

AGENDA
Jefferson County Planning Commission
Tuesday, April 09, 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: 3-12-2019.
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 Jefferson County Parks & Recreation Commission (File #19-5-PCW). Applicant is requesting a waiver from Appendix B Sections 2.5, 10.4 & 10.5 of the Subdivision and Land Development Regulations to waive the required paved parking and to continue to utilize grass and gravel parking in the park for large events at the amphitheater. The property is designated as Tax District: Charles Town (02); Tax Map: 3; Parcel: 12. Zoned: Rural; Size: 138.25 acres.
5. **Variance 1979 Subdivision Ordinance:** Subdivision Variance request by Roderick Planes, LLC., for Aspen Greens Phase IIB (File#19-1-PCV). Applicant is requesting a waiver from Section 8.2a(2) of the 1979 Subdivision Ordinance that requires two entrances for a subdivision with more than 50 lots. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19. Zoned: Rural; Size: 110 acres.
6. **Public Hearing:** Waiver request by Harry & Garnett Catrow (File #19-6-PCW). Applicant is requesting a waiver from Section 20.201A (2) of the Subdivision and Land Development Regulations which states that all lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement. Applicant is requesting that a new lot being proposed from the Residue of the Catrow Minor Subdivision Lots 1, 2, & 3 (PB25/PG211) be permitted to have direct access to Sandpiper Lane, which is an existing private road within a 40' right of way previously approved to serve Mecklenberg Heights. The property is designated as Tax District: Shepherdstown (09); Tax Map: 7; Parcel: 32.15. Zoned: Residential Growth; Size: 21.998 acres.

There is no public comment for the following items.

7. RFQ Update from Committee – Steve Stolipher
8. Discussion of Potential Zoning Ordinance Amendments – Alex Beaulieu, Zoning Administrator
 - a. Revision to Article 10 “Provisions for Signs” to incorporate procedures for various signs
 - b. Revision to Article 2 Definitions; Section 8.14 Rural Reception/Event Facility; and Appendix C to create a process to allow event facilities in new rural structures.

9. Discussion and Action of 3rd Quarterly Report for County Commission
10. Reports from Legal Counsel and legal advice to the Planning Commission
 - a. Status of response to letter dated 2/7/19 from the Corporation of Shepherdstown requesting a MOU between the County and the Town
11. Planner's Memo.
12. President's Report
13. Actionable Correspondence
14. Non-Actionable Correspondence

Meeting Minutes
Jefferson County Planning Commission
March 12, 2019

The Jefferson County Planning Commission met on March 12, 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 arrived at 7:10 PM.

Mr. Fisher called the meeting to order at 7:02 PM.

1. Approval of the February 12, 2019 Meeting Minutes. The meeting minutes from the February 12, 2019 meeting were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
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.

Ms. Brockman provided an overview of her staff report explaining that the intent of the request was to allow the farm to utilize the existing entrance. Ms. Brockman informed the Commission that Staff would like to draft a text amendment to address this requirement as it is common for the farm to retain its existing entrance as opposed to using the proposed subdivision entrance. Mr. Mike Roberts, consultant with Roberts Land Surveying, agreed with Staff's presentation and did not include any additional comments.

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: 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.

Ms. Brockman provided an overview of her staff report noting that this is the second request for an extension of the Concept Plan. Ms. Brockman stated that should the Commission grant the request that the new expiration date would be March 28, 2021.

Mr. Fred Blackmer, representative for the property owner, explained the nature of the request to the Commission. Mr. Blackmer noted that the owners are not seeking a waiver or variance of any other provision. Mr. Blackmer explained that obtaining infrastructure, namely water and sewer, has been the most time consuming issue that the applicant is currently facing. Mr. Blackmer addressed the Commission's questions regarding the property owner's projected timeline and the status of the water and sewer availability to the site.

Mr. Fisher opened the floor for public comment.

Mr. Joe Spurgas, neighboring property owner, spoke in opposition to the request. Mr. Spurgas stated that the property has continually approached the Commission with a variety of requests that have never come to fruition; therefore, the current request should be denied as the applicant has not proven that additional time will facilitate a completed project. Mr. Spurgas also commented on the current status of the site and argued that the property owner should be required to clean it up before any new project is allowed to move forward. Mr. Spurgas questioned the status of the bond held by the County.

In response to the Commission's inquiry regarding the bond, Ms. Brockman and Mr. Saunders stated they were unaware of its current status. Ms. Brockman informed the Commission that site work had commenced on the property as a result of a previously approved waiver granted by the Planning Commission for a different site plan project and that the bond had been issued to a different property owner. Further discussion regarding the bond ensued.

Mr. Fisher closed the public hearing.

Mr. Blacker responded to Mr. Spurgas' comments regarding the property noting that the site currently is stabilized and contains a stormwater management pond and topsoil pile. Mr. Blackmer argued that the condition of the property and status of the bond held by a different property owner for a different project was not germane to the current request before the Commission. Mr. Blackmer stated he was unaware of the status of the bond in question.

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

Ms. Brockman agreed to inform the Commission of the status of the bond at the next meeting.

6. Discussion and Action on 2nd Quarterly Report for County Commission. Ms. Brockman provided the Commission with the *1st and 2nd Quarterly Report for Planning and Zoning* to be presented to the County Commission. Mr. Stolipher moved to approve the Report as presented. Mr. Louthan seconded the motion, which carried unanimously.
7. Reports from Legal Counsel and legal advice to the Planning Commission. In response to the Commission's inquiry regarding whether they must prepare a budget per WV State Code, Mr. Cochran informed the Commission that he had spoken to Michelle Gordon, the County's Finance Director, about the issue. Mr. Cochran stated that, in Ms. Gordon's opinion, due to the County's Departmental structure, it does not appear necessary for the Commission to draft a separate budget. Regarding the Commission's role outlined in WV State Code, Mr. Cochran noted that the language is not specifically mandatory for drafting a budget; therefore, it is his opinion that they do not have to prepare a budget. Mr. Cochran noted that the Commission could elect to adopt the budget prepared by the Department Head if they were inclined.
8. Planner's Memo. Ms. Brockman informed the Commission of the following:
 - Proposed text amendments that Staff would be working on during 2019.
 - Status of pending Subdivision Regulation Text Amendments
 - The next meeting would be on April 9, 2019.
9. President's Report. None.
10. Actionable Correspondence.
 - Letter dated 2/7/19 from the Corporation of Shepherdstown requesting a MOU between the County and the Town. Ms. Brockman explained that WV State Code does not allow for a 30-day delay to allow Shepherdstown to review applications, as requested in the letter. The

Planning Commission

March 12, 2019

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Commission concurred with Ms. Brockman's statement. After further discussion, the Commission requested that Mr. Cochran send a letter to the City of Shepherdstown declining their request by citing the aforementioned reason.

11. Non-Actionable Correspondence. None.

Mr. Fisher closed the meeting at 8:04 PM.

Staff Report
 Jefferson County Planning Commission Meeting
 April 9, 2019

Summary of the Request:

The Jefferson County Parks and Recreation Commission has recently completed a Master Plan for Sam Michaels Park to address future growth and recreation needs. The Master Plan will be presented to the Planning Commission in the near future to fulfill the Concept Plan requirement of the Subdivision Regulations, prior to processing a new site plan.

One of the first implementation steps has been the construction of a new amphitheater across the driveway from the Community/Recreation Center, which was approved under a red-line revision to the S04-21 Site Plan. The new Sam Michaels Park Master Plan acknowledges the need for additional/new parking lots for the existing and proposed expanded uses. While the Park Master Plan includes future plans to “design, construct and maintain new parking lots (approximately 265 spaces) to support new facility improvements including the turf soccer fields and amphitheater facilities”, it also acknowledges the need for overflow parking for some events. In particular, the area identified as “45” on the Sam Michaels Park Master Plan exhibit below is identified as overflow parking spaces.

The Parks and Recreation Commission is requesting a waiver from Appendix B Section 2.5, 10.4 & 10.5 of the Subdivision and Land Development Regulations to waive the required paved parking for this area and to continue to utilize grass parking for overflow parking for large events at the amphitheater.



Line 45 of the Sam Michaels Park Master Plan (p. 8 attached) calls for “grass surface overflow parking” (approx. 1,300 spaces). It states that “Grass surfaced overflow parking should be used on an as-needed basis after the existing and proposed paved surface parking spaces are utilized. It is strongly encouraged

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Jefferson County Planning Commission Meeting
April 9, 2019

that the grass surfaced areas includes a delineated no-mow boundary to protect grassland areas from mowing and disturbance during the grassland bird nesting periods (June- July). . .”

Figure 11 (p. 17 attached) also shows the proposed plans to reduce the amount of area dedicated to temporary overflow parking and to delineate the area identified as for mow control which will allow protected field areas with natural succession to existing treed areas. The plan shows the intent to balance the need for overflow parking with the goal of protecting bird nesting areas.

Relevant Sections of Subdivision Regulations:

The following are summaries of Sections 2.5, 10.4 & 10.5 of Appendix B of the Subdivision and Land Development Regulations which relate to the County parking standards. The required number of parking spaces for various uses are set by the Zoning Ordinance and are not the subject of this waiver request.

Sec. 2.5 Off-Street Parking Standards

This section states that all off-street parking facilities shall be approved by the County Engineer and designed in accordance with the design standards and details established by the County Engineer. This Section includes most of the design criteria for the required off-street parking facilities, drive aisles and entrances.

Section 10.4 Internal Vehicular Circulation & Parking

This section requires all Site Development projects, to have internal site vehicular circulation and parking (including handicapped parking) in accordance with Appendix B, Section 2.5, Off Street Parking Standards.

Section 10.5 Parking Area, Entrance and Internal Driveway Paving

This section requires all Site Development parking lots, entrances and internal driveways for use by the public to be bituminous asphalt or concrete paved with paving sections approved by the County Engineer.

Staff Comments:

The required parking on the Site Plan for the Community/Recreation Center (S04-21) was comprised of 190 parking spaces, including 8 handicapped spaces, and an additional proposed 20 spaces behind the building. The existing paved parking around the Recreation/ Community Center totals approximately 160 of those 190 spaces. Two gravel lots exist: a large one that serves the baseball fields and a smaller lot with approximately 24 spaces serving the dog park. The proposed new 193 space parking lot will replace and expand the baseball field gravel lot. The proposed 72 space parking lot will replace and expand the lot near the dog park, which is proposed to be relocated.

The Park has historically used the grass parking area for special events such as the Arts and Craft Fair (which has been moved to the Fairgrounds) and the annual Fireworks display. This waiver is requesting to be permitted to use the grass are on a more regular basis. At this point, the Parks and Recreation Commission has a concert series planned in the amphitheater for 6 weeks on Thursdays and has three separate Saturday events planned. These are the type of events that they anticipate may require the overflow parking area. The request is to be able to utilize the grass parking area as needed on Thursdays through Sundays from May to October.

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Waiver Requirements:

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. The applicant has provided a response to each of the following requirements found in “Division 24.300 Waivers” of the 2008 Subdivision Regulations in their attached application.

- (1) *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) *The waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;*
- (3) *The waiver, if granted, will be in keeping with the intent and purpose of these Regulations;*
and
- (4) *The waiver if granted will result in a project of better quality and/or character.*

Staff Concerns for Planning Commission Consideration:

Staff has reviewed this request and reviewed previous similar requests by businesses in the community that also require occasional overflow parking and have the following concerns/questions that should be addressed by the applicant at the Public Hearing. These include, but are not limited to, the following:

- Delineation of parking spaces on a grass surface:
Generally, the grass parking area for Sam Michaels Park is staffed with volunteers who ensure the parking occurs in a safe and efficient manner, but this is not addressed in this waiver request. If this becomes a weekly need, how will the Park ensure that the parking occurs in a safe and efficient manner?
- Signage to direct traffic and to state when the area is being used for parking:
The area would need to be signed in a way to inform the public when and where parking is allowed and what will be done if it is violated?
- Wet weather affects:
What is the applicant plan to address a wet weather weekend? Will they have a tow truck on site if needed?
- Additional handicap spaces needed:
The increase in parking spaces should require additional handicap parking spaces. The applicant will need to demonstrate that the HC parking being used in the existing parking is adequate for the number of parking spaces provided. Normally, HC spaces are calculated as 1 for every 25 spaces provided.

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Staff Recommendations:

Staff recommends approval of the waiver to allow up to Sam Michaels Park to utilize grass parking for overflow parking for up to 1,300 parking spaces for large events at the amphitheater with the following conditions:

1. Such use shall be permitted between the holidays of Memorial Day and Labor Day.
2. Limit the number of events to a set number per week to minimize the impact on the grass.
3. Proper delineating of the parking spaces and blocking off of this area when not in use.
4. Proper signage alerting the public of this condition and consequences of a violation.
5. Address how to handle the impact on the grassed areas during heavy wet weather and extreme dry weather.
6. All conditions of this approval shall be reflected on the approved site plan and concept plan.

These conditions may be modified by the Planning Commission based on discussion with the applicant and based on public comment at the public hearing.



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: 19-5-PCW
 Staff Initials: RJB
 Sketch Received: digitized
 List of Adjoiners: _____
 Fees Paid: N/A

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: Jefferson County Commission
 Mailing Address: PO Box 250, Charles Town, WV 25414
 Phone Number: 304 728 3284 Email: _____

Applicant Contact Information

Name: Jefferson County Parks & Recreation Commission
 Mailing Address: 235 Sam Michaels Lane, Shen Jct WV 25442
 Phone Number: 304 728 3207 Email: jmyers@jcprc.org

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

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

Physical Property Details

Physical Address: 235 Sam Michaels Ln. Shen Jct WV 25442
 Tax District: Harpers Ferry Map No: 3 Parcel No: 12
 Parcel Size: 138.25 Deed Book: 6 Page No: 19

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"/>

RECEIVED

MAR 13 2019

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Date Stamp Here

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

Briefly Describe the Nature of Your Waiver Request:

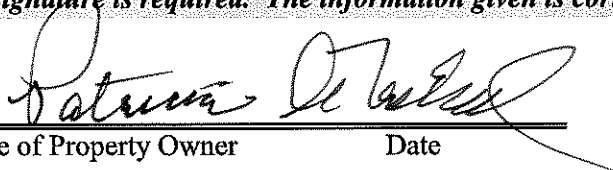
Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

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.

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



Signature of Property Owner Date

Signature of Property Owner Date

To Be Completed By Office

_____ Date of Public Meeting/Public Hearing

_____ Date Property to be Posted By

_____ Official/Administrative Body

_____ Date Adjoiner Letters to be Mailed

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

Approved **Denied**

Addendum to application

The Jefferson County Parks and Recreation Commission is requesting a wavier from paved parking and to continue to utilize grass and gravel parking in the park for large events at the amphitheater. JCPRC estimates that most usage of these areas will occur Thursdays-Sundays during months of May-October.

It would be a waste of money and resources as well as ascetically ally unpleasing to pave large areas of the park for limited usage for special events and evening concerts.

As this is a park and we currently mow the space, it will not have an effect on maintenance costs. It would however, keep a large highly visible area in the park as open green space.

It will not have an any adverse effect on public health or safely as the area is already being used for seasonal parking at special events such as the fireworks. Adjacent residents will benefit from having less pavement and stormwater runoff.

To pave an area this large for limited use would have an adverse effect on SWM as well as harm the overall aesthetics of the concept for the park.

The area is already used for parking for seasonal special events. Day to day parking is on paved lots at the JCCC.

Springtime takes Flight in our Parks

Sam Michael's Park Festival Field

Early May

May 4, 2019

- Amphitheater Ribbon Cutting
- Light Rock/Country type bands
- Food Trucks
- Tethered Balloon Rides
- 5K Race/Kids Fun Run (with capes!)
- Remote Control Airplane Exhibition
- Inflatable Rides & Activities
- Craft/Vendor Show
- Beer Tent/Wine Garden
- Kite Building/Flying Event
- Paper Airplane Contest
- Face Painting

Jefferson County Fireworks

Sam Michael's Park Festival Field

Saturday before 4th of July

June 29, 2019

- Flag Ceremony
- Light Rock/Country type bands
- Food Trucks
- Inflatable Rides
- Kids Rides
- Trackless Train Rides
- Craft/Vendor Show
- Non-Profit Fair
- ~~Car Show~~
- Face Painting
- Watermelon/Apple Pie Eating contest

Raindate: July 1, 2019

Jefferson County Parks Fall Festival

Sam Michael's Park Festival Field

Early October

October 5, 2019

- Bluegrass Music at the amphitheater
- Kids Magician
- 5K Race/Kids Fun Run
- Trick or treat scavenger hunt
- 200 pumpkin giveaway for kids
- Petting zoo
- Corn Hole Tournament
- Mac & Cheese Tasting Festival/Contest
- Apple Cider
- Inflatable Rides
- Pony Rides
- Kids' Games
- Craft/Vendor Show/Artist Show
- Beer Tent/Wine Garden
- Car Show
- Face Painting
- Food Trucks

SAM MICHAELS PARK MASTER PLAN



SAM MICHAEL'S PARK

OPERATED BY
JEFFERSON COUNTY PARKS & RECREATION

Jefferson County Parks & Recreation Commission

December 12, 2018

Acknowledgements

Jefferson County Commission

Josh Compton, President
Caleb Wayne Hudson, Vice President
Patsy Noland, Commissioner
Peter Onoszko, Commissioner
Jane M. Tabb, Commissioner

Jefferson County Parks & Recreation Commission Board

Toni Milbourne, President
Ann Mountz, Vice President
David M. Hill, Treasurer
Heather Morgan-McIntyre, Secretary
Gene Taylor
Lanae Johnson
Kathleen Osantowske
Jim Lee
Dale Manuel
J. Michael Jacobs
Paul Marshall

Jefferson County Parks & Recreation Commission Staff

Jennifer Myers, Director
David Kling, Assistant Director
Tim Lykins, Park Manager
Brenda Whittington, Administrative Coordinator
Becki Zaglifa, Public Relations
Heather Burgos, Recreation Coordinator
Joyce Moler, Administrative Assistant
Nicole Cooper, Office Assistant
Mary Reck, Office Assistant

Sam Michaels Park Master Plan Citizens Advisory Committee

Ann Mountz, Jefferson County Parks & Recreation Commission Board
Dale Manuel, Jefferson County Parks & Recreation Commission Board
Jennifer Myers, Jefferson County Parks & Recreation Commission Staff
Tim Lykins, Jefferson County Parks & Recreation Commission Staff
Joyce Moler, Jefferson County Parks & Recreation Commission Staff
Ralph Dinges, Jefferson County Schools
Joette Borzik, Potomac Valley Audubon Society
Cherie Fisher, Jefferson County Resident
Jennie Brockman, Jefferson County Planning & Zoning
Matthew Pennington, Region 9 Eastern Panhandle Regional Planning and Development Council
David Colbert Jefferson County Sheriff's Office

Technical Consultant

Michael Baker International, Inc.



A special thank you to the various individuals and groups that dedicated their time to participate in the master plan development process.

Accepted by the Jefferson County Parks & Recreation Commission Board on December 12, 2018.



