



AGENDA
Jefferson County Planning Commission
Tuesday, February 12, 2013

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 at 7:00 p.m.

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

1. Approval of the minutes from the January 8, 2013 meeting.
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. Request for a waiver from Appendix B, Section 9.6 of the Jefferson County Subdivision and Land Development Regulations to remove the curb and gutter requirements from the internal roads, driveways and parking lots for the proposed Hite Road Park Site Plan (PC File #S11-15). This project consists of walking trails, picnic and park areas, athletic fields, sports courts, a skate park, miniature golf course, and sports support facilities to be dedicated for public use. Property owner: Jefferson County Parks and Recreations Commission. Property location: Tax District: Middleway; Tax Map: 9 Tax Parcel: 2.17; Size: 119 acres; Zoned: Rural; File: PCW13-01.
5. Reports from Legal Counsel and legal advice to the Planning Commission.
6. Active Litigation:
 - Far Away Farms
 - Cedar Meadows Airpark
7. Director's Report.
8. Monthly Development Activity Report.
9. Liaison Reports:
 - County Commission Meeting
 - Health Department Meeting
 - Public Service District Meeting
 - Parks and Recreation Meeting
 - Jefferson County Development Authority Meeting
 - Water Advisory Committee Meeting
10. President's Report.

11. Actionable Correspondence

12. Non-Actionable Correspondence

13. Signing of approved Motions from previous Planning Commission meetings.

All files are made available for public review Monday through Friday, 9:00 a.m. to 5:00 p.m. (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record.

Feel free to submit your comments to any of the addresses below:

