



AGENDA
Jefferson County Planning Commission
Tuesday, May 14, 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. Welcoming of New Planning Commissioners and Staff.
2. Election of open office: Secretary.
3. Approval of the minutes from the March 12, 2013 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 for a waiver from Section 20.201.A.2 of the Jefferson County Subdivision and Land Development Regulations requiring the existing 40' wide right of way to be widened to the required 50' to create a 35 acre single family residential lot. Property owner: Dale and Patricia Shockey. Property location: 478 Undergrace Lane, Charles Town, WV 25414. Tax District: Kabletown (06); Map: 2; Parcel: 1.4; Size: 146 acres; Zoned: Rural; File: PCW13-03.
7. Potential Minor Zoning Ordinance Amendments (discussion and direction)
8. Update on the 2014 Comprehensive Plan.
9. Reports from Legal Counsel and legal advice to the Planning Commission.
10. Active Litigation:
 - Far Away Farms
 - Cedar Meadows Airpark
11. Director's Report.
12. Monthly Development Activity Report.
13. 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
14. President's Report.
15. Actionable Correspondence.

16. Non-Actionable Correspondence.

- a) Correspondence from Fred Blackmer regarding the Morgan's Grove Market "Early Grading Permit."

17. 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:

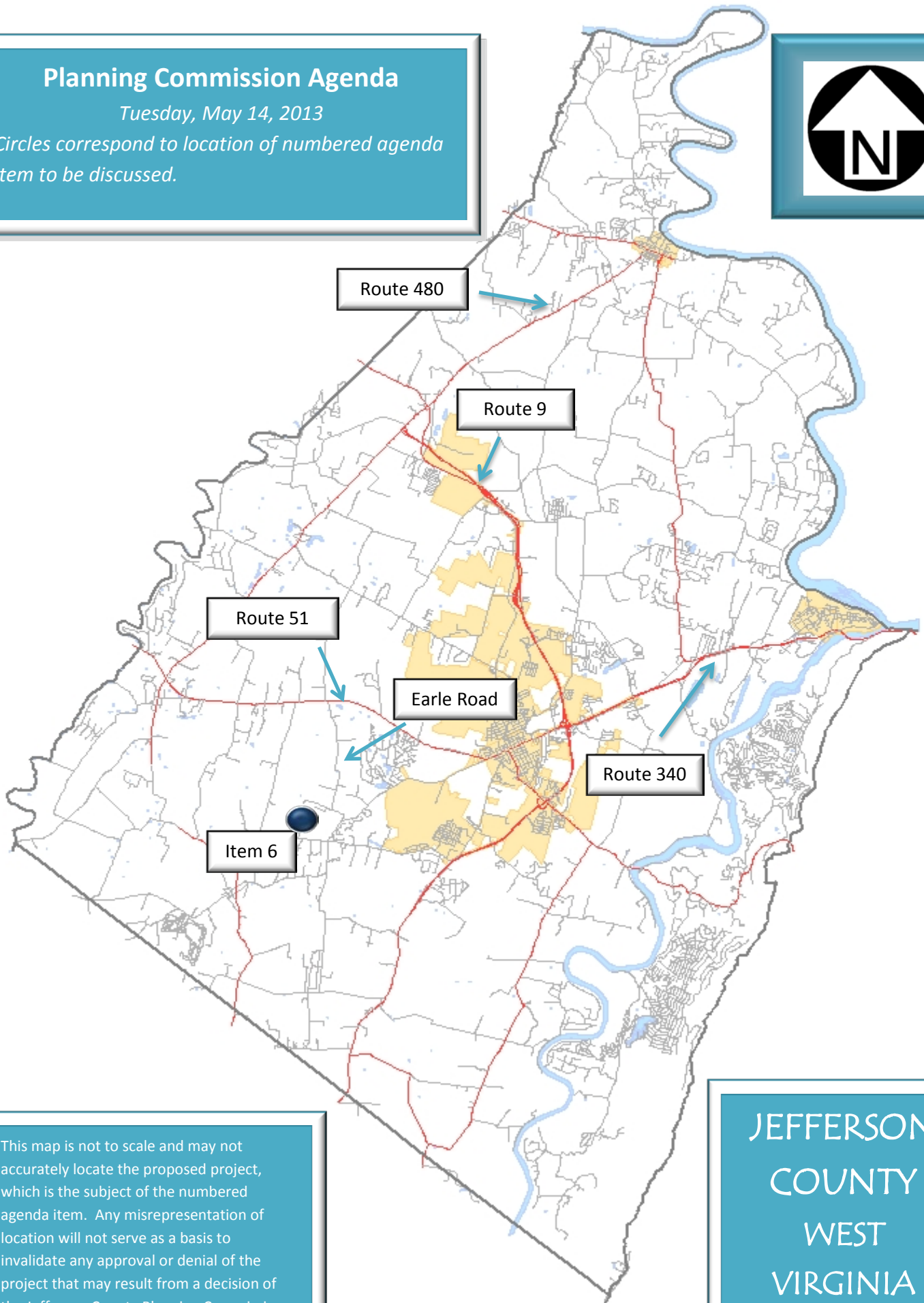
Physical Address: 116 E. Washington St., Charles Town, West Virginia 25414
Mailing Address: P.O. Box 338, Charles Town, West Virginia 25414
Email Address: planningdepartment@jeffersoncountywv.org
Fax Number: 304-728-8126

Any party desiring a transcript of these proceedings 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, May 14, 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

This information is
Tab #3 in your binder.

Draft Minutes
Jefferson County Planning Commission
March 12, 2013

The Jefferson County Planning Commission met on March 12, 2013, with the following Commission members present: Daniel Hayes, Vice President; Steve Stolipher, Gene Taylor, J.P. Phillips, Walt Pellish and Kelly Baty. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jonathan Saunders, Engineer; Roger Goodwin, Chief County Engineer; Stephen Groh, Assistant Prosecuting Attorney; J.T. Redmon, Project/Office Manager; and Jennilee Hartman, Zoning Clerk.

Paul Taylor, President, was absent without notification. In the absence of Mr. Paul Taylor, Mr. Gene Taylor will be referred to as *Mr. Taylor* exclusively for the purpose of these minutes.

Mr. Hayes presided over the meeting in Mr. Taylor's absence and called the meeting to order at 7:00 p.m.

1. Approval of the minutes for the January 8, 2013 and February 12, 2013 meetings.

Mr. Stolipher motioned to approve the minutes of the January 8, 2013 Planning Commission meeting. Mr. Hayes seconded the motion, which carried 2 for, 0 opposed, 3 abstentions (Mr. Phillips, Mr. Taylor and Mr. Pellish).

Mr. Stolipher motioned to approve the minutes of the February 12, 2013 Planning Commission meeting. Mr. Pellish seconded the motion, which carried unanimously.

2. Citizen Communications (hereinafter known as CC). None.

3. Request for postponement. None.

4. Proposed revision to the approved Community Impact Statement (CIS) for the Old Route 340 Business Park Subdivision, to divide an existing 7.976 acre commercial business park into three marketable non-residential lots. (PC File #04-34). The property is located at 99 Cary Lu Circle, Harpers Ferry, WV, East of Halltown Road located off of Old Route 340, approximately 300 feet from US Route 340. District Harpers Ferry, Map 11; Parcel 7. Bank of Charles Town is the owner/developer.

Mr. Rivard provided the Commission with a PowerPoint presentation giving a brief overview of the location of the property and description of the proposal. He explained the project began before the 2008 Subdivision Regulations were adopted. Thus, the subdivision would be reviewed under the 1979 Subdivision Ordinance.

Mr. Mike Shepp of Appalachian Surveys presented for the owner/developer. Mr. Grant Whitmore was present as Bank of Charles Town's representative. Mr. Shepp provided a quick summary of the history of the project. He stated that the previous owner/developer received a Planning Commission variance to establish three principal uses on the property and bonding was secured for improvements. While most of the improvements were completed, bonding was still in place for the remainder. Marketing the property as one parcel with several uses had not proven marketable, but the Bank of Charles Town received several letters of intent and contingency offers for two of the proposed lots. In January 2013, the owner/developer secured the necessary Board of Zoning Appeals variances to move forward with a revision to the CIS and the Final Plat to create a conventional commercial subdivision of three lots, with the intent to sell those to separate buyers.

Mr. Hayes opened the floor for public comment. There was none. Mr. Stolipher motioned to close public comment. Mr. Taylor seconded, which carried unanimously.

Mr. Stolipher motioned to approve the amended Community Impact Statement (CIS) for Old Route 340 Business Park to allow for the subdivision of the existing lot into 3 lots. Mr. Pellish seconded the motion, which carried unanimously.

5. **Final Plat Public Hearing for the Old Route 340 Business Park Subdivision, which is to divide an existing 7.976 acre commercial business park into 3 marketable non-residential lots (PC File #04-34).** The property is located at 99 Cary Lu Circle, Harpers Ferry, WV, East of Halltown Road located off of Old Route 340, approximately 300 feet from US Route 340. District Harpers Ferry Map 11; Parcel 7. Bank of Charles Town is the owner/developer.

Mr. Rivard explained to the Commission the purpose of the Final Plat was to follow the intent of the recently approved CIS amendment. Staff recommended approval.

Mr. Mike Shepp of Appalachian Surveys stated there were no additional comments from the owner/developer.

Mr. Hayes opened the floor for public comment. There was none. Mr. Stolipher motioned to close public comment. Mr. Taylor seconded, which carried unanimously.

Mr. Stolipher motioned to approve the Final Plat for Old Route 340 Business Park. Mr. Pellish seconded the motion, which carried unanimously.

Mr. Stolipher recused himself. Director Brockman stated that without Mr. Stolipher's presence the Commission would lack a quorum. Attorney Groh left the room to research the issue. Mr. Hayes affirmed that the applicant was amenable to a shift in agenda items. The Commission tended to Agenda Item #7.

7. **Presentation by Matt Pennington with the Eastern Panhandle Regional Planning and Development Council, Region 9, regarding The Region 9 Model Stormwater Ordinance.**

Mr. Pennington, Chesapeake Bay Coordinator, updated the Commission on Region 9's activities related to the grant obtained in November 2012. Two components of the grant were addressed: 1) the establishment of a stand-alone Stormwater Management Ordinance and 2) a County ordinance review by Delta Development to identify any barriers in place which could potentially prevent the reduction in the amount of impervious surface area required. He stated a stakeholder meeting and public forum were previously held. An informational report and proposed working schedule were referenced. Mr. Pellish questioned how the proposed changes would protect the citizens of Jefferson County. He asked questions and doubted the efforts being proposed and disagreed with the Environmental Protection Agency actions. Discussion ensued. Director Brockman informed the Commission for the need to call two future meetings: 1) March 26, 2013, a workshop meeting, not for public input, but for the Commission to be informed on the consultant's findings of the ordinance review and their proposals for ordinance changes, and 2) April 23, 2013, a public hearing on Jefferson County Subdivision Regulations amendments based on Region 9's stand-alone Stormwater Management Ordinance. Mr. Hayes, as Acting President, called both of the requested meetings.

Mr. Baty arrived at 7:16 PM. A quorum for Agenda Item #6 was established. Mr. Stolipher recused himself and left the room.

6. **Request by applicant Pete Kubic to be represented by Kristen Stolipher with W.H. Gordon and Associates for a waiver from Jefferson County Subdivision and Land Development Regulations Section 20.201(B)2 and Section 21.401 to facilitate a proposed subdivision to separate an existing commercial building and two proposed buildings on Lot 18A into 3 marketable non-residential lots within the Burr Industrial Park.** Property owner: Burr SK Limited Liability Company. Property location: 120 Commerce Circle, Kearneysville WV 25430. Tax District: Charles Town; Map: 1; Parcel: 71; Size: 9.06 acres; Zoned: Industrial-Commercial; File: PCW13-10.

Mr. Rivard provided the Commission with a PowerPoint presentation and gave an overview of the proposal, reviewing the site's current and expected future conditions. Mr. Rivard reported that the applicant's intent was to utilize the existing infrastructure as opposed to creating an extensive culvert system to traverse the existing stormwater management area. Staff recommended approval.

Mrs. Kristen Stolipher of Gordon Associates was present to represent the owner/developer. She noted that a letter of support for the waiver was received from the Jefferson County Development Authority.

Mr. Hayes opened the floor for public comment. There was none. Mr. Pellish motioned to close public comment. Mr. Taylor seconded, which carried unanimously.

Mr. Baty questioned staff regarding the potential for setting precedents with granting approval of the waivers requested. Mr. Rivard responded stating specific site elements, such as dual access to Lot 3, limited any precedent setting potential for reliability of access to a lot. Director Brockman confirmed the Staff's recommendation for approval included the expectation of a condition of a cross-access easement to ensure there would never be an impediment to Lot 3's access. Attorney Groh asked staff if their recommendation was for access easements to lie over both lots. Mr. Rivard affirmed.

Mr. Phillips questioned Staff regarding the Board of Zoning Appeals (BZA) variances requested in relation to this project. Mr. Barney explained the variances would be from setback requirements created through the establishment of new lot lines. Landscaping, parking and access aisle requirements would be affected. He believed the BZA variance requests to be reasonable.

Director Brockman explained that the reason a Final Plat public hearing was not scheduled for this project in front of the Commission was due to the fact that it would be processed under the current Subdivision Regulations. Under the current Subdivision Regulations, a Final Plat can be processed administratively when the plat is in an approved major non-residential subdivision with master planned stormwater management and roads. Thus, the current waiver public comment period and the BZA variance public comment period would be the final time the public would have to comment on this project. Mr. Taylor questioned staff as to the timeframe required for the Final Plat recordation to occur. Director Brockman clarified there was no requirement that a Final Plat for this subdivision ever be recorded. Rather, the Commissions' approval of the waivers provided the owner/developer the ability to process a subdivided Final Plat.

Mr. Pellish motioned to approve the requested waivers of Sections 20.201(B)2, reduction of the required 50' right-of-way to a 22' access easement to match the existing travelway, and 21.401, to allow on occasions temporary blocking of the access easement, for Burr SK Limited Liability Company with the condition that the Final Plat shall show the drive aisles as shared access easements for Lot 3 to access to an internal subdivision road and should include a note about the potential for limited obstruction.. Mr. Taylor seconded the motion, which carried unanimously.

Mr. Stolipher returned to the room.