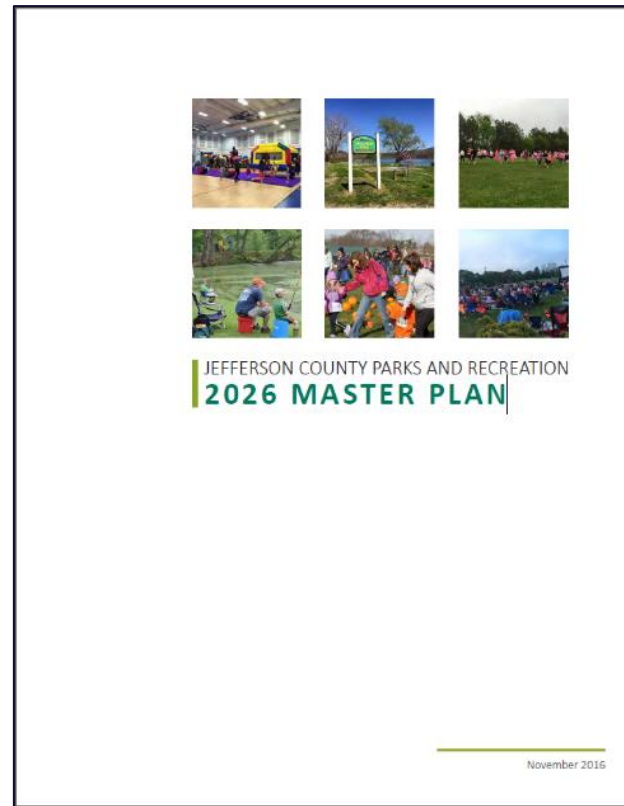
Sam Michaels Park Master Plan

“DESIGN AND IMPLEMENT A GRAND VISION FOR SAM MICHAELS PARK THAT ELEVATES THE PARK TO A TRUE COUNTY-SCALE AND “THE PREMIERE” PARK FACILITY FOR JEFFERSON COUNTY.” – JEFFERSON COUNTY PARKS AND RECREATION 2026 MASTER PLAN

Introduction

The Sam Michaels Park Master Plan presents a grand vision that preserves and celebrates the park as a valued and treasured resource and elevates the park as the premiere park facility for Jefferson County residents and the ever-growing list of users. The preparation of this master plan stemmed from the [Jefferson County Parks and Recreation 2026 Master Plan](#) for the countywide parks and recreation system. The 2026 Master Plan identified the need to create a new master plan to replace the park’s concept plan prepared in 2000 and provide a new strategic vision to manage its growth while preserving and protecting its most sensitive resources.

The Sam Michaels Park Master Plan was prepared for the Jefferson County Parks and Recreation Commission (JCPRC) by its technical planning and design consultant Michael Baker International, Inc. in consultation with a 11-member ad-hoc Citizen’s Advisory Committee (CAC). The planning process was initiated in May 2018 and concluded with the JCPRC Board’s acceptance of the plan in December 2018. In addition to guidance and inputs received from the CAC, JCPRC and the consultant team obtained inputs from various park users and stakeholder interests, and the public during a special public meeting of the JCPRC Board held in October 2018 at the Community Center at Sam Michaels Park.



Jefferson County Parks and Recreation
2026 Master Plan

About Sam Michaels Park

Encompassing an area of 136.6 acres, Sam Michaels Park is Jefferson County’s largest and most diversified park among the county’s 10 park locations. As illustrated in **Figure 1**, the park is accessed from Job Corps Road and is contiguous to the Breckenridge and Stonebrook residential subdivisions. The park is home to the 18,900 square foot Jefferson County Community Center, which includes a full gymnasium, preschool program and classrooms, multi-purpose room, fitness room, and JCPRC staff offices. In addition to the Community Center, Sam Michaels Park also includes a variety of athletic fields and courts, 6.8 miles of pedestrian trails, Veterans Memorial pavilion and playground, Sam Michaels Park pavilion and playground, Outdoor Nature and Education Center, The Columns, 2-acre dog park, the newly installed 19-hole disc golf course, and the 1,200-seat capacity outdoor amphitheater that is currently under construction.

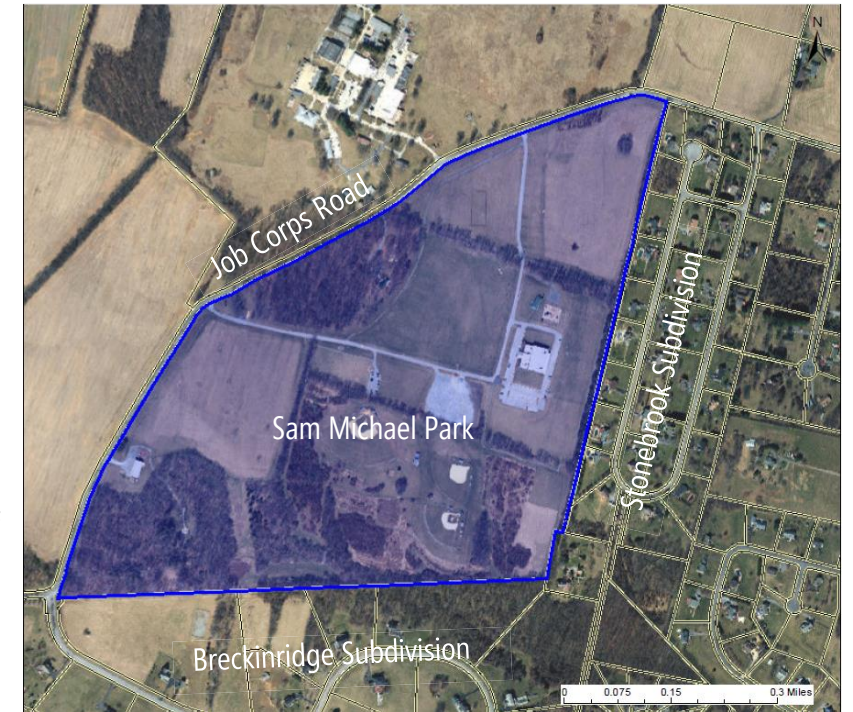


Figure 1 – Sam Michaels Park Property Extents, 136.6 Acres
Source: West Virginia Property Viewer, www.mapwv.gov/parcel/



Citizens Advisory Committee Meeting at Jefferson County Community Center, June 6, 2018



The Columns - Sam Michaels’ Homestead



Jefferson County Community Center



Sam Michaels Park Amphitheater Construction, October 2018

Sam Michaels Park is host to an extensive number of indoor and outdoor programs and events including the annual summer fireworks event that attracts between 10,000 and 15,000 spectators. The JCPRC maintains a current list of programs and events through its published [Activity Guide](#), which is individually published for its Winter, Spring/Summer, and Fall event seasons. In addition to the JCPRC-sponsored programs and events, two cross-country teams from Jefferson County utilize the park's extensive open space areas and variable terrains to achieve a challenging course. Additionally, the park is attracting interest and use from growing number of youth and adult travel and competitive sports leagues (e.g., soccer, lacrosse, volleyball, baseball, softball, disc golf). Because of such demand, the JCPRC has begun installing a new 19-hole disc golf course and this master plan has considered other needs in the context of the park's natural setting and resources.

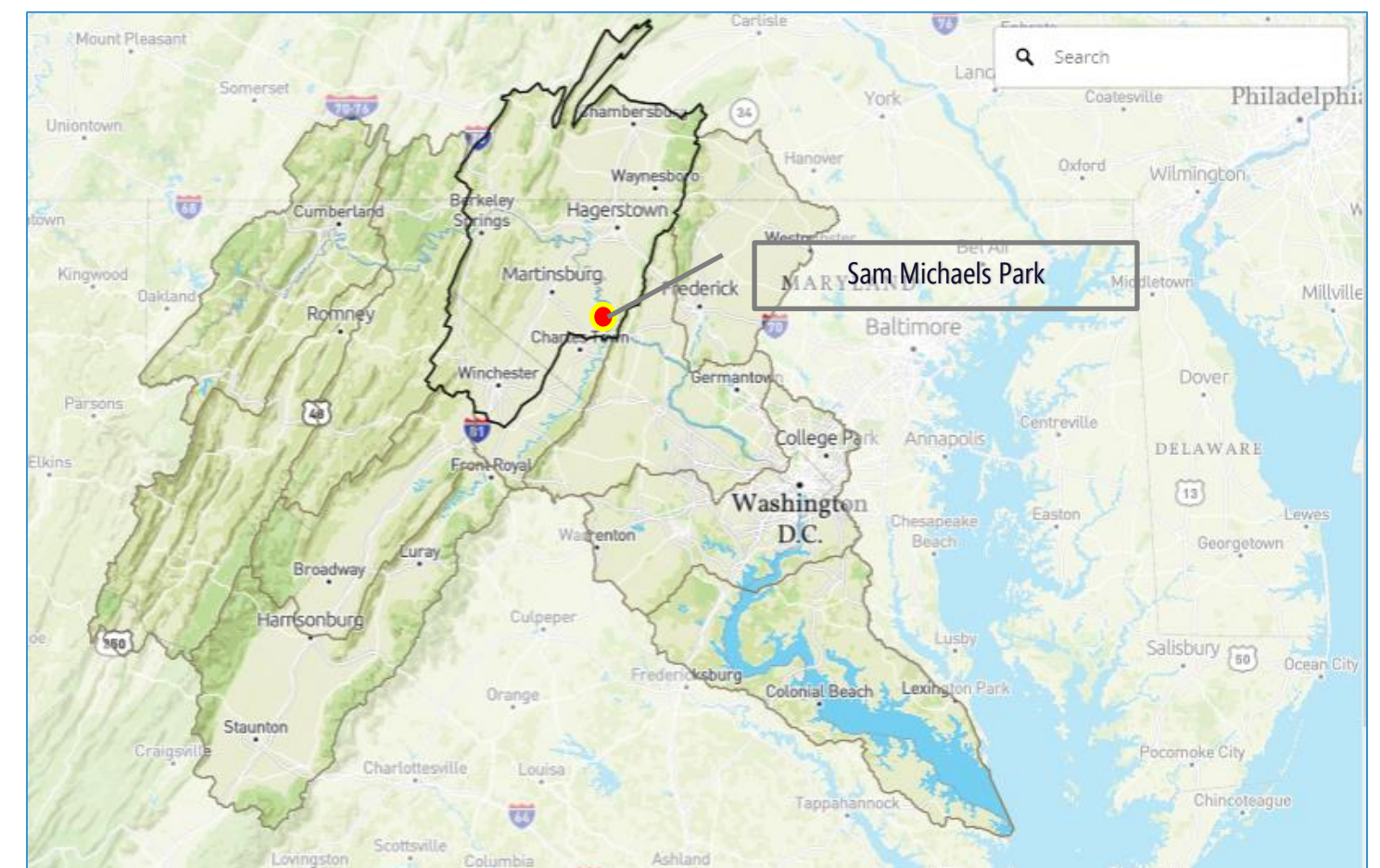
Sam Michaels Park originated from the park's name sake Sam Michaels who was a very interesting man with an eccentric estate. "He was well-liked by those who knew him and misunderstood by those who didn't," (*The Martinsburg Journal*, July 18, 1975, page 5). Mr. Michaels attended Shepherd College, now Shepherd University, in northern Jefferson County and he inherited the land which is now Sam Michaels Park from his father, also named Sam Michaels. On it, he had a plantation-style mansion and a German-style bank barn, located on a hill. He was friends with President Franklin Roosevelt and loved nature, keeping exotic animals like buffaloes, peacocks, flamingos, llamas, monkeys, and a scarlet macaw; in addition to animals like Canada geese, swans, dogs, and white deer. When Michaels died in 1973 at the age 87, he willed his property to the State of West Virginia to

be used for public enjoyment. However, the state determined that the property was too small to be maintained as a state park facility and on August 25, 1981, the property was deeded to the Jefferson County Commission for the use and benefit of the citizens of Jefferson County and the public at large (**Appendix A – Sam Michaels Park Deed**).

In addition to its distinctive heritage and beautiful pastoral setting, Sam Michaels Park is entirely situated in the Elks Run Watershed comprised of the Elks Run and its tributary the Elk Branch. The watershed is situated within the Conococheague-Opequon Watershed of the Potomac River Basin and the Chesapeake Bay (**Figure 2 – Conococheague-Opequon Watershed of the Potomac River Basin**). Elks Run is the only surface water stream in Jefferson County that serves as a municipal water supply serving approximately 1,500 residents living in the towns of Bolivar and Harpers Ferry. The protection and interpretive education of the watershed is of utmost importance to the JCPRC and this Master Plan serves to strengthen the Commission's relationship with the Elks Run Watershed Group and others to achieve their common goals.

With its central location, large acreage, and landscape reflecting rural Jefferson County, Sam Michaels Park has the potential to be recognized by the entire community as the premiere, county-wide, year-round attraction for recreation, competitive sports activities, social gatherings and events, education, and general enjoyment of nature and the outdoors. Today, residents credit the park's natural setting, abundance of facilities, well used walking trails, cultural heritage of Sam Michaels homestead, and feeling of safety, to the dedicated JCPRC staff and strong support from the JCPRC Board and Jefferson County Commission.

Figure 2 – Conococheague-Opequon Watershed of the Potomac River Basin



Source: www.potomacriver.org

Sam Michaels Park Master Plan

The Sam Michaels Park Master Plan provides a bold new vision for the park's management and utilization based on the JCPRC's 2026 Master Plan and specific guidance obtained from the various participants of the Sam Michaels Park master planning process conducted between May – December 2018. The Sam Michaels Park Master Plan serves as the JCPRC's blueprint by providing specific guidance and recommendations for facility improvements, resource protection, regional connections, and considerations for mitigating off-site impacts to properties and resources.

The Sam Michaels Park Master Plan establishes the following vision and goals, which are supported by the improvements conceptually illustrated in **Figure 3** and detailed in **Table 1**. **Figure 4** illustrates the master plan's uses areas and their viewsheds.

Vision: Sam Michaels Park will be Jefferson County's premiere park facility that celebrates the Sam Michaels' family heritage, protects and manages its natural resources, and provides sustainable facilities, events, and programs for all to enjoy.

Goals:

- Encourage healthy lifestyles by providing an appropriate mix of outdoor and indoor spaces to support a diversity of recreation interests and user needs.
- Create exciting, inviting, and sustainable park spaces and facilities in context to the park's rural location and its cultural and environmental resources.
- Maintain high standards for planning, implementing, maintaining, and operating existing and future park facilities.
- Utilize environmentally and fiscally sustainable practices and policies for developing and maintaining the park's facilities and resources.
- Expand communications and outreach to encourage residents and stakeholders alike to proactively partner and participate in the park's improvements.



Annual Fireworks Event



JCPRC Eugene M. Fuller Program Award, 2018



Aerial View of Veterans Pavilion and Playground



Sam Michaels Park Pavilion



Pastoral Views from Sam Michaels Park



Figure 3 – Sam Michaels Park Master Plan Illustration



Figure 4 – Park Use Areas and Views Between

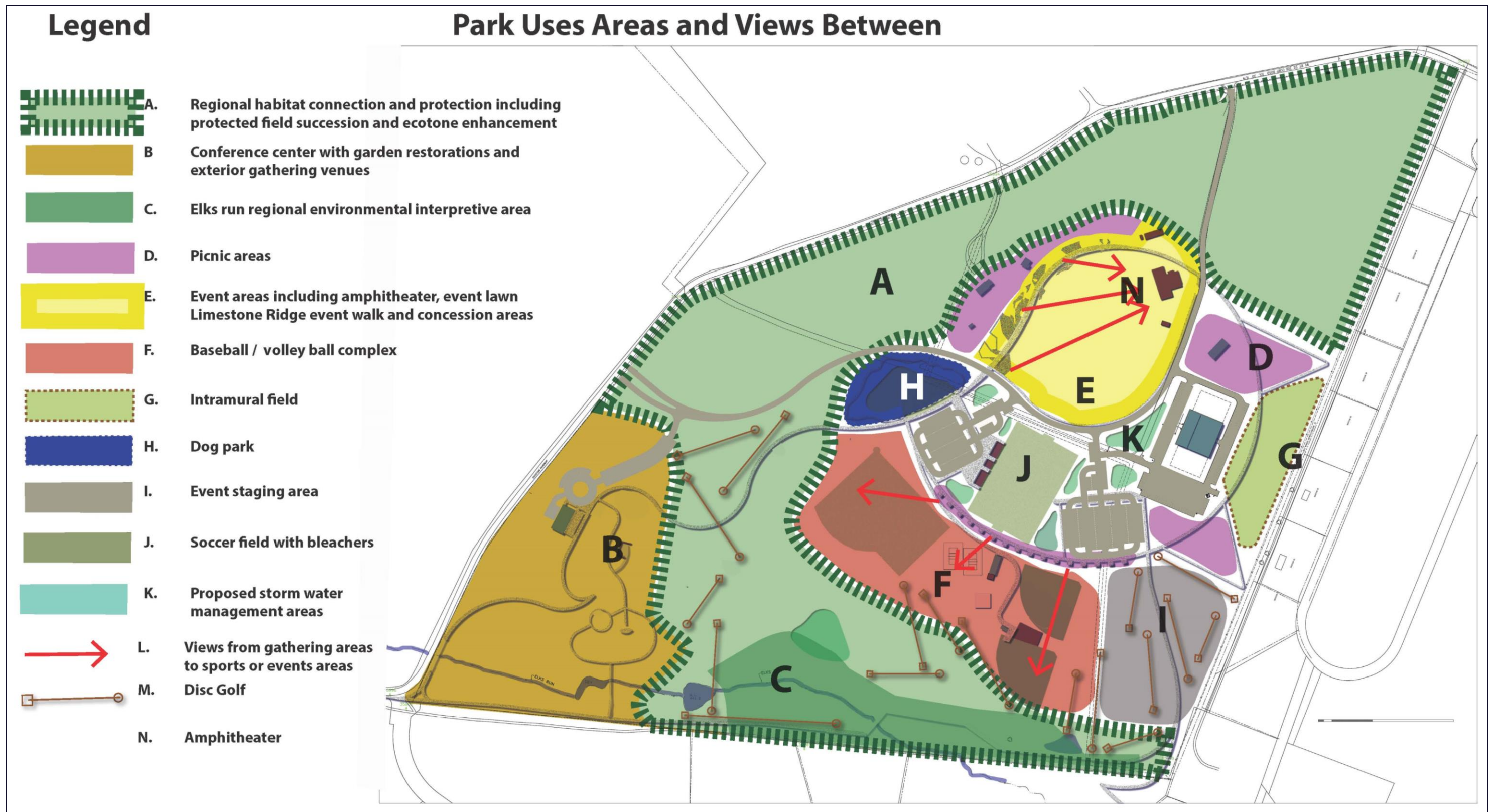


Table 1 – Sam Michaels Park Master Plan Concept Improvements and Recommendations

Item #	Title	Description and Recommendations	Implementation Phase	Partners (as applicable)
1.	Relocated scout camp area	Relocate existing scout camp to the Sam Michaels Park Pavilion area to provide improved access to park amenities including the existing pavilion, kitchen, fireplace, and restrooms. The current scout camping area adjacent to Elks Run should still be made accessible to the scouts for their activities.	1	<ul style="list-style-type: none"> Scouts
2.	Existing group pavilion	Retain existing pavilion (no specified changes or improvements). Consider renting the pavilion as a VIP space for special events.	0	<ul style="list-style-type: none"> N/A
3.	New playground center	Replace the existing playground equipment with a new 37' 9" x 43' 3" ATSM and CPSC certified playground station.	1	<ul style="list-style-type: none"> N/A
4.	Playground center shade area	Retain and maintain (pruning, etc.) existing shade tree canopy and remove invasive exotic species such as Russian Olive (<i>Elaeagnus angustifolia</i>) and Stink Tree (<i>Ailanthus altissima</i>) with scouts and local environmental groups. Ensure JCPRC Maintenance staff obtain arborist training or retain a certified arborist to annually inspect the park's trees and provide recommendations on their proper care.	0	<ul style="list-style-type: none"> Cacapon Institute
5.	Butterfly gardens	Design, plant and maintain a native pollinator garden including those conducive to butterfly species.	3	<ul style="list-style-type: none"> Potomac Valley Audubon Society Cacapon Institute Berkeley-Jefferson Extension Master Gardeners Garden Clubs
6.	Water play area	Design, construct, and maintain an interactive water play feature that is integrated and supportive of the natural environment.	3	<ul style="list-style-type: none"> N/A
7.	Log / natural play areas	Install a new natural play area using recycled hardwood timber logs. Consider reusing the storm fallen tree located at the park entryway for this use.	3	<ul style="list-style-type: none"> N/A
8.	Food truck vending stations	Install up to four (4) impervious paved food truck stations to include utility hookups for water and power supply needs. Adopt and administer a food truck vending policy and permit application and fee schedule.	3	<ul style="list-style-type: none"> Jefferson County Planning & Zoning
9 – 11.	Amphitheater and associated improvements including (10) loading and temporary parking, and (11) restrooms / concessions / ticketing (See Figure 7b, Amphitheater Illustration)	<p>Complete the current amphitheater construction and evaluate noise impacts on adjacent residential properties. The amphitheater will serve as a revenue generating facility based on rental user fees, etc. The JCPRC should consider the following:</p> <ul style="list-style-type: none"> Develop an operations plan, fee schedule and user agreement. Develop and publish an amphitheater use policy and operations schedule that minimizes light and noise impacts on adjacent residential uses. Develop a funding strategy to address the financing gap required to complete the facility's full completion. 	3	<ul style="list-style-type: none"> TBD
12 – 13.	Expanded Dog Park (2.5 total acres)	Reposition and increase current 2.0-acre dog park by adding a 0.5-acre small dog park area and provide a non-vegetative shade structure for hot weather and rain protection (see Item #53). Existing dog park will need to be repositioned to accommodate the proposed park driveway alignment and turf soccer field and parking. Improvements also include a bio-retention stormwater management and filtration facility, turf entryway for dog owners, and perimeter gravel walkway. To	2	<ul style="list-style-type: none"> Dog park users