Location: 116 E. Washington St., Charles Town, West Virginia 25414

Mail: P.O. Box 338, Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org

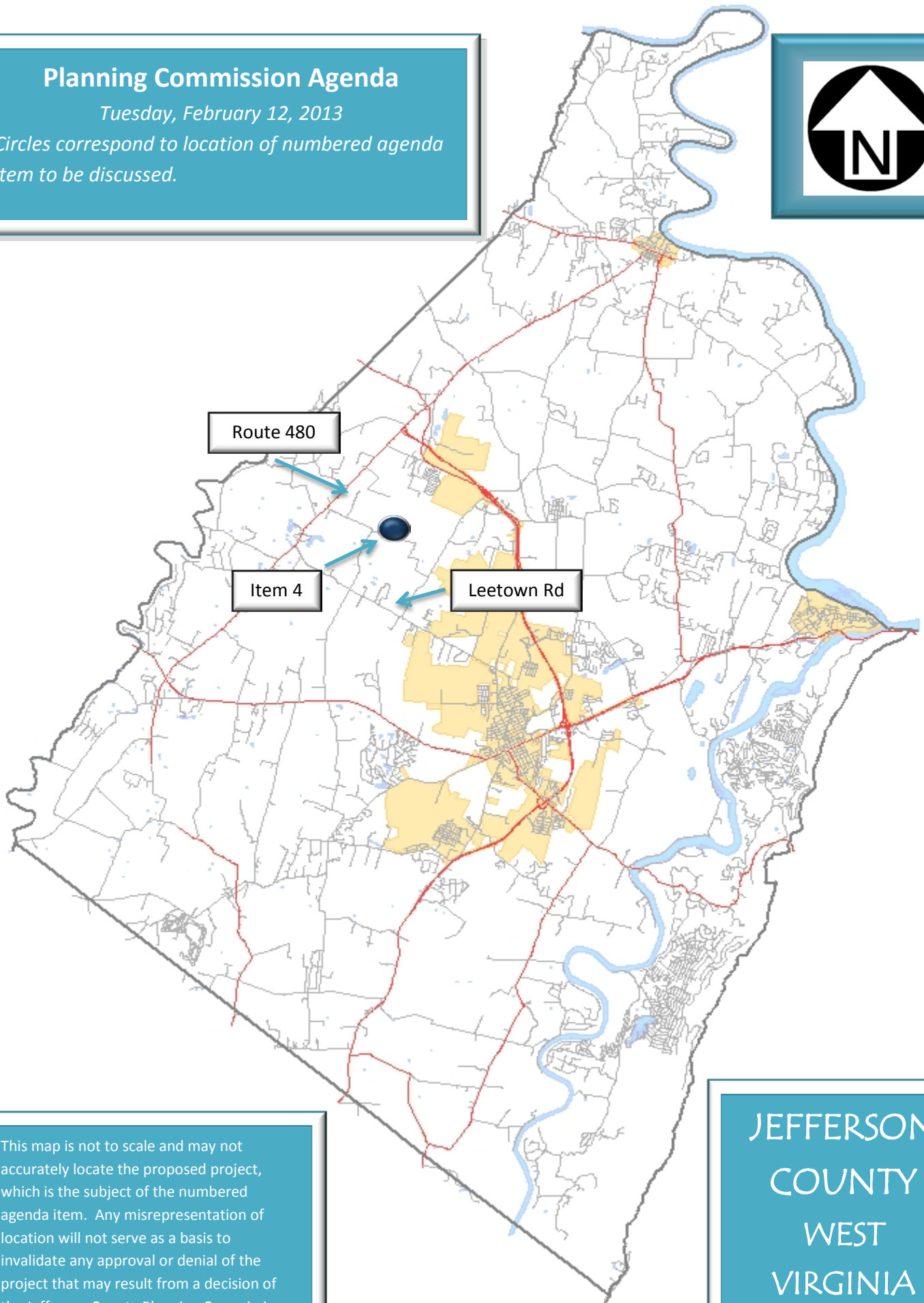
Fax: 304-728-8126

Any party desiring a transcript of these proceeding will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan as well as any working proposed amendments are located on our website at www.jeffersoncountywv.org. Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

Planning Commission Agenda

Tuesday, February 12, 2013

Circles correspond to location of numbered agenda item to be discussed.



This map is not to scale and may not accurately locate the proposed project, which is the subject of the numbered agenda item. Any misrepresentation of location will not serve as a basis to invalidate any approval or denial of the project that may result from a decision of the Jefferson County Planning Commission.

JEFFERSON
COUNTY
WEST
VIRGINIA



AGENDA
Jefferson County Planning Commission
Tuesday, January 8, 2013

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 at 7:00 p.m.

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

Draft Minutes from the January 8, 2013 Planning Commission meeting will be posted on Monday, February 11, 2013.

1. Election of Officers.
2. Approval of the 2013 Planning Commission Meeting Schedule.
3. Approval of the minutes for the December 11, 2012 meeting.
4. 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.
5. Request for postponement.
6. Request by applicant Morgan's Grove Market (S12-06) to be represented by Peter Corum (Twin Oaks Subdivision, L.L.C) and Fred Blackmer (FB solutions) for a waiver from the following sections of the Jefferson County Subdivision and Land Development Regulations:
 - a) Section 20.102(B): to allow surface site grading in anticipation of subsequent procedural and document approvals (PCW12-08).
 - b) Section 22.208: requesting relief from the road frontage sidewalk (PCW12-09).
 - c) Section 24.116(B)6: relief from subdivision ordinance requesting traffic study (PCW12-10).

This project consists of an agricultural-based market. Intended uses are to consist of, but are not limited to, a Food Hub, General Merchandise (retail), Professional/Business Offices, Community Amenities, and other associated uses. This property is located at 3988 Kearneysville Pike (Rt. 480), adjacent to Morgan's Grove Park and is designated as Tax District: Shepherdstown; Tax Map: 13; Tax Parcel: 26.1, 26.2, 26.3 and 26.4.

7. Request by applicant Fred Blackmer with FB solutions to have the Planning Commission schedule a public hearing for the Morgan's Grove Market Major Site Plan (S12-06) prior to staff deeming it complete as required by the Jefferson County Subdivision and Land Development Regulations (Section 24.119.D). *This item is not open for public comment.*
8. Discussion on a draft amendment to the Jefferson County Planning Commission Bylaws regarding the Conduct of Public Hearings and Public Hearing procedures for Applications. *This item is not open for public comment.*

