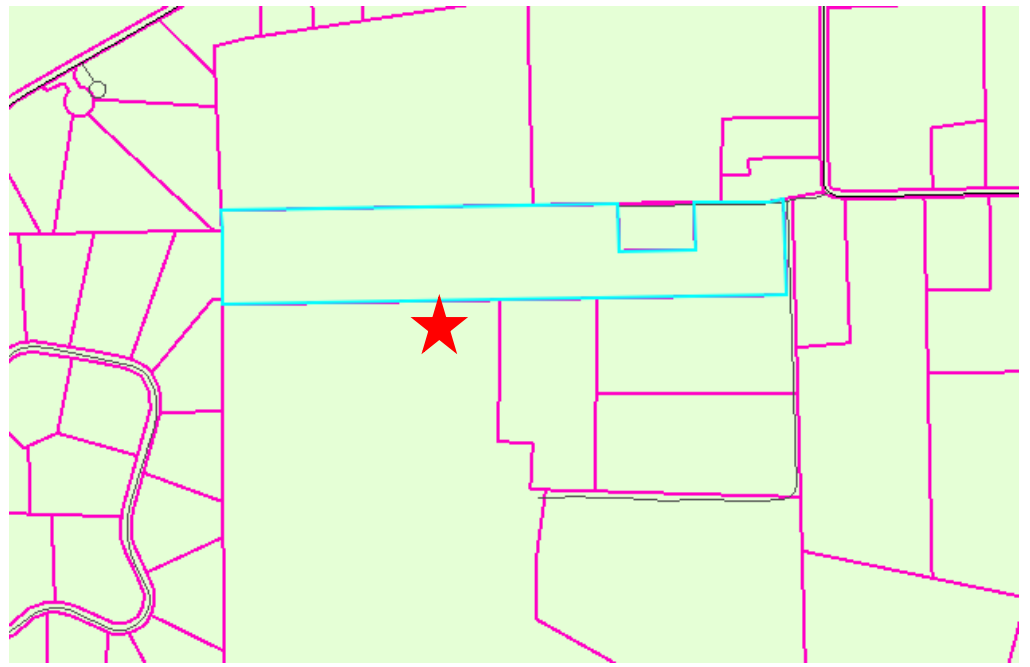
The granting of the waiver will not change the fact that both the Preliminary Plat for the Subdivision and the Site Plan for the Medical Office Building will meet all the standards of the ordinance. It really just allows the Planning Commission and Public the opportunity to review the Subdivision at a Public Workshop. If the Applicant chose the merger process (if the waiver was denied), the Public, Commission and Staff would not be reviewing the Concept Plan for the Subdivision. The mergers would just have been reviewed administratively and recorded.

Accordingly, the Applicant respectfully asks that the Planning Commission approve the waiver so that the process can continue in a timely and more cost-effective fashion. Thank you for your consideration.

Staff Report
 Jefferson County Planning Commission Meeting
 February 12, 2019

Item # 7

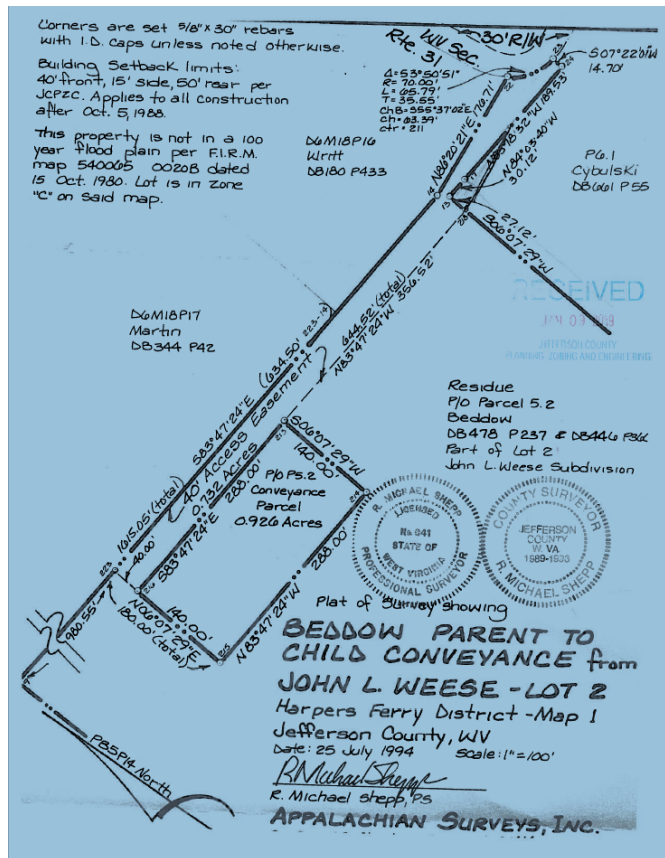
Public Hearing: Waiver request by Richard Beddow (PCW#19-1-PCW) for a waiver from Section 20.201B(3) of the Subdivision and Land Development Regulations to reduce the required access easement width from 50' to 40' for the creation of up to 5 Family Transfer lots.