Item #	Title	Description and Recommendations	Implementation Phase	Partners (as applicable)
		be added once the existing dog park is repositioned to accommodate the proposed park driveway alignment and turf soccer field and parking.		
14 – 15.	National Federation of High Schools (NFHS) turf soccer field (and bleachers)	New NFHS turf soccer field with bleachers. The new soccer field will be a revenue generating improvement based on user fees charged for soccer tournaments.	2	<ul style="list-style-type: none"> Recreation and Travel Soccer Clubs
16 – 17.	Repositioned and upgraded baseball field and multiuse turf field.	Reposition and upgrade the existing baseball field to include a new multipurpose turf field to expand its use opportunities, minimize maintenance costs, and provide revenue generating opportunities. The new field could accommodate a variety of baseball and softball dimensions and expand its use capabilities to include practice space for various sports teams. Repositioning the baseball field is necessary to accommodate the new turf soccer field area and its upgrade to a multipurpose turf surface will increase its utility and minimize long-term maintenance costs, and provide increased revenue generating opportunities through travel baseball, softball, soccer, and lacrosse club sports usage.	4	<ul style="list-style-type: none"> United States Specialty Sports Association (USSSA) – West Virginia Tournament Director
18.	Circular walkway and group picnic overlook (See Figure 6, Picnic Overlook Illustration)	New, shaded circular walkway with stationary picnic stations provide an overlook venue for various park users and sports spectators.	2	<ul style="list-style-type: none"> TBD
19.	Existing concessions building	As noted in Item #47, construct a new 672 square foot bathroom facility addition to the existing concession pavilion.	2	<ul style="list-style-type: none"> N/A
20.	Playground station	New 32' 6" x 36' 6" ATSM and CPSC certified playground station. Install a new playground station to service the portions of the park adjacent to the new turf soccer field and baseball fields.	4	<ul style="list-style-type: none"> N/A
21.	Park maintenance facility relocation and expansion	In concert with Item #34, The Barn Event Space, construct a new 3,000 – 5,000 square foot maintenance building to accommodate the relocation of the existing park maintenance facility operations and equipment.	1	<ul style="list-style-type: none"> Private equipment corporate sponsor(s) could help finance the project and have naming rights to the new facility.
22.	Baseball fields	Retain existing 40/60 and 50/70 baseball fields. Continue to perform annual maintenance and increase the fields usage for travel baseball to increase the fields' revenue generating potential. Develop and administer a field maintenance policy and conduct training on proper field maintenance techniques.	0	<ul style="list-style-type: none"> United States Specialty Sports Association (USSSA) – WV Tournament Director
23 – 25.	Recreation Center and Center Expansions	Consider future recreation center expansions based on needs. Expansions would provide approximately 11,169 square feet of new multipurpose space to meet future classroom and/or indoor recreation space needs.	4	<ul style="list-style-type: none"> TBD
26.	Veterans Pavilion Playground	Existing playground area adjacent to the Veterans Pavilion to be expanded to include an ATSM certified climbing course playset. Approximate expanded area is 28' 2" x 34' 6".	2	<ul style="list-style-type: none"> N/A
27.	Existing group shelter/restrooms	No changes.	0	<ul style="list-style-type: none"> N/A
28.	USA Volleyball regulation sand courts (2)	Design and construct 2-regulation sand courts for competitive volleyball match play. Ensure the courts are constructed to meet USA Volleyball beach standards including separation distances (i.e., when building courts side by side, it is recommended that the free space be six meters. If adjacent courts are situated end line to end line, the recommendation is 9 meters of free space).	4	<ul style="list-style-type: none"> Shenandoah Surge Volleyball
29.	Nature Play Space & Outdoor Classroom improvements	Expand and improve the existing Nature Play Space & Outdoor Classroom. Improvements should include expanding the area and making minor improvements to its appearance and utility.	0	<ul style="list-style-type: none"> Jefferson County Schools Cacapon Institute
30.	Pedestrian loop trail/pathway and connections	Improve the accessibility conditions of the existing trails and expand the current system based on the alignments shown in the illustrated master plan. Ensure all trails adhere to the Americans with	2	<ul style="list-style-type: none"> TBD

Item #	Title	Description and Recommendations	Implementation Phase	Partners (as applicable)
		Disabilities (ADA) standards pursuant to FHWA's "Designing Sidewalks and Trails for Access" guidelines. Also, consider installing a series of exercise stations on portions of the loop trail south and west of park entrance road and allow full loop access on non-amphitheatre event days.		
31.	Intramural fields	Continued field maintenance.	0	<ul style="list-style-type: none"> Field Users (lacrosse, cross country, etc.)
32.	Native evergreen landscaped screening/buffer	Provide a new native evergreen screening buffer along the park's entire eastern border. Ensure existing invasive species are removed and controlled, and plant native trees and shrubs.	1	<ul style="list-style-type: none"> Cacapon Institute Potomac Valley Audubon Society
33.	Native evergreen landscaped screening/buffer at amphitheater.	Provide additional native evergreen screening adjacent to the new amphitheater facility to provide additional sound mitigation.	3	<ul style="list-style-type: none"> Cacapon Institute Potomac Valley Audubon Society
34.	"The Barn" event space and classrooms with kitchen staging area for group events including weddings at The Columns site (See Figure 7, Precedents)	Repurpose the existing JCPRC maintenance facility into a new revenue generating event space. Commence a feasibility study to create a conceptual design for the building and site renovation and repurposing, detailed cost estimate, and business plan. The design and business plan may then be used to secure funding for the building's engineering, design and construction.	1	<ul style="list-style-type: none"> TBD
35 – 37.	The Columns and Sam Michaels' homestead improvements (See Figure 7, Precedents)	Sam Michaels homestead garden and pond restorations, as well as restoring the stone barn foundation for additional outdoor event space.	1	<ul style="list-style-type: none"> TBD
38.	Native planting garden(s)	Design, install and maintain a new native planting garden(s) to include pollinators and edible plant varieties. Ensure native plant species are used in the garden(s). http://www.wvdnr.gov/wildlife/native_shrubs.shtm https://www.potomacaudubon.org/resources/Documents/Plant%20List%20for%20Presentation-%20Functionality%20of%20Plants%20in%20the%20Garden.pdf	1	<ul style="list-style-type: none"> Cacapon Institute Potomac Valley Audubon Society West Virginia Department of Natural Resources
39.	Sam Michaels memorial sculptures (See Figure 8, Precedents)	Purchase and install life size bronze sculptures representing various exotic animals kept by Sam Michaels including a monkey, bison, peacock, monkey, etc.	1	<ul style="list-style-type: none"> Private sponsors Local artisans
40.	Dry pond stormwater management facilities	Continue to maintain existing dry pond stormwater management facilities to ensure their continued performance and functionality as designed.	0	<ul style="list-style-type: none"> N/A
41.	Raingarden bio-retention stormwater management facilities	Design, construct and maintain new raingarden bio-retention stormwater management facilities pursuant to the Jefferson County model stormwater management ordinance standards.	2	<ul style="list-style-type: none"> Region 9 Eastern Panhandle Regional Planning and Development Council Elks Run Watershed Group
42.	Elks Run interpretive education boardwalk	Design and construct an ADA accessible boardwalk to include interpretive education features regarding Elks Run Watershed	4	<ul style="list-style-type: none"> Elks Run Watershed Group
43.	Disc golf course (19 holes)	Complete the installation of the new 19-hole disc golf course. This new 19-hole course provides a revenue generating opportunity for JCPRC through competitive disc golf tournaments.	0	<ul style="list-style-type: none"> West Virginia Disc Golf Association
44.	Limestone Ridge event promenade (See Figures 9, 9a, and 9b Limestone Ridge and Amphitheater Illustrations, and Figure 10, Precedents)	Design, construct and maintain an ADA accessible promenade to include various native gardens, nature play stations and food truck pads as detailed in the conceptual master plan shown in Figure 3.	3	<ul style="list-style-type: none"> TBD
45.	Grass surfaced overflow parking (~1,300 spaces)	Grass surfaced overflow parking should be used on an as-needed basis after the existing and proposed paved surface parking spaces are utilized. It is strongly encouraged that the grass surfaced areas include a delineated no-mow boundary to protect grassland areas from mowing and disturbance during the grassland bird nesting periods (June – July). Also, JCPRC should also consider moving the annual fireworks event to the Jefferson County Fairgrounds to avoid mowing	0	<ul style="list-style-type: none"> Potomac Valley Audubon Society

Item #	Title	Description and Recommendations	Implementation Phase	Partners (as applicable)
		these areas altogether during the nesting period. The JCPRC should also consider adding a parking fee to the Commission's fee/rate schedule.		
47.	Restrooms facility addition to existing concession building, Item #19	Design and construct a new 672 square foot restroom facility addition to the existing concession building. The new restrooms will increase capacity of the existing facility.	2	<ul style="list-style-type: none"> TBD
48.	Wetland planting	Improve Elks Run to remove invasive species and improve habitat for wetland planting opportunities, and coordinate improvements with the Elks Run interpretive education boardwalk (Item #42).	4	<ul style="list-style-type: none"> Region 9 Eastern Panhandle Regional Planning and Development Council Elks Run Watershed Group
49.	Field succession zones (See Figure 11, Field Succession Illustration)	No Mow zones to encourage native species to naturally succeed over existing exotic mown grasses to create species diverse edge (ecotone) habitat for grassland birds (See Figure 12). Provides food and cover for native species and connects high species diversity habitat to the Elks Run Corridor. Partner with the Potomac Valley Audubon Society to foster opportunities for grassland bird species and habitat.	0	<ul style="list-style-type: none"> Potomac Valley Audubon Society Elks Run Watershed Group
50.	Pedestrian pathway connection to Driswood Elementary School	Use existing road right of way with minor edge addition (acquisition) to provide 12' ADA accessible connection to school and future multiuse trail additions.	1	<ul style="list-style-type: none"> Jefferson County Schools West Virginia Division of Highways Breckinridge Subdivision HOA
51.	New park driveway entrance	Improve the sight distance and increase safety by relocating the existing parkway entrance connection with Job Corps Road. This new location will also facilitate access to the proposed Barn event space and parking area (Item #34)	2	<ul style="list-style-type: none"> Hagerstown-Eastern Panhandle MPO WV Division of Highways
52.	Dog Park Internal Trail and Benches	Six-foot (6') gravel trail with 6' width benches located adjacent to existing trees.	2	<ul style="list-style-type: none"> Dog Park users
53.	Non-vegetative shade structure	Design and install a non-vegetative shade structure with benches and do waste bag dispensers.	2	<ul style="list-style-type: none"> Dog park users
54.	Existing power easement	Explore the feasibility of placing multi-trail uses in power line easement on-site and offsite to provide an off-road connection to JCPRC's Harvest Hills Park.	3	<ul style="list-style-type: none"> Potomac Edison
55.	New parking lots	Design, construct and maintain new parking lots (~265 spaces) to support new facility improvements including the turf soccer field and amphitheater facilities. The JCPRC should also consider adding a parking fee to the Commission's fee/rate schedule for event parking.	2	<ul style="list-style-type: none"> TBD
56.	Future land conservation and park addition	Explore the feasibility of acquiring the adjacent 190-acre farm as a future conservation project to further protect the Elks Run Watershed and create natural grassland habitat for various native plant and animal species. Nature trails could be added to provide access to the property and provide a future connection to JCPRC's Harvest Hills Park.	4	<ul style="list-style-type: none"> Elks Run Watershed West Virginia Land Trust Jefferson County Commission

Phasing Strategy and Probable Cost Estimate

The Master Plan illustrated in **Figure 3** establishes a bold new vision for Sam Michaels Park to serve as Jefferson County's premiere park facility that celebrates the Sam Michaels' family heritage, protects and manages the park's natural resources, and provides sustainable facilities and programs for residents and visitors alike to enjoy. Realizing the master plan's vision will require a strategic implementation approach that considers JCPRC's capital budget constraints and prioritizes those improvements that are likely to provide the Commission with the greatest revenue generating opportunities and in turn strengthen the organization's financial position to proceed with financing other priority improvements over time.

Figure 5 illustrates a recommended phased implementation approach for the concept plan shown in **Figure 3**. Based on discussions with JCPRC staff, it is recommended that the initial implementation phases consider the following elements:

- **Phase 0, Ongoing.** This phase represents and considers the existing park facilities and their ongoing maintenance as currently funded through the JCPRC's annual operating budget. It also considers improvements to existing facilities that are recommended to be enhanced or the maintenance thereof improved through existing staff and financial resources.
- **Phase 1, 0 – 3 years.** This phase represents new improvements that may be implemented through the JCPRC's annual budgeting process or financed through low interest loan program(s) within the Commission's current capital budget capabilities. This phase also considers improvements that may provide the Commission with the greatest revenue generating opportunities and in turn strengthen the organization's financial position to proceed with financing other priority improvements over time. For example, the proposed Barn event space provides the JCPRC with much needed classroom and recreation programming space, but it has great potential as a year-round rental space for The Columns' wedding events or for standalone event gatherings and business meetings/retreats. A portion of the revenues generated from the space rental fees should be programmed into the JCPRC's capital budget to finance other priority park improvements.
- **Phase 2, 4 – 7 years.** This phase represents the next level of improvements that are dependent upon the JCPRC's capital budgeting process and future financial capacity. Like Phase 1, this category of improvements includes revenue generating opportunities afforded through facility rental fees charged to organized competitive sports teams or clubs.
- **Phase 3, 7 – 10 years.** This phase specifically focuses on the completion of the "Limestone Ridge" event and recreational space associated with and surrounding the park's new amphitheater facility. It is recommended that a portion of the revenues generated from the amphitheater rental fees and event proceeds should be programmed to support the associated improvements, which will further accentuate the entire amphitheater event space and programming opportunities.
- **Phase 4, 10 – 15 years.** This phase focuses on improvements that may require additional time to fully program into JCPRC's capital budgeting cycles. As shown in Figure 3, Phase 4 improvements largely focus on the repositioned and constructed turf baseball/softball field and multi-purpose field, as well as the USA Volleyball regulation sand/beach courts. Although these proposed improvements offer revenue generating opportunities for JCPRC, the anticipated demand by fee-paying organizations is expected to mature over time as the previously phased improvements are realized and greater interest in the park's potential to support organized club baseball/softball and competitive turf

field sports organizations is achieved. Phase 4 also includes the improvements to the construction of the Elks Run interpretive walk, which although does not offer revenue generating potential, partnerships with the Elks Run Watershed Group or other interested stakeholders could help identify and obtain funding through grants and donations to finance the proposed improvement and its long-term maintenance.

Based on the above phasing strategy, the probable estimated costs for the improvements illustrated in **Figure 3** and detailed in **Table 1** range from ~\$17.4 – \$20.3 million and are itemized by phase as follows:

- Phase 0 = Annual operating budget costs
- Phase 1 = ~\$2.4 – \$2.6 million
- Phase 2 = ~\$7.0 – \$8.3 million
- Phase 3 = ~\$4.7 – \$5.5 million
- Phase 4 = ~\$3.3 – \$3.9 million

Funding Considerations

Successful implementation of the Sam Michaels Park Master Plan will require a diverse set of funding resources to advance each of the proposed improvements through engineering, design, and construction. The proposed improvements provide opportunities for various public and private sector interests to participate in the project's success through their respective financial resources. It is unlikely that a single funding source can accomplish the project's entire menu of improvements and the following outlines potential sources of funding to consider at the federal, state, and local government level, and from the private sector and community support.

Federal Programs

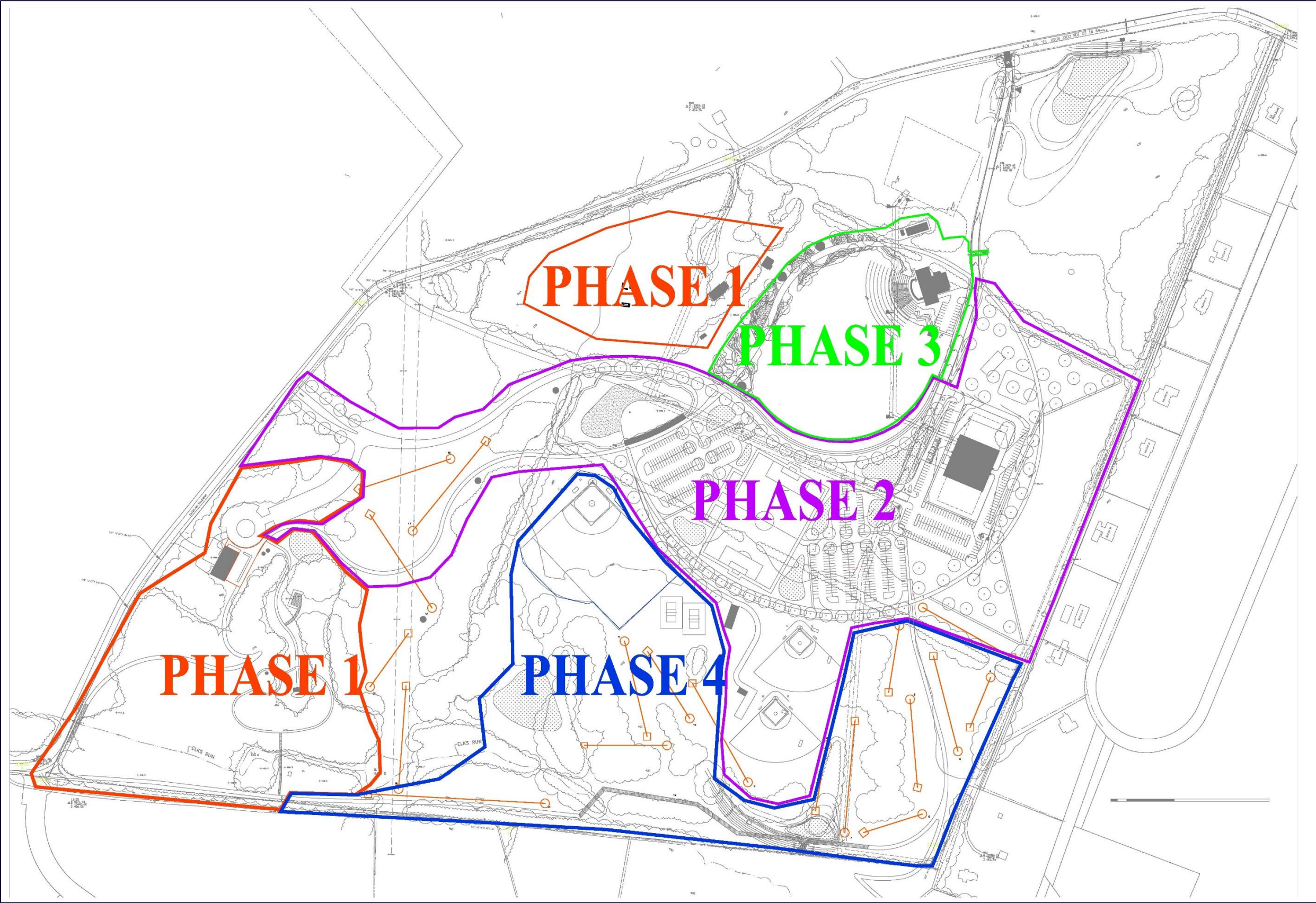
Environmental Protection Agency – Chesapeake Bay Program

The Chesapeake Bay Program (CBP) is a unique regional, state, federal, and local partnership that has been directing and conducting the restoration of the Chesapeake Bay since the signing of the historic 1983 Chesapeake Bay Agreement. In November 2000, President Clinton signed the Estuaries and Clean Waters Act of 2000, which included Title II-Chesapeake Bay Restoration. This Act amended Section 117 of the Federal Water Pollution Control Act (commonly known as the Clean Water Act or CWA) and established new authorities for the CBP. These new legal authorities specify the type of work that can be performed with the funds appropriated for the CBP, the type of funding vehicles (e.g., assistance agreement) that can be used, and the types of governments and organizations eligible to receive funding.