8. Request by Fred Blackmer to discuss and update the Planning Commission on the status of the grading permit, site plan and Morgan's Grove Farm Market processes (PC File #S12-06).

Mr. Peter Corum, representative for Morgan's Grove Market, introduced issues regarding processing the site plan. Mr. Fred Blackmer, representing Twin Oaks Subdivision, LLC, the principal of the Morgan's Grove Market project, and Mr. Dirk Stansbury, a civil engineer, were also present. Mr. Blackmer followed Mr. Corum explaining concerns that insignificant issues present in the current stage of processing was continuing to hinder the completion of staff reviews. He requested the Planning Commission instruct the Department to place the Site Plan on the next possible meeting Agenda for action and suggested that any comments about the Site Plan from staff be added to the Planning Commission's approval as conditions of approval. The cover sheet of the most recent Site Plan Review Checklist was provided to the Commission. Mr. Blackmer referenced this document during his presentation.

Attorney Groh instructed the Commission stating the applicant's request for action during their presentation was an unactionable item due to the fact that the request for action was not an actual item on the Commission's agenda. Mr. Hayes questioned staff as to the requirements necessary to move the project forward. Director Brockman informed the Commission on the state law requirements for a completed site plan and reminded them of their action on a previous request by the same applicant to waive completion requirements. Mr. Hayes specified two separate issues to be addressed: 1) getting the item onto an agenda, and 2) minimizing insignificant back and forth commenting between parties. Director Brockman stated that once the comments were addressed the only outstanding issue would be the permit numbers required by the state. Mr. Pellish asked for clarification regarding the issue of obtaining permit numbers. Mr. Blackmer responded that the permit numbers are administrative and pending, but staff hasn't stated that the remainder of the plan actually meets the technical requirements of the ordinance. Director Brockman clarified that the comments outstanding are technical requirements from an initial review that the applicant has not corrected. Mr. Pellish asked if a formal request to be on the Agenda could be submitted by the applicant in an effort to move the project forward. Attorney Groh stated the applicant could request a waiver from the staff's requirement to find the project complete before forwarding it to the Planning Commission, but if the waiver was approved and the project came before the Planning Commission incomplete, it would be found incomplete and the applicant would be in the same position as present. Mr. Baty remarked that he believed it to be typical of staff to be truthful and forthcoming and that it appeared from what staff was saying that the project had outstanding requirements to be met in addition to obtaining permit numbers. Mr. Saunders commented that the applicant may at any time submit questions and requests for clarification in writing and the Department will address those. Mr. Stolipher reminded the applicant that the Commission's responsibility was not to change the policies and procedures but rather to ensure the process in place was being followed. He suggested the next time the applicant appear before the Commission, he have in place an actionable item. Attorney Groh clarified the applicant could provide a written request to the staff to be placed on the next Agenda for the Planning Commission to determine completeness. At that meeting, the Planning Commission would determine completeness, but if completeness was lacking, the applicant could not request a public hearing because completeness is a requirement by state law. Mr. Rivard clarified for the Commission that if the applicant came before them to determine completeness, their only finding could be complete or not complete. The Site Plan could be approved, approved with conditions or denied.

9. Update on the 2014 Comprehensive Plan.

Director Brockman stated that Envision Jefferson 2035 was progressing well. In the past six weeks there were four public meetings and the most well attended meeting focused on the agricultural community. The next Steering Committee meeting would be March 19, 2013, in the Planning Commission meeting room. The meetings are open to the public. They cannot speak, but can provide written comments. A summarized report of the public comments will be provided to the committee for the purpose of assisting them with starting to formulate philosophical goals and objectives for growth. Last month the Steering Committee met with the County Commission. They will meet again with the Commission in July. The Brown Bag Lunch and Learns (BLL) have been well attended. The BLL meeting that was cancelled March 6, 2013, was rescheduled for April 17, 2013, and the emergency services personnel will be scheduled to present. The BLL meeting scheduled for March 13, 2013, will have federal installations providing presentations.

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

11. Active Litigation: None.

- Far Away Farms. Active.
- Cedar Meadows Airpark. Active.

12. Director's Report.

Director Brockman introduced JT Redmon, Project/Office Manager and stated the interviews for Planning Clerk were underway. She reminded the Commission the Ethics & Roberts Rules of Order training is scheduled for April 11, 2013, but R.S.V.P. is by March 12, 2013.

On March 7, 2013, the County Commission approved the Aitcheson Family Trust rezoning on Campground Road near the KOA. No other rezoning requests are outstanding. The County Commission requires the Planning Department to hold Planning Commissioner training yearly. This year it will be scheduled in May so any new Commissioners can attend. Kelly Baty, Morgan Etters and Eric Smith's terms end in March. At two of those seats will need to be replaced, possibly three.

Director Brockman reported that she would be attending the National American Planning Association Conference April 12 through 17, 2013. An all-day session will address Comprehensive Plans. Afterwards she expects to train the Planning Commission on their role in Comprehensive Planning and update them on the information she obtains from the conference.

Jefferson County's Legal Department is reviewing the law regarding the Sherriff participating on the Steering Committee. Mr. Dougherty may need to step down due to legal limitations placed on his extracurricular activities.

13. Monthly Development Activity Report. None.

14. Liaison Reports:

- County Commission Meeting

Mr. Pellish reported the County Commission was currently working on the budget. He also thanked Mr. Baty for his service to the County since he would not be present at the next Planning Commission meeting.

- Health Department Meeting

Director Brockman reported that the Health Department hired a new administrator, George Bernardino. Additionally, Todd Fagan, GIS Department Director, in conjunction with the Planning and Zoning and Engineering Departments were working with the Health Department on a Request For Proposal to create a database of paper documents that will link all corresponding information to property location.

- Public Service District Meeting – None.
- Parks and Recreation Meeting – None.
- Jefferson County Development Authority Meeting – None.
- Water Advisory Committee Meeting – None.

15. President's Report. None.

16. Actionable Correspondence. None.

17. Non-Actionable Correspondence. None.

Mr. Stolipher requested staff email the absent Commissioners regarding the March 26, 2013 meeting. Mr. Hayes suggested a Planning Commission Exchange agenda item be placed on the next agenda.

18. Signing of approved Motions from previous Planning Commission meetings. None.

Mr. Stolipher motioned to adjourn the meeting at 8:33 PM. Mr. Taylor seconded the motion, which carried unanimously. An audio recording and/or a video recording of the meeting may be found on our website. These minutes were prepared by Jennifer Snyder, Temporary Planning Clerk.

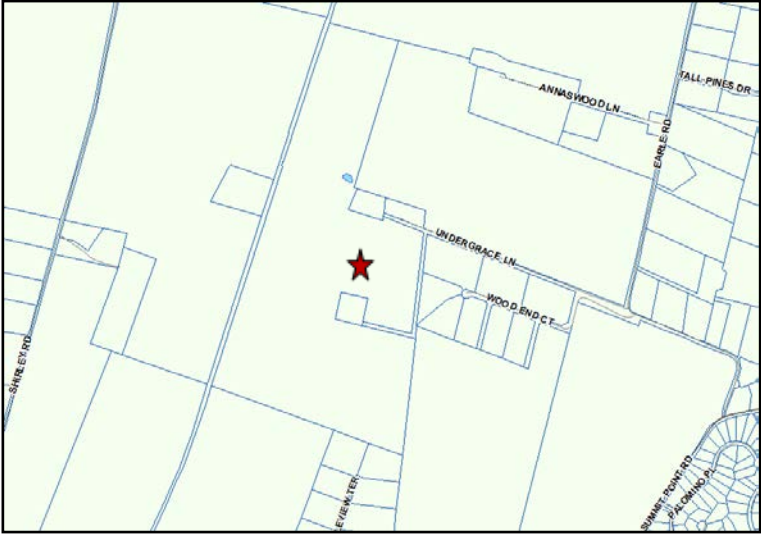
This information is
Tab #6 in your binder.

Staff Report
 Jefferson County Planning Commission Meeting
 May 14, 2013

Dale and Patricia Shockey Waiver Request (PCW13-03)

Item #6 Request by applicant Dale and Patricia Shockey represented by Chuck Sager of Polaris Land Surveys, LLC for a waiver from the following section of the Jefferson County Subdivision and Land Development Regulation:

- a) Section 20.201.A.2: “**Access.** All other lots, regardless of the zoning district, shall have motor vehicle access to a road right-of-way via a 50’ access easement which extends from the subdivided lots to the existing road right-of-way and the access easement serves no more than five (5) lots.”

APPLICANT:	Dale and Patricia Shockey
OWNER:	Dale and Patricia Shockey
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Chuck Sager, WV Polaris Land Survey, LLC
PROPERTY LOCATION:	478 Undergrace Lane, Charles Town, WV 25414
LEGAL DESCRIPTION:	District: Kabletown (06); Map: 2; Parcel: 1.4 
ZONING DISTRICT:	Rural (R-A)
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural
LOT AREA:	146 Acres
PROPOSED ACTIVITY:	Applicant is proposing to create a 35 acre single family residential lot. The existing right-of-way is 40 feet. The requested waiver is to permit a 35 acre lot on the existing 40 foot right-of-way where widening is not possible, and then upgrade the existing 40 foot right-of-way (located within the farm perimeter) to 50 feet where they have control over the land.
APPROVALS	
SUBDIVISION (PC File #88-06)	05/17/88: PC approved Final Plat

Staff Report
 Jefferson County Planning Commission Meeting
 May 14, 2013

PRIOR SUBDIVISIONS	02/03/92: Subdivided Lot 1 to Lots 1A, B, C, with Parent to Child Restriction and D Residue.
VARIANCES	<p>05/14/91: Section 5.1(a).2(b): PC approved variance, with a condition, to allow for the creation of three (3) parent-to-child lots and one (1) residue lot without having to upgrade the existing 2300 foot access easement road to county road standard standards.</p> <p>03/11/97: PC approved lifting a condition imposed on Dale Shockey’s children requiring road access to be brought to subdivision standards if sold outside of the immediate family since a lot was merged into the residue parcel.</p>

Background

The applicant is proposing to subdivide a portion of the property, which will result in a 35 acre single family lot and a remaining residue that is approximately 111 acres. The proposed subdivision will utilize Undergrace Lane, which is a 40 foot wide right-of-way. This proposed division is not for a parent-to-child lot.

In 1991, the applicant created 3 parent-to-child lots on Undergrace Lane. At that time, no more than 2 lots and a residue could be off a single access point, without requiring upgrades to the access road. With the additional parent-to-child lot, improvements to the access road were required. Since the lots were for parent-to-child divisions, the Planning Commission added a condition that if any one of the three parent-to-child lots were transferred out of the family, that the access road would need to be upgraded to the applicable county road standards.

In 1997, the Shockey’s merged one of the parent-to-child lots back into the residue; bringing the total number of divisions on a single access point into compliance with the County Subdivision Ordinance standards.

In 2008 a new set of Subdivision Regulations were adopted. These regulations permitted up to 4 lots and a residue on a 50 foot access easement, versus the 1979 Subdivision Ordinance which permitted 2 lots and a residue on a 40 foot right-of-way. Under the 1979 Subdivision Ordinance, once an applicant exceeded the 2 lots and a residue on a 40 foot right-of-way, the right-of-way was required to be improved to a 50 right-of-way.

The Request

The applicant has requested a waiver from the Jefferson County Subdivision and Land Development Regulations per Section:

- Section 20.201.A.2: “All other lots, regardless of the zoning district, shall have motor vehicle access to a road right-of-way via a 50’ access easement which extends from the subdivided lots to the existing road right-of-way and the access easement serves no more than five (5) lots.”

This section of the Subdivision Regulations requires a 50 foot wide access easement from which all lots take access. Currently the access is only 40 feet wide and there are 2 lots and a residue, which access Undergrace Lane.

The applicant is not able to upgrade the 40 foot right-of-way to 50 foot for a portion of the length of Undergrace Lane, since there are different property owners on each side of the existing right-of-way. The applicants are proposing to upgrade the existing 40 foot right-of-way (located within the farm perimeter) to 50 feet where they have control over the land.

Staff Report
Jefferson County Planning Commission Meeting
May 14, 2013

Waiver Criteria

The following criteria, as outlined in Section 24.300 of the amended 2008 Subdivision Regulations, have to be met in order to have a waiver granted.

The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.

In this instance, the County does not maintain any of the roads and no open space or parkland will increase or decrease from the request. The waiver has no effect.

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

It does not appear that adjacent property owners will have their property impeded by granting of the waiver.

The waiver, if granted, will be in keeping with the intent and purpose of these Regulations.

The waiver, if granted will not be in keeping with the intent and purpose of the Subdivision Regulations. The purpose of the Regulations is to provide adequate and quality access that can be upgraded as the number of lots increase. The Regulations were created for this specific purpose. The 1979 Subdivision Ordinance also required improvements and upgrades past a specific threshold for the same purpose as the current Subdivision Regulations.

If this proposed subdivision were to be approved, the applicant has approximately 111 acres after the subdivision. There are numerous development rights available to the residue lot. Granting the waiver would enable additional lots on this access point that may not be equipped to handle additional traffic and improvements.

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

In this instance, the quality and/or character will not be affected in any significant way. The waiver has no effect.

Staff Recommendation

Staff does not recommend granting the waiver. The applicant is not able to meet the four criteria as outlined above. Based on the number of acres in the residue, 146 acres, it is possible that there are enough subdivision rights to possibly result in the need for improvements to the access easement if lots continue to be subdivided from the residue. The Regulations are in place to protect current and future homeowners who will use this access. Adding additional burdens to this access easement could cause future problems.

However, if the Planning Commission moves to approve this waiver, the following conditions should be considered:

- If this waiver is granted, it shall only be for this lot. Future divisions will need to be based on the unique characteristics that exist at that time. Any further subdivision of the residue will require requesting an additional waiver which will be considered on its own merits.

**A Motion Recommending Denial of a
Waiver for Shockey (S13-03)
May 14, 2013**

Whereas, the following facts relate to a waiver request by Dale and Patricia Shockey;

Whereas, The applicant has requested a waiver from upgrading the existing 40 foot right-of-way to a 50 foot access easement, as found within the amended 2008 Jefferson County Subdivision and Land Development Regulations per section 20.201(A)2;

Whereas, Applicant is proposing to create a 35 acre single family residential lot;

Whereas, The applicant would have approximately 111 acres after the subdivision and there are additional development rights available to the residue lot;

Whereas, The waiver would enable additional lots on an access point that may not be equipped to handle additional traffic and improvements;

Whereas, the following findings, which are required, **cannot** be made in regards to this request, in accordance with the provisions of 20.201(A)2 of the 2008 Subdivision Regulations, which requires improvements to insufficient existing right-of-ways and access easements as more lots are platted and Section 24.300 of the 2008 Subdivision Regulations:

1. The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.
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 this Ordinance.
4. The waiver, if granted, will result in a project of better quality and/or character.

