

AGENDA
Jefferson County Planning Commission
Tuesday, March 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. Approval of Meeting Minutes: 2-12-2019.
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 by Larry K Boyd, Ancient Oaks (File #19-3-PCW). Applicant is requesting a waiver from Section 21.103D of the Subdivision and Land Development Regulations to allow the Greenspace Parcel to utilize the existing driveway from Willingham Road. The property is designated as Tax District: Middleway (07); Tax Map: 20; Parcel: 8. Zoned: Rural; Size: 43.96 acres.
5. **Public Hearing:** Waiver request by Aubrey & Debora Henry, Genesis Center (File#19-4-PCW). Applicant is requesting a waiver from Section 24.112C of the Subdivision and Land Development Regulations that requires the submission of a Preliminary Plat within two years of the approval of a Concept Plan. Genesis Center is requesting a 2 year extension of the approved Concept Plan. The property is designated as Tax District: Shepherdstown (09); Tax Map: 13; Parcels: 26.1 & 26.3. Zoned: Neighborhood Commercial; Size: 6.6194 & 2.9577 acres, respectively.

There is no public comment for the following items.

6. Discussion and Action on 2nd Quarterly Report for County Commission.
7. Reports from Legal Counsel and legal advice to the Planning Commission
8. Planner's Memo.
9. President's Report
10. Actionable Correspondence
 - Letter dated 2/7/19 from the Corporation of Shepherdstown requesting a MOU between the County and the Town
11. Non-Actionable Correspondence

Meeting Minutes
Jefferson County Planning Commission
February 12, 2019

The Jefferson County Planning Commission met on February 12, 2019 with the following Commission members present: Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Mike Shepp, Ron Thomas, J Ware, and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; and Rachael Burke, Planning Clerk.

Donnie Fisher was absent with prior notification.

Mr. Stolipher called the meeting to order at 7:01 PM.

1. Election of commissioner officers: Steve Stolipher nominated Donnie Fisher as President and Jack Hefestay seconded the motion. Wade Louthan nominated Steve Stolipher as Vice President and Jack Hefestay seconded this motion. Steve Stolipher nominated Wade Louthan as Secretary and Jack Hefestay seconded the motion. These nominations were approved with no objections.
2. Approval of the January 8, 2019 Meeting Minutes. The meeting minutes were approved with no objections.
3. Citizen Communications. None.
4. Request for postponement. None.
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.

Mr. Lorenzetti stated for the record that his wife is a doctor and is connected with WVU medical offices. Mr. Cochran asked if Mr. Lorenzetti if he thought this relationship would cause him to have a conflict of interest and Mr. Lorenzetti stated it would not. Mr. Lorenzetti did not recuse himself from this item.

Ms. Brockman provided an overview of her staff report explaining the location of the proposed subdivision, the Planning Commission role in review of a Concept Plan and the remaining steps for approval process. Upon approval of a Major Nonresidential Subdivision, the site plan for each lot will be processed as minor site plans which are approved administratively. The proposed subdivision will be sharing an entrance with a ROCS proposed to the east of this property. The access, Maclaine Way, is proposed to be a cul-de-sac serving the three lots. The Seneca Crossing property is currently approved for 40 townhouse lots. The townhome approved Final Plat will be voided and revised to reflect the proposed new design.

Paul Raco, Local Land Use Consultant, representing Seneca Crossing, LLC. and Mr. Eric Lewis; Tony Zelenca President and CEO, WVU Medicine, and General Council Garland Nagee representing WVU Medicine and Berkeley Medical Center,; and Steve Cvijanovich, Engineer for Fox & Associates were present at the meeting.. Mr. Raco provided an overview of the options that were available for processing this project. He explained that the parties determined that processing a Concept Plan showing the proposed three nonresidential lots and the proposed site plan for Lot 1 would allow public input early in the process. Mr. Raco stated that the proposed project is a principal permitted use in the Residential- Light

Industrial-Commercial zone and that a small business center is consistent with the Envision Jefferson and Shepherdstown Comprehensive Plans.

Planning Commissioner Ray Bruning asked about if there are any proposed uses for Lots 2 and 3 at this time. Mr. Raco stated not at this time.

Mr. Lorenzetti asked about street lighting. Mr. Raco responded explaining the prevention of off-site glare.

Mr. Shepp asked about Department of Highways approval. Mr. Raco explained that an addendum for the proposed ROCS Traffic Impact Statement which includes these three lots is currently in review by the WV DOH.

Ms. Brockman reviewed outside agency comments that had been received by the office:

- Traffic Impact Study is under review and preliminary plat cannot be approved until this is complete.
- Shepherdstown Public Works will provide Public Water and Sanitary Sewer and stated that water may have to be provided from the north side of WV 45 for fire protection and may require a pump station.
- GIS has two approved road names and will need feedback as to which will be chosen.
- WV DEP stated any land disturbance over one acre requires NPDS permit.

Staff further recommends additional vehicular and pedestrian interconnectivity with adjoining properties, consistent with the Subdivision Regulation requirements and Comprehensive Plan recommendations.