CWA Section 117(d) Technical Assistance and General Assistance Grants

USEPA awards these grants competitively to nonprofit organizations, state and local governments, colleges, universities, and interstate agencies through an RFP process. These grants are used by recipients to implement the goals of the Chesapeake Bay agreements through activities that supports sustainable fisheries, vital habitats, water quality, toxic contaminants, healthy watersheds, stewardship, land conservation, public access, environmental literacy, and climate resiliency.

Figure 5 – Sam Michaels Park Phasing Plan



CWA Section 117(g)(2) Small Watershed Grants (SWG)

The Small Watershed Grants Program was established under Section 117(g)(2), which provides that grants can be awarded under Section 117(d) to local governments, nonprofit organizations, and individuals in the Chesapeake Bay region working at a local level to protect and improve watersheds while building citizen-based resource stewardship. The purpose of this grant program is to demonstrate effective partnership-building techniques to achieve CBP objectives at the small-watershed scale. The SWG Program has been designed to encourage the sharing of innovative ideas among the many organizations wishing to be involved in watershed protection activities.

Fish and Wildlife Service

The Fish and Wildlife Service works with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Division of Bird Habitat Conservation provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico for the benefit of wetlands-associated migratory birds and other wildlife. The Partners for Fish and Wildlife program provides technical and financial assistance to private landowners and tribes who work with partners to help meet the habitat needs of Federal Trust Species.

Land and Water Conservation Trust Fund

The Land and Water Conservation Fund has historically been a primary funding source of the U.S. Department of the Interior for outdoor recreation development and land acquisition by local governments and state agencies. The Land and Water Conservation Fund Act of 1965 was enacted to help preserve, develop, and assure access to outdoor recreation facilities to strengthen the health of U.S. citizens. It created the Land and Water Conservation Fund in the U.S. Treasury as a funding source to implement the outdoor recreation goals in the law.

United States Department of Agriculture (USDA) Community Facilities Direct Loan & Grant Program

The USDA's Community Facilities Direct Loan & Grant Program provides affordable funding to develop essential community facilities in rural areas. An essential community facility is defined as a facility that provides an essential service to the local community for the orderly development of the community in a primarily rural area, and does not include private, commercial or business undertakings. Funds can be used to purchase, construct, and/or improve essential community facilities, purchase equipment and pay related project expenses. Both low interest direct loans and grants are available. A combination of the two are also available, as well as USDA's loan guarantee program. These may be combined with commercial financing to finance one project if all eligibility and feasibility requirements are met.

State and Local Resources

West Virginia Land and Water Conservation Fund

The Land and Water Conservation Fund program (LWCF) provides supplemental federal funding for the acquisition and/or development of high-quality, public outdoor recreational areas throughout West Virginia. Assisted or acquired parklands are bound by perpetual restrictive covenants that obligate the project sponsor to operate and maintain the defined project area as a public outdoor recreational facility. Proposed projects must be consistent with the Statewide Comprehensive Outdoor Recreation Plan (SCORP). Park renovations, expansions to promote active lifestyles, innovate community cores, attract or retain visitors to an area, develop trailheads or preserve other natural areas to impact community health objectives or develop brownfields renewal efforts will receive funding priority.

Jefferson County Impact Fees

Impact fees were first adopted in Jefferson County in 2003, under authority granted by WV Code §7-20 "Local Powers Act". The Office of Impact Fees oversees the collection of impact fees and coordinates the disbursement of these fees. Currently, Jefferson County is collecting impact fees for public schools, county law enforcement, parks and recreation, and emergency medical services as authorized under Jefferson County Ordinances 2003-3, 2005-1, 2005-2, and 2005-3. Because only residences impact the school system and park and recreational facilities, these fees are only levied against new residential development.

Private and Non-Profit Resources

National Fish and Wildlife Foundation

The National Fish and Wildlife Foundation (NFWF) is a private, nonprofit, tax-exempt organization chartered by Congress in 1984. The NFWF sustains, restores, and enhances the nation's fish, wildlife, plants, and habitats. The Foundation awards matching grants under its Keystone Initiatives to achieve measurable outcomes in the conservation of fish, wildlife, plants, and the habitats on which they depend. Awards are made on a competitive basis to eligible grant recipients, including federal, tribal, state, and local governments, educational institutions, and non-profit conservation organizations. Project proposals are received on a year-round, revolving basis with two decision cycles per year. Grants generally range from \$50,000-\$300,000 and typically require a minimum 2:1 non-federal match.

Blue Moon Fund

The Blue Moon Fund makes grants to nonprofit organizations that have developed innovative, holistic approaches to improving human quality of life in harmony with the natural world. The Balancing Human and Natural Ecosystems initiative promotes new economic and culture approaches to reducing resource pressure and preserving biodiversity. The Blue Moon Fund is primarily concerned with the value of diverse ecosystems for human quality of life. The fund seeks economically sustainable development models that do not displace humans and that take advantage of market forces.

West Virginia Land Trust

The West Virginia Land Trust is a statewide nonprofit dedicated to protecting West Virginia's natural lands, scenic areas, water quality, and recreational access forever. Since 1995, the organization has permanently protected more than 9,000 acres of land statewide. The Land Trust mission is to conserve special places that give the state its distinctive character and it may consider scenic, wildlife, botanical, recreational, or historic conservation values when evaluating a project. The Land Trust works with landowners to determine the best conservation approach for each property.

Figure 6 – Picnic Overlook (Master Plan Improvement #18)

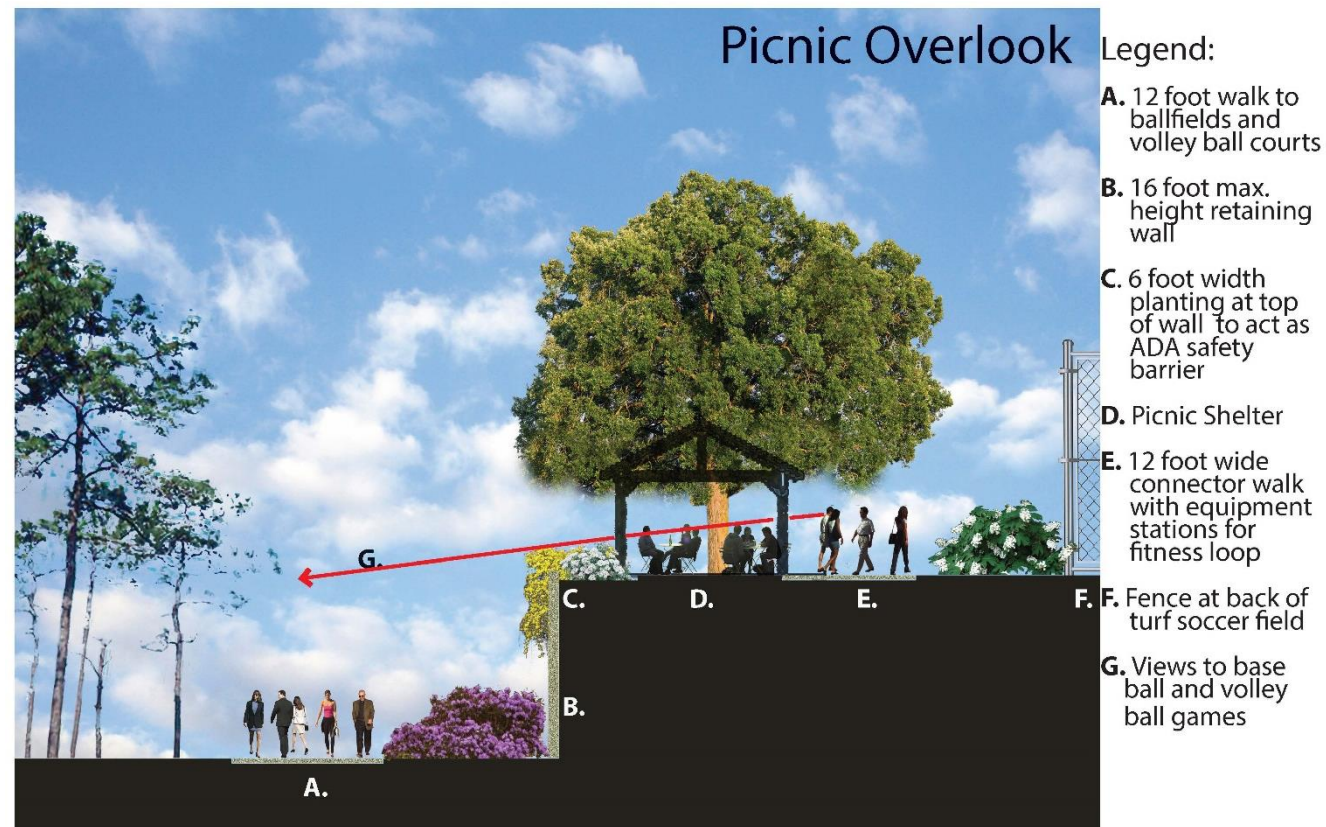


Figure 8 – Precedents for Sam Michaels Memorial Sculptures (Master Plan Improvement #39)



Figure 7 – Precedents for The Columns and The Barn Event Spaces (Master Plan Improvements #34 – 37)



Figure 9 – Limestone Ridge Event Promenade (Master Plan Improvement #44)

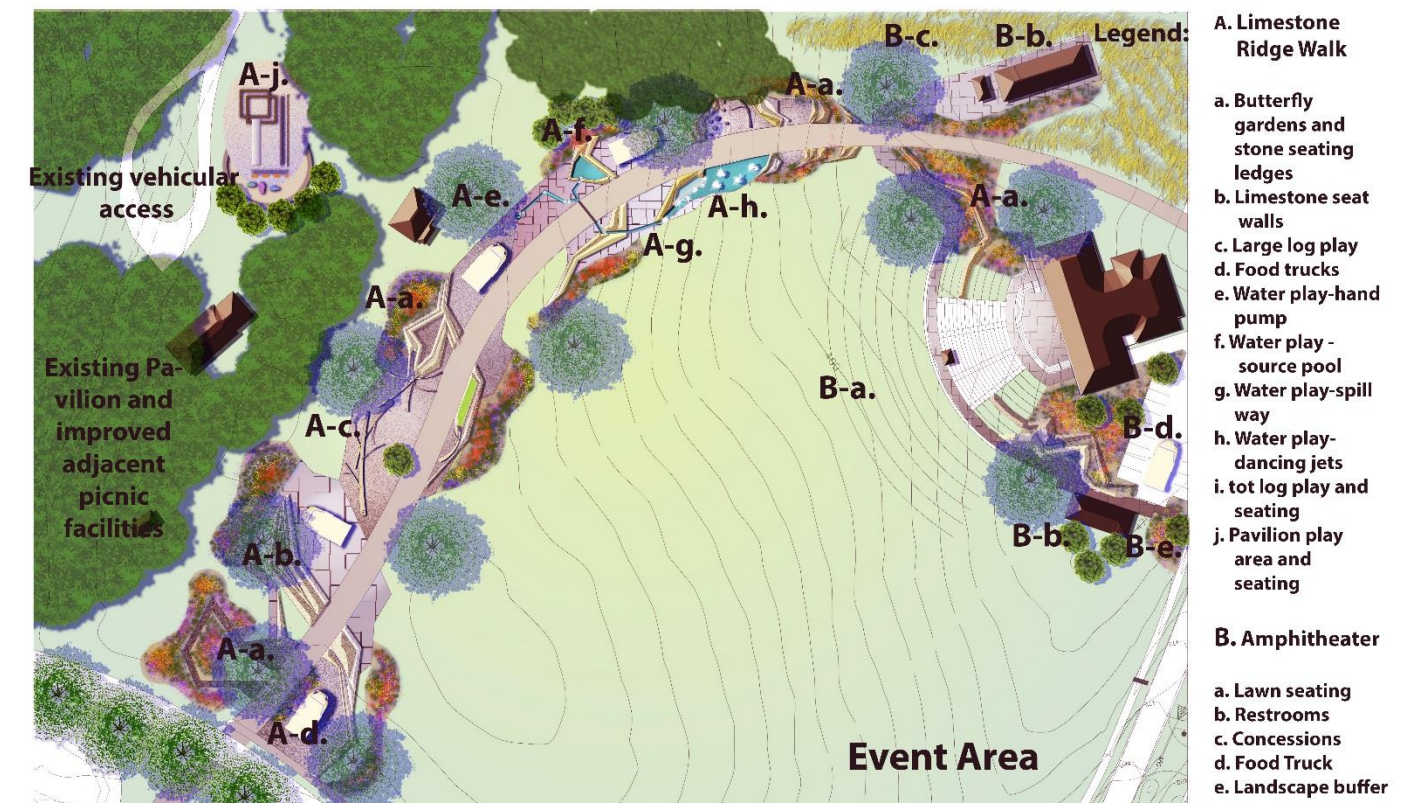


Figure 9b – Limestone Log Play Area Detail Illustration (Master Plan Item #44)

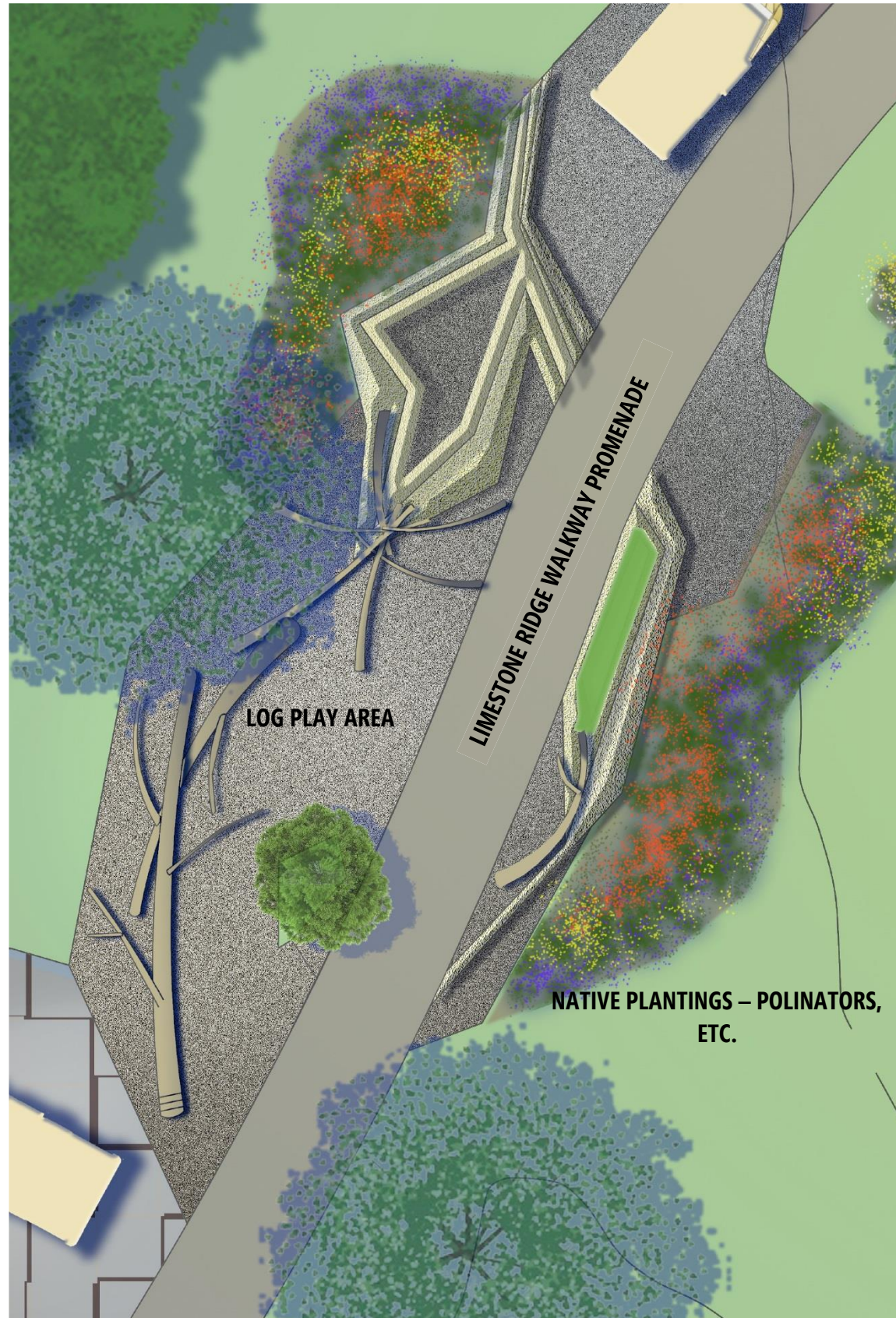


Figure 9c – Amphitheater Event Space Detail (Master Plan Improvement #18)