Now therefore be it moved, that the Jefferson County Planning Commission (denies)_____ the requested waiver for Dale and Patricia Shockey.

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Action taken on this ____ day of _____ 2013
By vote of the Jefferson County Planning Commission
By a vote of ____ Yes ____ No

Planning Commission President

Engineering Report

Shockey Waiver for 50' Access Easement 05/14/2013

Request:

The property owners Dale and Patricia Shockey are requesting a waiver from the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (2008), Sec. 20.201.A.2 Minor Subdivisions, Residential, Access, which states:

“Access. In the Rural District, lots having a minimum road frontage of 200 feet may front on an existing road right-of-way having a width of 50 feet. Shared driveway access may be required. All other lots, regardless of the zoning district, shall have motor vehicle access to a road right-of-way via a 50' access easement which extends from the subdivided lots to the existing road right-of-way and the access easement serves no more than five (5) lots. Said access easement shall not be permitted along any existing property lines.”

The property owner is requesting a waiver from the requirement for 50' access easement to be reduced to 40'.

Findings:

According to Plat Book 10 and Page 69, a 40' access easement was created along with Lots 1a, b, c, and d the residue in 1991. The total number of lots accessing this 40' easement for this plat is 4. In Deed Book 858 and Page 450, the applicant merged Lot 1b into Lot 1d making a 146 acre parcel in 1997. The property currently appears to be accessing 40' access easement named Undergrace Lane with two other parcels utilize this access as well. That is a total of three parcels having access to this lane.

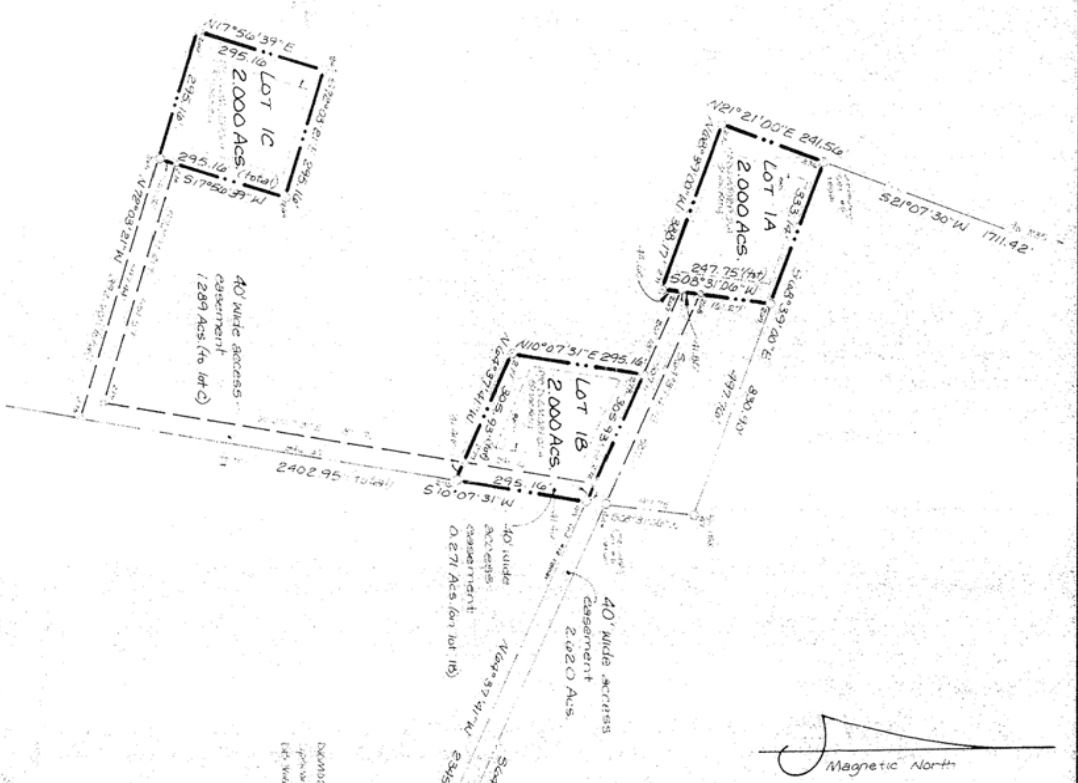
The applicant is meeting the four criteria for a waiver as follows:

1. There is no anticipated reduction in public benefit from granting of the waiver.
2. Public health and safety is not affected by this waiver.
3. The intent of the regulation is kept because the developer has been previously approved for this lot.
4. The quality and character of the site will remain the same as previously.

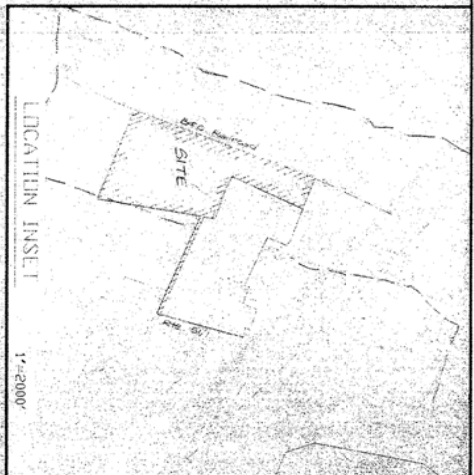
Conclusion:

The applicant wants to reestablish lot 1b that was merged into lot 1d in 1997. Given that this lot was created previously and later merged, the county engineer recommends approval of this waiver to reduce the 50' access easement to 40' and that only one more lot is created in doing so.

LOT 1D
Residue
144,000 Acs.



- NOTES**
1. Corners are set 5/8" x 3/4" rebar with ID caps unless noted otherwise.
 2. Set back limits: 40' front and 15' side and 50' rear.
 3. 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's dated system is approved by the State Health Department, the buyer may refuse to purchase the property without penalty.
 4. Each parcel shown on this plot shall be restricted to a single family residence only, unless otherwise approved by the Planning Commission in conformance with the prevailing county land development laws.
 5. All wells shall be pressure grouted in accordance with State Health Department Standards.
 6. Public Service District may require hooking up to a centralized system when and if it becomes available.
 7. By graphic plotting only, this property is in Zone 'C' per FIRI map 548065 0030B dated 15 October 1980. Exact designation can only be determined by an elevation certificate based on the above information, this property is not in a special flood hazard area.



Acresage Table

Lot 1A	2,000 Acs
Lot 1B	2,000 Acs
Lot 1C	2,000 Acs
Lot 1D	144,000 Acs
Total Area	150,000 Acs

JEN Approval

STATEMENT OF ACCEPTANCE

SURVEYOR'S CERTIFICATION

The grantor, in signing this plat, agrees to make any and all corrections, amendments, and specifications provided herein.

I hereby certify that this plat is correct and that the relative error of closure for this plat does not exceed 1/100,000. This plat contains the proposed boundaries as shown on the map.



Date: _____
Date Signed: _____
Jefferson County Planning Commission

DATE: _____
DATE SIGNED: _____
JEFFERSON COUNTY PLANNING COMMISSION

R. Michael Sheppards
Surveyor
3804 728-4572

FINAL PLAT SHOWING

Lots 1a,b,c & d Residue

Dale Shockey (258004 Pass)

PARENT to CHILDREN CONVEYANCES

Kabletown District
Jefferson County, WV

DATE: 14 August 1991 SCALE: 1"= 200'

APPALACHIAN SURVEYS, INC.

P.O. Box 35 Choples Town, WV 25414

A 40' wide strip has previously been reserved for future road widening to create a 40' R/W

WV SECONDARY ROUTE 511
existing 30' R/W

REGISTERED AND APPROVED:
Michael S. Shockey
Surveyor
1/03/91



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: 4-25-13
Fees Paid: \$ 100.00
Sketch Received: 04/30/13
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: Dale E. and Patricia A. Shockey
Mailing Address: 478 Undergrace Lane
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304-433-4170 Email: TrishaShockey@aol.com

Applicant contact information

Applicant Name: Dale E. and Patricia A. Shockey
Mailing Address: 478 Undergrace Lane
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304-433-4170 Email: TrishaShockey@aol.com

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Chuck Sager, WV PS #638
Mailing Address of Engineer(s) or Surveyor(s): 470 Peacepipe Lane
City: Hedgesville State: WV Zip Code: 25427
Phone Number: 304-754-9222 Email: polarislandsurveys@comcast.net

Physical property details

Physical Property Address: 478 Undergrace Lane
City: Charles Town State: WV Zip Code: 25414
Tax District: Kabletown Map #: 2 Parcel No: 1.4
Parcel Size: 146 Acres Deed Book: 858 Deed Bk. Pg. #: 450

Zoning District: **RECEIVED**
APR 25 2013
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential-Light Industrial-Commercial (R-L-C)	Village (V)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What section of the Ordinance are you asking to waive?

Waiver to upgrade the existing 40-foot RW to 50 feet.

Briefly describe the nature of your waiver request.

The existing right-of-way to the farm is 40 feet, created in March 1988. To expand this 40-foot R/W to 50 feet is not possible due to different ownerships on both sides of this R/W. The waiver is to permit a 35-acre outsale with the existing 40-foot R/W, but upgrade the existing 40-foot easement to 50 feet that is located inside the farm perimeter.

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 outsale will create one single family residence on 35 acres. The outsale will generate additional taxes for the county and will have no sufficient impact in County maintenance cost. The existing open space and farm land will remain the same.

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

The approval of this waiver will have no affect on public health and safety or the rights of adjacent property owners.

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

The existing 40-foot RW was approved by the JCPC in March 1988 and met all requirements of the subdivision regulations at that time. The property owners will upgrade the existing 40-foot easement to 50 feet that is located within the boundaries of the farm and will meet current JCPC requirements.

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

Granting this waiver for this project will have no impact on the quality and character of the existing 146-acre farm or the intended 35-acre outsale.

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

For owners: Chuccio Sagen 4/25/13
Signature of Property Owner Date

Christine Chalmers 4-25-13
Received By Date

For Official Use Only

5/14/13 Date of Public Meeting/Public Hearing
PC Official/Administrative Body
4/30/13 Date Property to be posted by
4/30/13 Date Adjoiner letters to be mailed by

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

Approved Denied

RECEIVED
APR 30 2013
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING



Shockey Property showing proposed Outsale, Kabletown, Map 2, P1.4

This information is
Tab #7 in your binder.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning & Zoning

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

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

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: Jefferson County Planning Commission
FROM: Steve Barney, Zoning Administrator
DATE: May 9, 2013
RE: Policy Neutral Zoning Ordinance Amendments, Phase II

Background

In 2010 and 2011, the County Commission approved several amendments to the Zoning Ordinance. A number of broad amendments with significant policy implications remain to be addressed, and should be deferred until after the completion of the Comprehensive Plan.

However, staff has identified a group of smaller (but still important) amendments that would reduce barriers to development, streamline processes, and improve the clarity of the ordinance. These amendments are of relatively limited complexity and do not appear to have significant policy implications. As such, this set of amendments could be undertaken now, while the Comprehensive Plan process is ongoing.

The proposed amendments are described below.

Recommend Amendments

1. **Site plan Requirement (Section 4.10).** The Zoning Ordinance currently states that a site plan must be submitted prior to initiation of development, but does not clarify that the site plan must be approved.
2. **Restaurants and Convenience Stores in Shopping Centers (Section 5.8C).** This amendment would clarify that the Compatibility Assessment Meeting requirement does not apply to a building located within a shopping center shown on an approved site plan for restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area).
3. **Wineries / Distilleries (Section 8.5, various).** The Zoning Ordinance currently permits "Farm Breweries and Wineries" but the ordinance is silent regarding distilleries. This type of rural land use has become a prominent agribusiness in some parts of the country, and several interested parties have expressed a desire to create rural distilleries in Jefferson County. Staff proposes to amend the ordinance to clarify that distilleries are also permitted. Additionally, staff proposes

to increase the square footage restriction for buildings associated with a winery from 10,000 to 20,000 square feet.

4. **Deck setbacks in certain townhome subdivisions (Section 9.5).** Numerous variance requests for deck setbacks in townhome subdivisions with small lots indicate the need for a code amendment.
5. **Receptions and events in Rural areas (Section 10.5).** A number of property owners have expressed interest in renting barns and homes in rural areas for use as reception facilities for weddings and other events. Currently, the Zoning Ordinance would only permit this type of land use (in limited form) as part of a bed and breakfast establishment; otherwise, a Conditional Use Permit would be required. Staff proposes to create a provision in the ordinance allowing this type of land use as a Special Exception that can be approved by the Board of Zoning Appeals.
6. **Secondary Dwelling Units for Agricultural Purposes (Section 10.5).** While the Zoning Ordinance allows attached two-family structures in the Rural District, it allows only one detached dwelling unit per lot. Many owners of agricultural property have expressed interest in adding a second unit in order that a farm caretaker can live at the property. Staff recommends creating a provision in the ordinance to allow a second detached dwelling (for agricultural purposes) as a Special Exception that can be approved by the Board of Zoning Appeals.
7. **Parking for Seasonal or Temporary Uses (Section 11.1).** The Zoning Ordinance parking requirements for non-residential uses do not distinguish between conventional uses (such as a retail store) and uses of a more rural or informal character, such as a farmers market or a fair. Staff recommends that the ordinance allow flexibility for staff to administratively waive parking requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis.
8. **Public notice for zoning map amendments (Section 12.2).** Staff recommends that the public notice period for zoning map amendments be reduced by two days (from 30 days to 20-28 days) in order to allow a zoning map amendment case to be scheduled on the next Planning Commission meeting following the applicant's presentation of a map amendment petition.

Next Steps

If the Planning Commission finds the proposed draft language acceptable for purposes of receiving public comment, staff will work with the Planning Commission to schedule a public hearing on the proposed amendments. After the public hearing, the Planning Commission can recommend changes to the ordinance amendments, and vote to recommend that the County Commission adopt the amendments. The County Commission will also conduct a public hearing, and at a subsequent meeting, vote on the adoption of the amendments.