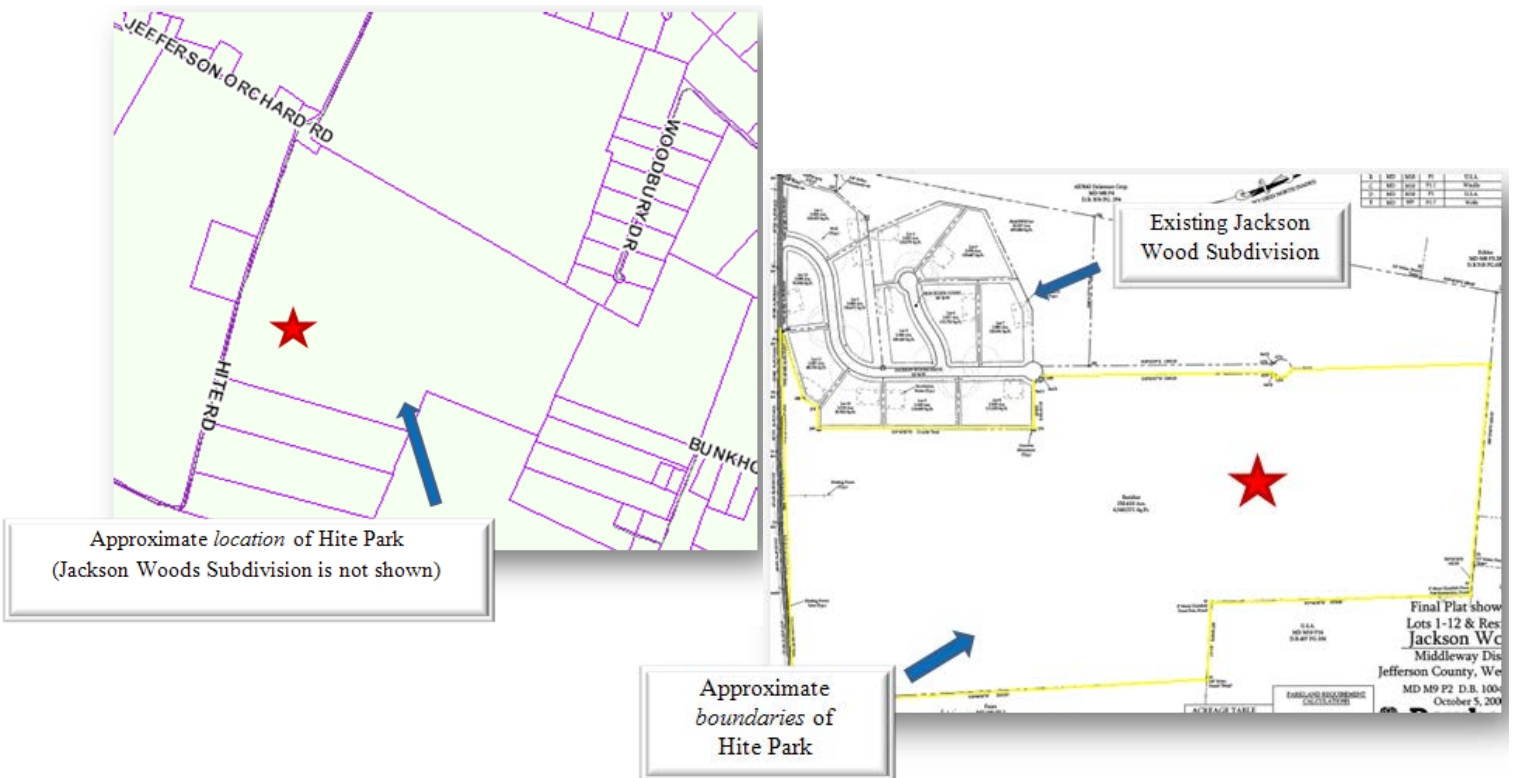
STAFF REPORT

Jefferson County Planning Commission Meeting

February 12, 2013

Item #4 Request for a waiver from Appendix B, Section 9.6 of the Jefferson County Subdivision and Land Development Regulations to remove the curb and gutter requirements from the internal roads, driveways and parking lots for the proposed Hite Park Site Plan (PC File #S11-15).

APPLICANT:	Jefferson County Parks and Recreation Commission
OWNER:	Same
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Land Planning and Design Associates
PROPERTY LOCATION:	This property is located on the north side of Hite Road, approximately 2 miles south of the intersection of Route 9 Route 1
LEGAL DESCRIPTION:	District: Middleway; Map 9; Parcel 2.17
ZONING DISTRICT:	Zoning Map Designation: Rural
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: R South: R</i> <i>East: R West: R</i>
LOT AREA:	119 acres
PROPOSED ACTIVITY:	Walking trails, picnic and park areas, athletic fields, sports courts, a skate park, miniature golf course, and sports support facilities to be dedicated for public use.
CONCEPT PLAN:	1 st Submittal: 06/01/12 2 nd Submittal: 11/15/12 Pending as of: 01/08/13