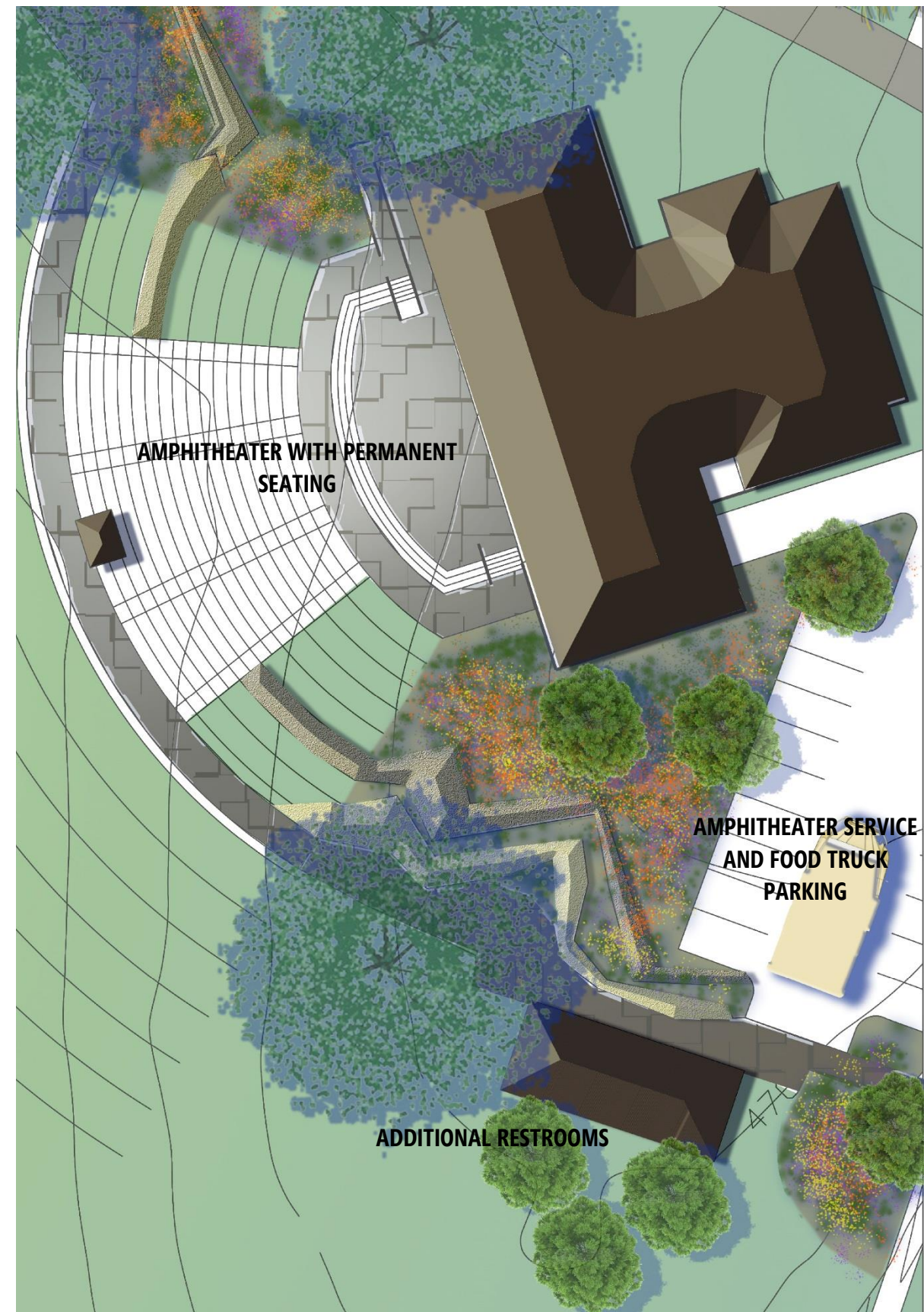


Figure 10 – Precedents for Limestone Ridge Play Areas (Master Plan Item #44)



Figure 12 – Grassland Birds Species



Eastern Meadowlark

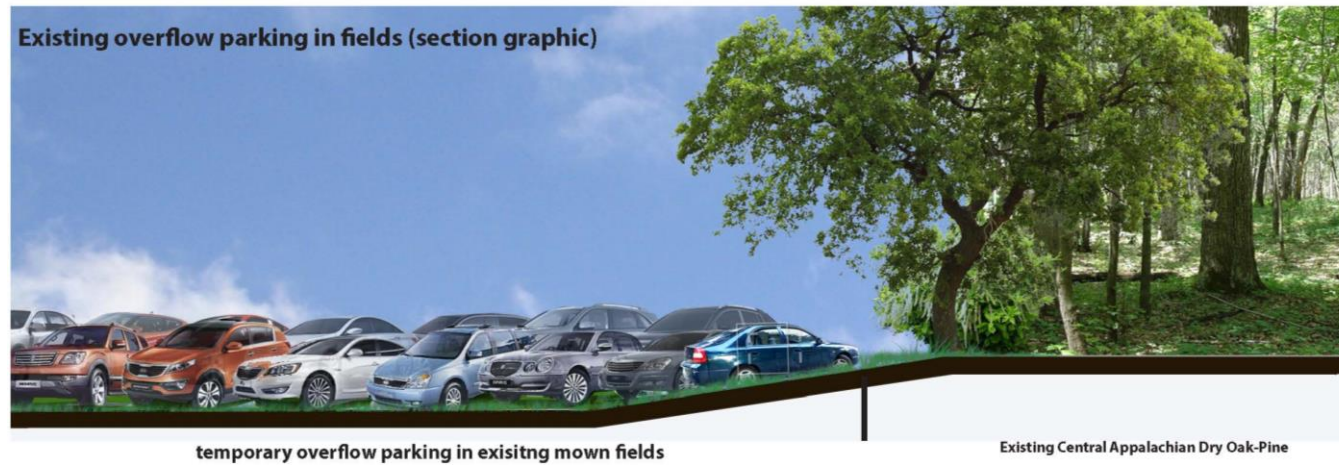


Vesper Sparrow



Henslow's Sparrow

Figure 11 – Field Succession (Master Plan Improvement #49)



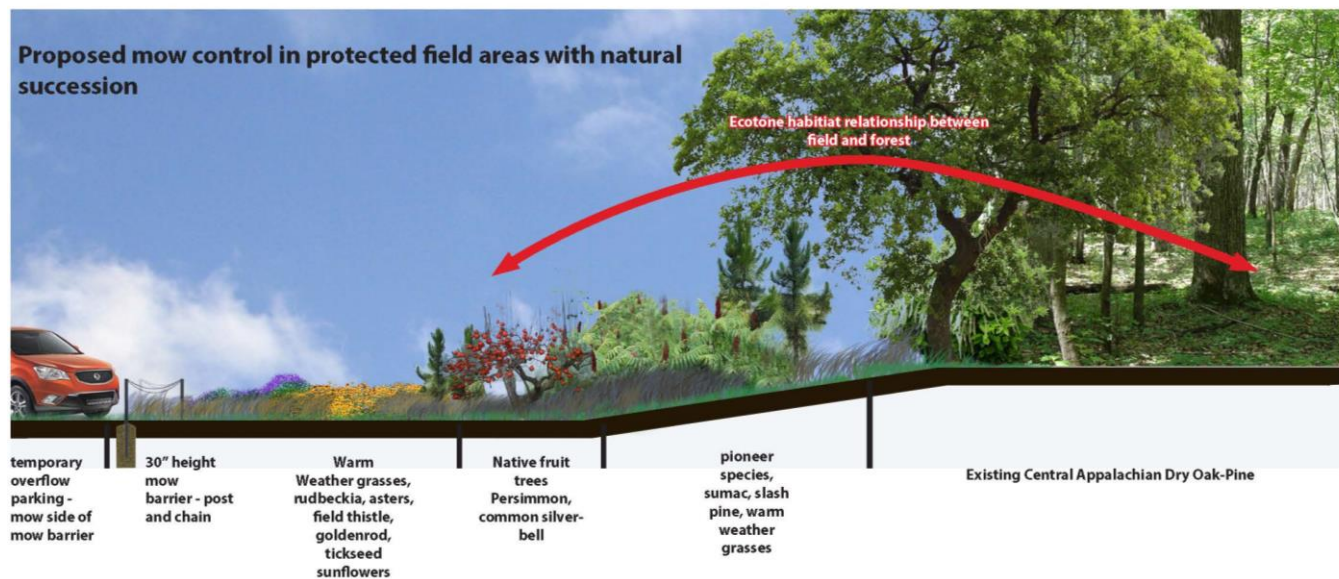
Bobolink



Northern Bobwhite Quail



Ring-Neck Pheasant



Grasshopper Sparrow

Source: Potomac Valley Audubon Society

Appendix A – Sam Michaels Park Deed

May. 31. 2018 3:07PM

No. 2267 P. 1/5

Sam Michaels Park

157

1804

THIS DEED, Made this 25 day of August, 1981, by and between THE STATE OF WEST VIRGINIA BY THE WEST VIRGINIA PUBLIC LAND CORPORATION, a public benefit corporation, Grantor, party of the first part, and THE JEFFERSON COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA, Grantee, party of the second part;

WHEREAS, Samuel G. Michaels, by his will probated before the County Commission of Jefferson County, West Virginia, and of record in the Office of the Clerk of said county Commission in Will Book P, at page 42, devised to the State of West Virginia a certain interest in the hereinafter described property; and

WHEREAS, the Jefferson County Commission desires to purchase the hereinafter described parcel of land for the use and benefit of the citizens of Jefferson County and the public at large, and the State of West Virginia recognizing the benefits that will arise to its citizens and others by the development and use of the property by the Jefferson County Commission desires to transfer the property described below to the Jefferson County Commission pursuant to the provisions of West Virginia Code, 1931, as amended, Chapter 1, Article 5, Section 3, and Chapter 20, Article 1, Section 15; now therefore

W I T N E S S E T H:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the party of the second part to the party of the first part, the receipt and sufficiency of all of which is hereby acknowledged, the party of the first part does hereby GRANT and CONVEY to the party of the second part all of their right, title and interest, together with the improvements thereon and the appurtenances thereunto belonging, in that tract of land located on the south side of W. Va. Secondary Route 22, being in Shepherdstown, Charles Town and Harpers Ferry Districts, Jefferson County, West Virginia, designated tract No. 1, as shown upon that certain map entitled "Plat of Survey of Samuel G. Michaels Property, Situated in Shepherdstown, Charles Town and Harpers Ferry Districts, Jefferson County, West Virginia, Containing 138.25 Acres By Survey and Being A Part of the Same Property Conveyed by William Engle, Trustee, to Samuel G. Michaels by Deed Dated April 1, 1874 - Deed Book C, Page 123," dated 1-29-76, approved by Samuel P. McClung, L.L.S. # 380, and more particularly bounded and described as follows:

May. 31. 2018 3:08PM

No. 2267 P. 2/5

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Beginning at corner #1, a corner fence post in the southern right-of-way line of W.Va. Secondary Route 22 and a corner common to Robinson Ice and Storage Company; thence leaving said road right-of-way with a fence line common to Robinson Ice and Storage Company: S. 21° - 58' W. 2,843.52 feet to corner #2, a corner fence post; thence leaving Robinson Ice and Storage Company land and with a fence line common to William E. Walker, thence N. 84° - 13' W. 2,832.16 feet to corner #3, a corner fence post on or near the southern right-of-way of W.Va. Secondary Route 22 at the intersection of a private road leading onto the William E. Walker 89.66 acre tract; thence leaving William E. Walker land and with the southern right-of-way line of W.Va. Secondary Route 22 for the following calls: N. 25° - 00' E. 523.13 feet to a locust hub, N. 28° - 10' E. 140.44 feet to a locust hub, N. 37° - 14' E. 226.54 feet to a locust hub, N. 38° - 44' E. 929.40 feet to a locust hub, N. 46° - 44' E. 41.65 feet to a locust hub, N. 59° - 54' E. 42.23 feet to a locust hub, N. 68° - 39' E. 31.30 feet to a locust hub, N. 71° - 24' E. 504.68 feet to a locust hub, N. 69° - 54' E. 256.76 feet to a point in the southern right-of-way line, said point being 15 feet left of and at right angles to centerline station 23+00, thence southerly 25.00 feet to a point 40 feet left of and at right angles to centerline station 23+00, thence northeasterly 270.00 feet to a point 45 feet left of and at right angles to centerline station P.T. 20+30.28, thence northeasterly 385.00 feet to a point 40 feet left of and at right angles to centerline station P.T. 16+53.94, thence northeasterly 272.00 feet to a point 40 feet left of and at right angles to centerline station P.C. 13+45.61, thence N. 78° - 15' E. 245.61 feet to a point 40 feet left of and at right angles to centerline station 11+00, thence northeasterly 25.00 feet to a point 15 feet left of and at right angles to centerline station 11+00, thence N. 78° - 53' E. 913.58 feet to a locust hub, thence W. 70° - 17' E. 183.39 feet to the beginning, containing 137.424 acres, more or less, and being the same property conveyed by Samuel G. Michaels to the State of West Virginia by will dated September 22, 1972, and recorded in the Office of the Clerk of Jefferson County in Will Book "P" at page 42, minus 0.826 of an acre additional right-of-way conveyed by the State of West Virginia, Public Land Corporation to the West Virginia Department of Highways by deed dated September 2, 1977, and recorded in the Office of the Clerk of Jefferson County in Deed Book 431, at page 608.

The Grantor hereby reserves and excepts from this conveyance all oil, gas, coal and all other minerals lying and contained in, on, under or through the subject property together with the rights-of-ways and easements necessary to remove, recover and extract the same, except that the Grantor will not permit the placement of any oil or gas well on the surface of the subject property without the prior approval of the Grantee hereof, which approval shall not be arbitrarily or capriciously withheld.

The Grantor hereby covenants that it will WARRANT GENERALLY the property hereby conveyed and that the same is free and clear of all liens and encumbrances.

The subject property shall revert and become the property of the State of West Virginia for the use and benefit of the West Virginia Department of Natural Resources or its successors if the grantee fails to use the subject property for public recreational purposes.

The grantors hereby declare that this transfer is not subject to the excise tax on the transfer of real property as it is a transfer from the State of West Virginia to the Jefferson County Commission.

IN WITNESS WHEREOF the State of West Virginia by the PUBLIC LAND CORPORATION, a public benefit corporation, has caused its name to be signed to its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized.

STATE OF WEST VIRGINIA by the PUBLIC LAND CORPORATION, a corporation.

By John Rockefeller Chairman

ATTEST:

Robert D. Pollitt
Secretary

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, TO-WIT:

I, Sandra W. Lopinsky, a Notary Public within and for the County and State aforesaid, do certify that John A. Rockefeller IV, who signed the foregoing writing, bearing date on the 25 day of August, 1981, for the State of West Virginia by the Public Land Corporation, has this day in my said County, before me, acknowledged the said writing to be the act and deed of said corporation.

Given under my hand this 25 day of August, 1981.
My commission expires: 2-1-89

Sandra W. Lopinsky
NOTARY PUBLIC

This Instrument Prepared By:
Robert D. Pollitt
Assistant Attorney General

Approved as to form this 10
DAY OF August 1981
CHAUNCEY H. BROWNING
ATTORNEY GENERAL
BY Robert D. Pollitt
ASSISTANT ATTORNEY GENERAL

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WEST VIRGINIA PUBLIC LAND CORPORATION
SALE OF PROPERTY

ORDERED: That pursuant to Chapter 1, Article 5, Section 3, Code of West Virginia, 1931, as amended, the Board of Public Works does hereby approve the sale and transfer by the State of West Virginia by the West Virginia Public Land Corporation to the Jefferson County Commission a certain parcel or tract of land situate in Shepherdstown, Charles Town and Harpers Ferry Districts, Jefferson County, West Virginia, as more particularly described in the Deed to which this certificate is attached, for the sum of One Dollar (\$1.00).

STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON

SS:

I, A. James Manchin, Secretary of State and Ex Officio Secretary of the Board of Public Works, do hereby certify that the foregoing is a true and correct copy of an Order entered by said Board on the 1st day of October, 1981.
Given under my hand this 1st day of October, 1981.

[Signature]
A. James Manchin, Secretary of State and Ex Officio Secretary of The Board of Public Works



State of West Virginia, County of Jefferson, Sct.
IN THE CLERK'S OFFICE OF COUNTY COMMISSION:

On DEC 16 1981 at 4:55 P.M. the foregoing Deed of B. & S. was received in my said office and duly admitted to record.

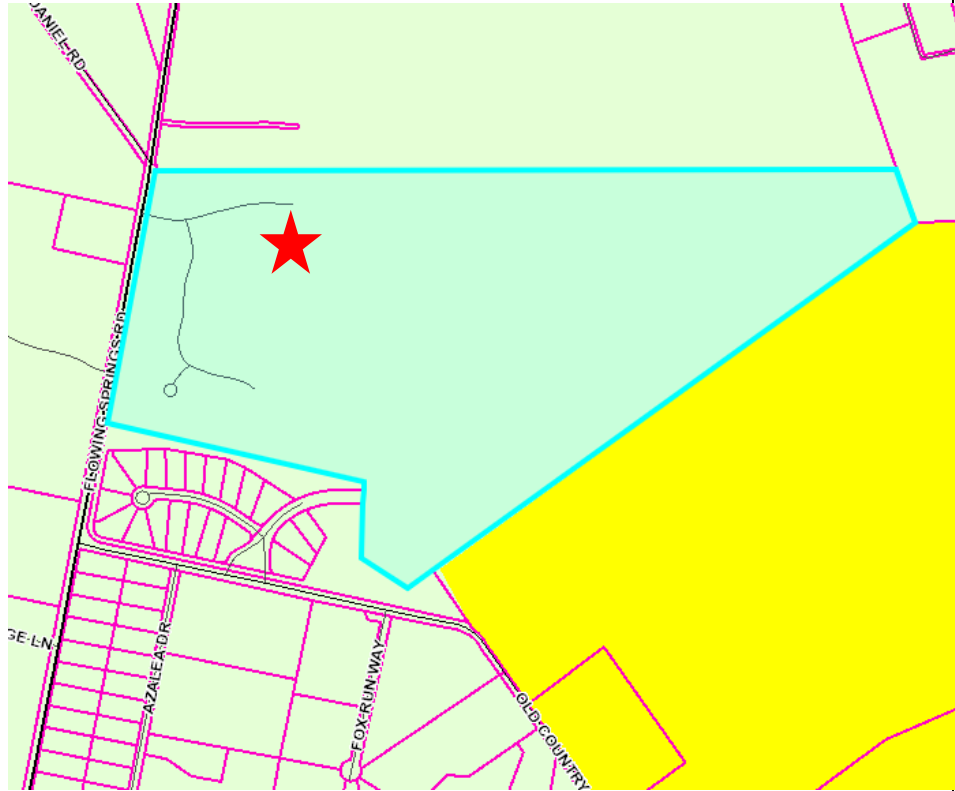
Test,

John E. Ott
Clerk of County Commission

Staff Report
 Jefferson County Planning Commission Meeting
 April 9, 2019

**Aspen Greens Subdivision Ordinance Variance Request (#19-1-PCV)
 Public Hearing**

Item #5: Subdivision Variance (File#19-1-PCV) request for Aspen Greens Phase IIB. Applicant is requesting a waiver from Section 8.2a(2) of the 1979 Subdivision Ordinance that requires two entrances for a subdivision with more than 50 lots.