Please let me know if you need additional information.

Att: Draft amendments to Zoning Ordinance sections listed above

Section 4.8 Buildable Lot

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this ordinance.

Section 4.9 Traffic Visibility Across Corner Lots

On any corner in all districts, there shall be no obstruction to traffic visibility within thirty-five (35) feet of the intersection of the two (2) street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.²³

Section 4.10 Site Plan Requirements

- A. ~~A site plan shall be submitted~~ and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.²³
- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.²³
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.^{10, 17, 21, 23}

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

- A. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.⁵
- B. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have a buffer yard of no less than two hundred (200) feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard. All industrial development shall have front yard buffers of no less than one-half ($\frac{1}{2}$) the front yard building setback.^{5, 7}

27. Vocational and/or Training Facility for Adults¹²
 28. Church
 29. Cultural Facility
 30. Day Care Center, Small
 31. Day Care Center, Large
 32. Essential Utility Equipment
 33. Publicly Owned Facility
 34. Public Safety Facility
 35. Accessory Uses
 36. Group Residential Facility
 37. Nursing or Retirement Home
 38. Model Home/Sales Office (subject to requirements for this use in Article 8)¹²
 39. Non-Profit Community Center
 40. Non/Not for Profit Commercial Uses¹²
 41. Preschool
 42. Wireless Telecommunications Facilities pursuant to Article 4B
- B. Standards²³
1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
 2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.²³
- C. Other Regulations²³
1. All sections of this ordinance applying to the residential growth district with the exception of Section 5.4(a) will apply to residential uses in this District.
 2. All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(a). Either use must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.^{5, 7, 23}
 3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.²³ This requirement shall not apply to a building located within a shopping center shown on an approved site plan.

Section 8.5 Farm Brewery, ~~or~~ Winery, or Distillery²³

All structures associated with the operation of a farm brewery, ~~or~~ winery, or distillery may not exceed ~~10~~20,000 square feet.

Section 8.6 Farm Market²³

The floor area of a farm market may not exceed 1,500 square feet, a front yard setback of fifty feet (50) from the street right-of-way must be maintained, and off street parking must be provided.

Section 8.7 Jails and Prisons²³

Due to the special conditions surrounding a jail, prison, or penal institution, all such projects shall only be allowed in the Industrial-Commercial Zone and shall be subject to the Development Review System as outlined in Article 6 of this Ordinance.⁵

Design Standards for Jails, Prisons and/or Penal Institutions are as follows:⁵

- A. All jails shall have direct access to a primary road as defined by the Jefferson County Comprehensive Plan. Such road shall have a level of service no worse than Level C.
- B. No residential subdivisions, schools, churches or institution for human care shall be within 2000' of the subject property. However, this does not prevent such use from locating within 2000' of a jail, prison or penal institution.
- C. Setbacks:
 - 1. Front 1,000 Feet
 - 2. Sides 1,500 Feet
 - 3. Rear 1,500 Feet

Section 8.8 Hunting, Shooting and Fishing Clubs²³

- A. Hunting, Shooting and Fishing Clubs may include the following accessory uses:
 - 1. Private restaurant that seats no more than 80 patrons that are members and guests of members.
 - 2. Conference and banquet facilities to serve no more than 250 people in which a member rents the facility. Events which are accessory uses other than hunting, shooting, archery and fishing, cannot exceed more than 16 per year.
 - 3. Private lodge facilities of up to 50 units that serve members and guests.²⁰
 - 4. Shooting ranges for use of members and guests of members.
- B. Standards for Hunting, Shooting and Fishing Clubs²⁰
 - 1. 75 foot setback for all structures and parking.

16. Farm brewery, ~~and winery~~, or distillery subject to the requirements for such a use in Article 8;
17. Rental of garden plots;
18. Community supported agriculture;
19. The warehousing; processing, value added, drying, storage, distribution and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, husbandry or production;
20. Forestry

Alternative Structure²²

For antenna-mounting purposes, a structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. The term Alternative Structure includes, but is not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples and electric distribution, electric transmission or other utility poles.

Amenities

Utilities, roadways, and public services which make a particular site more attractive for development. Section 6.4 governs the assessment of amenities as it relates to the Development Review System.

Antenna²²

Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, Personal Communications Services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.

Antenna Array²²

Two or more antennas that operate as components of a complete antenna suite for a single Wireless Telecommunication Facility.

Antenna, Concealed²²

An antenna that is designed and/or erected on or in a building or alternative structure in such a way that it blends in with the existing façade and/or is located in such a way that it is not readily visible or discernible to the average individual at the adjacent street level.

Appalachian Trail Overlay District²²

For purposes of the Wireless Telecommunication Facilities Ordinance, the area within one mile of the centerline of the Appalachian Trail.

Applicant²³

Any person seeking to develop land, initiate a land use, obtain approval pursuant to the Development Review System Ordinance,

- 24. Non-profit Community Centers¹⁵
 - 25. Landscaping business outside of Planning Commission approved subdivisions¹⁵
 - 26. Veterinary services outside of Planning Commission approved subdivisions¹⁵
 - 27. Feed and/or Farm Supply Center
 - 28. Agricultural Repair Center¹⁵
 - 29. Kennels (subject to the requirements for such a use in Article 8)¹⁵
 - 30. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)²⁰
 - 31. Agricultural Tourism
 - 32. Farm Vacation Enterprise
 - 33. Farm Brewery, ~~or~~ Winery, or Distillery
 - 34. Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)
 - 35. Preschool
- B. Minimum Lot Area, Lot Width and Yard Requirements²³
- 1. Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.
 - 2. For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.⁵

Table 5.7-1 – Lot Area, Width, and Yard Requirements for Principal Permitted Uses in the Rural District

Land Use	Lot Area	Lot Width	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Dwellings	40,000 sq. ft.	100	40	15	50
Churches	2 acres	200	25	50	50
Schools, Grades K-4	10 acres +	500	100	100	100
Schools, Grades 5-8	20 acres +	500	100	100	100
Schools, Grades 9-12	30 acres +	500	100	100	100
Hospitals	10 acres	500	100	100	100
Other permitted uses	40,000 sq. ft.	100	40	50	50

- 3. Lot area for schools (K-12) as shown in Table 5.7-1 shall be increased by one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewage treatment plant and retention ponds are required, acreage shall be increased accordingly.^{1,23}

Section 9.5 Projections Into Yards⁸

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four (4) feet; provided that such projections are not over ten (10) feet in width. All roof overhangs may extend into any required yard not more than two (2) feet; provided that the primary structure is located entirely within the appropriate setback.²³
- B. Fences and walls over six (6) feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six (6) feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.²³
- C. In the Residential - Light Industrial - Commercial District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10' if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

B.—

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding one hundred fifty (150) square feet, shall be five (5) feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Residential Growth District²³

shall not face the adjoining residence. Signs governed by the Development Review System are subject to Section 10.4 (e). Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.⁸

- D. All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of three hundred (300) feet between signs, and in the Rural District, where permitted, such signs shall be located in such a manner that there shall be one thousand (1,000) feet between signs. This shall be subject to Section 10.4 (e).
- E. All signs accessory to land use that must be evaluated by the Development Review System (DRS) shall be proposed within the DRS application and assessed at the Compatibility Assessment Meeting. Such signs shall be maintained at least one thousand (1,000) feet between signs. Consideration of the placement of such signs with less than one thousand (1,000) foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of three hundred (300) feet. The Planning Commission shall make this determination if the location cannot be agreed upon at the Compatibility Assessment Meeting.^{2, 17, 21, 23}
- F. No outdoor advertising sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- G. All outdoor advertising, excluding billboards subject to Section 10.4 (h), shall comply with front yard setback provisions in the districts in which they are permitted.
- H. Billboards
 1. No billboard shall be closer to any public highway right-of-way than three (300) feet.
 2. Placement of a billboard must be in a location that is within eight hundred (800) feet of an existing business.
 3. There shall be a minimum of one thousand (1000) feet between billboards.
 4. A billboard shall be no closer than five hundred (500) feet from a church, school, or cemetery.

Section 10.5 Special Exception Uses

~~(Requiring Board of Zoning Appeals after Public Hearing)~~

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing.
 - a. The public hearing shall be conducted according to the requirements of Section 3.4A(3)(c).
 - b. Such hearing may be continued according to the requirements of Section 3.4A(3)(d).

c. The public hearing is subject to the notification requirements of Section 3.4A(3)(b).

B. The following uses may be approved as a Special Exception:

a. Outdoor advertising signs including billboards. ~~The~~ ~~may be approved by the~~ Board of Zoning Appeals shall determine if ~~such a sign~~ conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.^{17, 21}

b. Detached accessory dwelling units for agricultural purposes, such as units for occupancy by farmworkers or caretakers. Such units may be approved based on the Board's evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.

c. Use of existing structures and outdoor areas as facilities for weddings and similar events. Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.

Section 10.6 Zoning Certificate²

All Zoning Certificate applications for signs may be approved by the Departments of Planning and Zoning if in conformance with the regulations.^{17, 21, 23}

ARTICLE 11: OFF-STREET PARKING STANDARDS²³

Section 11.1 Non-Residential Parking Standards

A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per use and are as follows:⁵

Ambulance Facility	2 spaces per ambulance
Auto Sales and Service	1 space per 300 square feet of gross floor space.
Auto Service Station	2 spaces per service bay plus 1 space per employee
Bank, Financial Institution ²³	1 space per 200 square feet of floor space plus 5 queuing spaces for each drive-up teller
Bowling Lanes	5 spaces per bowling lane

Recreational Establishment ²³ (Other than theaters, swimming pools and bowling lanes)	1 space per 80 square feet of floor space and/or as determined by extent of outdoor use
Restaurant, Tavern, Lounge, Nightclub	1 space per 50 square feet customer floor space
Shopping Center ²³ (Retail greater than 2,000 square feet of floor space)	5.5 spaces per 1,000 square feet floor space
Swimming Pool	1 space for every 7 persons permitted at any one time
Theater, Auditorium, Stadium	1 space per every 2 seats
Transportation Terminal	1 space per main shift employee
Warehouse or Wholesale Establishment	1 space per main shift employee plus 2 spaces per wholesale establishment

B. Parking requirements for uses not listed in 11.1(a) may be either approved or established by the Departments of Planning and Zoning on a case-by-case basis. Justification for said requirements must be documented.^{8, 17, 21, 23}

C. Upon request, on a case by case basis, the Zoning Administrator may administratively waive parking requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis. The applicant must provide an exhibit that demonstrates that the parking will occur on level ground, shows the location of the parking, and identifies how handicapped accessibility (if applicable) will be addressed.

Section 11.2 Residential Parking Standards²

To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per residential uses as follows:

<u>Type of Residences</u>	<u>Parking Requirements</u>
Single Family Detached	Driveway Only
Single Family Attached (Duplex or Two-Family)	Driveway Only ²³

ARTICLE 12: MAP AND TEXT AMENDMENTS

Section 12.1 Purpose

- A. These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- B. The County Commission shall refer any amendment or alteration of this Ordinance to the Planning Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.^{17, 21, 23, 25}

Section 12.2 Procedure for Amendment by County Commission^{1, 25}

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.^{17, 21}
- B. Before amending the Zoning Ordinance text or map, the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended.^{17, 21, 25}
- C. All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.
 1. Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
 - a. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;
 - b. Any property affected by the proposed zoning map amendment shall be ~~posted at least 30~~not less than 20 and not more than 28 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and
 - c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail at least 30 days prior to the Public Hearing. The adjoining letters shall be mailed by the Department staff and shall state the time, date, and location of such hearing, as well as, what new zone is being requested on this particular property. The letter shall also describe the location and

This information is
Tab #8 in your binder.



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

MEMORANDUM

TO: Planning Commission
FROM: Jennifer M. Brockman
Director, Planning and Zoning
DATE: May 14, 2013
RE: Envision Jefferson 2035 (2014 Comprehensive Plan) Update

1) Steering Committee (15 members):

- a) Monthly Meetings -- 03/19/13; 04/16/13; 05/07/13
- b) Upcoming Meetings -- 05/21/13; 06/04/13; 06/18/13
- c) Next Joint Meeting with County Commission - 07/18/13

2) Final Brown Bag Lunch and Learns Held:

Video links of all 15 Lunch and Learns available on <http://envisionjefferson2035.com/> :

- a) 04/03/13 West Virginia Division of Highways (DOH) (4 speakers)
- b) 04/17/13 Public Safety (Sheriff, JCESA, Jefferson County Homeland Security and Emergency Management, volunteer fire companies)

3) Public Input Meetings ****PC Members encouraged to attend****

- a) Second series of public meetings scheduled (Goals and Objectives and Future Land Use Exercise):
 - Saturday July 27, 2013 9:30 am – noon (Sam Michaels)
 - Tuesday July 30, 2013 7 – 9 pm (War Memorial Building)
- b) County Fair booth (Future Land Use Exercise)
 - Monday, August 19 – Friday, August 23, 2013 3 pm – 7pm

4) Next Steps

- a) Working on Goals and Objectives in preparation for Joint Meeting with CC (07/18/13) and July 27th and 30th Public Meetings -- topic areas:
 - Economic Development
 - Land Use/Growth Management
 - Natural Resources
 - Historic Resources, Preservation and Viewsheds
 - Housing
 - Infrastructure, Public Services, and Safety
 - Recreation
 - Transportation
 - Financing

This information is
Tab #11 in your
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Director's Report May 14, 2013 Planning Commission Meeting

- 1) **Activity Report** (attached)
- 2) **Update on Jefferson County Stormwater Regulation Draft**
The consultant is still working closely with the Department of Engineering to develop a draft that is applicable to Jefferson County. When the draft is complete, it will be scheduled on the next available Planning Commission meeting as a workshop for Planning Commission members' information and on the following Planning Commission meeting for a Public Hearing. If a special meeting is required, the Planning Commission will be notified.
- 3) **Department of Planning and Zoning Goals for FY 2013-14**
See Attached Memo
- 4) **Draft 3rd Quarterly Report FY 2013**
To be distributed at meeting.
- 5) **Recent CC Meetings relevant to Planning:**
 - a) Public Hearing on the Petition to Incorporate Meanings, held at Blue Ridge Elementary School (05/02/13; action to occur at future meeting)
 - b) Appointment of new Planning Commission members to fill expired terms (approved 04/04/13):
 - Darlene Truman
 - Wade Louthan
 - Gary Phalen
 - c) Approval of new summer intern (Clay Raines) starting 04/29/13 (approved 04/04/13)
- 6) **Upcoming CC Actions**
 - a) Draft 3rd Quarterly report of Planning Commission, Board of Zoning Appeals and Planning and Zoning Departments
 - b) David Mills presentation to County Commission on Ranson Renewed Plan and Form Based Code Rezoning (05/23/13)
- 7) **Upcoming PC meetings**
 - a) June 11, 2013
 - b) Need to schedule required Planning Commissioner Training, including new members, focused on the Comprehensive Plan
- 8) **Reminder: Ethics and Fraud Prevention and Detection** – for all Boards and Commissions
Please save the date: June 25, 2013 7:00 PM, Old Charles Town Library basement; presentation by West Virginia Ethics Commission and the West Virginia State Auditor's Office



JEFFERSON COUNTY, West Virginia

Departments of Planning and Zoning

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Fax: (304) 728-8126

MEMORANDUM

TO: Planning Commission
FROM: Jennifer M. Brockman
Director, Planning and Zoning
DATE: May 14, 2013
RE: Planning and Zoning Department Goals

On February 20, 2013, the County Commission requested a memo summarizing each Department's budget proposal for FY 2014 and the top 3-5 Goals for each Department for the upcoming fiscal year. In the recent past, the Commission had requested a Work Plan that provided specified information and staff worked with the Planning Commission to develop this document. Due to the short notice this budget cycle, staff developed the following goals based on the FY 13 Work Plan and current projects underway, which were presented to the County Commission with the budget. Staff would be glad to discuss this with the Commission if there is interest.