Mr. Stolipher opened the floor for public comment. The following comments were received:

- Joseph Stevens, current Treasurer for the subdivision on Quail Lane spoke about traffic concerns and requested that the speed limit be reduced in this area;
- Stephen Ayraud, retired, former Planning Commissioner for Shepherdstown and worked on previous Rumsey Green project provided an overview of his e-mailed comments distributed to Planning Commission. He stated that the Urgent Care is needed and approved of the shared access drive; he expressed concerns are about the lack of sidewalk and connections with Shepherd University; he recommends pedestrian connection to surrounding area including the future library to the south and Back Alley to the east; recommends interconnected roads instead of the Cul-de-sac.

Mr. Raco and Mr. Cvijanovich responded that the applicant would conform to any DOH requirements related to speed and road improvements; that the sidewalk will meet standards of ordinance and connectivity is a problem due to private roads; and that the design of Maclaine Way we will meet standards of ordinance at the preliminary plat stage.

Mr. Stolipher closed the public hearing. Mr. Mike Shepp made a motion to approve the Concept Plan as presented. Mr. Thomas seconded the motion, which carried unanimously.

Ms. Brockman stated that she will follow up with the WV DOH regarding mid-block pedestrian crossings.

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.

Mr. Raco provided an overview of the request and stated that it meets the waiver criteria and is in keeping with the purpose and standards of the ordinance.

Ms. Brockman stated staff is supportive because the applicant could have processed a redline revision to the Preliminary Plat administratively but that would not have been as clean as processing a revision.

Mr. Stolipher opened the floor for public comment. There was no one signed up for public comment. Mr. Stolipher closed the floor to Public Comment.

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

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.

Mr. Shepp explained he did the survey for the previous Parent to Child lot 25 years ago but does not think this impact his decision regarding this waiver.

Ms. Brockman reviewed the location of the property and the previously approved parent-to-child plat which met the requirement at the time of a 40' access easement. The applicant acquired a small piece of property from his neighbor to meet this 40' requirement. She also provided an overview of the lots currently accessing Overhill Lane and Molers Trace and stated that the property in question had no additional development rights other than family transfers. Up to 5 family transfers could occur under the current Regulations, but the initial request is for one additional lot on the existing 40' access easement to create a lot for his grandson.

Richard Beddow, Jr. and Benjamin Lee, applicants, explained where lot is proposed and why they want the waiver. Mr Beddow stated that in 1978 he was the only land owner and he has been there for 40 years.

Mr. Shepp asked about the road use and ownership.

Mr. Thomas asked about road maintenance previously. Mr. Geiman is currently maintaining the road.

Mr. Stolipher opened the floor to public comment. The following people spoke about concerns with road maintenance and setting a precedence for future divisions:

- Russell Geiman
- Sylvia Geiman
- Patricia Lynch
- Richard Salmoud

Mr. Shepp and Wade Louthan asked to clarify the use of Overhill Lane and Molers Trace.

Ms. Brockman clarified that family transfers are the only remaining division rights permitted as a Minor Subdivision. If more than the 5 family transfers were proposed anywhere along Overhill Lane or Molers Trace, the development would need to process as a Major Subdivision and the roads would need to be widened and upgraded to County standards.

Mr. Beddow addressed comments regarding buffer and road maintenance.

Mr. Stoliper closed the floor to public comment.

Mr. Shepp made a motion to grant the waiver for the creation of one lot only. Mr. Hefestay seconded the motion and it carried unanimously.

8. Discussion and Possible Action related to proposing the preparation of an RFQ or RFP for Subdivision Regulation and Zoning Ordinance updates (Steve Stolipher).

Mr. Stolipher provided an overview of his idea to request proposals for an outside consultant to assist with the updates to the regulations and ordinance. He requested 3 volunteers for the committee to develop an RFP or RFQ and to work with Roger Goodwin, Director of Engineering, Planning and Zoning, to qualify the applicants, review the bids and go to County Commission to request funding.

Mr. Shepp clarified the difference between and RFQ, which would not require bids to be submitted, and RFPs would be require both qualifications and costs.

Mr. Shepp made motion to propose preparation of RFQ or RFP and create committee to review and work with consultant to revise subdivision and land development ordinance. Mr. Ware seconded the motion and it carried unanimously.

Ms. Brockman and Mr. Cochran discussed difficulties with the cleanup of the regulations with the current staffing levels. Mr. Stolipher discussed the reduction in staff over the last 5 years.

Mr. Stolipher, Mr. Shepp and Mr. Fisher were appointed to be on the committee, Mr. Louthan will be the alternate.

9. Discussion and Action on 2nd Quarterly Report for County Commission.

Ms. Brockman stated the quarterly report will be complete by next meeting and Mr. Shepp asked about the Planning Commission's role in the budget requests. Ms. Brockman stated that Roger Goodwin had already submitted the budget for his entire Department. There was some discussion as to whether the Planning Commission is required to participate in the budget by state law. Mr. Cochran will look at this for next meeting.

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

11. Planner's Memo to be distributed at the Planning Commission Meeting.

12. President's Report

13. Actionable Correspondence

14. Non-Actionable Correspondence

Mr. Stolipher closed the meeting at 8:26 PM.