APPLICANT:	Roderick Planes, LLC		
OWNER:	Maurice Gladhill		
DEVELOPER:	Same		
SURVEYOR/ENGINEER:	Gates Associated, Inc.		
PROPERTY LOCATION:	This property is located northeast of the intersection of Old Country Club Road and Flowing Springs Road.		
LEGAL DESCRIPTION:	District: Charles Town (02); Map: 4; Parcel: 19 		
ZONING DISTRICT:	Rural (with an approved CUP)		
SURROUNDING PROPERTIES:	North: Rural	South: Rural	West: Rural
	East: Residential Growth/Rural		
LOT AREA:	Total: 110 acres; Total for all Phases		
PROPOSED DENSITY:	203 lots (total); Phase IIB will result in 66 lots with single entry		
APPROVALS:			
Conditional Use Permit (File #Z02-06)	Approved Official Issuance Signature: 12/20/07 BZA Variance Approved to Extend CUP to: 12/20/10; 7/01/12 Recordation of the Phase 1A Final Plat deems CUP to be “commenced”		

Staff Report
 Jefferson County Planning Commission Meeting
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Community Impact Statement	PC Approval: 03/25/08 PC Variance Approved to Extend CIS to: 12/31/09; 12/20/10; 07/01/2012; 4/10/15; 12/08/2015; 6/10/20 (the time required to hold a FP PH for the Phase IIB or other next phase)
Preliminary Plat	Approved: 04/10/2012 (Phase IA; PC File #07-15) Approved: 03/16/15 (Phase IIA; PC File # 14-01)
Final Plat	Phase IA Final Plat (PC File # 07-15) PC approved: 6/12/12 (recorded 9/6/12) Phase IIA Final Plat (PC File #14-01) PC approved: 06/09/15 (recorded 8/31/15)

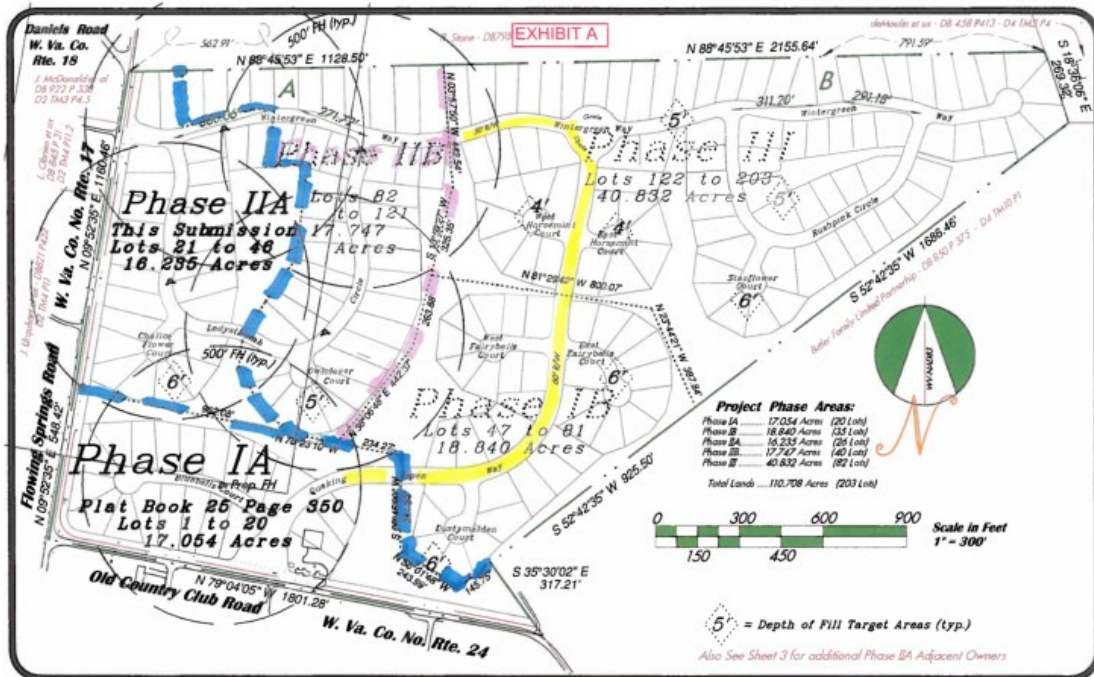
Background:

Aspen Greens Subdivision is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. Since this Subdivision began processing before the 2008 Subdivision Regulations were adopted, the Subdivision is being reviewed under the 1979 Subdivision Regulations. To date, Phases IA and IIA have been approved and recorded.

Phase IA consists of Lots 1-20 (20 lots) and access to these lots is via Quaking Aspen Way off of Old Country Club Road.

Phase IIA consists of Lots 21-46 (26 lots) and access to these lots is via Wintergreen Way off of Flowing Springs Road. Phase IIA also consists of the partial construction of Ladys Thumb Circle. Proposed Phase IIB, which is being designed now, will complete Ladys Thumb Circle and a portion of Wintergreen Way. Phase IIB includes the proposed Lots 82- 121 (40 additional lots).

Future phases include Phase IB (35 lots) and Phase III (82 lots) which include the connection of Quaking Aspen Way and Wintergreen Way, which will provide the required two Access Points for subdivisions with more than 50 lots (Section 8.2a(2) of the 1979 Subdivision Ordinance).



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The Request

Section 8.2 of the 1979 Subdivision Ordinance (see below) requires that all subdivisions consisting of more than 50 lots be served by at least two entrances. The applicant is requesting to be permitted to process Phase IIB, which, in addition to Phase IIA, will result in 66 lots accessing a single entry way (Wintergreen Way) from Flowing Springs Road. Phase IA will continue to be served by an existing separate entrance.

The applicant noted in the application that they intend to complete the design and bonding of both Quaking Aspen Way and Wintergreen Way to their point of intersection with their next Phase (Phase IB), which will then meet the required two access points for this subdivision. It is also noted that the extension of Quaking Aspen Way which is required to make the loop will require the design and construction of an expensive bridge over the stormwater drainage area.

Relevant Subdivision Ordinance Sections

Section 8.2 Design and Construction Requirements

Subsection a. Roads and Rights-of-way

Item #2:

“Generally, a subdivision shall be served by at least two entrances. . . .

A single entrance may be used under the following conditions:

Maximum Number of Lots	Entrance Width (feet)
10	20'
20	24'
more than 20 but not to exceed 50	24' plus a 40' emergency access easement located at rear of subdivision and with 18' wide standard gravel surface. OR a 28' wide surface with three foot graded shoulders at least 200' into the subdivision.”

Variance Requirements

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Regulations. In order to grant a variance, the following four criteria must be met. The applicant addresses these items in their application.

- The request is not contrary to the public interest.
- A literal enforcement of this Ordinance will result in unnecessary hardship.
- The request is not the result of a self-imposed hardship.
- The spirit of this Ordinance will be observed and substantial justice done.

Staff Comments

The reason that a second entrance is required for developments with over 50 lots is so that emergency access vehicles are able to enter the subdivision in case the first entrance was blocked by an accident or other obstruction. The Aspen Greens subdivision will have 2 access points after full build out but during the proposed phased construction, it will exceed the maximum number of 50 lots on one entrance until Phase IB or Phase III is complete.

Staff Report
Jefferson County Planning Commission Meeting
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Staff has determined that it does not have the administrative authority to waive this requirement. Staff suggested including the engineering design for the completion of Quaking Aspen Way to the intersection with Wintergreen Way and the portion of Wintergreen Way west from this intersection to the portion designed with Phase IIA with the Preliminary Plat plans for Phase IIB. These roads would then be required to be bonded and built with Phase IIB. Bonding agreements are valid for a 4-year period with the option of requesting an 18-month extension.

The applicant has noted that they intend to comply with this option with their next proposed phase (Phase IB).

Staff Recommendation

Staff recommends that a second access be required; however, the road cross section can be temporarily reduced to the gravel base course (no asphalt pavement) with full build out occurring during construction of other phases. This concept would still allow emergency vehicles to have 2 access points to all lots in the subdivision.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

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

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

File Number: 19-1-PCV
Staff Initials: RBB
Fees Paid: \$ 100.00

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

Subdivision Ordinance Variance Request

To be used in accordance with the 1979 Subdivision Ordinance - 8/94 Salvage Yard Ordinance

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance. Sketch on a separate sheet of paper the shape and location of the 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 sketch. Provide a vicinity map.

I/We request a variance from the provisions of the 1979 Jefferson County Subdivision Ordinance

Property owner information

Name of Property Owner: Roderick Planes, LLC; Maurice Gladhill, (as Managing Partner)
Mailing Address: 5509 Mount Zion Road, Box 777
City: Frederick State: Maryland Zip Code: 21705
Phone Number: 1-800-245-0691 Email: mgladhill@aol.com

Applicant contact information

Applicant Name: Same as Owner
Mailing Address:
City: State: Zip Code:
Phone Number: Email:

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Fred Gates, PS, President (as Project Consultant)
Mailing Address of Engineer(s) or Surveyor(s): Gates Associated, Inc. ; 153 Venice Way,
City: Shepherdstown State: WV Zip Code: 25443
Phone Number: 1-304-876-6124 Email: gatesassociated@aol.com

Physical property details

Physical Property Address: ASPEN GREENS @ Intersection of Co. Rte ,17 & 24
City: NE of Charles Town State: WV Zip Code: 25414
Tax District: Charles Town (02) Map No: 4 Parcel No: 19
Parcel Size: 110 Ac Deed Book: 952 Page No: 565

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). Rural (R) is checked.

Attached:

- 1. Exhibit A - Concept Plan Approved
2. Preliminary Plan Sheet 1 GS Phase IIA Approved & Constructed
3. Exhibit B - 1979 Ordinance Page 19 needing variance
4. Phase IIA Recorded Sheet 3 of Final Plat showing 28' wide Wintergreen Way.
5. Copy Staff "Pre-Proposal Meeting 2/26/19 Memo" directing Waiver submission need.

RECEIVED
MAR 15 2019 RBB

Section of Ordinance for which the variance is requested:

1979 Subdivision Ordinance Section 8.2,a(2) (See attached copy)

Please describe the nature of the variance request:

Developer requests variance for Phase IIB approval of 15 lots above 50 lot ordinance limit from single entry (Wintergreen Way) with it's phase loop road (Ladystumb Circle). The overall project loop road (Quaking Aspen Way) thru Wintergreen Circle & Wintergreen Way required by the ordinance shall be designed, submitted, reviewed, approved & bonded with the following Phase IB. (See Concept Plan Copy)

Explain why this request is NOT contrary to the public interest:

This request for 15 lots above the 50 ordinance lot limit allows for safe bi-directional access over loop road Ladystumb Circle and 28 foot wide pavement of Wintergreen Way. Access is over a monumented dual path entrance to Flowing Springs Road. This entry (approved by WVDOH) is now constructed with safer design foresight (See Final Plat Phase IIA). Similar added lot requests for this ordinance have been accepted heretofore for relief from this arbitrary limit; especially, in this case, given the scheduled project loop road requested inclusion with the next phase.

Explain how enforcement of this Ordinance will result in unnecessary hardship:

The literal ordinance wording should not deter construction of the approved ASPEN GREENS CONCEPT needing allowance by a developer having clearly invested in above-minimum standards work to date. Both entries allow for spirit of ordinance access for safe emergency access to serve the habitation, internal loop roads plus fire flow installed hydrants. This approved Concept by Planning Commission deserves its continued good faith support to create the design you have already accepted.

Explain how this request is NOT the result of a self-imposed hardship:

Slow economic sales requires builder purchase of single lots only when under contract of sale to homeowner and not by full phase purchase. This requires construction of roads, utilities and infrastructure investment to have salable lots created to use that investment just to make economic sense for bonding rationale to apply. Approving this variance shall allow actual lots to exist for sales along most of the loop road along with a costly canal bridge. The developer has little or no control over the factors causing slow Jefferson County lot sales.

Explain how the spirit of this Ordinance will be observed and substantial justice will be done:

This developer has already entertained a Coving design concept with improved upgrades to Jefferson County requirements. Work to date shows care for quality results attributable to developer's direct involvement with every project design element. This care for quality needs your support. To refuse to support the concept plan as already approved by this body would harm the good faith with which this developer has invested since starting in 2001 and as he continues to complete the actual ordinance needs outlined herein.

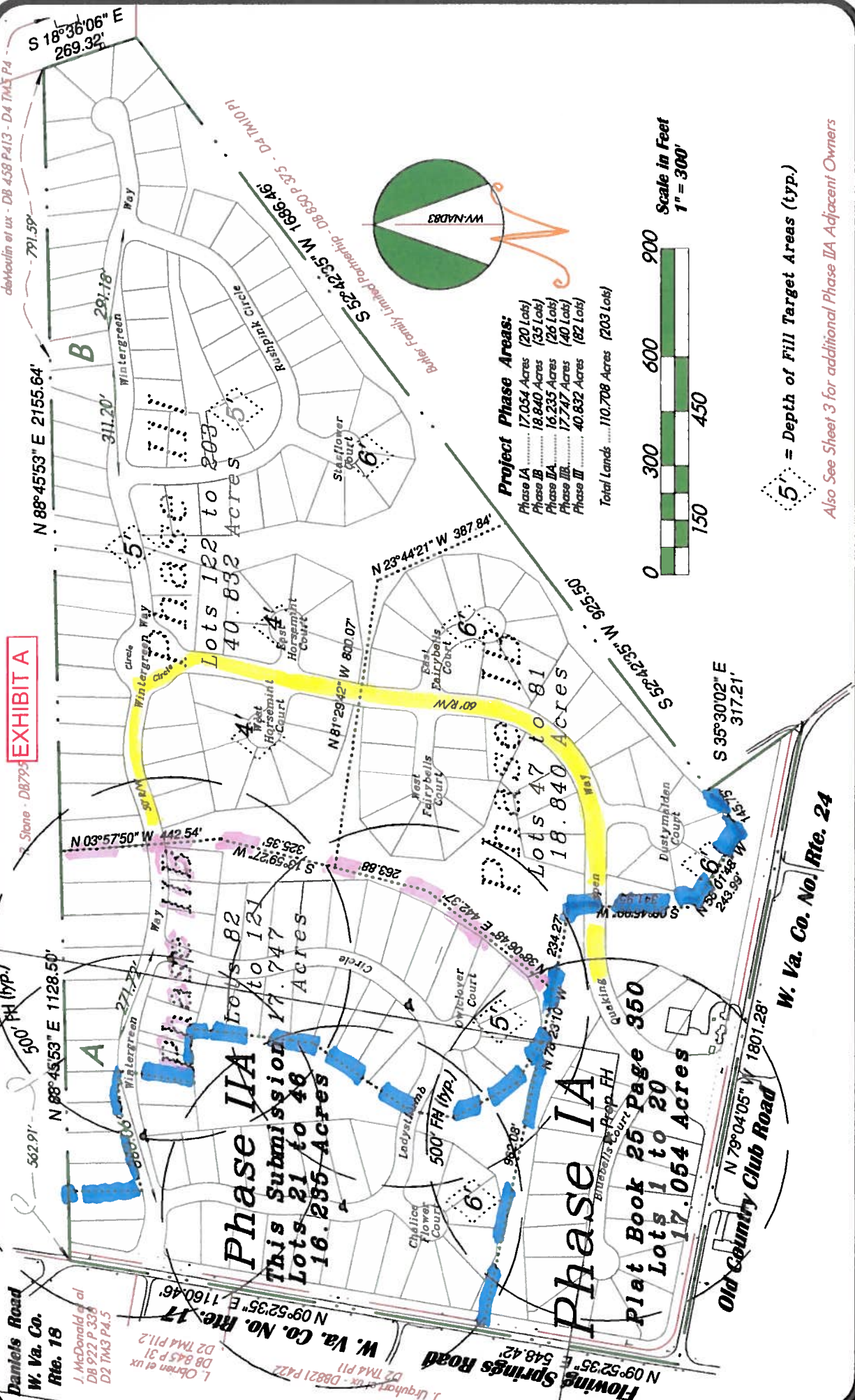
Original signature is required. The information given is correct to the best of my knowledge.

Maurice Gladwell Nov 15, 2019
Signature of Property Owner Date Signature of Property Owner Date

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

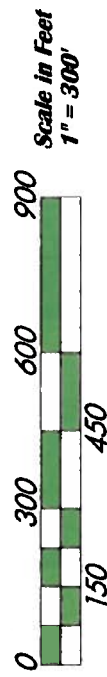
Approved Denied

EXHIBIT A



Project Phase Areas:

Phase IA	17,054 Acres (20 Lots)
Phase IB	18,840 Acres (35 Lots)
Phase IIA	16,235 Acres (26 Lots)
Phase IIB	17,747 Acres (40 Lots)
Phase III	40,832 Acres (82 Lots)
Total Lands	110,708 Acres (203 Lots)



5' = Depth of Fill Target Areas (typ.)

Also See Sheet 3 for additional Phase IIA Adjacent Owners

Phase Limits, Sheet Windows & Fire Hydrant Coverage

Daniels Road
W. Va. Co.
Rte. 18
J. McDonald et al
DB 922 P 334
D2 TMS P4.5

W. Va. Co. No. Rte. 17
N 09°52'35" E 1160.46'
L. Ohren et ux
DB 845 P 31
D2 TMS P4.5

Flowing Springs Road
N 09°52'35" E 548.42'
J. Urquhart et ux - DB821 P4.2
D2 TMS P11

W. Va. Co. No. Rte. 24

Old Country Club Road
N 79°04'05" W 1801.28'

Phase IIA
This Submission
Lots 21 to 46
16,235 Acres

Phase IA
Plat Book 26 Page 350
Lots 1 to 20
17,054 Acres

Lots 82 to 131
17,747 Acres

Lots 47 to 81
18,840 Acres

Lots 122 to 203
40,832 Acres

Staff Report
 Jefferson County Planning Commission Meeting
 April 9, 2019

**Catrow Subdivision Regulation Waiver Request (#19-6-PCW)
 Public Hearing**

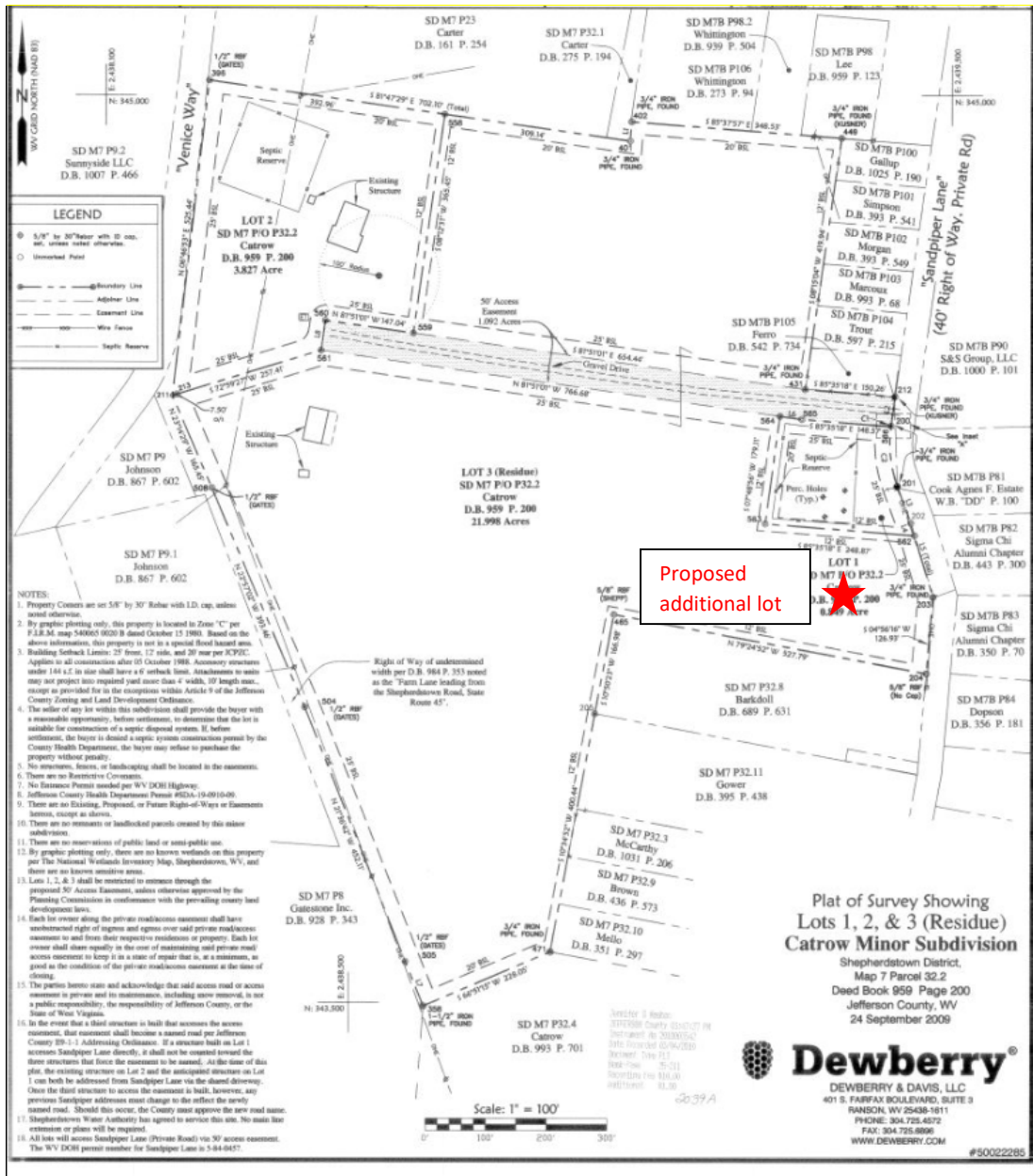
Item #6: Request for an approval of a waiver (#19-6-PCW) from Section 20.201A(2) of the Subdivision and Land Regulations which states that all lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement. Applicant is requesting that a new lot being proposed from the Residue of the Catrow Minor Subdivision Lots 1, 2, & 3 (PB25/PG211) be permitted to have direct access to Sandpiper Lane.