Engineering Report

Hite Park (S11-15) Waiver for Curb and Gutter 02/12/2013

Request:

Jefferson County Parks and Recreation Commission is requesting a waiver from the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (2008), Division 9.0, Section 9.6 Curbs, Gutters, & Sidewalks, which states:

“A. Curbs, gutters and sidewalks shall be provided to support multi-family residential and nonresidential/commercial/industrial development when more than three (3) parking spaces are required unless a plan for pedestrian movement, parking management and stormwater management using low impact development technology (LID) and landscaping is demonstrated to achieve equal or better results. Curbs and gutter shall be provided where necessary to convey storm water from impervious areas to storm water management facilities; and shall be in accordance with Appendix B, Section 2.2.K.2, Roadway Curbs & Gutter.”

The developer is requesting a waiver from the requirement for Curb and Gutter.

Findings:

Under Division 9.0, Section 9.6 of the Subdivision Regulations, curb and gutter would not be required if the project is utilizing low impact development techniques (LID). The following are some (LID) that can be used to minimize the impact of impervious surfaces by reducing connected impervious surfaces to a minimum:

1. Rain/Water Gardens
2. Rain Barrels or Cisterns
3. Pervious pavements
4. Vegetated swales
5. Swale Blocks
6. Green Roofs
7. Bioretention structures

The project proposes three stormwater management basins to meet the criteria for water quality and quantity. However, a stormwater management basin is not considered a LID structure.

The developer is proposing to convey the stormwater runoff to the stormwater management basins via vegetated grass swales instead of the curb and gutter which may be considered a low impact development technique. The applicant has not demonstrated that the design criteria for a vegetated grass swale as a LID are met.

The Chesapeake Bay Initiative highly recommends the reduction of impervious surfaces and stormwater conveyance systems like curb and gutter. The proposed vegetated swales meet this recommendation.

The applicant has stated by adding LID to the current designed plans is a change from plans that are already approved through other regulatory agencies, which will require the plans to be resubmit and approved by these other regulatory agencies. Therefore, the applicant is requesting this waiver.

The applicant is meeting the four criteria for a waiver as follows:

1. There is no anticipated reduction in public benefit from granting of the waiver.
2. Public health and safety is benefited by improving the water quality of the site.
3. The intent of the regulations is kept because the developer is providing a more park like atmosphere and better water quality then what would be expected with curb and gutter.
4. The quality and character of the site will be improved by the vegetated swale then curb and gutter by blending more with the surrounding as a park.

Conclusion:

The project does meet the requirement for water quality and quantity through the stormwater management basin in which the vegetated swale are not included in their calculation. In other words, the vegetated swales are an extra to the stormwater management plan. Therefore, the county engineer supports approval of this waiver.



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

Date Applic. Rec'd: 1-25-13

Fees Paid: \$ WAIVED

Sketch Received: _____

Staff Initials: CLC

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Waiver Request

Note: Waivers to 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. Please provide a vicinity map of the area.

I/We request a waiver from the provisions of the Jefferson County 2008 Amended Subdivision Regulations

Property owner information

Name of Property Owner: Jefferson County Parks and Recreation Commission
Mailing Address: 235 Sam Michaels Lane
City: Shenandoah Junction State: WV Zip Code: 25442
Phone Number: 304-728-3207 Email: pmarsh409@frontier.net

Applicant contact information

Applicant Name: Jefferson County Parks and Recreation Commission
Mailing Address: 235 Sam Michaels Lane
City: Shenandoah Junction State: WV Zip Code: 25442
Phone Number: 340-728-3207 Email: pmarsh409@frontier.net

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Land Planning and Design Associates Inc.
Mailing Address of Engineer(s) or Surveyor(s): 46169 Westlake Drive Suite 340
City: Sterling State: VA Zip Code: 20165
Phone Number: 703-437-7907 Email: zac@lpda.net

Physical property details

Physical Property Address: Hite Road
City: Jefferson County State: WV Zip Code: _____
Tax District: Jefferson Co. / Middleway District Map #: 9 Parcel No: 217
Parcel Size: 119 acres Deed Book: 1060 Deed Bk. Pg. #: 447

Zoning District: Rural (R-A) Residential Growth (R-G) Industrial Commerical (I-C) Residential-Light Industrial-Commercial (R-L-C) Village (V)

What section of the Ordinance are you requesting to waive?