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: 19-3-PCW
 Staff Initials: RBP
 Sketch Received: yes
 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: Larry K. Boyd "Ancient Oaks"
 Mailing Address: 303 Willingham Road Charles Town WV 25414
 Phone Number: 304-582-7009 Email: _____

Applicant Contact Information

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

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

Name: Roberts Land Surveying
 Mailing Address: 2068 Palmer Road Hedgesville WV 25427
 Phone Number: 304-671-5406 Email: miker002395@frontier.com

Physical Property Details

Physical Address 303 Willingham Road Charles Town WV 25414 (Ancient Oaks)
 Tax District: Middleway Map No: 20 Parcel No: 8
 Parcel Size: 43.96 ac. Deed Book: 979 Page No: 478

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 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/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Place Date Stamp Here

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

Section 21.103D "Access to Existing Roads"

Briefly Describe the Nature of Your Waiver Request:

Section 21.103D requires all lots to be accessed via internal subdivision roads. The Ancient Oaks application provides for 7 lots accessed by an internal street. The Greenspace parcel to be created as part of the Cluster option is currently improved by a single family house and paved driveway which will not be accessed by the internal street. Applicant wishes to have the existing paved driveway to serve as access for the Greenspace parcel.

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 allowing the existing paved access for the Greenspace parcel, proposed impervious area would be reduced by not providing the 1,000'+/- long driveway that would be required to access the existing house from the internal road system.

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 existing paved access is permitted by the WVDOH (permit # 05-2018-0242).

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

The granting of this waiver would negate creating new impervious area on the proposed Greenspace parcel.

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

The granting of this waiver would provide a clear separation/buffer between the 7 lot residential (2.00 ac. lot size) portion of the application and the Greenspace parcel (28.66 ac). Physically, the existing residence located on the Greenspace parcel is located nearly 1000' from the closest 2.00 ac. lot.

