

TWENTY-EIGHTH ANNUAL REPORT
JEFFERSON COUNTY PLANNING AND ZONING COMMISSION
JANUARY 1, 1995 THROUGH DECEMBER 31, 1995

Twenty-eighth Annual Report
Jefferson County Planning and Zoning Commission
January 1, 1995 through December 31, 1995

I. OPERATION OF THE PLANNING AND ZONING COMMISSION

A. Planning and Zoning Commission Membership

1. Scott Coyle, President (Elected 4/95)
2. Cam Tabb, Vice President
3. Ernest R. Benner, Secretary/Treasurer
4. Samuel J. Donley, Jr.
5. H. Richard Flaherty
6. Paul Griger
7. A. G. Hooper, Jr.
8. Rosella Kern
9. R. Gregory Lance*
10. Peter H. Morgens**
11. Betty Roper

* (designated member from the County Commission)

**Gilbert Page Wright resigned in April. He was replaced by Peter H. Morgens.

B. Planning and Zoning Commission Staff

Paul J. Raco, Director of Planning and Zoning*
Paula Coomler Markstrom, Permit Officer/Assistant
Rebecca F. Burns, Executive Secretary
John C. Laughland, County Engineer (employee of the County Commission)

*Paul Raco is also the designated Zoning Administrator

Schedule of Regular Meetings

Regular meetings are held on the second and fourth Tuesday of each month at 7:30 p.m., in the Planning Commission meeting room located on the first floor at 108 East Washington Street, Charles Town, West Virginia 25414.

The Planning and Zoning Commission held twenty (20) Regular Meetings. The Planning Commission held several work sessions and committee meetings on the proposed Zoning Ordinance amendments. In addition, the Planning Commission held an open house on September 19, 1995 and an input session on November 7, 1995 on the proposed Zoning Ordinance amendments. Also, one special meeting (work session) was held on December 5, 1995, to review the proposed Zoning Ordinance amendments resulting from the open house, input session and written comments received from the public. Five Neighborhood Compatibility Hearings were held on five (5) different projects. Two public hearings were held as a result of Neighborhood Compatibility Hearings on the following projects: Richwood Estates (7/25/95) and Town Run Commons (10/10/95). Minutes and tapes of all meetings and work sessions are on record in the Planning Commission office and are available for public review during normal business hours, Monday through Friday, 9:00 a.m. to 5:00 p.m.

The Staff and Subdivision Review Panel conducted subdivision review work sessions, as necessary, on the first and third Friday of the month at 10:00 a.m. in the Planning Commission meeting room. During the 1995 calendar year covered by this report fifteen (15) subdivision review work sessions were held for the purpose of reviewing six (6) Community Impact Statements, seven (7) Preliminary subdivision plats, and sixteen (16) site plan reviews.

C. Budget

The approved Planning and Zoning Commission budget totaled \$119,637.00 for the 1994/95 Fiscal Year.

The approved Planning and Zoning Commission budget totaled \$120,209.00 for the 1995/96 Fiscal Year.

D. Revenues

Total revenues (\$141,995.11) during calendar year 1994 increased by \$2,729.45 from calendar year 1993.

Total revenues (\$137,927.69) during calendar year 1995 decreased by \$4,067.42 from calendar year 1994.

II. BUILDING CONSTRUCTION ACTIVITY

A. Improvement Location Permit Activity

The total number of Improvement Location Permits issued during the calendar year 1995, as shown on the table below, increased by 21 over the 1994 calendar year. A total of 995 permits were issued in 1995 versus 974 in 1994. The total value of construction decreased from \$76 million in 1994 to \$30 million during 1995. However, the 1994 figures include the value of the U. S. Fish and Wildlife Service.

IMPROVEMENT LOCATION PERMIT ACTIVITY
 CALENDAR YEAR 1994 and CALENDAR YEAR 1995

	<u>No.</u>	<u>1994</u> <u>Value</u>	<u>No.</u>	<u>1995</u> <u>Value</u>
Apartment Buildings	0	0	0	0
Units	0	0	0	0
Single Family Homes				
Detached	284	\$27,922,137	215	\$21,797,626
Attached	17	1,211,000	12	827,000
Mobile Homes	49	693,300	59	840,250
Garages/Carports	107	814,376	101	660,396
Additions	231	2,128,326	276	2,448,163
Accessory Buildings	182	406,268	242	482,896
Farm Structures	24	235,600	10	51,375
Commercial/Industrial	39	3,206,802	64	2,386,209
Swimming Pools	19	283,203	15	217,570
Other	<u>22</u>	<u>\$39,587,500</u>	<u>1</u>	<u>55,000</u>
	974	\$76,488,512	995	\$29,766,485
Total dwelling units	350		286	
Average Construction Cost/ single family home (Excluding mobile homes and apartments)		96,788		99,668

The total number of new dwelling units created (apartment units, single family homes and mobile homes) decreased from 350 units to 286 units. The average value of residential construction increased from \$96,788 per dwelling unit in 1994, to \$99,668 in 1995, or an increase of \$2,880.00 per unit.