Department Goals

- 1) The top priority goal for both Departments is to provide excellent customer service and timely review of all development applications, allowing for required public input and thorough technical review to balance the needs of the developer and the needs of the community; as well as thorough and responsive support of Planning Commission, Board of Zoning Appeals and County Commission.
- 2) An equally important goal relates to progress on the Envision Jefferson 2035 Plan (2014 Comprehensive Plan). A complete final draft is due to the Planning Commission before the end of the Fiscal Year with a 6 month period into FY15 for review by the Planning Commission and County Commission and formal public hearings.
- 3) Completion of a land use and access management planning effort related to US 340 South is another priority for FY14. Staff is in conversations with HEPMPO and the WV DOH in order to determine how the local efforts can best be integrated into the states alignment efforts.
- 4) While Zoning Ordinance and Subdivision Regulations amendments will be minimized over the next Fiscal Year, it is anticipated the small amendments will be identified and pursued that enable more timely and effective processing of development applications such as Site Plans, Subdivision Plats and Zoning Map Amendments.
- 5) If the multi-Department Content Management System is approved by the County Commission, incorporating planning and zoning documents and processes into this system will be a priority.

This information is
Tab #12 in your
binder.

MONDAY, MARCH 11, 2013

START DATE: "JT" REDMON - PROJECT/OFFICE MANAGER

PLANNING CLERK POSITION:

10:00 am – 11:00 am	JENNIE, STEVE & SETH / INTERVIEW WITH TRAVIS ROSS
11:00 am – 12:00 pm	JENNIE, STEVE & SETH / INTERVIEW WITH JESSICA LOBUS (NO SHOW TO INTERVIEW)
1:30 pm – 2:30 pm	STAFF MEETING
2:45 pm – 3:45 pm	JENNIE, STEVE & SETH / INTERVIEW WITH DONNA CLAYBURN
3:45 pm – 4:45 pm	JENNIE, STEVE & SETH / INTERVIEW W/ ALEX BEAULIEU

TUESDAY, MARCH 12, 2013

8:00 am – 9:30 am	JENNIE – RESCHEDULED MONTHLY DEPARTMENT HEAD MTG
10:00 am – NOON	JENNILEE – (UNDISTURBED) WKLY DEED REVIEW SESSION
10:30 am – 12:00 pm	JENNIE & STEVE – WEEKLY ZONING MEETING
1:00 pm – 2:00 pm	JENNIE & SETH – WEEKLY PLANNING MEETING
2:00 pm – 4:00 pm	STEVE & SETH – (UNDISTURBED) WKLY MSD / IRF REVIEW SESSION
7:00 pm	JENNIE, STEVE, SETH & JENNILEE - PLANNING COMMISSION MEETING

WEDNESDAY, MARCH 13, 2013

10:00 am	JENNIE, JT & TODD – CONTENT MANAGEMENT SYSTEMS
MEETING	
10:00 am – 11:00 am	STEVE, SETH & JONATHAN – ALLEMONT MSD PPC CONTACT: LIZ SHOCKLEY
11:30 am – 1:30 pm	JENNIE, STEVE, SETH & CHRIS – LUNCH & LEARN MEETING #10 SUBJECT: FEDERAL INSTALLATIONS. PRESENTED BY: HARPERS FERRY NPS, CUSTOMS & BORDER PROTECTION, STATE DEPARTMENT, NCTC, USDA, USGS
2:00 pm – 3:00 pm	STEVE, SETH & JONATHAN – RESCHEDULED SITE PLAN PPC / BOB SABATH
3:00 pm – 4:00 pm	JENNIE, STEVE, SETH & CHRIS – WEEKLY UPDATE MTG RE: 2014 COMP PLAN

THURSDAY, MARCH 14, 2013

SUMMER INTERNSHIP POSITION:

10:00 am – 11:00 am	JENNIE, STEVE, SETH, JT & TODD – INTERVIEW W/SEVERIN CONDOR (240)291-6386
11:00 am – 12:00 pm	JENNIE, STEVE, SETH, JT & TODD - INTERVIEW W/CLAY RAINES (304) 886-5923
2:00 pm	JENNIE & SETH – MTG W/ROGER, BECKY, JONATHAN & JOE KENT RE: STORMWATER ORDINANCE TIME LINE

FRIDAY, MARCH 15, 2013

BOARD OF ZONING APPEALS PACKET DAY

12:15 pm	JENNIE, STEVE, SETH & CHRIS – PLANNERS POLYPHONY
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MONDAY, MARCH 18, 2013

10:00 am – 11:00 am STAFF MEETING
11:00 am – 12:00 pm JENNIE, STEVE, SETH & CHRIS – WEEKLY UPDATE MTG RE: 2014 COMP PLAN
1:00 pm STEVE & JENNILEE – SITE VISITS AND PLACARD CHECK
1:00 pm – 2:00 pm JENNIE & JT – WEEKLY UPDATE MEETING
2:00 pm – 3:00 pm JENNIE & SETH – WEEKLY PLANNING MEETING
3:00 am – 4:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING

TUESDAY, MARCH 19, 2013

10:00 am SETH – STORMWATER MTG W/ ENGINEERING DEPT & CONSULTANT
10:00 am JT – MEETING WITH CHARLOTTE
10:00 am - NOON JENNILEE – (UNDISTURBED) WKLY DEED REVIEW SESSION
1:30 pm SETH – #2 STORMWATER MTG WITH ENGINEERING DEPARTMENT
2:00 pm JENNIE & JT – MEETING WITH DEBBIE KEYSER
2:00 pm – 4:00 pm STEVE & SETH – (UNDISTURBED) WKLY MSD / IRF REVIEW SESSION
2:30 pm – 5:00 pm JENNIE – EDA BOARD MEETING
7:00 pm – 9:00 pm JENNIE, STEVE, SETH, CHRIS & JT – STEERING COMMITTEE MEETING

WEDNESDAY, MARCH 20, 2013

10:00 am – 11:00 am STEVE, SETH & JONATHAN – SITE PLAN PPC THRIFT STORE & FLEA MARKET CONTACT: BELINDA LEWIS
10:00 am – 12:30 pm JENNIE – HEPMPO TAC MEETING IN MARTINSBURG (DUNN BLDG)
11:30 am – 1:30 pm JENNIE – CVB BOARD MEETING
11:30 am – 1:30 pm STEVE, SETH & CHRIS – LUNCH & LEARN MEETING #11
SUBJECT: AGING POPULATION AND SOCIAL SERVICES
PRESENTED BY: JEFFERSON COUNTY OFFICE ON AGING, PANTRAN, SOCIAL SERVICES ETC.
2:30 pm – 3:00 pm JENNIE & CHRISTINE – “GOALS” MEETING
3:00 pm – 3:30 pm JENNIE & JENNILEE – “GOALS” MEETING
3:30 pm – 4:00 pm JENNIE & STEVE – “GOALS” MEETING
4:00 pm – 4:30 pm JENNIE & SETH – “GOALS” MEETING

THURSDAY, MARCH 21, 2013

9:30 am – 12:00 pm JENNIE – COUNTY COMMISSION MEETING
3:00 pm JENNIE, STEVE & JENNILEE – BOARD OF ZONING APPEALS MTG

FRIDAY, MARCH 22, 2013

10:00 am JENNIE & SETH – MTG WITH PAUL RACO & JIM GIBSON RE: REVISED CIS
11:00 am JENNIE & STEVE – MTG W/ ERIC LEWIS RE: McMURRAN FARM WEDDINGS
2:00 pm – 3:00 pm JENNIE & CHRIS – “GOALS” MEETING

MONDAY, MARCH 25, 2013

10:00 am – 11:00 am STAFF MEETING
11:00 am – 12:00 pm JENNIE, STEVE, SETH & CHRIS – WEEKLY UPDATE MTG RE: 2014 COMP PLAN
1:00 pm STEVE & JENNILEE – MONTHLY BZA APPLICATION REVIEW
1:00 pm – 2:00 pm JENNIE & JT – WEEKLY UPDATE MEETING
2:00 pm – 3:00 pm SETH, JENNILEE & JONATHAN – SUMMIT POINT CHURCH MTG
2:00 am – 3:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING
3:30 pm – 4:30 pm JENNIE & SETH - WEEKLY PLANNING MEETING

TUESDAY, MARCH 26, 2013

10:00 am - NOON JENNILEE – (UNDISTURBED) WKLY DEED REVIEW SESSION
1:30 pm - 3:30 pm JENNIE – WIP TRIB TEAM TELECONFERENCE
2:00 pm – 4:00 pm STEVE & SETH – (UNDISTURBED) WKLY MSD / IRF REVIEW SESSION
3:00 pm – 3:30 pm STEVE – MEETING WITH MATT BERNAZOLLI & REP FROM BAKERTON CHURCH OF GOD

WEDNESDAY, MARCH 27, 2013

10:00 am SETH & JENNILEE – MEETING WITH FRED GATES / RE: HOLLER & HILL
11:30 am – 1:30 pm STEVE, SETH & CHRIS – LUNCH & LEARN MEETING #12
SUBJECT: MUNICIPAL PLANNERS ROUNDTABLE
PRESENTED BY: CITY OF CHARLES TOWN, CITY OF RANSON,
CORPORATION OF SHEPHERDSTOWN, REP FROM HARPERS FERRY / BOLIVAR.

THURSDAY, MARCH 28, 2013

8:00 am – 5:00 pm JENNIE – PROFESSIONAL CONNECTIONS DAY
LOCATION: SHEPHERD UNIVERSITY
6:00 pm – 7:00 pm JENNIE – PARKS & REC FACILITY COMMITTEE MEETING

FRIDAY, MARCH 29, 2013

MONDAY, APRIL 01, 2013

11:00 am – 12:00 pm STEVE, SETH & CHRIS – WEEKLY UPDATE MEETING RE: 2014 COMP PLAN
1:30 pm – 2:30 pm STEVE, SETH & CHRIS - CLEAN UP OF 2014 COMP PLAN FOLDER IN
SHARED DRIVE

TUESDAY, APRIL 02, 2013

10:00 am – NOON JENNILEE – (UNDISTURBED) WKLY DEED REVIEW SESSION

2:00 pm – 4:00 pm STEVE & SETH – (UNDISTURBED) WKLY MSD / IRF REVIEW SESSION

WEDNESDAY, APRIL 03, 2013

8:00 am – 9:30 am JT - MONTHLY DEPARTMENT HEAD MEETING

11:30 am – 1:30 pm STEVE, SETH & CHRIS – LUNCH & LEARN MEETING #13
SUBJECT: WEST VIRGINIA DIVISION OF HIGHWAYS

THURSDAY, APRIL 04, 2013

9:30 am SETH - COUNTY COMMISSION MEETING/
RE: NEW PLANNING COMMISSION MEMBERS

FRIDAY, APRIL 05, 2013

MONDAY, APRIL 08, 2013

10:00 am – 11:00 am STAFF MEETING
11:00 am – 12:00 pm JENNIE, STEVE, SETH & CHRIS – WEEKLY UPDATE MEETING
RE: 2014 COMP PLAN
1:00 pm – 2:00 pm JENNIE & JT – WEEKLY UPDATE MEETING
2:00 pm – 3:00 pm JENNIE & SETH - WEEKLY PLANNING MEETING
2:00 pm – 3:00 pm STEVE & MASON – SITE VISIT TO LOWE PRODUCTS
3:30 pm – 4:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING

TUESDAY, APRIL 09, 2013

9:00 am – 12:00 pm JT – HR TRAINING W/DEBBIE KEYSER
10:00 am JENNIE, JT & CHRIS – MEETING WITH BILL CUMMINGS
10:00 am – NOON JENNILEE – (UNDISTURBED) WKLY DEED REVIEW SESSION
2:00 pm STEVE – MEETING WITH CLARENCE HAYMAKER
2:00 pm – 4:00 pm STEVE & SETH – (UNDISTURBED) WKLY MSD / IRF REVIEW SESSION
3:00 pm JENNIE, STEVE & SETH – COMPREHENSIVE PLAN DOCUMENTS

WEDNESDAY, APRIL 10, 2013

10:00 am – 11:00 am STEVE, SETH & JONATHAN – STAGNER MSD PPC
11:00 am JENNIE – DEPARTMENT HEAD MEETING
11:00 am – 12:30 pm JENNIE, STEVE & SETH – MEETING WITH STEPHEN GROH
3:00 pm JENNIE, STEVE, SETH & CHRIS – TELEPHONE CONF W/JUDY RODGERS

THURSDAY, APRIL 11, 2013

9:30 am – 10:30 am JENNIE, STEVE, SETH & CHRIS - WEEKLY UPDATE MEETING #2
RE: 2014 COMPREHENSIVE PLAN
7:00 pm JENNIE & JT – ETHICS & ROBERT’S RULES OF ORDER TRAINING