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

Larry H. Boyd 01/25/19
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

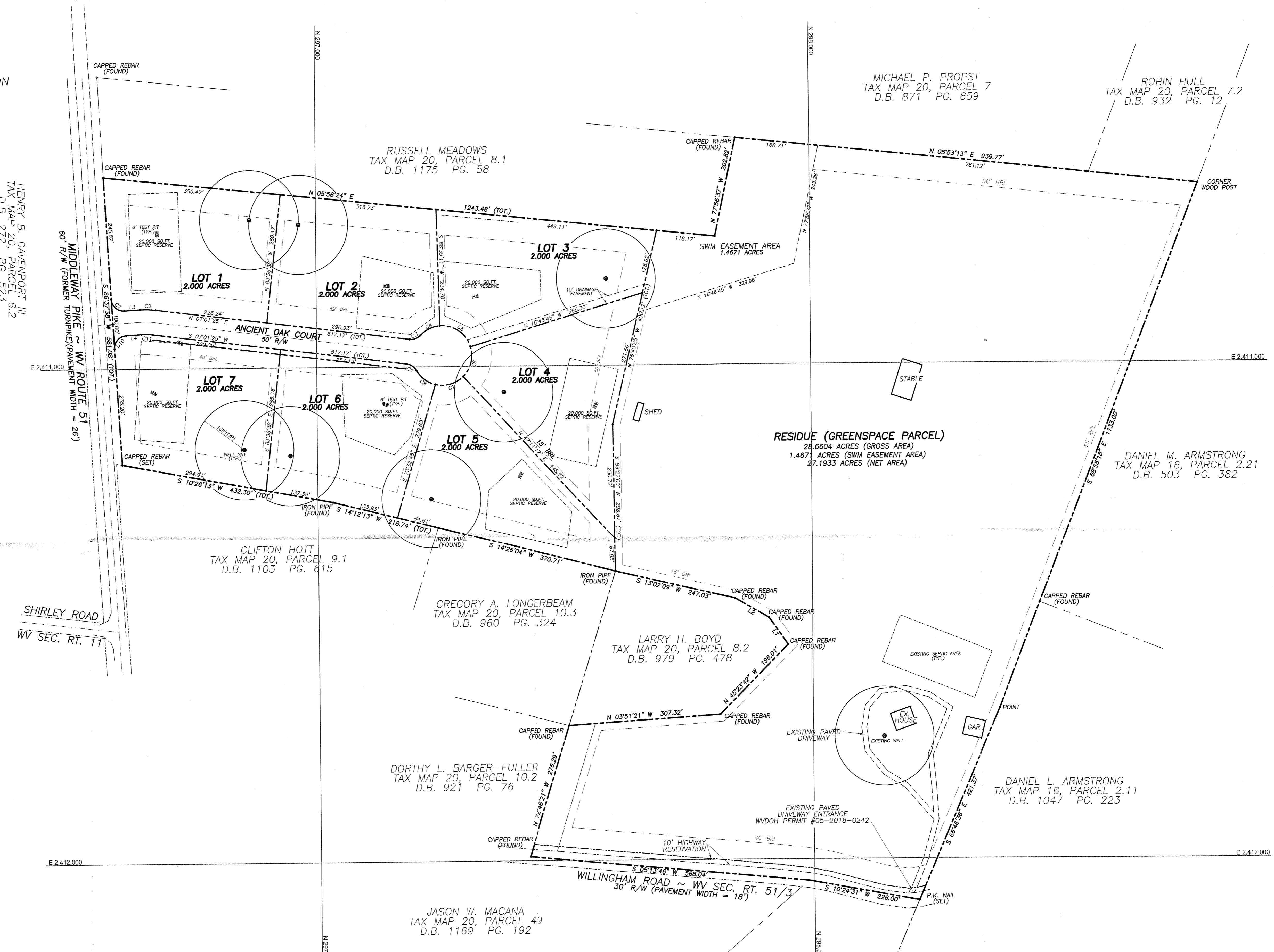
_____ Official/Administrative Body

_____ Date Adjoiner Letters to be Mailed

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

Approved **Denied**

PLAT NORTH
 REF: WV STATE GRID - NORTH ZONE
 GPS STATIC OBSERVATION/OPUS SOLUTION



HENRY B. DAVENPORT III
 TAX MAP 20, PARCEL 6.2
 D.B. 272 PG. 523

SHIRLEY ROAD
 WV SEC. RT. 17

E 2,412,000

E 2,412,000

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	39.27	25.00	90.0000	N 41°37'36" E	35.36
C2	31.75	175.00	10°23'47"	N 01°49'32" E	31.71
C3	23.53	25.00	53°50'05"	N 19°47'48" W	22.89
C4	48.02	60.00	42°58'54"	N 25°28'53" W	43.97
C5	80.87	60.00	77°13'14"	N 34°39'31" E	74.88
C6	65.06	60.00	62°02'22"	S 75°20'08" E	61.92
C7	66.51	60.00	58°10'01"	S 75°31'24" E	58.33
C8	49.67	60.00	47°25'54"	S 77°12'31" W	48.28
C9	23.55	25.00	53°58'05"	S 34°00'22" W	22.89
C10	39.27	25.00	90.0000	S 48°22'22" E	35.36
C11	22.88	125.00	10°23'47"	S 01°49'52" W	22.85

LINE TABLE

LINE BEARING	DISTANCE
L1	S 54°50'31" W 86.12
L2	S 50°29'09" W 80.15
L3	N 03°22'22" W 31.87
L4	S 03°22'22" E 31.91

GENERAL NOTES:

- THE PROPERTIES SHOWN HEREON ARE NOT LOCATED IN A 100 YEAR FLOOD PLAIN AS PER FEMA FLOOD INSURANCE RATE MAP 54037C 0120E WITH AN EFFECTIVE DATE OF DECEMBER 18, 2009. SAID PARCEL IS LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.
- THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
- BUILDING SETBACKS SHALL BE 40' FRONT, 15' SIDE AND 50' REAR.

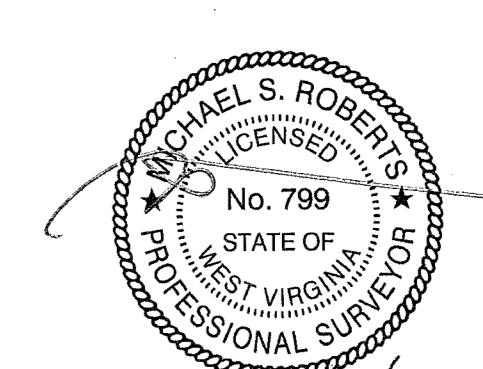
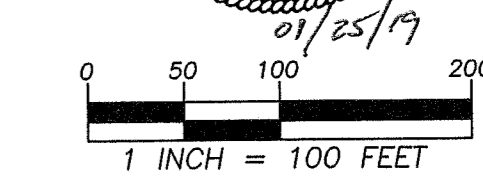
AREA TABULATION:

ORIGINAL PARCEL	ACRES
PARCEL 49	43.6293
TOTAL	43.6293
SUBDIVISION PARCELS	
SUBDIVISION LOTS	14.0000
RIGHT OF WAY (ANCIENT OAKS COURT)	0.9689
SWM EASEMENT AREA (PORTION OF RESIDUE)	1.4671
RESIDUE (GREEN SPACE PARCEL)	27.1933
TOTAL	43.6293