Subdivision Regulations - Section 9.6 - Curbs, Gutters, and Sidewalks

Briefly describe the nature of your waiver request:

The applicant requests a waiver to remove the curb and gutter requirements from the internal roads, driveways and parking lots.

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

The removal of the curbs and gutters will allow the project to have more of the natural park feel by only having edge of pavement for the roads. The removal of the curb and gutter will also allow the project to stay within budget and allow more of the money to be spent on constructing the park elements for the public.

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.

There will be no affect on the public by removing the curbs and gutter. Drainage is going to be dealt with through swales and bio-retention areas. Since there are a number of trails proposed there should be no pedestrian and vehicle conflicts.

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

The requested design waiver does not affect the intent of the ordinance because the project is a park with minimal buildings so stormwater can be handled through swales and not through channeling in a curb, gutter, piping system. Also wheel stops will be used as barriers for the parking stalls so the functionality of a curb will still be in effect.

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

The lack of curb and gutter creates more of a park feel as opposed to a subdivision or urban feel curb and gutters can produce. The edge of pavement road design will create more of a natural feel to the project.

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

Jennifer Meyer 1/28/13
Signature of Property Owner Date

Received By Date

For Official Use Only

2/12/13 Date of Public Meeting/Public Hearing

PC Official/Administrative Body

1/29/13 Date Property to be posted by

1/29/13 Date Adjoiner letters to be mailed by

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

Approved Denied



JEFFERSON COUNTY, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Director's Report February 12, 2013 Planning Commission Meeting

- 1) **Activity Report** (attached)
- 2) **Ethics Training and Roberts Rules of Order** – for all Boards and Commissions
Please save the date: April 11, 2013 7:00 PM, Old Charles Town Library basement
- 3) **Envision Jefferson 2035 (2014 Comprehensive Plan) Update**
 - a) Steering Committee (15 members):
 - Monthly meeting held 1/22/13
 - Next Meeting 2/19/13
 - b) Upcoming Brown Bag Lunch and Learns Scheduled:
Wednesdays, 12 – 1 pm, Old Charles Town Library Community Meeting Room:
 - 2/13/13 Water and Sewer Utilities (Charles Town Utilities, Jefferson Utilities, Jefferson County PSD, Shepherdstown Water and Wastewater, Jefferson County Health Department)
 - 2/20/13 Transportation (West Virginia DOH, District 5; HEPMPO, and PanTran)
 - 2/27/13 Housing (EPOHOA, Partnership for Affordable Housing, Eastern Panhandle Board of Realtors, Eastern Panhandle Homebuilders Association)
 - 3/6/13 Public Safety (Sheriff, JCESA, Jefferson County Homeland Security and Emergency Management, representative from the one of the volunteer fire companies)
 - 3/13/13 Federal Installations (Harpers Ferry NPS, Customs and Border Protection, State Department, NCTC, USDA, USGS)
 - 3/20/13 Social Service Agencies (Jefferson County Office on Aging, Jefferson Center, United Way, Community Ministries)
 - 3/27/13 Municipal Planners Roundtable (Charles Town, Shepherdstown, Ranson, Harpers Ferry, Bolivar)
 - c) Report back on first series of public meetings for Envision Jefferson 2035 (February 2013)

4) **Recent CC Meetings relevant to Planning:**

- a) Landowner-initiated petition to amend the County Zoning Map for a 34.27 acre property owned by **Jefferson Asphalt Products, Inc.**, designated as Tax District: Charles Town, Map: 13, Parcel: 7, located on the south side of Route 51 (Public Hearing 1/10/13; approved 2/7/13)
- b) Landowner-initiated petition to amend the County Zoning Map for a 8.07 acre property owned by **John D. Lowe, III**, designated as Tax District: Shepherdstown, Map: 8, Parcel: part of 5, located on the south side of Route 45 and the east side of Potomac Farms Road (Public Hearing 1/10/13; approved 2/7/13)
- c) Landowner-initiated petition to amend the County Zoning Map for a 3.94 acre property owned by the **Aitcheson Family Trust**, designated as Tax District: Harpers Ferry, Map: 7, Parcel: 18, located on the south side of US Route 340 on Campground Road approximately a half mile east of its intersection with Old Taylor Lane (Public Hearing 1/31/13)

5) **Upcoming CC Actions**

- a) Joint Meeting with Steering Committee 2/21/13 re Envision Jefferson 2035

6) **Upcoming PC meetings**

- a) March 12, 2013