APPLICANT	Benjamin Lee	
OWNER/DEVELOPER	Richard Beddow	
CONSULTANT	N/A	
PROPERTY LOCATION	52 Overhill Lane	
LEGAL DESCRIPTION & ZONING DISTRICT	Tax District: Harpers Ferry (04); Tax Map: 10; Parcel: 5.2; Size: 17.6 ac; Zone: Rural	
		
ADJACENT ZONING DISTRICTS	North: Rural South: Rural	East: Rural West: Rural
PARCEL HISTORY	Parent to Child Lot (daughter): 9/27/94	
PROPOSED ACTIVITY	1 to 5 Family Transfer Lots	

1. Summary of the Request:

The applicant is interested in developing at least one (1), and up to five (5), Family Transfer lots from his 17.6 acre parcel. Access to this property, as well as adjoining properties, is via a 40' access created in DB 789/PG 67 (below) as a part of a Parent to Child Exemption in 1994. The request is for a waiver (19-1-PCW) from Section 20.201 B(3) of the Subdivision Regulations that requires a 50' access easement, to allow these additional divisions to utilize the existing 40' easement.

Staff Report
 Jefferson County Planning Commission Meeting
 February 12, 2019



2. Waiver Requirements:

The applicant’s answers to the following requirements found in “Division 24.300 Waivers” of the Subdivision Regulations is on the 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.

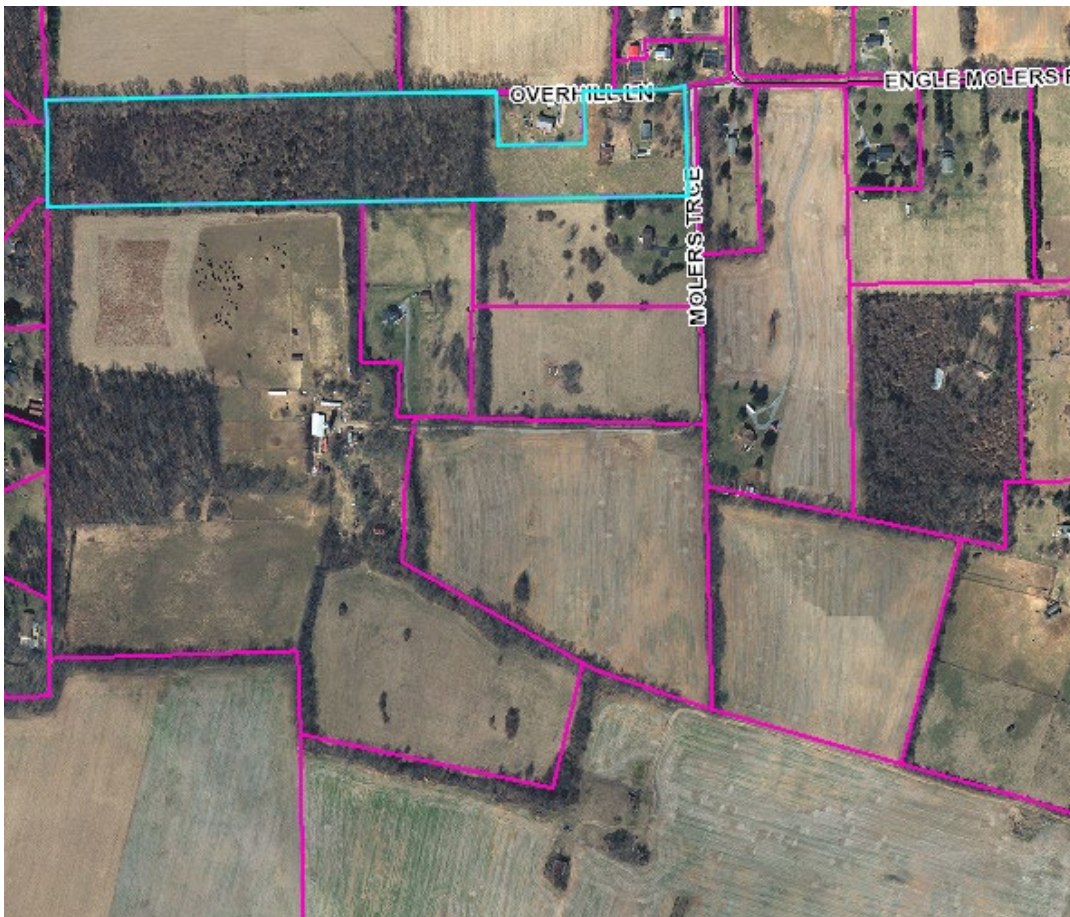
3. Staff Comments:

Mr. Beddow (Mr. Lee’s grandfather) owns the property outlined below. In 1994, the 0.93 acre cut-out property was divided for Mr. Beddow’s daughter utilizing the Parent to Child Exemption process and required the creation of the 40’ access easement depicted in the previous graphic. This easement

Staff Report
Jefferson County Planning Commission Meeting
February 12, 2019

is over the flagpole portion of Mr. Beddow's lot. It is named Overhill Lane and intersects with Engle Molars Road. These two lots are the only properties addressed off Overhill Lane. There is an additional road that branches off Overhill named Molars Trace in what appears to be a 30' easement. There are currently 3 houses addressed on Molars Trace with a few vacant parcels that may use it in the future.

Mr. Beddow would like to divide off one additional lot for his grandson (Mr. Lee) and potentially, in the future, divide off other lots for other family members. Due to the number of lots on Overhill Lane and Molars Trace, no additional lots are permitted via the Minor Subdivision process other than as a Family Transfer. Five additional Family Transfer lots are permitted via the Minor Subdivision process. All such Family Transfer lots require the approval of the waiver of the 50' width requirement.



4. Staff Recommendation:

Currently all Minor Subdivision plats, including Family Transfers require a 50' access easement and require notes that detail the road and common land maintenance agreement including the manner in which the cost and expense of maintaining the private road easement, including snow removal, shall be shared among the lot owners. Generally when a proposed development exceeds this, it is required to process as a Major Subdivision. Approval of this waiver would allow the applicant to process one, up to five, family transfer(s) as a Minor Subdivision. Any future lots would be required to share in the cost of maintaining Overhill Lane.



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: 19-1-Pa
 Staff Initials: LBB
 Sketch Received: yes
 List of Adjoiners: [initials]
 Fees Paid: 100.00

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

Phone: (304)
 Fax: (304)

RECEIVED
 JAN 09 2019

Waiver Request

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

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

Property Owner Information

Name: Richard L. Beddow
 Mailing Address: 52 Overhill Lane Harpers Ferry WV, 25425
 Phone Number: 304-268-1258 Email: _____

Applicant Contact Information

Name: Benjamin Lee
 Mailing Address: 106 Moneran Trl Hedgesville WV, 25427
 Phone Number: 304-283-1045 Email: benjaminlee199613@gmail.com

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

Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 52 Overhill Lane Harpers Ferry WV 25427
 Tax District: U Map No: 10 Parcel No: 52
 Parcel Size: 17.60 Deed Book: 446 Page No: 360

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)	Gener: Commer (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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/Com Mixed-U (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

20.201 B3

Briefly Describe the Nature of Your Waiver Request:

Family transfers require a 50ft right of way. My grandfather's property currently has a 40ft right of way. I would like to be able to use the right of way already in place.

Explain how 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.

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 property is already occupied by my grandfather and the bordering property by my mother. I would be using a gravel lane already in place there by not impacting the area.

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

Previously the right of way requirement was 40ft. In 2009 my grandfather obtained this to comply with this rule. The rule changed without his knowledge.

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

This would benefit me and my potential neighbors by not starting our relationship with a ~~rule~~ request that could be avoided.

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

[Signature] 1-15-19
Signature of Property Owner 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 _____, _____

To: Jefferson County Office of Planning and Zoning

From: Geiman family, 414 Molers Trace, Harpers Ferry WV

RE: Richard Beddow Planning Commission Waiver

As neighbors whose property is adjacent to Mr. Beddow's property, and who will be affected by the creation of five family transfer lots and access easement reduction, we strongly oppose this application in its current form that Mr. Beddows has filed with your office. And we have spoken directly to Mr. Beddows about our concerns.

There are several properties that share a road and are adjacent to Mr. Beddow's property. We all live on acreage ranging from 5 acres to 50 acres. My acreage consists of 6 ½ acres and will be most affected by Mr. Beddow's desire to subdivide his property to his family. Here are the concerns that I would like for your office to consider.