DATE: 05-09-18
 DRAWN: MSR
 CHECKED: MSR
 SCALE: 1"=100'
 DWG NO: 17-124
 SHEET 3 OF 11

REVISED SEPTIC RES. 12-14-18

DATE: 05-09-18
 DRAWN: MSR
 CHECKED: MSR
 SCALE: 1"=100'
 DWG NO: 17-124
 SHEET 3 OF 11



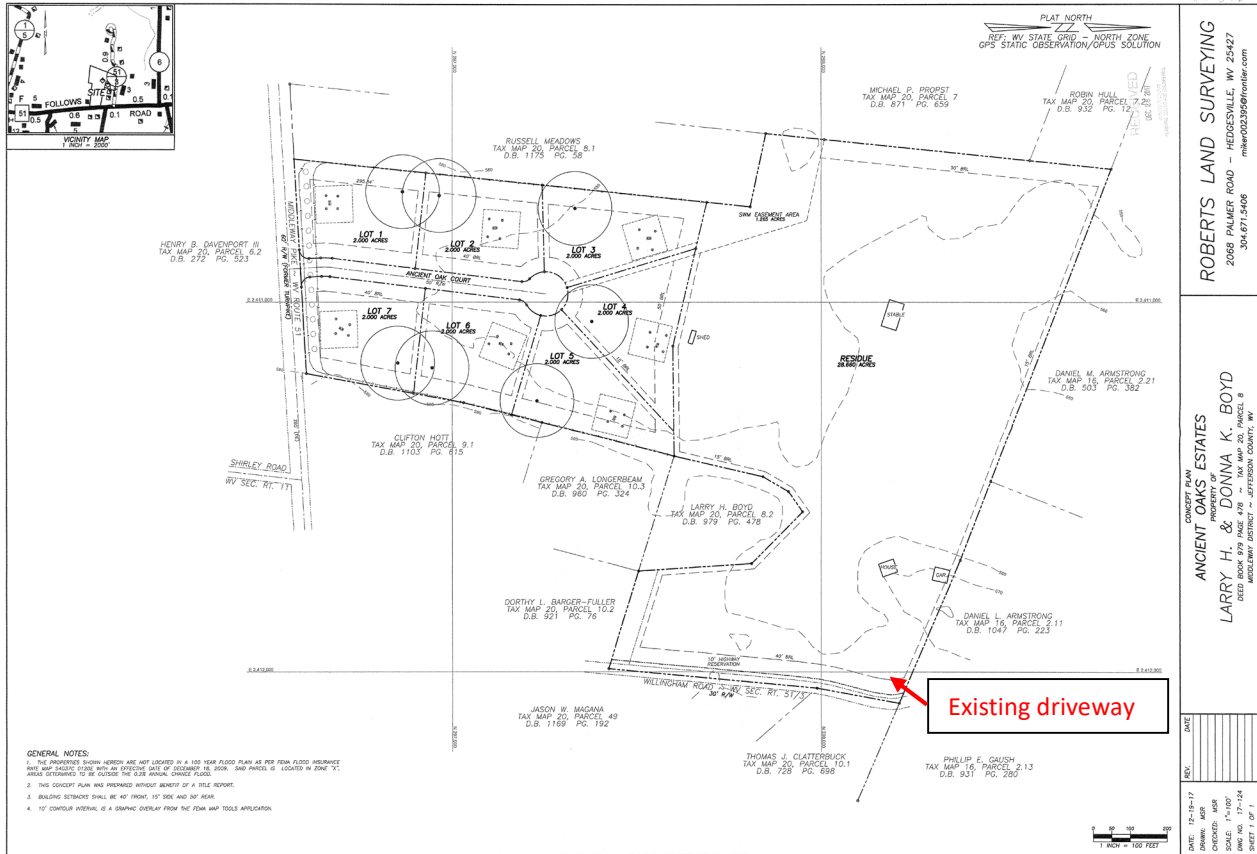
ROBERTS LAND SURVEYING
 2068 PALMER ROAD - HEDGESVILLE, WV 25427
 304.671.5406
 miker002395@frontier.com

PRELIMINARY PLAT
 ANCIENT OAKS ESTATES
 PROPERTY OF
 LARRY H. & DONNA K. BOYD
 DEED BOOK 979 PAGE 478 ~ TAX MAP 20, PARCEL 8
 MIDDLEWAY DISTRICT ~ JEFFERSON COUNTY, WV

DATE: 05-09-18
 DRAWN: MSR
 CHECKED: MSR
 SCALE: 1"=100'
 DWG NO: 17-124
 SHEET 3 OF 11

Staff Report
Jefferson County Planning Commission Meeting
March 12, 2019

acre greenspace (including 1.47 acres of stormwater management area). The proposed greenspace is occupied by an existing single family home and related farms structures and currently has WV DOH approved driveway access from Willingham Road.



The Request

This waiver request (File#19-3-PCW) is to be permitted to waive the requirement of Section 21.103D of the Subdivision Regulations, “Access to Existing Roads”. This section requires all lots to access internal subdivision roads. The applicant is requesting a separate entrance to the green space parcel at its current driveway access from Willingham Road, provided a WVDOH permit is approved, rather than accessing from the proposed Ancient Oaks Court shown on the cluster plan.

Waiver Requirements

Division 24.300 of the Jefferson County Subdivision and Land Development Regulations states that waivers from the minimum standards in these Regulations, as well as process and procedural waivers, 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;

Staff Report
Jefferson County Planning Commission Meeting
March 12, 2019

(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.

The applicant has addressed these criteria in their application.

Staff Discussion

It should be noted that in addition to the requirements of both Sections 2.3 and Section 21.103D of the Subdivision and Land Development Regulations, which state that all individual lots in a subdivision are required to be served by internal subdivision roads unless otherwise approved by the Planning Commission, Section 5.7D(2)(b)(iii) of the Zoning and Land Development Ordinance also requires all clusters of three (3) or more lots to be served by an internal road. Generally a waiver of this standard would require a Zoning Variance approved by the Board of Zoning Appeals; however the Zoning Administrator has determined that if the Planning Commission waiver is approved, this variance is not required.