FRIDAY, APRIL 12, 2013 BOARD OF ZONING APPEALS PACKET DAY

JENNIE – OUT / NATIONAL APA CONFERENCE IN CHICAGO

MONDAY, APRIL 15, 2013 **START DATE: ALEXANDRA (ALEX) BEAULIEU (PLANNING CLERK)**

11:00 am – 12:00 pm STEVE, SETH & CHRIS – WEEKLY UPDATE MEETING
RE: 2014 COMPREHENSIVE PLAN
1:00 pm CHRIS - WEST VIRGINIA RETIREMENT PLUS SEMINAR (LIBRARY)
2:30 pm JENNILEE & ALEX – WEST VIRGINIA RETIREMENT PLUS SEMINAR
(LIBRARY)
4:00 pm JT – WEST VIRGINIA RETIREMENT PLUS SEMINAR (LIBRARY)

JENNIE – OUT / NATIONAL APA CONFERENCE IN CHICAGO

TUESDAY, APRIL 16, 2013

8:00 am – NOON JT – AMERICAN HEART ASSOC CPR & FIRST AID TRAINING
LOCATION: COUNTY COMMISSION MEETING ROOM (LIBRARY)
9:30 am – 10:00 am STEVE & SETH – MTG W/LYN WIDMYER
RE: PROPOSED ZONING ORDINANCE AMENDMENT
10:00 am – NOON JENNILEE – (UNDISTURBED) WKLY DEED REVIEW SESSION
2:00 pm – 4:00 pm STEVE & SETH – (UNDISTURBED) WKLY MSD / IRF REVIEW SESSION
3:00 pm STEVE (IN ATTENDANCE FOR JENNIE) – EDA BOARD MEETING
7:00 pm – 9:00 pm STEVE, SETH & CHRIS – STEERING COMMITTEE MEETING

JENNIE – OUT / NATIONAL APA CONFERENCE IN CHICAGO

WEDNESDAY, APRIL 17, 2013

8:00 am – NOON JT – AMERICAN HEART ASSOC CPR & FIRST AID TRAINING
LOCATION: CNTY COMMISSION MEETING ROOM (LIBRARY)
11:30 am – 1:30 pm STEVE, SETH, CHRIS & JT – LUNCH & LEARN MEETING #14
(POSTPONED FROM MARCH 6th). SUBJECT: PUBLIC SAFETY PRESENTED BY:
SHERIFF, JCESA, JEFFERSON COUNTY HOMELAND SECURITY AND
EMERGENCY MANAGEMENT, AND REPRESENTATIVE FROM A VOLUNTEER
FIRE COMPANY.

JENNIE – OUT / NATIONAL APA CONFERENCE IN CHICAGO

THURSDAY, APRIL 18, 2013

9:30 am COUNTY COMMISSION MEETING
10:00 am SETH – CHARLES TOWN TRANSPORTATION MEETING
3:00 pm STEVE & JENNILEE - BOARD OF ZONING APPEALS MEETING

JENNIE – OUT / RETURN FROM NATIONAL APA CONFERENCE IN CHICAGO

FRIDAY, APRIL 19, 2013

10:00 am STEVE – MTG W/PAUL RACO – RE: PUB/CLUB (BOWLING ALLEY)

MONDAY, APRIL 22, 2013

10:30 am	STEVE – MEETING WITH MARTY SMOOT / RE: CUP
10:00 am – 11:00 am	STAFF MEETING
11:00 am – 12:00 pm	JENNIE, STEVE & CHRIS – WEEKLY UPDATE MEETING RE: 2014 COMPREHENSIVE PLAN
1:00 pm – 2:00 pm	JENNIE & JT – WEEKLY UPDATE MEETING
1:00 pm – 2:00 pm	STEVE & JENNILEE – MONTHLY BZA AGENDA ITEM REVIEW
2:00 pm	STEVE – MTG W/MR. TORLONE - RE: PROPOSED RESTAURANT
2:00 pm – 3:00 pm	JENNIE, JENNILEE & ALEX – WEEKLY PLANNING MEETING
3:00 pm – 4:30 pm	JENNIE & STEVE – WEEKLY ZONING MEETING

TUESDAY, APRIL 23, 2013

10:00 am – NOON	JENNILEE – (UNDISTURBED) WKLY DEED REVIEW SESSION
12:00 pm	STEVE & CHRIS – JC FARMLAND PROTECTION BRD PUBLIC WORKSHOP RE: PRESENTATION OF PROPOSED STRATEGIC PLAN
2:00 pm – 4:00 pm	STEVE – (UNDISTURBED) WKLY MSD / IRF REVIEW SESSION

WEDNESDAY, APRIL 24, 2013

11:30 am – 2:00 pm	JENNIE – QUARTERLY PARTNERSHIP LUNCHEON AT JC HOMELAND SECURITY & EMERGENCY MANAGEMENT FACILITY
2:00 pm – 2:30 pm	JENNIE & STEVE – MEETING W/ DEBBIE KEYSER & STEPHANIE GROVE

THURSDAY, APRIL 25, 2013

MORNING (TBD)	JENNILEE, ALEX, BECKY & TODD – CONTENT MANAGEMENT MEETING
10:00 am	JENNIE, STEVE, ROGER , DEBBIE KEYSER, STEPHANIE GROVE & STEVE GROH MEETING WITH PETER CORUM AND FRED BLACKMER
11:00 am – 12:00 am	JENNIE & JT – BUDGET REVIEW MEETING
6:00 pm	JENNIE – PARKS & REC FACILITY COMMITTEE MEETING

FRIDAY, APRIL 26, 2013

10:00 am – 3:00 pm	JT, JENNILEE & ALEX – MTG WITH TODD / RE: CONTENT MANAGEMENT
11:00 am	JENNIE & STEVE – MEETING WITH DEBRA LEE HOOVATER & JOHN REISENWEBER
3:00 pm	STEVE – SITE VISIT / LEETOWN RD-MIDDLEWAY PK AREA / RE: POSSIBLE VIOLATION

MONDAY, APRIL 29, 2013

10:00 am – 11:00 am STAFF MEETING
11:00 am – 12:00 pm JENNIE, STEVE, SETH & CHRIS – WEEKLY UPDATE MEETING
RE: 2014 COMPREHENSIVE PLAN
1:00 pm – 2:00 pm JENNIE & JT – WEEKLY UPDATE MEETING
2:00 pm – 3:00 pm JENNIE, SETH, JENNILEE & ALEX – WEEKLY PLANNING MEETING
3:00 pm – 4:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING

TUESDAY, APRIL 30, 2013

10:00 am – NOON JENNILEE – (UNDISTURBED) WKLY DEED REVIEW SESSION
2:00 pm – 4:00 pm STEVE & SETH – (UNDISTURBED) WKLY MSD / IRF REVIEW SESSION

WEDNESDAY, MAY 01, 2013

8:00 am – 9:30 am JENNIE – MONTHLY DEPARTMENT HEAD MEETING

THURSDAY, MAY 02, 2013

9:30 am – 12:00 pm JENNIE - COUNTY COMMISSION MEETING
1:30 pm – 3:30 pm JENNIE, STEVE, SETH & CHRIS – PREP FOR STEERING COMMITTEE MTG
7:00 pm COUNTY COMMISSION MEETING / RE: MANNINGS

FRIDAY, MAY 03, 2013

12:30 pm – 3:00 pm JENNIE – BOARD OF HEALTH MEETING

MONDAY, MAY 06, 2013

10:00 am – 11:00 am STAFF MEETING
11:00 am – 12:00 pm JENNIE, STEVE SETH, JT & CHRIS – WEEKLY UPDATE MEETING
RE: 2014 COMPREHENSIVE PLAN
1:00 pm – 2:00 pm JENNIE & JT – WEEKLY UPDATE MEETING
2:00 pm – 3:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING
3:30 pm – 5:00 pm JENNIE, SETH & ALEX – WEEKLY PLANNING MEETING

TUESDAY, MAY 07, 2013

10:00 am – 11:00 am JENNIE & JT – JOB DESCRIPTION MEETING
11:00 am – 12:00 pm JENNIE, STEVE, SETH, JT & CHRIS – PREP FOR STEERING COMMITTEE MTG
10:00 am - NOON JENNILEE – (UNDISTURBED) WKLY DEED REVIEW SESSION
1:00 pm STEVE & JENNILEE – BZA SITE VISITS / PLACARD CHECKS
2:00 pm – 4:00 pm STEVE – (UNDISTURBED) WKLY MSD / IRF REVIEW SESSION
7:00 pm – 9:00 pm JENNIE, STEVE, SETH & CHRIS – STEERING COMMITTEE MEETING

WEDNESDAY, MAY 08, 2013

10:00 am – 11:00 am STEVE, SETH, ALEX & JONATHAN – MSD PPC / DAVE LEONARD
11:00 am – 12:00 pm STEVE, SETH, ALEX & JONATHAN – MSD PPC / CRYSTAL LAKE
2:00 pm – 3:00 pm STEVE, SETH, ALEX & JONATHAN – MSD PPC / STILES (PAUL RACO)
3:00 pm – 4:00 pm STEVE, SETH, ALEX & JONATHAN – MSD PPC / TITUS

THURSDAY, MAY 09, 2013

10:00 am – 10:30 am STEVE, SETH, ALEX, JONATHAN & MASON – RE: 340 DEFENSE
REDLINE REVISION MEETING WITH DIRK STANSBURY & MOUNTAINEER
PIPE REPRESENTATIVE
11:00 am STEVE, SETH, JONATHAN & MASON – INFORMATIONAL MTG W/ BARI
BENSON RE: PROPOSED PROJECT – “ART PARK”

FRIDAY, MAY 10, 2013

BOARD OF ZONING APPEALS PACKET DAY
PLANNING COMMISSION PACKET DAY

10:00 am – 11:00 am JENNILEE – INFORMATIONAL MEETING / LISA LINN ARRONIZ
RE: ZONING CERTIFICATE FOR IN-HOUSE MESSAGE THERAPY BUSINESS

This information is
Tab #16 in your
binder.

FB solutions residential construction management and design

9628 Moncove Lake Road

Gap Mills, WV 24941

304 536 3743

fred@fredblackmer.com

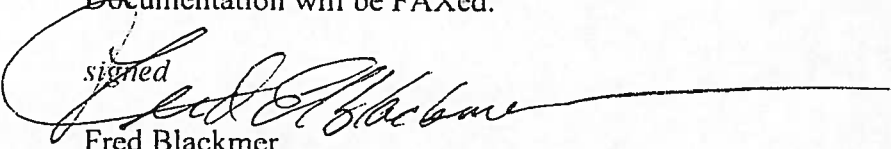
Jefferson County Planning Commission
110 East Washington Street
Charles Town, WV 25414

April 11, 2013

Ms. Brockman,

Please place Morgan's Grove Market (Fred Blackmer) on the April 23, 2012 Planning Commission agenda. The subject will be Planning and Zoning Staff interpretations regarding the Morgan's Grove Market "Early Grading Permit". Agenda item can read the same as the County Commission and BZA agenda items. "Interpretation of Jefferson County Land Use ordinances. Executive session may be required (personnel issues)"

Documentation will be FAXed.

signed
Fred Blackmer

Morgan's Grove Market, Clerk of the Works
304.536.3743

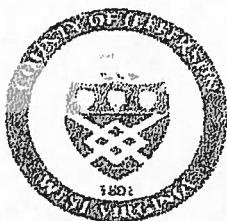
What this agenda request is about:

Direction to PC&Z staff that the conditions of the "Early Grading Permit" have been met and direct that the permit will be issued subject to appropriate bonding.

Planning and Zoning Staff interpretation of conditions required for issuing the "Early Grading Permit" for Morgan's Grove Market.

The latest staff position on withholding issuance of the BZA approved "Early Grading Permit" is delaying the start of a project that was approved on April 19, 2012. This approval did come with conditions. Jefferson County Department of Engineering has reviewed and approved the grading plan and will issue subject to PC&Z sign off and acceptable bonding. PC&Z Staff has taken the position of non compliance and withholding "sign off" on the issuance of the mentioned permit. Staff's reliance on two of those conditional approval requirements referenced as items 7 and 10 created the best and clearest example of issues the MGM project application has faced as a result of unwarranted staff interpretations.

The JC Zoning Administrator delivered a letter to Dirk Stansbury (MGM engineer) dated Nov 1, 2012. This letter and it's attached "matrix" covered conditions 7 and 10. (Document attached)

**JEFFERSON COUNTY, WEST VIRGINIA****Departments of Planning & Zoning**

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org**Phone:** (304) 728-3228**Fax:** (304) 728-8126

November 1, 2012

D.A. Stansbury Engineering, PLLC
ATTN: Dirk Stansbury
3 Sue Court, Suite B
Martinsburg, WV 25414

RE: Morgan's Grove Market

Dear Mr. Stansbury:

As you are aware, land use approval for the Morgan's Grove Market was established via Conditional Use Permit. As such, there are a number of conditions associated with the proposed land use, which must be addressed during the development review and inspection process.

I have attached a matrix listing each condition and identifying the phase of the development at which the condition is to be addressed.

Please let me know if you need additional information.