1. Changing the access easement from 50 feet to 40 feet. The maintenance of this private road that we communally share with current and any future households located on Mr. Beddows property (i.e., the initial section of Molers Trace). As of now, even though seven property owners, including us, share this road, we are essentially the ONLY household who maintain it. Mr. Beddows has done virtually nothing to maintain this road and has not for over 35 years. We have been maintaining this road for 30 years. Although it is true that the other neighbors living off this private road have given us money for gravel on a few occasions, except one who refuses to help with the maintenance of the road, only my husband, who is a senior, is out there fixing the road and applying gravel on a regular basis. We also were the only neighbor who regularly ensured snow removal for 30 years on this road, with a few exceptions. One neighbor helped with the cost of removing this snow. To keep peace with our neighbors, we do not say anything, but we do resent it and resist adding more non-paying road users.
2. The creation of five family lots. I understand that Mr. Beddows wants his grandson to build on his acreage, and to also open that property to his heirs. Below are my concerns.
 - a. All these lots will border on my property. I will not have the privacy I enjoy now which will affect my home value.
 - b. Mr. Beddows can sell or lose this property once the permission is given for the creation of five lots. If this change goes through, I will have five neighbors who may, or may not, take care of their property, which again will affect my home value. We bought our property based on the deeds of the surrounding property, which we understood to ensure a rural estate setting. Mr. Beddows would now change that setting to subdivision/development.
 - c. Mr. Beddows desire to create lots for his grandchildren will likely spur the rest of the neighbors to do the same. Again, if permission is given, all these people will use the SAME road which is not maintained except by ONE person. We would have no choice but to sell our home, at a loss, and move. Is this what the Planning County desires and why.

I have talked to my neighbors and to Mr. Beddows about this application. He listened to my concerns and we did come to the one understanding--if the creation of one lot for his grandson is given. That understanding is:

- a. Mr. Beddows would make sure his grandson, Benjamin Lee and anyone who owns that property afterward has in the deed that they would need to help with maintenance and cost of the road.
- b. Mr. Beddows did agree that his grandson would be responsible for repairing the road once the construction of his Foremost home is complete. We repaired this same road at our cost when we completed the construction of our home 30 years ago. I expect the same from Benjamin Lee.
- c. Mr. Beddows guaranteed to me that there would be a tree buffer between my home and his grandson's home. This buffer will never be removed.
- d. We learned the hard way that a neighborly handshake does not guarantee that the neighbors will help with road maintenance or to keep their word. We took one neighbor, Laurie Scott, all the way to Magistrate Court over refusal to help with road maintenance, wherein Magistrate Rissler found in our neighbor's favor, stating that all agreements need to be in writing. Ms Rissler did state that my neighbor had a "moral responsibility to help with the upkeep of the road she used." But because this neighbor has no moral character at all, that request from Ms. Rissler fell on deaf ears. This finding caused bitterness between neighbors. If the Planning Commission approves the creation of five family lots and a reduction in easement from 50 feet to 40 feet for Mr. Beddows, then it may be time for us to move because we could not maintain the road for the possibility of several new homes that would be using this road. This would be a gross injustice to a family that works in the county, does a massive amount of volunteer work in the county, raised two children who attended schools in Jefferson County, and who has lived in this county for over 32 years.

Russell and Sylvia Geiman

414 Molers Trace, Harpers Ferry WV

William G. Salmond
56 Rhodes Court
Harpers Ferry, West Virginia 25425

Telephone: 301-873-0330
Email: willsalmond@aol.com

February 6, 2019

Jefferson County Planning Commission
104 E. Washington Street
Charles Town, WVa 25414

Re: access easement exception for 52 Overhill Drive, Harpers Ferry

Members of the Jefferson County Planning Commission:

In August of last year, I purchased from the then owner, Joanne Bario, a property known as 56 Rhodes Ct., Harpers Ferry. She recently emailed to me a postcard she received from your office about a February 12 hearing to consider a requested access easement exception for the above referenced property, 52 Overhill Drive.

Having recently retired, and looking for a home in a quiet, peaceful, and buffered wooded area, I instantly was attracted to Rhodes Ct and Jefferson County. It ideally fitted my desire to spend my retirement years in an area that would offer quiet enjoyment. The many amenities that Jefferson Co further offers was a perfect fit for me.

I cannot predict with certainty the impact the access road and future home developments may have on the quietude and privacy of my property or the time needed to complete the projects. I wish the owner well and understand his desires. I would only request that the Commission consider allowing for or requiring tree buffers or other set offs in the immediate area where the access road and homes will be - - - thus better preserving both the rural and wooded nature, integrity, and quietude of my property.

I appreciate your consideration to my request. And with best regards for your public service, I remain,

Very truly yours,



William G. Salmond