There is a provision in Section 20.201A.2 which applies to Minor Subdivisions in the Rural Zoning District which permits lots having a minimum road frontage of 200 feet to have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards. The proposed greenspace lot in the Ancient Oaks Cluster development has over 800 feet of frontage on Willingham Road (WV 51/3) where its existing WV DOH approve driveway entrance serves the existing house and farm buildings. Because the Zoning Ordinance requires all Cluster developments to process as a Major Subdivision, this provision cannot be administratively applied to this lot. For these reasons, a waiver is required prior to the approval of the Preliminary Plat to allow the residue/greenspace lot to have separate access to Willingham Road.

Staff Recommendation

Staff agrees that approving this waiver request will allow the existing farmhouse and associated rural structures to retain the rural character of the property. Allowing the existing house and farm buildings to retain its existing access rather than requiring it to create a long connecting drive to the proposed Ancient Oaks Court is in keeping with the intent of the cluster provisions and will enable the greenspace lot to exist as a farm of its own.



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: 517-01
 Staff Initials: RBB
 Sketch Received: 2/15/19
 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: Aubrey Henry & Debora Henry
 Mailing Address: 13402 Trailing Moss Dr. Dade City FL, 33525
 Phone Number: 304-668-4248 Email: dngHenry@yahoo.com

Applicant Contact Information

Name: Fred Blackmer
 Mailing Address: 9628 Moncove Lake Road, Gap Mills WV, 24941
 Phone Number: 304.536.3743 Email: fred@fredblackmer.com

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

Name: Fred Blackmer
 Mailing Address: 9628 Moncove Lake Road, Gap Mills WV, 24941
 Phone Number: 304.536.3743 Email: fredblackmer2@outlook.com

Physical Property Details

Physical Address 4038 Kearneysville Pike, Shepherdstown WV, 25443
 Tax District: Shepherdstown Map No: 13 Parcel No: 26.1 and 26.3
 Parcel Size: 6.6194 and 2.9577 Deed Book: 1163 Page No: 138

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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

FEB 15 2019

JEFFERSON COUNTY
 ENGINEERING, PLANNING AND ZONING

Briefly Describe the Nature of Your Waiver Request:

Extension of the current concept plan for a period of 2 (two) years from the current expiration date (03/28/2019)

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.

see attached

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

see attached

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.

Aubrey Henry 11/26/2018
Signature of Property Owner Date

[Signature] 11/26/2018
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

RECEIVED

FEB 15 2019

JEFFERSON COUNTY
ENGINEERING PLANNING AND ZONING

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

The currently approved Concept Plan was designed to meet County development standards. It was also found to be consistent with the County Comprehensive Plan by virtue of its Zoning district classification. When this project is completed, there will be significant improvements of public infrastructure. Sewer, water, highway safety and expanded amenities supporting Morgan's Grove Park will all be available to the surrounding area.

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

The waiver is to extend the time of a current approval. It has been established that the project Concept Plan meets the standards with regard to public health, safety and welfare at this stage of the development process.

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

The original approval includes a sunset provision. That provision is in place to review the Concept Plan and its compatibility with changes in the area. There have been no significant changes in the area or development standards that would conflict with the current plan. Therefore, the approval of this extension is in keeping with the intent and purpose.

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

Most development concepts improve as they mature. Materials, collaborative vision and assessing community needs all lend to an improved final product.

This project also involves infrastructure improvements beyond the actual property being developed. Sewer, water and highway improvements need to be considered. Shepherdstown Utilities (water and sewer) continue to review various proposals from private sector development regarding enhanced utility availability in this area. A solution benefiting aging and failing systems needs to be included. Significant highway improvements are being considered in a context of area needs vs each individual property.

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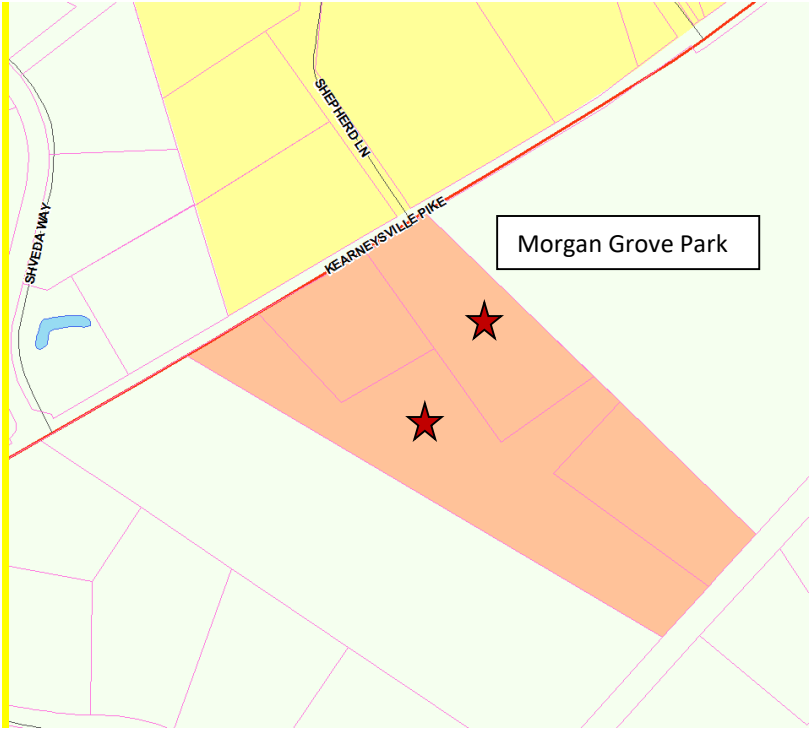
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JEFFERSON COUNTY
ENGINEERING, PLANNING AND ZONING