The number of permits issued for commercial/industrial buildings increased from 39 in 1994 to 64 in 1995. The value of the construction in this category decreased from \$3,206,802 in 1994 to 2,386,209 in 1995. Overall, the number of permits increased by 21 over the previous calendar year and the total construction value decreased by \$46,722,027. This large decrease in construction value was primarily due to 15 permits issued to the U.S. Fish and Wildlife in 1994 with a value of \$39,222,000.

B. Enforcement of Flood Plain Management Ordinance

The Planning Commission staff issued five (5) Improvement Location Permits for construction on lots within flood prone areas. One of these permits was for construction that is to be located at or above the 100 year flood plain and was for a home. Two permits were issued for construction within the flood plain since the value of the addition was less than 50% of the value of the existing structure. Three permits were denied. Two permits were issued for structures, with no living space, with engineering certification that they would withstand the 100 year storm. These structures were pavilions.

In addition, the Staff received numerous inquiries as to location of flood prone areas, and prepared a number of parcel maps indicating the regulated flood plain.

III. LAND DEVELOPMENT ACTIVITY

A. Subdivision Ordinance Activity

During the calendar year covered by this report 138 new lots, sites or units were approved by the Planning Commission under the Subdivision Ordinance. In addition, the number of lots created through the subdivision exemptions in this period is 24. The number of lots, sites or units pending completion of subdivision processing at the end of the 1995 calendar year is 1477. However, the number of pending lots has never been an accurate count of what actually is approved.

A listing of the specific subdivision proposals which have been approved, those currently pending further processing and approval, and Community Impact Statements (concept plans) submitted and accepted as of January 1, 1996, can be found in Appendix 1.

In addition to the subdivision activity described above, the Planning Commission received and approved three (3) variance request to permit two or more principal buildings on a single lot.

In the 1995 calendar year covered by this report, whereas 162 lots were created, 286 permits were issued. Therefore, the surplus of lots went down by approximately 124.

B. Construction Inspections and Bonding

Once a project is approved by the Planning Commission, the Planning Commission Staff, and primarily, the County Engineer, inspect the subdivision improvements to insure that they conform with the approved plans.

In addition to the inspections, the Planning Commission Staff administers construction bonds provided by developers to insure completion of improvements. As of January 1, 1996, the total value of the bonds held by the County was \$1,947,057.19. The subdivisions currently bonded and the amount and form of security are listed in Appendix II.

C. Salvage Yard Ordinance Activity

The Jefferson County Salvage Yard Ordinance, adopted in August, 1984, established regulations for salvage yards not previously permitted by the State Department of Highways. The ordinance applies to the collection of three or more "junked" motor vehicles (unable to pass State inspection) or other certain accumulations of ferrous and non-ferrous material. Requirements include setbacks, fencing and other site design standards intended to minimize adverse impacts of a salvage yard.

Between January 1, 1994 and December 31, 1994, the Planning Commission Staff investigated approximately thirty-five (35) complaints at various locations around the County. Some of the complaints were determined not to constitute a salvage yard by the definition of "junked" motor vehicles. However, efforts have been made by a number of property owners who were investigated, to clean up their property and alleviate the cause for the complaints. Five (5) locations were determined to contain salvage yards in violation of the Salvage Yard Ordinance and were pursued. All five of these violations are awaiting trial and disposition in Magistrate Court.

III. STATUS OF PLANNING

Five (5) projects were submitted to process through the zoning procedure and the Land Evaluation/Site Assessment (LESA) system.