Sincerely,

Steve Barney
Zoning Administrator

Cc: Twin Oaks Subdivision, LLC
Fred Blackmer (via email)
Jennifer Brockman, Director, Planning and Zoning Department
Becky Burns, Office Manager, Engineering Department

Att: Documentation for Addressing Conditions: Morgan's Grove Market Conditional Use Permit

**Documentation for Addressing Conditions:
Morgan's Grove Market Conditional Use Permit**

#	Conditional Use Permit Condition	Phase at Which Documentation is to be Submitted	Comment
1	Provide a pre- and post-blast survey within five hundred feet of the construction site prepared by a geological engineer or certified company that is agreed upon by both the Developer and the neighbors. The inspections will be limited to buildings, wells and other structures as recommended by the geological engineer. The surveys are to be paid for by the Developer.	Building / grading permit Use and Occupancy Permit	Provide survey: 1. Prior to approval of building permit (and/or prior to grading, if grading requires blasting), and 2. Prior to issuance of Use and Occupancy Permit for final building of each phase.
2	The Developer will be responsible for ensuring that the blasting contractor/subcontractor has insurance for all work. Further, it will be a condition of the contract that should damage be caused offsite, including damage to wells, by onsite blasting, the contractor/subcontractor will be responsible for all damages caused by the blasting activity. Liability will be limited to those homes on which a pre-blast survey was taken; homeowners who refuse a pre-blast survey will not be covered.	Building / grading permit	Provide copy of contract and proof of insurance prior to approval of building permit (and/or prior to grading, if grading requires blasting)
3	The Developer will provide all adjacent properties and those included in the pre-blast survey 24 hours' notice for any blasting. The general blasting schedule will be provided in this notice. For blasting activities that occur on consecutive days a single notice identifying the time period shall be provided to the adjacent neighbors.	Building / grading permit	Following distribution of notice, provide an affidavit stating which properties received the notice. This should be submitted within 1 week following approval of a building / grading permit.
4	All contractors and subcontractors are to be insured.	Building / grading permit	Prior to approval of building and/or grading permit, provide an affidavit stating that all contractors and subcontractors are insured.
5	The Town Run and the immediately adjacent area shall be buffered with native vegetation and natural materials. Recreational use of Town Run shall be prohibited, with the exception of an adjacent walking trail.	Site plan	To be shown on the site plan prior to approval.
6	All signage will be low and mounted on brick or stone monuments. No pole signs or other strip mall type signage is permitted. No animated signs shall be permitted. Full cutoff lighting shall be used to facilitate "dark sky" practices.	Building permit	Prior to approval of building permit for signage, submit design specifications or renderings. Locations of all signs should be shown on the site plan.
7	The Developer shall partner with the Shepherdstown Men's Club to ensure that perpetual water testing of the Town Run before, during, and after construction is done with test sites at Morgan's Grove Park, the Spring House (Wilson's property) and the greenhouses (Corum property).	Building / grading permit	Prior to approval of building and/or grading permit, submit copy of letter that was sent to Shepherdstown Men's Club offering to partner with the organization regarding water testing.

**Documentation for Addressing Conditions:
Morgan's Grove Market Conditional Use Permit**

#	Conditional Use Permit Condition	Phase at Which Documentation is to be Submitted	Comment
8	Exterior lighting will meet or exceed the Illuminating Engineering Society of North America (IESNA) standards for Lighting for Exterior Environments for achieving "Full Cutoff" of light pollution above the horizontal plane with little or no light at angles typically associated with glare.	Site plan	Manufacturer's cut sheet and a note stating compliance with the illumination standard to be shown on the site plan prior to approval.
9	No new residential living quarters are permitted except for the two (2) existing single family residences.	Site plan	To be evaluated at the site plan phase.
10	The Developer will offer to have a well test performed on the Nuttall's, Belchik's and Spurgas' properties, to be done before construction begins and again after the project has been completed, not to exceed one (1) year from the date of completion of the project, at the Developer's expense.	Building / grading permit	Prior to approval of building and/or grading permit, submit copy of letters provided to these addresses, with an affidavit stating the date the letters were mailed.
11	Provide a traffic study in accordance with West Virginia Division of Highways (WVDOH) requirements and address all traffic study and WVDOH requirements.	Site plan	To be completed prior to site plan approval, if required by DOH.
12	Address risks identified in the traffic study as warranted by the WVDOH as follows: a. Ensure sight distance requirements are met. b. Allow for safe access and egress to the property through the construction of turning lanes.	Site plan	To be evaluated at site plan phase, if required by DOH.
13	A right hand turn lane will be installed if required by the WVDOH. The Developer will provide an area of right-of-way from the Developer's property to accommodate a left-turn lane, if required by the WVDOH. Both turn lanes will be paid for by the Developer.	Site plan	To be shown on the site plan prior to approval, if required by DOH.
14	No stoplight will be installed, except as required by the WVDOH.	Site plan	To be evaluated at site plan phase, if required by DOH.
15	No land from the Spurgas property shall be used for a turn lane, with the exception of the land that is already within the WVDOH right-of-way.	Site plan	To be evaluated at site plan phase, if required by DOH.
16	Parking areas adjacent to neighboring properties will be properly sloped to protect landowner from potential storm runoff. All parking areas will be in compliance with Jefferson County Subdivision Regulations. (The site plan will address storm drainage).	Site plan	To be shown on the site plan prior to approval.
17	The Developer will remove the existing sign advertising Town Run Commons.	Site plan	The sign structure shall be removed prior to approval of the site plan.

**Documentation for Addressing Conditions:
Morgan's Grove Market Conditional Use Permit**

#	Conditional Use Permit Condition	Phase at Which Documentation is to be Submitted	Comment
18	The development shall be served by public water and sewer systems.	Site plan / Use and Occupancy Permit	The site plan must show how the connection to the public water and sewer systems will be achieved, including pipe size and other plan and profile details. Documentation of approval for the water/sewer extension from the service provider will be required prior to site plan approval. Prior to issuance of Use and Occupancy Permit for the first building, the water and sewer connections to the public system must be installed.
19	Drive-through restaurants and regular gas stations are prohibited.	Site plan, Zoning Certificate	To be shown on the site plan prior to approval, and noted on the Zoning Certificate issued following site plan approval.
20	The site plan for the Morgan's Grove Market development will include a ten (10) foot landscape buffer along the property line between the subject property and Morgan's Grove Park. The buffer shall have defined access points to allow potential pedestrian access from the subject property to Morgan's Grove Park. No solid fencing is required.	Site plan	To be shown on the site plan prior to approval.
21	A ten (10) foot landscape buffer is required between the subject property and the Wilson property. Existing trees within this buffer will be preserved. Construction of a temporary fence outside the drip line of the existing trees inside the buffer area during the grading of the site will be required, in order to preserve the existing trees. No solid fencing is required.	Site plan	To be shown on the site plan prior to approval.
22	Business hours are limited to 6:00 a.m. to 10:00 p.m.	Zoning Certificate	To be noted on the Zoning Certificate issued following site plan approval.
23	Provide a 50 foot front setback and 75 foot side setback for proposed buildings and a 35 foot side setback for parking. No parking shall be located along Route 480; parking shall be located behind any buildings along Route 480. Proposed buildings and parking are to be located between the power line and Route 480 as shown on the sketch plan submitted with the application.	Site plan	To be shown on the site plan prior to approval.
24	The site plan shall show an adequate number and location of trash receptacles.	Site plan	To be shown on the site plan prior to approval.
25	The applicant will install a kiosk on the site to provide historical information related to this property and the surrounding properties.	Use and Occupancy Permit	Prior to issuance of Use and Occupancy Permit for final building of first phase, install kiosk. Kiosk should include historic display(s), or a letter should be provided from organization or person(s) that will be providing the historic display(s).

**Documentation for Addressing Conditions:
Morgan's Grove Market Conditional Use Permit**

#	Conditional Use Permit Condition	Phase at Which Documentation is to be Submitted	Comment
26	The maximum gross floor area is restricted to 60,000 square feet; the maximum building footprint area is 30,000 square feet. No more than 20% of the 60,000 square foot gross floor area can be designated for any one use (i.e. 12,000 square feet).	Site plan, Zoning Certificate	To be shown on the site plan prior to approval, and noted on the Zoning Certificate issued following site plan approval.
27	All signage, lighting and building design must be rural in character.	Building permit	Prior to approval of building permit for signage, lighting, or buildings, submit design specifications or renderings.
28	<p>The following proposed uses are revised as follows:</p> <ul style="list-style-type: none"> - The use "Hardware Store" is replaced with "Hardware Store/Garden Center" - The use "Medical, Dental, Optical, Health Clinic (small)" is replaced with "Family Health Clinic" - The use "Banking, Accounting, Insurance" is amended to add the provision "only as accessory uses" - The use "Other types of professional/business offices" is amended to add the provision "(small scale)" - The use "Public/Private Access Swimming Pool" is amended to add the condition, "The pool may not be emptied into Town Run." 	Zoning Certificate	To be noted on the Zoning Certificate issued following site plan approval.
29	The current parking lot must be removed after the first building is constructed.	Site plan	To be shown on the site plan prior to approval.
30	All four sides of the buildings must be rural in character with proper screening of the utility equipment.	Building permit	Prior to approval of building permit, submit design specifications or renderings.

Item 7 stated that our condition was to “partner with the Shepherdstown Men’s Club (now SCC) to insure that perpetual water testing of the Town Run before, during and after construction is done with test sites at Morgan’s Grove Park, the spring house (Wilson’s property and at the greenhouses (Corum property)”. SCC agreed at the time the condition was made by the BZA to participate. We have completed discussion with representatives of SCC. A testing program has been agreed to. That information and copies of the agreement have been provided to staff. Since that time, the Wilson property is under new ownership. MGM has no authority to enforce testing on that property.

The phase at which documentation is to be submitted states “building/grading permit”.

Comment provided on this item by the Zoning Administrator expressed what we believed to be the standard of compliance. “Prior to approval of building and/or grading permit, submit a copy of letter that was sent to Shepherdstown Men’s Club (SCC) offering to partner with the organization regarding water testing”.

That has been more than complied with. The correspondence for both the offer to partner and the agreement itself were provided to staff. (Documents attached)

MGM believes it has more than met the standard for this condition (item 7). Documents Attached.

FB solutions residential construction management and design

9628 Moncove Lake Road

Gap Mills, WV 24941

304 536 3743

fred@fredblackmer.com

Shepherdstown Community Club
102 East German Street
PO Box 463
Shepherdstown, WV 25443

December 27, 2012

Subject: Town Run Water Testing

President Huddleston,

Morgan's Grove Market has been approved. We are now in the final site design review. A portion of our review is compliance with those conditions placed on the project by the Jefferson County Board of Zoning appeals.

Specifically: "The developer shall partner with the Shepherdstown Men's Club (Community Club) to ensure that perpetual water testing of the Town Run before, during, and after construction is done with test sites at Morgan's Grove Park, the Spring House and the greenhouses (MGM property)".

Morgan's Grove Market has conducted a water test with the results presented to the County Commission. It is now time to set up some type of agreement for the initial testing at Morgan's Grove Park location by the Community Club.

Morgan's Grove Market would propose that the three test locations required by the BZA be done semi-annually by a third party (Shepherd Environmental Science department) with costs equally divided between the Community Club and Morgan's Grove Market.

Your prompt consideration and response is appreciated.

Sincerely,

signed

Fred Blackmer

MGM, Clerk of the Works

/ CC: Zoning Administrator

Fred Blackmer

From: <Shirleyandtj@aol.com>
To: <fred@fredblackmer.com>
Cc: <michael.austin@frontiernet.net>; <aport1950@gmail.com>
Sent: Sunday, February 10, 2013 4:29 PM
Subject: Re: leaving

Fred,

We also see no need for a meeting and want to keep this process of testing as simple as possible. We have chosen a test spot on Town Run, about 20 -30 feet from where our spring flow meets the Run near the foot bridge. We will use Hydrochem also, --- I have used them before and yes , it is a simple procedure. We will do our test sometime in Feb., weather permitting, and then again in August.

Go ahead and draft the letter for the commission, stating that we agree on this water testing phase of the process.

This should take care of it for now.

Tom Huddleston, SCC

In a message dated 2/1/2013 10:49:48 P.M. Eastern Standard Time, fred@fredblackmer.com writes:

Tom,

Thanks for the note. I'll be up there the afternoon of February 11- morning of February 13. In order to get both our commitments taken care of, I would recommend the 11th. We are in front of the planning commission on the 12th at 7PM. We can do our meeting on then 12th but we'll need to have a solid agreement to do the testing.

It really isn't a big deal. I have though about having Shepherd involved and a few other things. It is way too complicated. Contacts and volunteer help aren't reliable. If all we are trying to do is test and protect Town Run, we will just do the tests. We have already done it once on the MGM section. I took a third part to verify the test and it was as simple as that. We used Hydrochem in Shenandoah Junction. They give you the containers and instructions. Pick up the forms and containers, go take the test and bring them back. Write a check for \$90 something and it's over.

I don't think the new owner of the old Wilson property is interested in any of this. It is just between us as a condition by the BZA.

I suggest that your test point be where Town run leaves your property. We will test where it enters our property and again where it leaves. That will cover the three points. We used a county commissioner as the witness for our test. That was over kill. Both parties should just agree to do the testing sometime in February and August. That should be more than sufficient. I would propose that we limit the time requirement to the completion of our project. That will set an end to the government intervention on both our accounts.

We look forward to have some collaborative efforts as opportunities come up. We just need to get this unintended consequence of over caution and under thought taken care off. Fact is, if this seems agreeable, I can draft the letter, your group approves it and we don't need the meeting. I'll submit it on the 12th with your approval.

Thanks for working with us on the issue.

Fred

----- Original Message -----

From: Shirleyandti@aol.com

To: fred@fredblackmer.com

Sent: Friday, February 01, 2013 2:04 PM

Subject: Re: leaving

Fred, Been out last two days and busy next few days too. Need a good week lead time to set date/time, ----- have to line-up a couple other people who want to be involved when we get a good time frame. We'll keep trying and will get it done. talk soon, and by the way --- Go, Go, Raven's !!!!

Tom H.

In a message dated 1/30/2013 9:30:26 A.M. Eastern Standard Time, fred@fredblackmer.com writes:

I am getting ready to leave home. Should have cell phone (304 839 6012) by 11. Plan to arrive in the area about 3PM. Take care.

Fred

Item 10 stated that our condition is as follows: "The developer will offer to have a well test performed on the Nuttall's, Belchik's and Spurgas' properties to be done before construction begins and again after the project has been completed, not to exceed one (1) year from the date of completion of the project, at the developers expense".

Phase at which documentation is to be submitted states "building/grading permit".

Comment provided on this item by the Zoning Administrator expressed what we believed to be the standard of compliance. "Prior to approval of building and/or grading permit, submit copy of letters provided to these addresses, with an affidavit stating the date the letters were mailed".

Original offers of testing were sent to the three addresses and the planning commission Dec 28, 2012. A follow up letter was sent to the three addresses with the contact information for the testing company (LL Brannon Well Drilling). A check was sent to Brannon for the cost of the testing March 8, 2013. LL Brannon confirmed to Fred Blackmer on March 27, 2013 that he is in contact with the people requesting the test and that a date or dates based on weather and availability are being worked out. I believe this has been confirmed by staff. (Documents attached)

MGM believes it has more than met the standard for this condition (item 10).