Staff Report
 Jefferson County Planning Commission Meeting
 March 12, 2019

Genesis Center 19-4-PCW

Item #4: Public Hearing - Waiver request by Aubrey & Debora Henry, Genesis Center (File#19-4-PCW). Applicant is requesting a waiver from section 24.112 C of the Subdivision and Land Development Regulations that provides a two year deadline for an approved Concept Plan. Genesis Center is requesting a 2 year extension of the approved Concept Plan.

APPLICANT:	Aubrey E. & Debora E. Henry (Genesis Center)
OWNER/DEVELOPER:	Same as above
CONSULTANT:	Fred Blackmer
PROPERTY LOCATION:	This property is located on Route 480, Kearneysville Pike, adjacent to Morgan's Grove Park.
LEGAL DESCRIPTION:	District: Shepherdstown (09); Tax Map: 13; Parcel(s): 26.1 & 26.3 
ZONING DISTRICT:	Neighborhood Commercial (rezoned 09/3/15)
SURROUNDING PROPERTIES:	<u>Northeast:</u> Rural (Park) <u>Northwest:</u> Residential Growth <u>South:</u> Rural <u>East:</u> Rural <u>West:</u> Rural
LOT AREA:	Total Site Area: 9.57 acres
Approved Activity: (3/28/17 PC Meeting)	Genesis Center Concept Plan (S17-01) approved for 3 commercial parcels on Parcel 26.3 (2.95 acres) including a restaurant, general commercial, and health care facility, all of which may include upper floor residential or offices; and 12 age restricted villa units on Parcel 26.1 (6.62 acres).

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Background

The two properties which are included in the Genesis Center Concept Plan are located along Kearneysville Pike (Route 480) directly south of Morgan's Grove Park. The property is zoned Neighborhood Commercial and is proposed to be developed in accordance with the Concept Plan approved at the March 2017 Planning Commission meeting (attached).

The Neighborhood Commercial (NC) Zoning District (Section 5.11 of the Zoning Ordinance) is a fairly new zoning category which is intended to permit the development of small scale commercial uses which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the commercial use. The district also permits the inclusion of residential uses on building levels located above the ground floor. The Ordinance requires developments in the NC district to be appropriate in scale and designed, landscaped, and buffered so as to be compatible with neighboring land uses.

The Principal Permitted uses in the NC District include a variety of institutional uses, smaller commercial uses, agricultural uses and single family residential uses and upper floor residential and office uses. Other requirements of the NC zone include limiting each building to a maximum building footprint of 3,500 square feet, requiring the buildings to be oriented toward the street with one or more entrances facing the principal street adjacent to a building and requiring large pedestrian zones with specific landscaping requirements.

On March 28, 2017, the Jefferson County Planning Commission held a Public Workshop regarding the Concept Plan for the proposed Genesis Center which proposes three (3) commercial structures on Parcel 26.3 (2.95 acres) including a restaurant, general commercial, and health care facility, all of which may include upper floor residential or offices, and twelve (12) age restricted villa units on Parcel 26.1 (6.62 acres). An area identified as "Nature Preserve" on the Concept Plan may include a walking trail but no other improvements proposed were proposed at that time. The Nature Preserve area includes the identified 100-year flood plain on this property. The existing house currently used as an office on Parcel 26.2 and the existing single-family home and greenhouses on Parcel 26.4 are not a part of the approved Concept Plan.

Concept Plan Approval

As noted during the March 2017 Public Workshop, because the development of the proposed Genesis Center requires off-site infrastructure (water and sewer lines), the project must process as a Major Subdivision or Major Site Development, both of which required processing a Concept Plan. The approved Concept Plan for the Genesis Center was somewhat different than other plans seen by the Planning Commission because it was a single Concept Plan submittal for both commercial and residential areas of the proposed development. The Genesis Center project may be phased and will be required to process subsequent Major Site Plans and Major Subdivision Plats as needed. The applicant may submit a Preliminary Plat reflecting the proposed commercial lots and residential development and overall infrastructure and then subsequently submit Minor Site Plans for each of the commercial buildings. The Planning Commission approved the Concept Plan as presented which allows to the applicant to move forward with the proposed Site

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Plan or Preliminary Plat in accordance with the Subdivision Regulations. Per Section 24.121(C) of the Subdivision Regulations, the direction provided to the applicant in the Concept Plan Public Workshop was applicable for a period of two years (through March 28, 2019).