APPLICANT	Garnett & Harry Catrow
OWNER/DEVELOPER	Same as Applicant
CONSULTANT	Paul Raco
PROPERTY LOCATION	Catrow Minor Subdivision, Sandpiper Lane, South of Martinsburg Pike
LEGAL DESCRIPTION & ZONING DISTRICT	<p style="text-align: center;">Tax District: Shepherdstown (09); Tax Map: 7; Parcel 32.15; Size: 21.998 acres; Zone: Residential Growth</p>
ZONING MAP DESIGNATION SURROUNDING PROPERTIES	<i>Northwest:</i> General Commercial <i>Southwest:</i> Rural <i>West:</i> Residential Growth <i>Northeast and East:</i> Residential Growth <i>South:</i> Residential Growth
APPROVED USE	Single Family Residential
PARCEL HISTORY	Lots 1, 2 & 3 Catrow Minor Subdivision (PC File #09-27) recorded in Courthouse: 03/04/10

Staff Report
Jefferson County Planning Commission Meeting
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1. Background:

The Catrow Minor Subdivision, Lots 1, 2, & 3-Residue (PC File #09-27, below), approved in 2010, was the resubdivision of a lot in Section D of Mecklenburg Heights, which was approved in 1971 prior to the adoption of a Subdivision Ordinance in Jefferson County. Catrow Minor Subdivision is a three-lot Minor Subdivision off of a private right-of-way, Sandpiper Lane. The applicant is proposing to create one additional lot from Lot 3 Residue under the Minor Subdivision Process.



(PB25/Pg211; 3/4/10)

2. Summary of the Request:

The applicant is requesting a waiver from Sections 20.201A(2) of the 2008 Subdivision and Land Development Regulations, as amended (2/1/18) which requires that "all lots in a minor subdivision, regardless of the zoning district, have motor vehicle access via a 50' access easement, provided that the

Staff Report
Jefferson County Planning Commission Meeting
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access easement serves no more than 5 lots.” The applicant is requesting that the proposed new lot being created from Lot 3 Residue of the Catrow Minor Subdivision (PC File #09-27) be permitted to utilize a driveway with direct access to Sandpiper Lane, which is an existing private road within a 40’ right of way previously approved to serve Mecklenberg Heights, rather than meeting the requirement noted above.

3. Staff Comments:

The provision that requires Minor Subdivision lots to access via a 50’ access easement is intended to minimize the number of driveways intersecting state roads throughout the County. In this particular case, the Minor Subdivision is accessing a privately owned and maintained subdivision road (Sandpiper Lane). The Mecklenburg Maintenance Association, which maintains Sandpiper Lane as well as other roads in this subdivision, has written a letter, attached to the waiver application, supporting this request and requesting that the proposed new lot be permitted to access directly on to Sandpiper Lane as the other lots in the neighborhood do. The nature of this development does not appear to be negatively affected by this waiver request.

4. Waiver Requirements:

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. The applicant has provided a response to each of the following requirements found in “Division 24.300 Waivers” of the 2008 Subdivision Regulations in their attached application.

- (1) *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) *The waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;*
- (3) *The waiver, if granted, will be in keeping with the intent and purpose of these Regulations;*
and
- (4) *The waiver if granted will result in a project of better quality and/or character.*

5. Staff Recommendation:

Staff does not object to the approval of this waiver that will allow the new proposed lot to have direct access to Sandpiper Lane rather than accessing the required 50’ easement. Staff recommends that, if approved, the motion state that this approval is limited to the creation of this lot.



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: 19-6-PCW
 Staff Initials: RJB
 Sketch Received: yes
 List of Adjoiners: [initials]
 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: Harry Catrow, Jr, and Garnet Catrow
 Mailing Address: 443 Sandpiper Lane, Shepherdstown, WV 25443
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: 443 Sandpiper Lane, Shepherdstown, WV 25443
 Tax District: Shepherdstown Map No: 7 Parcel No: 32.2 32.15
 Parcel Size: 21.998 acres (New Lot +/- 1 acre) Deed Book: 959 Page No: 200

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

RECEIVED
 MAR 19 2019
 JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING
 Place Date Stamp Here

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

20.201A(2)

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.

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.

Garrett C. Stone 3/19/19
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**

Harry Catrow, Jr and Garnet Catrow
Waiver Request
Sections 20.201A(2)
Jefferson County Subdivision and Site Development Ordinance
March 19, 2019

Brief Description

The Applicants are requesting a waiver to finish the subdivision of their property frontage on Sandpiper Lane. Sandpiper Lane is a subdivision road that was developed some years ago and was put in under the old standard of 40' ROW. The new standard requires a 50' ROW and a County Grade Road. In this case, it is just the one lot addition as recommended in a PPC Memo that is attached. The road is currently maintained, and the additional lot will contribute to the road maintenance in the development.

The Mecklenburg Maintenance Association, Inc. (MMA) supports the addition of the lot and house in the proposed Catrow Minor Subdivision. The Applicant will also pay maintenance into the MMA for the new lot. A letter supporting the addition of the new house and lot on Sandpiper Lane is attached.

The additional Lot squares off the existing residue and is the last area on this property that fronts on Sandpiper Lane. The proposed subdivision meets all other criteria of a Minor Subdivision and as such, will otherwise meet the Standards of the Subdivision and Zoning Ordinances.

Based on the above, the Applicant respectfully requests the Planning Commission to grant the waiver to allow the proposed new lot access to Sandpiper Lane. Thank you for your consideration of the request.

RECEIVED
MAR 19 2019
JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Harry Catrow, Jr and Garnet Catrow
Waiver Request
Sections 20.201A(2)
Jefferson County Subdivision and Site Development Ordinance
March 19, 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 Sandpiper Lane is a private subdivision road and is currently maintained by the Mecklenburg Maintenance Association, Inc. (MMA). There will be no public maintenance costs involved as the road is maintained with private funds and this lot will contribute into the MMA for continued maintenance. The MMA endorses the creation of the new lot and the construction of a new house to access Sandpiper Lane.

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 other standard and requirement of the Minor Subdivision standards of the Subdivision Ordinance. This approval will include the Health Department Approval for the development.

The proposed lot is similar in size to the other lots in the area and the new house will contribute to the overall property values and aesthetics in the neighborhood. Likewise, the new lot will contribute to the maintenance of the road as the other houses in the neighborhood contribute.

Furthermore, the waiver will not have any effect on the neighbors or public health 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 purpose of the ROW standard is to ensure that a proper road can be constructed within the space provided. In this case, the road already exists in a prerecorded 40' ROW. The 40' ROW has not appeared to hamper any access to the development. The road is a preexisting subdivision road that met any County standard when the development was put in years ago. The road is maintained, and the new lot will contribute to the MMA, which endorses the addition of the Applicant's lot and house.

Furthermore, the property is located in the Residential Growth Zoning District and is also located in the Shepherdstown Preferred Growth Area. Therefore, the addition of lots in this area is supported by the Comprehensive Plan.

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

The granting of the Waiver will allow a new house to be constructed with the support of the Mecklenburg Association. The funds contributed to the MMA will continue to allow the Association to maintain and improve the road. Additionally, the new house will contribute to increased property values in the neighboring community. The addition of one lot and house will positively impact the character of the Community. In fact, the Applicant believes it will enhance the area. Finally, since the Applicant lives in the immediate area of the proposed lot, he will ensure that the house constructed will be aesthetically pleasing, as well as, be a benefit to the area.

Accordingly, the Applicant respectfully asks that the Planning Commission approve the waiver so that the process can continue the creation of the one proposed new lot. Thank you for your consideration.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	202.39	100.02	99.00	S 06°12'36" W	7°16'53"

LINE	BEARING	DISTANCE
L1	N 04°21'53" E	31.89
L2	S 08°12'36" W	99.10
L3	S 20°22'04" E	65.03
L4	S 10°51'44" E	21.54
L5	N 17°16'00" E	121.00
L6	N 41°51'01" E	36.43
L7	N 22°12'12" W	78.57
L8	S 08°08'50" W	50.00

SURVYOR'S CERTIFICATION
The perimeter of Lots 1, 2, & 3 (Residue) as shown herein has been established by a network of traverse control having a minimum type of closure of 1/7500 or better.

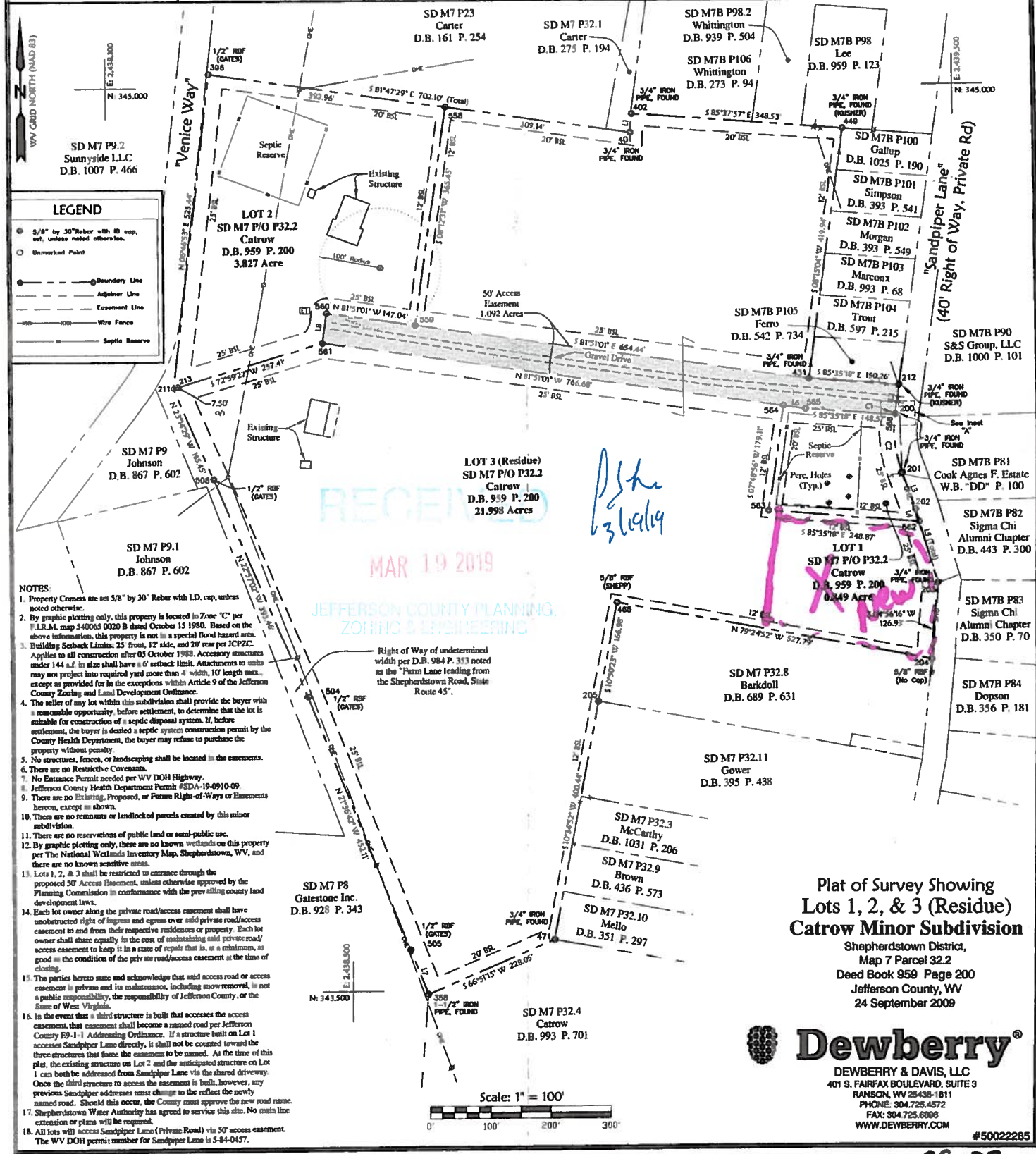
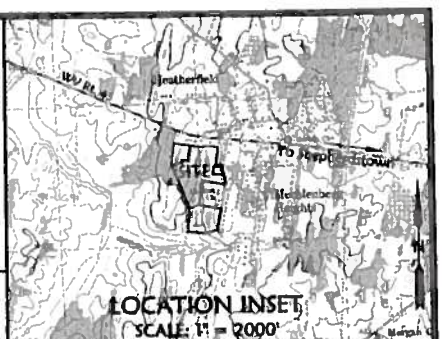
ACREAGE TABLE

Lot	Acres
1	0.849
2	3.827
3	21.998
TOTAL	26.674

JEFFERSON COUNTY OFFICIAL SEAL
Approved Minor Subdivision
Jefferson County Department of Planning and Zoning
3-3-10

STATEMENT OF ACCEPTANCE
The owner/developer, in signing this plat, agrees to abide by all conditions, terms, and specifications provided herein.
James C. Catrow or Harry F. Catrow II (Owner/Developer)
441 Sandpiper Lane
Shepherdstown, WV 25443
(304)-676-9349

50' Access Easement 1.092 Acres
LOT 1 SD M7 P/O P.332.2 Catrow D.B. 959 P. 200 0.849 Acre
INSET "A"
SCALE: 1" = 5'



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	202.39	100.02	99.00	S 06°12'36" W	7°16'53"

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 04°21'53" E	31.89
L2	S 08°12'36" W	99.10
L3	S 20°22'04" E	65.03
L4	S 10°51'44" E	21.54
L5	N 17°16'00" E	121.00
L6	N 41°51'01" E	36.43
L7	N 22°12'12" W	78.57
L8	S 08°08'50" W	50.00

ACREAGE TABLE

Lot	Acres
1	0.849
2	3.827
3	21.998
TOTAL	26.674

LEGEND

- 3/8" by 30" Rebar with I.D. cap, set, unless noted otherwise.
- Unmarked Point
- Boundary Line
- Adjacent Line
- Easement Line
- Wire Fence
- Septic Reserve

NOTES

- Property Corners are set 5/8" by 30" Rebar with I.D. cap, unless noted otherwise.
- By graphic plotting only, this property is located in Zone "C" per P.L.R.M. map 540065 0020 B dated October 15 1960. Based on the above information, this property is not in a special flood hazard area.
- Building Setback Limits: 25' front, 12' side, and 20' rear per JCPZC. Applies to all construction after 03 October 1988. Accessory structures under 144 s.f. in size shall have a 6' setback limit. Attachments to units may not project into required yard more than 4' with 10' length max. except as provided for in the exceptions within Article 9 of the Jefferson County Zoning and Land Development Ordinance.
- The seller of any lot within this subdivision shall provide the buyer with a reasonable opportunity, before settlement, to determine that the lot is suitable for construction of a septic disposal system. If, before settlement, the buyer is denied a septic system construction permit by the County Health Department, the buyer may refuse to purchase the property without penalty.
- No structures, fences, or landscaping shall be located in the easements.
- There are no Restrictive Covenants.
- No Entrance Permit needed per WV DOH Highway.
- Jefferson County Health Department Permit #SDA-19-0910-09
- There are no Easements, Proposed, or Future Right-of-Ways or Easements herein, except as above.
- There are no restraints or landlocked parcels created by this minor subdivision.
- There are no reservations of public land or semi-public use.
- By graphic plotting only, there are no known wetlands on this property per The National Wetlands Inventory Map, Shepherdstown, WV, and there are no known sensitive areas.
- Lots 1, 2, & 3 shall be restricted to entrance through the proposed 50' Access Easement, unless otherwise approved by the Planning Commission in conformance with the prevailing county land development laws.
- Each lot owner along the private road/access easement shall have unobstructed right of ingress and egress over said private road/access easement to and from their respective residences or property. Each lot owner shall share equally in the cost of maintaining said private road/access easement to keep it in a state of repair that is, as a minimum, as good as the condition of the private road/access easement at the time of closing.
- The parties hereto state and acknowledge that said access road or access easement is private and its maintenance, including snow removal, is not a public responsibility, the responsibility of Jefferson County, or the State of West Virginia.
- In the event that a third structure is built that accesses the access easement, that easement shall become a named road per Jefferson County EG-1-1 Addressing Ordinance. If a structure built on Lot 1 accesses Sandpiper Lane directly, it shall not be counted toward the three structures that force the easement to be named. At the time of this plat, the existing structure on Lot 2 and the anticipated structure on Lot 1 can both be addressed from Sandpiper Lane via the shared driveway. Once the third structure to access the easement is built, however, any previous Sandpiper addresses must change to reflect the newly named road. Should this occur, the County must approve the new road name.
- Shepherdstown Water Authority has agreed to service this site. No main line extension or plans will be required.
- All lots will access Sandpiper Lane (Private Road) via 50' access easement. The WV DOH permit number for Sandpiper Lane is 5-84-0457.