FB solutions residential construction management and design

9628 Moncove Lake Road

Gap Mills, WV 24941

304 536 3743

fred@fredblackmer.com

Mr. Joseph R. Spurgas
49 Shepherd Lane
Shepherdstown, WV 25443

December 28, 2012

Subject: Well Test

Mr. Spurgas,

Morgan's Grove Market has been approved. We will be starting site work and construction in the near future. You had expressed an interest in having a well test completed prior to work being done on the site.

The Jefferson County Board of Zoning Appeals created the condition that "the developer will offer to have a well test performed on the Nuttall's, Belchik's and Spurgas properties, to be done before construction begins and after the project has been completed, not to exceed one (1) year from the date of completion of the project at the developer's expense".

We anticipate that should you choose to have the test performed, there will be a water quality sample taken, a well flow-recovery rate test completed and a general condition statement regarding depth, age of equipment and any other pertinent information to the well's performance at the time of the test.

This information will be provided to the Jefferson County Department of Planning and Zoning. It will also be filed with the County Clerk as a permanent public record.

Please respond by January 5, 2013 so that arrangements can be made to schedule the testing if you choose to have the tests done.

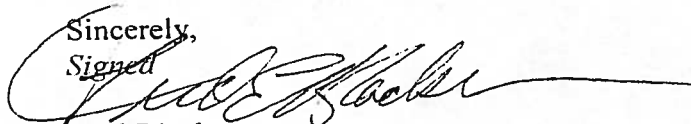
Morgan's Grove Market
PO Box 536
Shepherdstown, WV 25443

or

email to:

fred@fredblackmer.com

Sincerely,
Signed



Fred Blackmer
MGM, Clerk of the Works

FB solutions residential construction management and design

9628 Moncove Lake Road

Gap Mills, WV 24941

304 536 3743

fred@fredblackmer.com

Mr. Stanley Belchik
Shepherd Lane
Shepherdstown, WV 25443

December 28, 2012

Subject: Well Test

Mr. Belchik,

Morgan's Grove Market has been approved. We will be starting site work and construction in the near future. You had expressed an interest in having a well test completed prior to work being done on the site.

The Jefferson County Board of Zoning Appeals created the condition that "the developer will offer to have a well test performed on the Nuttall's, Belchik's and Spurgas properties, to be done before construction begins and after the project has been completed, not to exceed one (1) year from the date of completion of the project at the developer's expense".

We anticipate that should you choose to have the test performed, there will be a water quality sample taken, a well flow-recovery rate test completed and a general condition statement regarding depth, age of equipment and any other pertinent information to the well's performance at the time of the test.

This information will be provided to the Jefferson County Department of Planning and Zoning. It will also be filed with the County Clerk as a permanent public record.

Please respond by January 5, 2013 so that arrangements can be made to schedule the testing if you choose to have the tests done.

Morgan's Grove Market
PO Box 536
Shepherdstown, WV 25443

or

email to:

fred@fredblackmer.com

Sincerely,
Signed



Fred Blackmer
MGM, Clerk of the Works

FB solutions residential construction management and design

9628 Moncove Lake Road

Gap Mills, WV 24941

304 536 3743

fred@fredblackmer.com

Mr. Donald Nuttall
812 Morgana Drive
Shepherdstown, WV 25443

December 28, 2012

Subject: Well Test

Mr. Nuttall,

Morgan's Grove Market has been approved. We will be starting site work and construction in the near future. You had expressed an interest in having a well test completed prior to work being done on the site.

The Jefferson County Board of Zoning Appeals created the condition that "the developer will offer to have a well test performed on the Nuttall's, Belchik's and Spurgas properties, to be done before construction begins and after the project has been completed, not to exceed one (1) year from the date of completion of the project at the developer's expense".

We anticipate that should you choose to have the test performed, there will be a water quality sample taken, a well flow-recovery rate test completed and a general condition statement regarding depth, age of equipment and any other pertinent information to the well's performance at the time of the test.

This information will be provided to the Jefferson County Department of Planning and Zoning. It will also be filed with the County Clerk as a permanent public record.

Please respond by January 5, 2013 so that arrangements can be made to schedule the testing if you choose to have the tests done.

Morgan's Grove Market
PO Box 536
Shepherdstown, WV 25443

or

email to:

fred@fredblackmer.com

Sincerely,

Signed


Fred Blackmer

MGM, Clerk of the Works

FB solutions residential construction management and design

9628 Moncove Lake Road

Gap Mills, WV 24941

304 536 3743

fred@fredblackmer.com

LL Brannon Well Drilling
PO Box 1876
Inwood, WV 25428

March 5, 2013

Subject: Well Testing

Mr. Brannon,

Thank you for considering our need for well testing. I have included a statement from the letter we plan to send the three households. Also, names and addresses for your use.

Our contact information for billing is:

Morgan's Grove Market
PO Box 536
Shepherdstown, WV 25443
304.283.2467

Names and Addresses of potential testing:

Mr. Stanley Belchik
182 Shepherd Lane
Shepherdstown, WV 25443

Mr. Donald Nuttall
812 Morgana Drive
Shepherdstown, WV 25443

Mr. Joseph R. Spurgas
49 Shepherd Lane
Shepherdstown, WV 25443

Statement from our draft letter to the people listed above:

In order to make this as convenient as possible I would ask that you contact LL Brannon directly to ask any questions you might have about the test and what date would be mutually agreeable.

We anticipate that should you choose to have the test performed it will include a well flow-recovery rate test, depth of well, static water level, and a general condition statement regarding type/age of equipment and any other pertinent information to the well's performance at the time of the test.

Results of this test information will be provided to the Jefferson County Department of Planning and Zoning. It will also be filed with the County Clerk as a permanent public record.

Please contact LL Brannon by March 15, 2013 so that arrangements can be made to schedule the testing if you choose to have the tests done.

Sincerely

Signed


Fred Blackmer

MGM, Clerk of the Works

FB solutions residential construction management and design

9628 Moncove Lake Road

Gap Mills, WV 24941

304 536 3743

fred@fredblackmer.com

Mr. Stanley Belchik
182 Shepherd Lane
Shepherdstown, WV 25443

March 5, 2013

Subject: Well Test Detail Notification

Mr. Belchik,

The Jefferson County Board of Zoning Appeals created the condition that "the developer will offer to have a well test performed on the Nuttall's, Belchik's and Spurgas properties, to be done before construction begins and after the project has been completed, not to exceed one (1) year from the date of completion of the project at the developer's expense".

The testing business has been selected. It is:

LL Brannon Well Drilling
PO Box 1876
Inwood, WV 25428

304.229.5528

In order to make this as convenient as possible I would ask that you contact LL Brannon directly to ask any questions you might have about the test and what date would be mutually agreeable.

We anticipate that should you choose to have the test performed it will include a well flow-recovery rate test, depth of well, static water level, and a general condition statement regarding any other pertinent information to the well's performance at the time of the test.

Testing will include a one hour flow test with the possibility of a second hour of continuous flow at the discretion of tester. You should reasonably expect that water service will be interrupted for 4 hours.

Please contact LL Brannon by March 15, 2013 so that arrangements can be made to schedule the testing if you choose to have the tests done.

Sincerely,

~~Signed~~


Fred Blackmer

MGM, Clerk of the Works

CC:

Jefferson County Planning Department
LL Brannon Well Drilling

FB solutions residential construction management and design

9628 Moncove Lake Road

Gap Mills, WV 24941

304 536 3743

fred@fredblackmer.com

Mr. Donald Nuttall
812 Morgana Drive
Shepherdstown, WV 25443

March 5, 2013

Subject: Well Test Detail Notification

Mr. Nuttal,

The Jefferson County Board of Zoning Appeals created the condition that "the developer will offer to have a well test performed on the Nuttall's, Belchik's and Spurgas properties, to be done before construction begins and after the project has been completed, not to exceed one (1) year from the date of completion of the project at the developer's expense".

The testing business has been selected. It is:

LL Brannon Well Drilling
PO Box 1876
Inwood, WV 25428

304.229.5528


In order to make this as convenient as possible I would ask that you contact LL Brannon directly to ask any questions you might have about the test and what date would be mutually agreeable.

We anticipate that should you choose to have the test performed it will include a well flow-recovery rate test, depth of well, static water level, and a general condition statement regarding any other pertinent information to the well's performance at the time of the test.

Testing will include a one hour flow test with the possibility of a second hour of continuous flow at the discretion of tester. You should reasonably expect that water service will be interrupted for 4 hours.

Please contact LL Brannon by March 15, 2013 so that arrangements can be made to schedule the testing if you choose to have the tests done.

Sincerely,
Signed



Fred Blackmer
MGM, Clerk of the Works

CC:
Jefferson County Planning Department
LL Brannon Well Drilling

FB solutions residential construction management and design

9628 Moncove Lake Road Gap Mills, WV 24941 304 536 3743 fred@fredblackmer.com

Mr. Joseph R. Spurgas
49 Shepherd Lane
Shepherdstown, WV 25443

March 5, 2013

Subject: Well Test Detail Notification

Mr. Spugas,

The Jefferson County Board of Zoning Appeals created the condition that "the developer will offer to have a well test performed on the Nuttall's, Belchik's and Spurgas properties, to be done before construction begins and after the project has been completed, not to exceed one (1) year from the date of completion of the project at the developer's expense".

The testing business has been selected. It is:

LL Brannon Well Drilling
PO Box 1876
Inwood, WV 25428

304.229.5528

In order to make this as convenient as possible I would ask that you contact LL Brannon directly to ask any questions you might have about the test and what date would be mutually agreeable.


We anticipate that should you choose to have the test performed it will include a well flow-recovery rate test, depth of well, static water level, and a general condition statement regarding any other pertinent information to the well's performance at the time of the test.

Testing will include a one hour flow test with the possibility of a second hour of continuous flow at the discretion of tester. You should reasonably expect that water service will be interrupted for 4 hours.

Please contact LL Brannon by March 15, 2013 so that arrangements can be made to schedule the testing if you choose to have the tests done.

Sincerely,

Signed



Fred Blackmer
MGM, Clerk of the Works

CC:
Jefferson County Planning Department
LL Brannon Well Drilling

Delivery Confirmation Receipts:

Well Test Offer

Well Test Details

U.S. Postal Service Delivery Confirmation Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

(Please Print Clearly)

Planning

DELIVERY CONFIRMATION NUMBER: E019 E04T 2000 092E TTE0

Postmark Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- Priority Mail Service (checked)
First-Class Mail parcel
Package Services parcel

USPS TRACKING # 9114 9010 7574 2383 8659 28 & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.

Belchik

U.S. Postal Service Delivery Confirmation Receipt

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Issue at hand: The following email thread states that the MGM grading permit will not move forward without testing results for Town Run and Wells for the addresses listed. Staff has been given several opportunities to review their position including a final appeal by Peter Corum directly to staff immediately prior to the submission of MGM's County Commission agenda item. (Documents attached)

Fred Blackmer

From: "Fred Blackmer" <fred@fredblackmer.com>
To: "Jennifer Brockman" <jbrockman@jeffersoncountywv.org>; "Mr. Barney"
<sbarney@jeffersoncountywv.org>
Cc: "Peter Corum" <petercorum@gmail.com>
Sent: Thursday, March 28, 2013 10:00 AM
Subject: Re: Well testing
Ms. Brockman,

I did receive this email. I am now drafting agenda requests for the County Commission, Planning Commission and Board of Zoning Appeals based on your decision. Thanks.

Fred Blackmer
304.536.3743

----- Original Message -----

From: Jennifer Brockman
To: 'Fred Blackmer'; 'Mr. Barney'
Cc: 'Peter Corum'
Sent: Thursday, March 28, 2013 9:35 AM
Subject: RE: Well testing

Trying again

Jennie Brockman
Director, Planning and Zoning

From: Jennifer Brockman [mailto:jbrockman@jeffersoncountywv.org]
Sent: Tuesday, March 26, 2013 12:14 PM
To: 'Fred Blackmer'; 'Mr. Barney'
Cc: 'Peter Corum'
Subject: RE: Well testing

It appears that this e-mail did not go through yesterday, so I am trying again. Please see my message below.

Jennie Brockman
Director, Planning and Zoning

From: Jennifer Brockman [mailto:jbrockman@jeffersoncountywv.org]
Sent: Monday, March 25, 2013 4:04 PM
To: 'Fred Blackmer'; 'Mr. Barney'
Cc: 'Peter Corum'
Subject: RE: Well testing

Fred/Peter

Per Steve's e-mail to you in January, what we are looking for prior to signing off on the grading permit is assurance of compliance with CUP conditions #7 and #10 by submitting to us the following:

- 1) A copy of well testing results for the properties whose owners opted in;
- 2) A copy of the water testing results for Town Run (at minimum, for the section of Town Run that is on the Morgan's Grove Market property and Morgan's Grove Park property, but if you

3/29/2013

were able to work out something with the neighbors for the other Town Run test site, you can let us know).

Alternatively, if the testing has been conducted but the results are still at the lab, we are willing to accept other forms of documentation, such as a copy of a contract with a water testing service showing the test date, an email from the neighbors confirming that the well testing has taken place, etc.

Once these are submitted to our office, we will let Engineering know that the conditions of the grading permit have been met.

I hope that this explains our expectations for this permit.

Jennie Brockman
Director, Planning and Zoning


From: Fred Blackmer [mailto:fred@fredblackmer.com]
Sent: Friday, March 22, 2013 11:48 AM
To: Mr. Barney
Cc: 'Jennifer Brockman'; Peter Corum
Subject: Well testing

Mr. Barney,

In your comments during the BZA meeting of March 21, 2013 you mentioned that there were issues still unresolved with well testing and/or Town Run requirements as directed in our CUP by the Board of Zoning Appeals. I have attached documents related to those issues. It is our position that these items demonstrate that Twin Oaks Subdivision, LLC (Morgan's Grove Market, MGM) meet the requirements of the CUP. I offered to discuss the issue at the time it was raised during the BZA meeting but you declined.

I am now requesting that you provide a written opinion on our compliance. Consider the attached documents and a thoughtful review of the CUP conditions and the actions of Twin Oaks Subdivision, LLC (MGM).

If your written response indicates that we have not completed the Well or Town Run CUP requirements, please include a date-time for meeting to discuss the matter in person. I would suggest that your written opinion and suggestion for a meeting (if required) be completed prior to the agenda submission deadline for the April 9 Planning Commission, April 18 County Commission, and the April 18 BZA meetings.


Fred Blackmer
MGM Clerk of the Works
304 536 3743