The Request

The current waiver request (19-4-PCW) was submitted on February 15, 2019 and is scheduled for the March 12 13, 2019 Planning Commission meeting. The applicant is requesting a 2-year extension of the approval of the Concept Plan, from March 28, 2019 to March 28, 2021 to prepare the Preliminary Plat and/or Site Plan related to the Genesis Center project. Granting of this waiver will allow the Preliminary Plat and/or Site Plan to proceed to the next steps in the standard review process at a later date rather than beginning over. This will allow the project to proceed in a timely manner and will avoid duplication of effort by both the County and applicant.

Waiver Requirements

Division 24.300 of the Jefferson County Subdivision and Land Development Regulations states that waivers from the minimum standards in these Regulations, as well as process and procedural waivers, 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.

The applicant has addressed these criteria in their application and has noted that this waiver request to extend the approval of the Concept Plan for two years will to allow the applicant to continue to proceed through standard review process based on the previously approved Concept Plan without requiring the concept to be resubmitted.

Staff Comments

Staff concurs that this waiver request will not impact the design of the project and is not a request to vary any standards or requirements found in the Subdivision Regulations. It should be noted that the applicant is working with the Corporation of Shepherdstown on the extension of the water and wastewater lines required by the project. Approval by the WV DOH of any required Traffic Impact Study and road improvements will also be required with the future processing of a Plat or Site Plan.

The purpose of the Subdivision and Land Development Regulations is to “facilitate the County Government’s review of proposals for development of land either by subdivision plat or site plan, to ensure that proposed subdivision plats or site plans meet the standards of the Jefferson County Zoning Ordinance and satisfy the legal requirements of the State and County for the

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subdivision and development of land, and to promote efficient and attractive development in a manner that reduces off-site impacts.” This waiver request is not a request to vary any of the Regulations standards other than the length of time to submit the Plat or Site Plan proposed in the approved Concept Plan.

The granting of this waiver will allow the applicant to proceed with the plan as proposed in the Concept Plan stage without resubmitting those required steps. The quality and character of the project will be the same as when first proposed in the Concept Plan.

Staff Recommendation

Staff recommends granting the requested waiver to extend the submission time for the Preliminary Plat or Site Plan until March 28, 2021 with the provision that any amendments to the Subdivision Regulations or the Zoning Ordinance which occur within the second year that may impact the design of the proposed project be required as a part of the Plat or Site Plan submittal. This waiver is for a time extension and not a change to the site layout or a waiver of any Subdivision Regulation standards. Providing an extension of 2 years to the developer will provide for the continuation of this development in accordance with the Concept Plan previously reviewed and approved by the Planning Commission.



Jefferson County, West Virginia

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Planner's Memorandum Planning Commission Meeting March 12, 2019

1) Zoning Ordinance Text Amendments

- a) Revise Article 10 "Provisions for Signs" to incorporate procedures for various signs
- b) WV45 Gateway Design Standards (ZTA17-02) requested by Corp of Shepherdstown
- c) Revise Section 5.7D.2 "Clustering" to address issues with current requirements
- d) Revise and coordinate Section 4.11 "Landscaping, Screening and Buffer Yard Requirements" and Appendices A and B which are in conflict in some areas
- e) Revise Article 11 "Off-Street Parking Standards" to address more diverse land uses

2) Subdivision Regulation Text Amendments

- a) Incorporation of Improvement Location Permit Ordinance into Subdivision and Land Development Regulations
- b) Subdivision and Land Development Regulations Amendments (STA18-01) – reorganization and update to current processes

3) Upcoming PC meetings

- a) Next Regular Meeting: **April 9, 2019**



CORPORATION OF SHEPHERDSTOWN

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February 7, 2019

Donnie Fisher, President
Jefferson County, WV Planning Commission
116 E. Washington Street, Suite 200
P.O. Box 716
Charles Town, WV 25414

Jennifer Brockman
Director of Planning & Zoning
116 E. Washington Street, Suite 200
P.O. Box 716
Charles Town, WV 25414

Re: Request for a Memorandum of Understanding

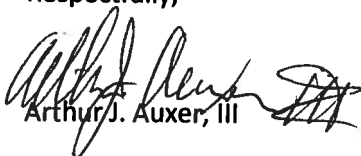
Dear Mr. Fisher & Ms. Brockman:

The Corporation of Shepherdstown requests that a Memorandum of Understanding be drafted between the Town and the County of Jefferson, WV. The primary purpose of which is to ensure that the Town will be notified timely in writing of any requests for or proposals to amend the county zoning and/or land use maps as it relates to parcels located within Shepherdstown's Growth Management Boundary. In addition, the MOU should require that any requests for or proposals to amend Shepherdstown's Preferred Growth Area will be forwarded to the Town in writing as well.

The Town requests that it be notified within seven (7) business days upon the County's receiving requests for rezoning, land use changes or changes to the Preferred Growth Area. The Town should be notified prior to any actions taken by the Planning Commission and the County Commission independent of any public notice requirements. Upon notification, the Town will have thirty (30) days to respond, in writing, to the change requests and will be allowed to voice any concerns.

As was discussed in the early stages of the UGB/GMB designation process, the desire is to keep an open line of dialogue between the County and the Town and for the Corporation to have a voice as to how land within the Growth Management Boundary is developed. We look forward to reviewing the proposed MOU.

Respectfully,


Arthur J. Auxer, III

Mayor of Shepherdstown

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