**Plat of Survey Showing
Lots 1, 2, & 3 (Residue)
Catrow Minor Subdivision**

Shepherdstown District,
Map 7 Parcel 32.2
Deed Book 959 Page 200
Jefferson County, WV
24 September 2008

Dewberry
DEWBERRY & DAVIS, LLC
401 S. FAIRFAX BOULEVARD, SUITE 3
RAINSON, WV 25438-1611
PHONE: 304.725.4572
FAX: 304.725.6886
WWW.DEWBERRY.COM

#50022285

09-27

CURVE TABLE		APPROVED OFFICIAL SEAL		50' Access Easement 1.092 Acres	
CURVE	CHORD	ARC LENGTH	CHORD BEARING	CHORD LENGTH	CHORD BEARING
C1	102.59	102.59	S 89° 12' 54" W	102.59	S 89° 12' 54" W
C2	102.59	102.02	S 89° 12' 54" W	102.02	S 89° 12' 54" W

LINE TABLE

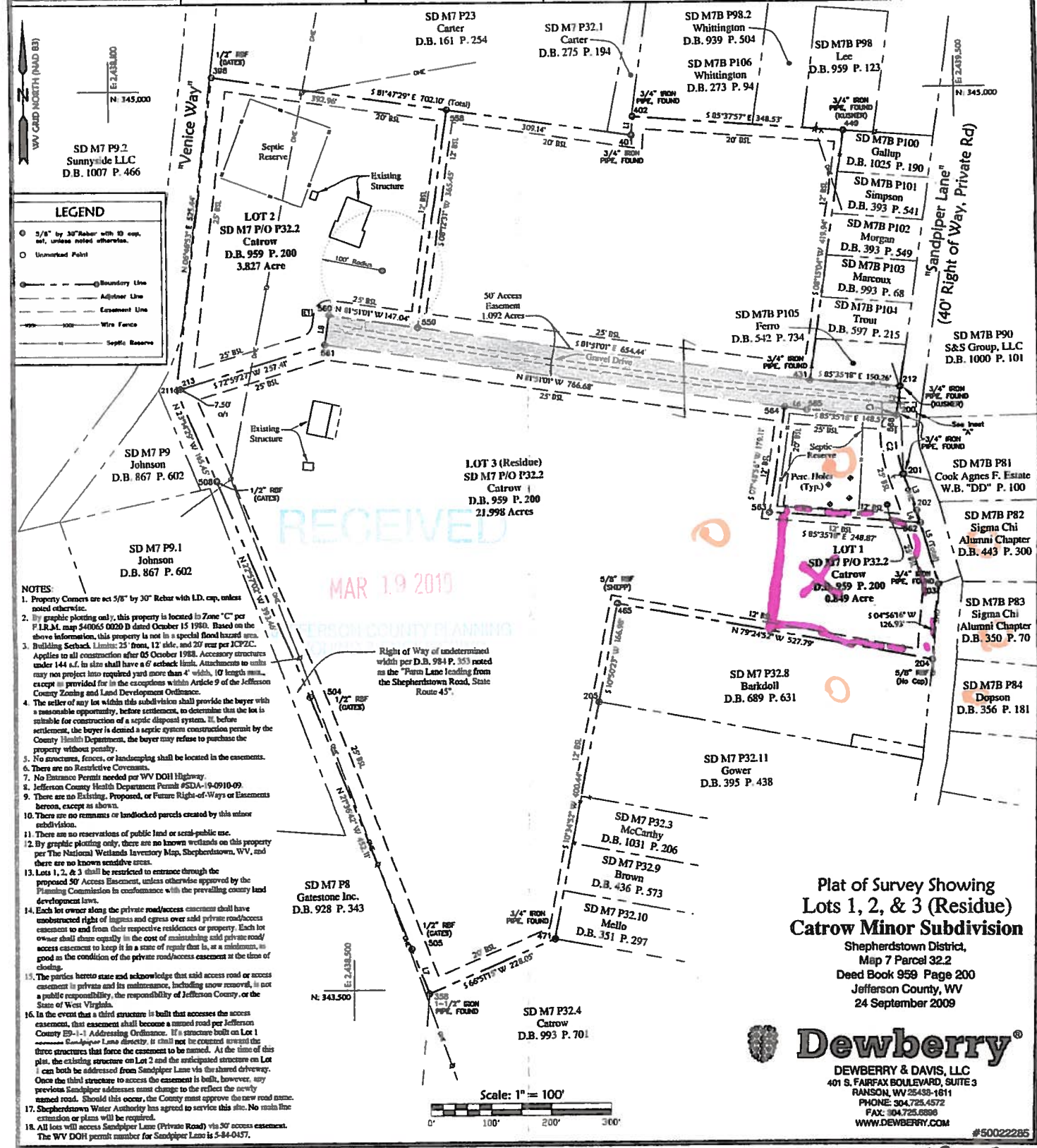
LINE	BEARING	DISTANCE
L1	N 04° 21' 13" E	31.89
L2	S 89° 12' 54" W	23.10
L3	S 89° 12' 54" W	23.10
L4	S 89° 12' 54" W	23.10
L5	S 89° 12' 54" W	23.10
L6	S 89° 12' 54" W	23.10
L7	S 89° 12' 54" W	23.10
L8	S 89° 12' 54" W	23.10
L9	S 89° 12' 54" W	23.10
L10	S 89° 12' 54" W	23.10

SURVEYOR'S CERTIFICATION
The perimeter of Lots 1, 2, & 3 (Residue) as shown herein has been established by a network of traverse control having a precision of closure of 1/5000 or better.

STATEMENT OF ACCEPTANCE
The owner/developer, by signing this plan, agrees to abide by all conditions, terms, and specifications provided herein.

INSET "A"
SCALE: 1" = 5'

LOCATION INSET
SCALE: 1" = 2000'



**Plat of Survey Showing
Lots 1, 2, & 3 (Residue)
Catrow Minor Subdivision**
Shepherdstown District,
Map 7 Parcel 32.2
Deed Book 959 Page 200
Jefferson County, WV
24 September 2008

Dewberry
DEWBERRY & DAVIS, LLC
401 S. FAIRFAX BOULEVARD, SUITE 3
RAINSON, WV 25438-1811
PHONE: 304.725.4572
FAX: 304.725.6886
WWW.DEWBERRY.COM

#50022285

From: [Reddington, Quintina](#)
To: [Planning Department](#)
Subject: Reddington Farm Barn Language
Date: Tuesday, March 26, 2019 3:51:33 PM
Attachments: [Proposed Event Barn Content.docx](#)

Hi Alex,

Below is the language for the event barn we discussed on Monday. Please let me know if this is what you had in mind.

Thank you,

Tina

Proposed Event Barn Content

We are proposing to build a new barn or barn like structure that will house a distillery and will be a multi- purpose facility to allow rental of the space for meetings or events.

- The structure will hold approximately 100-300 people inside depending on the space configuration ie. Tables and chairs vs standing room only.
- The structure will contain restrooms that meet the International Plumbing Code.
- Food will be prepared and served from a permanent or mobile facility that has been approved by the health department.
- If alcohol is served on site, separate from the distillery, all State liquor licensing laws will be.
- Events may include but are not limited to weddings, graduation festivities, corporate retreats/meetings.

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3rd Quarterly Report for Planning and Zoning

FY 2019 (January 1, 2019 – March 31, 2019)

PROJECTS UNDERTAKEN/IN PROGRESS		Status
PLANNING COMMISSION ITEMS		
Planning Commission Meetings: 3 Meetings		
Subdivision Regulations Text Amendments 0 Total		Status
		On-going
Zoning Ordinance Text Amendments 0 Total		Status
	Proposed Text Amendment related to Article 10 “Provisions for Signs” to incorporate procedures for various signs	Initiated by PC in March, 2019
Waiver/Variance from Sub. Regulations (PC) 9 Total		Status
19-6-PCW	Harry & Garnett Catrow Waiver from Section 20.201A (2) of the Subdivision and Land Development Regulations which states that all lots, regardless of the zoning district, shall have motor vehicle access via a 50’ access easement. Applicant is requesting that a new lot being proposed from the Residue of the Catrow Minor Subdivision Lots 1, 2, & 3 be permitted to have direct access to Sandpiper Lane.	Public Hearing scheduled for 4/9/19
19-5-PCW	Jefferson County Parks & Recreation Commission, Sam Michaels Park Waiver from Appendix B Sections 2.5, 10.4 & 10.5 of the Subdivision and Land Development Regulations to waive the required paved parking and to continue to utilize grass and gravel parking in the park for large events at the amphitheater.	Public Hearing scheduled for 4/9/19
19-1-PCV	Roderick Planes, LLC, Aspen Greens Subdivision Waiver from Section 8.2a (2) of the Subdivision and Land Development Regulations that requires subdivision with over 50 lots to have two entrances. Applicant is requesting that the next Phase be permitted to allow 66 lots to access one entrance temporarily.	Public Hearing scheduled for 4/9/19
19-4-PCW	Aubrey & Debora Henry, Genesis Center 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.	Approved 3-12-19 PC

19-3-PCW	Larry K Boyd, Ancient Oaks 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.	Approved 3-12-19 PC
19-2-PCW	Seneca Crossing, LLC 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.	Approved 2-12-19 PC
19-1-PCW	Richard Beddow 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	Approved for one (1) Family Transfer lot 2-12-19 PC
PCW18-18	Garnett Catrow & Harry Catrow, Jr. 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. The applicant is requesting Lot 1 of the Catrow Minor Subdivision be permitted to utilize a separate driveway onto Sandpiper Lane.	Approved 1-8-19 PC
PCW 18-17	Jeffrey and Robin Smith 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).	Approved 1-8-19 PC
Final Plat Amendment (PC)		0 Total
No Final Plat Amendments this quarter		
Major Site Plans or Subdivisions (PC)		1 Total
18-25	Seneca Crossing LLC Non-Residential Subdivision Preliminary Plat submitted 3/27/19	under staff review – PC PH TBA
18-05	Magnolia Springs Preliminary Plat – Awaiting Final Submittal w/ Phasing & DOH Approvals (Prior to final approval). Magnolia Springs Final Plat submitted 1/6/19	1 st Review Final Plat 3/12/19
Concept Plan (Public Workshop before PC)		1 Total
18-25	Concept Plan for Seneca Crossing, LLC proposed 3 lot non-residential subdivision for a medical office buildings and two additional lots (replacing previously approve 40 townhouse subdivision) Zoned: Residential-Light Industrial-Commercial	Approved Public Workshop 2/12/19 PC
Zoning Map Amendments/Rezoning Requests (PC)		0 Total
No Zoning Map Amendments these Quarters		
Long Range Planning:		Status
No long range projects this Fiscal Year		

BOARD OF ZONING APPEALS ITEMS		
Board of Zoning Appeals Meetings:		2 meetings
Zoning Variance Requests (BZA)		8 Total
		Status
19-5-ZV	Mark & Elaine Boyd Variance from Section 5.7(b) to reduce the front setback from 40' to 5' for a 20' x 21' accessory structure. Zone: Rural	Approved 3/28/19 BZA Meeting
19-4-ZV	Danielle LaRock and Johnathon Carnill Variance from Section 4.10A to waive the requirement of a site plan to process a six (6) site campground. Zone: Rural	Denied 3/28/19 BZA Meeting
19-3-ZV	Danielle LaRock and Johnathon Carnill Variance from Section 8.17B.1 to reduce the required acreage for a six (6) site campground from 10 acres to six (6) acres. Zone: Rural	Approved 3/28/19 BZA Meeting
19-2-ZV	Paul & Donna Ashbaugh Variance Section 5.6D to reduce the perimeter setbacks from 25' to 1' for an existing 7' tall fence (proposed parcel 35); and, to reduce the side setback from 25' to 21' for an existing 75' tall cell tower (proposed parcel 36); to allow for a boundary line adjustment between parcels 35 and 36. Zone: Rural	Approved 3/28/19 BZA Meeting (postponed from 2/28/19 Mtg)
19-1-ZV	John and Dawn Grinstead Variance from Section 5.7B to reduce the rear setback from 50' to 20' for a 31' x 57' in-ground pool and surrounding concrete patio. Zone: Residential-Light Industrial-Commercial	Approved 3/28/19 BZA Meeting (postponed from 2/28/19 Mtg)
ZV18-24	Christopher and Denise Gay Variance from Sec. 5.4(b).	withdrawn
ZV18-23	Daniel Beans Variance from Section 9.6B to reduce the rear setback from 36' to 10' for a 26' x 36' accessory structure. Zone: Rural	Approved 1/24/19 BZA Meeting
ZV18-22	Michael Smith Variance request per Section 4.3H to reestablish a nonconforming use. The applicant is requesting to retain the nonconforming commercial land use for future development after demolition of the existing building. Zone: Rural	Approved with Conditions 1/24/19 BZA Meeting
Conditional Use Permit (CUP) Applications (BZA)		1 Total
		Status
19-1-CUP	Owner: McDonald's Corporation Applicant: Tracey Diehl, Expedite The Diehl Request for an existing Drive-Through, Fast Food Restaurant (McDonald's) to replace and upgrade the exterior menu boards with digital menu boards. Location: 31 Maddex Square Dr, Shepherdstown Zone: Residential-Light Industrial-Commercial.	Scheduled for 4/25/19 BZA Meeting (postponed from 2/28/19 Mtg and 3/28/19 Mtg)

Special Exception (SE) Applications (BZA)	0 Total	Status
No SE Applications this quarter		
Zoning Appeal of Administrative Decision (BZA)	0 Total	Status
No appeals this quarter		
PLANNING & ZONING STAFF ITEMS		
Pre-Proposal Conference (PPC) Meetings: 17 Total (9 Subdivision & 8 Site Plan)		
Information Request Forms (IRFs -- general inquiries from the public; generally provided written responses): 15 Total		
Zoning and Land Development Fees Collected: \$20,521.47		

Zoning Certificates (Staff)	9 Total	Status
19-8-ZC	Owner: Twin Ridge Orchard Co., Inc, 8001 Charles Town Rd Applicant: Christopher Grant/C&G Jerk Jamaican Chicken Accessory Use -- Food Trolley/Food Truck operating from existing on-site trolley. Zone: Industrial- Commercial	Approved 3/28/19
19-7-ZC	Owner: Matthew Rushizky, 8428 Shepherdstown Pike Applicant: AT&T Wireless Nonconforming Use - 200' Telecommunications Tower 5' x 4' Concrete Pad to house a 20 KW Diesel Generator Zone: Rural	Approved 3/20/19
19-6-ZC	Jefferson County Parks & Recreation Commission/County Commission, Sam Michaels Park Approval of various recreational activities per new Master Plan Zone: Rural	pending
19-5-ZC	Owner: S & T Group, LLC., 7670 Martsinburg Pike Shepherdstown Applicant: Dennis Cates Nonconforming shopping center/Change in tenant: School House Hemp. Production kitchen for CBD infused medicinal products. Zone: Residential Growth	Approved 3/15/19
19-4-ZC	Owner: Kenneth and Elizabeth Wilt, 543 Mission Road North Applicant: Verizon/Jessica Bingham Nonconforming Use – 195' Self Support Telecommunications Tower Zone: Rural	Approved 3/27/19
19-3-ZC	Owner: Jefferson Utilities, Inc., 307 West Burr Blvd Applicant: AT&T Wireless/Michael Rebner 10' x 4' Concrete Pad to house a 30 KW Diesel Generator Property contains existing Water Tower / Unmanned Communications Facility Zone: Industrial-Commercial	Approved 2/28/19
19-2-ZC	Owner: Thomas LeFevre, 237 Tel Farm Lane, Kearneysville Applicant: Madison Lowry Nonconforming Use - 199' Self Support Telecommunications Tower Add'l Antenna and radio head Zone: Rural	Approved 2/11/19

19-1-ZC	Owner: Leonard and Margarita Mironiv; KITA, LLC; Burr Industrial Lot #44 Phase 1 Applicant: Movement Mortgage Co. Zone: Industrial-Commercial	Approved 2/5/19
ZC18-35	Owner: T. Neill Banks and Kenna Banks, 3343 Shepherdstown Pk Shenandoah Junction Applicant: Hardy Cellular Telephone Company c/o Randy Mattson Telecommunication Facility: replace existing antennas. Zone: Rural	Approved 1/22/19
Minor Site Plans (Staff)		3 Total
		Status
S18-07	Burr Business Park Lot 40 Expansion 3,980 sq. ft. building and additional asphalt parking and gravel equipment area Submitted: 11/30/18	Approved 2/5/19
S18-06	Martinsburg Pike ROCS (outside Shepherdstown) 10 gas pumps and 6,000 square foot convenience store building Submitted 11/28/18	pending resubmittal – 2 nd review complete
S18-04	Universal Forest Products, Ranson Plant Expansion New 8,750 SF building and future 45,000 SF building and related site work Submitted: 5/21/18	Approved 1/24/19
Minor Subdivisions (Staff)		12 Total
		Status
19-5-SD	Michael Alvarez Minor Subdivision - Lots 1, 2, & 3 (Residue) Submitted: 3/29/19	Pending – in review
19-4-SD	Gerald D. Bast Minor Subdivision - Lot 1 and 2 (Residue) Submitted: 3/27/19	Pending – in review
19-3-SD	Patricia Crim Minor Subdivision - Lot 1A & Lot 2A Residue Submitted: 3/25/19	Pending – in review
19-2-SD	Brad and Jaine Lewis Minor Subdivision -- Lots 1, 2, 3-Residue & 4 Submitted: 3/15/19	Pending – 1 st review complete
19-1-SD	Pifer Family Transfer – Lot 10A and 10B (Residue) Submitted: 1/16/19	Approved 2/14/19
18-24	Lot 3 Smith Manor Minor Subdivision – Lots 3A & 3B (Residue) Submitted: 12/12/18	Pending resubmittal
18-22	Cynthia B. Rider Minor Subdivision – Lot 1 Residue and Lot 2 Submitted: 10/23/18	Approved 11/14/18 (not yet recorded)
18-20	Richard and Barbara Nickell Trust Lots 2A, 2B, & 2C Submitted: 10/11/18	Pending resubmittal
18-19	Randal & Melissa Swartz Family Resubdivision Lot 4B Submitted: 9/28/18	Approved 1/31/19
18-18	Randal and Melissa Swartz Family Subdivision Lots 4A, 4B, and 4 (Residue) Submitted: 9/28/18	Approved 1/31/19
18-17	Lisa M. Blickenstaff Child to Parent Transfer Submitted: 9/11/18	Approved 1/23/19

18-16	Pikeview Manor Greenspace and Lot 2 (Residue) Submitted 12/7/18	Approved 2/14/19
Boundary Line Adjustments (Staff)		12 Total
Status		
19-9-M	Rissler/Hough Merger Lot C & D Rissler Farm Submitted: 3/29/19	Pending – in review
19-8-M	Shepherdstown Public Library/Colonial Hills Phase 3 (TD 9 TM 8 P10 & 11) Submitted: 3/6/19	Pending – in 3 rd review
19-7-M	L.M. Everhart Construction, Inc. (TD 7 TM 22 P33) Submitted: 2/13/19	Approved 3/21/19
19-6-M	Lutman Euclid Ave (TD2 TM 10B P89; Lots 8, 9 & 10) Submitted: 2/1/19	Approved 3/1/19
19-4-M & 19-5-M	Joyce Creamer/Robert Rankin/Donald and Patti Mumaw (TD 7 TM 11A, P 35, 43, & 43.1) Submitted: 1/31/19	Approved 3/20/19
19-3-M	John and Jo Ann Hoffmaster/ Justin Haylette (TD 2 TM10B, P 22 Lots 1, 2, & 3) Submitted: 1/15/19	Approved 2/26/19
19-2-M	Jamie Lull (TD 9 TM 24A, P 22, 23, 23,2) Submitted: 1/15/19	Approved 2/26/19
19-1-M	Karma Ali & Rupinder Tiwana (TD 2 TM 10B P 19) Submitted: 1/4/19	pending
M18-16	William Knode Jr and Jo Ann Knode (TD9 TM 8B P 85, 85.1, 85.2, 86, 86.1, 87, & 88) Submitted: 12/28/18	pending
M18-15	Paul and Donna Ashbaugh (TD 2 TM 21 P 36) BLA Submitted: 12/21/18	pending
M18-13	Michael and Diane Alvarez (TD 6 TM 9A P 15 & 16.1) Submitted: 11/9/18	Approved 3/26/19
M18-11	BB&T Wealth (Rita M. Febrey Property) (TD 7 TM 2 P 3 & 1.1) Submitted: 10/9/18	Pending submittal of mylars
Minor Plat Change/Minor Plat Amendment (Staff)		1 Total
Status		
	Lot 7 Mission Ridge Subdivision (Thomas Sandrestzky) – Relocated Septic Reserve	Approved 3-8-19

Regional Transportation Planning Meetings		
Eastern Panhandle Transit Authority (EPTA) Board Meetings		1/14/19; 2/11/19; 3/5/19 (Spec Mtg); 3/18/19;
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings		1/16/19; 3/20/19
Shepherdstown Bike Path Advisory Committee Meeting		3/4/19
WV DOH Regional Planners Roundtable		3/27/19
Planning Related Meetings		
Eastern Panhandle Safe Water Conservation		1/24/19
Jefferson County Homeland Security and Emergency Management Quarterly Mtg		1/25/19
ITEMS REQUIRING COMMISSION ATTENTION		Status
	none at this time	
PROPOSED PROJECTS/UNDERWAY		Status
ZTA17-02	WV45 gateway design standards -- in collaboration with Shepherdstown PC regarding implementing certain recommendations of the Envision Jefferson 2035 Comp Plan	on-going
STA 17-01	Staff initiated effort on larger amendments including streamlining processes and reorganization of Sub Reg. sections	on-going/PC considering requesting consultant input



Jefferson County, West Virginia

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Planner's Memorandum Planning Commission Meeting April 9, 2019

1) Status of Morgan Grove Market Bond

2) 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

3) 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

4) Upcoming PC meetings

- a) Next Regular Meeting: **May 14, 2019**