Meadowbrook Farm	49 Single family lots	70.00 Acres	Harper Ferry
Gerard/Skinner	Retail business selling antiques & collectibles	0.45 Acres	Shepherdstown
Richwood Estates	32 Single family lots	15.2293 Acres	Harpers Ferry
Utopia	46 Single family	61.00 Acres	Charles Town
Town Run Commons	76 townhouse units & 2 detached single family lots	13.69 Acres	Shepherdstown

B. Site Plan Reviews

With the institution of zoning, a site plan review process was instituted for any projects other than single family residential. The following projects were submitted for site plan review:

<u>Project</u>	<u>Type Development</u>	<u>District</u>	<u>Status</u>	<u>Acres</u>
Taco Bell	Restaurant	Charles Town	Approved	1.50
Cress Creek Pool & Bath House	Recreational	Shepherdstown	Approved	183.00
Frank's Auto Restoration & Repair	Commercial	Charles Town	Approved	1.00
Marrone's Interior Finishes	Commercial	Charles Town	Approved	1.50
Tri-State Distributing	Commercial	Charles Town	Approved	1.50
A & D Auto Parts, Inc.	Commercial	Middleway	Approved	55.155
Americast	Manufacturing	Harpers Ferry	Approved	5.28

<u>Project</u>	<u>Type Development</u>	<u>District</u>	<u>Status</u>	<u>Acres</u>
DALB, Inc.	Manufacturing	Charles Town	Approved	3.00
Halltown	Industrial	Harpers Ferry	Approved	33.50
R & R Investment Co.	Commercial	Charles Town	Approved	.8866
3M Company	Manufacturing	Middleway	Approved	254.61
F & M Bank	Commercial	Charles Town	Approved	0.86
Food Lion Expansion	Commercial	Charles Town	Approved	15.07
Bardane	Utility	Charles Town	Pending	1.05
The Southland	Commercial	Shepherdstown	Pending	.639

C. Intergovernmental Cooperation

The Planning Commission has established an open working relationship with other governmental agencies to ensure cooperation and coordination of programs and planning activities affecting Jefferson County. Examples of agencies the Planning Commission communicates with on a regular basis include: the Jefferson County Commission, Board of Education, Health Department, Development Authority, Solid Waste Authority, Emergency Services, Public Service District and the offices of the Assessor, County Clerk and Prosecuting Attorney; the State Departments of Health, Highways, and Natural Resources; and the U. S. Departments of Agriculture and Interior.

D. Miscellaneous Meetings and Activities

In addition to the regular and special meetings of the Planning Commission and the Zoning Board of Appeals, and individual project Neighborhood Compatibility Meetings, the Planning Commission Staff has attended numerous meetings, conferences and work sessions on such topics as groundwater protection, environment, crime, zoning, subdivision ordinance, stormwater management, water resources, education, natural resources, and regional concerns.

Neighborhood Compatibility Meetings were held as follows:

<u>Date</u>	<u>Project</u>
January 5, 1995	Frank's Auto
May 24, 1995	Meadowbrook Farm
June 12, 1995	Gerard/Skinner
June 28, 1995	Richwood Estates
September 6, 1995	Town Run Village

The Planning Commission and Staff prepared proposed amendments to the Zoning and Development Review Ordinance. The amendments proposed included the following: definitions and standards for home occupations and cottage industries; adding a new zone called the Village Zone which designates vicinities around the historic areas of Bakerton, Shenandoah Junction, Mannings, Leetown, Summit Point, Middleway, Rippon and Kearneysville; more residential rights within the Rural Zone; regulations for mass gatherings; and, various modifications and clarifications to existing provisions within the Zoning Ordinance.

The Planning Commission also defended several lawsuits, concerning zoning and subdivision decisions. All of these files can be found in the Planning Commission offices.

E. Miscellaneous Information Requests

As with previous fiscal years, a large portion of Staff time is devoted to responding to inquiries received in person and by telephone. A large portion of these inquiries are directly related to building and subdivision activity. However, the Planning Commission also receives numerous requests for census information, demographic and building permit data, aerial photographs, flood plain information, and general information related to appraisals and marketing studies. In addition, since the zoning effort has been under way and is now effective, numerous inquiries are directed along this line. The Staff keeps a daily log of in-coming and out-going telephone calls and visits in person.

APPENDIX I

Subdivisions Approved Between January 1, 1995 and December 31, 1995

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Robeli Subdivision	Charles Town	9.00	40
Welch's Spring Associates Minor Subdivision	Middleway	* 142.469	2
Bittinger Subdivision, Lots 1 & 2 Charles S. & James B. Jenkins Minor Subdivision	Kabletown	4.181	2
Charles W. Herbert Minor Subdivision	Kabletown	* 122.805	3
C. Lee Ridgely Minor Subdivision	Charles Town	41.589	3
Maddex Farm, Phase III, Sec. 2, Lots 12-18, Sec. 3, Lots 22-28	Kabletown	20.575	3
Eastland Subdivision, Sec. IV	Shepherdstown	* 83.432	15
Tommy B. Lipscomb Minor Subdivision	Kabletown	* 100.485	15
Edward L. Boyd Minor Subdivision	Kabletown	* 118.356	2
Edward L. Boyd Minor Subdivision	Kabletown	5.353	2
Edward L. Boyd Minor Subdivision	Kabletown	4.250	2
Larry B. Sirbaugh Minor Subdivision	Kabletown	3.077	2
Melvin Magaha Subdivision, Lots 1-3	Kabletown	7.945	3
William O. Macoughtry Minor Subdivision	Charles Town	7.945	3
Walter Walls Minor Subdivision	Middleway	9.444	3
Earl G. Wean Subdivision	Shepherdstown	* 45.8928	3
Sara Blue Minor Subdivision	Charles Town	3.9946	3
Cedar Lane Farm Minor Subdivision	Middleway	12.304	3
Gibbs Minor Subdivision	Middleway	11.266	2
Joseph G. Sardone Minor Subdivision	Shepherdstown	6.249	2
Franklin S. Walper Minor Subdivision	Kabletown	6.3521	2
Katherine S. Chesbro Minor Subdivision	Shepherdstown	3.2908	2
Eleanor Athey Minor Subdivision	Middleway	15.00	2
Edward L. Boyd Minor Subdivision	Kabletown	* 103.25	2
Capriotti Minor Subdivision	Kabletown	* 158.39	3
Rentier Mountaineer Kearneysville Orchard Trust Minor Subdivision	Harpers Ferry	18.004	2
Donato J. Ranelli Minor Subdivision	Middleway	25.431	3
Eugene P. Capriotti Minor Subdivision	Middleway	14.11	2
Joseph F. Thompson Minor Subdivision	Charles Town	26.279	2
Jefferson Orchards, Inc. Minor Subdivision	Harpers Ferry	6.064	3
Julie C. & Richard C. Blickenstaff Minor Subdivision	Kabletown	* 124.779	3
	Kabletown	* 187.004	2
		<hr/> 1,440.619	<hr/> 138

NOTE: * The acreages shown on the denoted subdivisions above are distorted because they include a large residue of property which, at a late date may be further subdivided. The total residue acreage on these denoted subdivisions is 1034.437 acres. Therefore, the total acreage actually subdivided into lots is 406.182 acres.

Subdivisions Pending At The End of 1995

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Spring Hill	Charles Town	130.56	237 s.f. 155 t.h.
Locust Hill, Town House Lots 11-106	Charles Town	13.24	96 t.h.
Gunnell's Run Farm	Shepherdstown	20.00	10
Locust Hill Villa, Lots 9-60	Charles Town	10.50	52 d.u
Locust Hill, Single Family 65-148	Charles Town	40.753	83
Locust Hill, Single Family Lots 149-167 & 217-238	Charles Town	21.17	41
Crosswinds	Charles Town	20.00	66
Joseph Thompson Minor Subdivision	Shepherdstown	16.336	2
Scotia Run	Charles Town	32.320	20
Shannondale, Section 25-J	Kabletown	19.00	15
Mecklenburg Heights, Section F Lots 1-5	Shepherdstown	3.298	2
Rotunda	Charles Town	133.40	155 t.h.
Meadow Brook Farm	Harpers Ferry	73.092	47
Breckenridge	Charles Town	245.25	299
Charles Town Commons	Charles Town	16.00	192 apts.
Shepherd Minor Subdivision	Shepherdstown	16.94	3
Maddex Farm, Phase IV Tract IIA & IIB	Shepherdstown	3.476	2 comm.
TOTALS		815.335	1,477

NOTE: The number of lots in subdivisions pending at the end of Calendar Year 1994 was 909. (See Planning Commission 27th Annual Report.) However, only 138 lots were actually approved during the calendar year covered by this report (See Appendix I, Page 1).

Community Impact Statements Accepted by the
Planning Commission Between January 1, 1995 and December 31, 1995
 (Concept Plans)

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Eastland Subdivision, Sec. IV	Kabletown	100.485	15
Mecklenburg Heights, Section F Lots 1-5	Shepherdstown	3.298	5
Rotunda	Charles Town	133.40	155 t.h.
Meadow Brook Farm	Harpers Ferry	73.092	47
Breckenridge	Charles Town	245.25	299
TOTALS		555.525	521 d.u.

APPENDIX II
Outstanding Construction Bonds As Of December 31, 1995

<u>Subdivision</u>	<u>Security</u>	<u>Amount</u>
Cave Quarter Estates, Section A	Cash-in-Escrow	\$ 3,565.00
Patrick Henry Estates, Section B	Cash-in-Escrow	1,500.00
Shannondale, Section 24-J	Deed of Trust	248,400.00
Maddex Farm, Phase II	Cash-in-Escrow	2,000.00
Locust Hill (PCFiles 90-5, 90-37 and 90-46)	Cash-in-Escrow	26,450.00
Tuscawilla Hills	Letter of Credit	10,000.00
Howard Farms	Cash-in-Escrow	3,000.00
Tuscawilla Hills, Duplex Lots 430-453	Letter of Credit	40,000.00
Images Night Club	Cash-in-Escrow	12,910.00
Tuscawilla Hills, Lots 454-486	Surety Bond	82,294.00
Willow Spring Farm, Section V	Deed of Trust	68,453.00
Lowe Products, Inc.	Letter of Credit	8,305.00
Sheetz, Inc.	Cash-in-Escrow	14,000.00
Royal Vendors, Inc.	Letter of Credit	21,902.00
Maddex Farm, Section I, Phase III Lots, 1-11, Lots 19-21 & Res. A	Cash-in-Escrow	1,500.00
Fellowship Baptist Church	Letter of Credit	7,130.00
Norm Thompson	Cash-in-Escrow	1,000.00
Fairview Place, Section I	Cash-in-Escrow	29,325.00
Encore Catering	Letter of Credit	4,978.00
Locust Hill, Lots 65-95, 127-148 and Parcel A	Letter of Credit	338,647.00
Williams Memorial United Methodist Chapel	Cash-in-Escrow	2,948.00
Whale of a Wash/Car Wash	Letter of Credit	10,601.39
Harpers Homestead (River Riders)	Cash-in-Escrow	5,602.00
Bon Aire Village	Letter of Credit	13,000.00
Jefferson Crossing Shopping Center	Letter of Credit	612,860.00
Jefferson Crossing Shopping Center	Letter of Credit	40,000.00
Whisper Knoll	Letter of Credit	30,943.00
BSR Training Academy	Letter of Credit	18,986.00
Maddex Farm, Phase III, Sec. 2 Lots 12-18, Sec. 3, Lots 22-28	Cash-in-Escrow	24,909.00
Marrone's Interior Finishes	Letter of Credit	15,711.00
Tri-State Distributing	Letter of Credit	15,050.00
Americast	Cash-in-Escrow	9,670.00
3M Oil Containment Facility	Cash-in-Escrow	3,162.00
Magaha Subdivision, Lots 1-3	Letter of Credit	25,108.00
Cress Creek Swimming Pool	Letter of Credit	10,593.80
A & D Auto Parts, Inc.	Letter of Credit	11,249.00
Eastland, Section IV	Letter of Credit	129,030.00
Food Lion, Inc.	Cash-in-Escrow	20,460.00
Halltown Paperboard Company	Letter of Credit	21,815.00
	TOTAL	\$1,947,057.19

TABLE 1

Calendar Year Initiated	Proposed Lots	Approved Lots ***	Accumulative	
			Proposed	Approved
1972	806	594	808	594
1973	1135	415	1941	1009
1974	523	313	2464	1322
1975	491	277	2955	1599
1976	815	191	3770	1790
1977	193	127	3963	1917
1978	367	267	4330	2184
1979	459	87	4789	2271
1980	102	46	4891	2317
1981	53	22	4944	2339
1982	94 (88 Apts.)	93	5038	2432
1983	232	216	5270	2648
1984	115	102	5385	2750
1985	295	216	5680	2966
1986	134	133	5814	3099
1987	1275	430	7089	3529
1988	1705	723	8794	4252
1989	5457	648	14251	4900
1990	2353	404	16604	5304
1991	88 (+132 Apts)	90	16692	5394
1992 through 10/27/92	-86*	97	16606	5491
10/28/92 through 1993	298**	98 (+40 apts.)	16904	5589
1994	241	128*	17145	5717
1995	521	138	17666	5855

*This reflects the difference between 548 new proposed lots and 634 proposed lots on projects that were closed out before final plat approval.

** 332 proposed - 34 closed = 298

*** These figures do not include lots created by parent to child exemptions or lots created for commercial purposes.