

AGENDA  
JEFFERSON COUNTY PLANNING COMMISSION  
August 14, 2012

**Planning Commission meetings are located in the Old Charles Town Library meeting room at 200 East Washington Street, at the side entrance on Samuel Street at 7:00 PM**

1. Acknowledgement of Mr. Ed Burns' service to the Planning Commission.
2. Approval of the minutes for the July 10, 2012 meeting.
3. Citizen Communications.
4. Request for postponement.
5. Concept Plan Review and Public Workshop for Sheetz (PC File #S12-02). This property is located at 51 Flowing Springs Road, Charles Town. This project consists of a 1,941 square foot expansion that will contain updated restrooms, new coolers, and a reconfigured coffee area. The property is located in Tax District: Charles Town; Tax Map: 8; Tax Parcel: 11.5.
6. Request by Jim Taylor of the National Humane Society on behalf of Briggs Animal Adoption Center for a waiver from the Subdivision Regulations Section 21.202B, Section 22.208 and Appendix B 9.6C requiring sidewalks to be provided in non-residential development. ). This property is located on the west side of US Route 340 approximately 1300 feet north of its intersection with Route 340/2 (Wheatland Road) and is designated as Tax District: Kabletown, Map: 11, Parcel: 1.
7. Requests by Asbury United Methodist Church for two waivers from the Subdivision Regulations:
  - a. Section 21.202B, Section 22.208 and Appendix B 9.6C requiring sidewalks to be provided in non-residential development.
  - b. Appendix B Section 2.3(B)(6) requiring a 30' minimum curb radii at the site development access drive intersection with the subdivision street or public highway.

This property is located on Route 480 (Kearneysville Pike) between Starkeys Landing and Potomac Farms Drive and is designated as Tax District: Shepherdstown, Map: 8, Parcel: 7.2.
8. Presentation of a petition by the Bank of Charles Town for a zoning map amendment to the Planning Commission for the purpose of scheduling a public hearing within 60 days. This property is currently zoned Rural and the applicant is requesting Residential/Light Industrial/Commercial zoning. This property is located at the intersection of US 340 and Washington Street in Harpers Ferry and is designated as Tax District: Harpers Ferry, Map: 7, Parcels: 24 and 26.
9. Presentation of a petition by John D. Lowe, III for a zoning map amendment to the Planning Commission for the purpose of scheduling a public hearing within 60 days. This property is currently zoned Residential Growth and the applicant is requesting Residential/Light Industrial/Commercial zoning. This property is located on the south side of Route 45

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(Martinsburg Pike) and on the east side of Potomac Farms Drive and is designated as Tax District: Shepherdstown, Map: 8, Parcel: part of 5.

10. Detailed presentation regarding the proposed 2014 Comprehensive Plan Scope of Work and Timeline, including an overview of WV Code Section 8A requirements and a review of the 2004 Comprehensive Plan recommendations. (*Documents to be distributed at the meeting*)
11. Reports from Legal Counsel and legal advice to PC.  
Active Litigation:
  - Far Away Farms
  - Cedar Meadows Airpark
12. Director's Report.
13. County Commission Liaison Report.
14. Planning Commission Exchange.
  - Report from the Health Department Meeting Liaison.
  - Report from the Public Service District Meeting Liaison.
  - Report from the Parks and Recreation Meeting Liaison.
  - Report from the Jefferson County Development Authority Meeting Liaison.
  - Report from the Water Advisory Committee Meeting Liaison.
15. President's Report.
16. Actionable Correspondence.
17. Non-Actionable Correspondence.

The Planning Commission welcomes written comments at any time. Our office is open Monday through Friday, 9:00 a.m. to 5:00 p.m., and is located at 116 East Washington Street, P.O. Box 338, Charles Town, WV 25414. Our phone number is (304) 728-3228; our fax number is (304) 728-8126; our email address is [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) and our website is [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes and video recordings of past meetings, Subdivision Regulations, Zoning Ordinance, and the Comprehensive Plan can be found on the website. The office has a file on each project as well as aerial photos of the county. Minutes and audio recordings of older meetings not on the website are available for review in the office.

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
JUNE 12, 2012

The Jefferson County Planning Commission met on Tuesday, July 10, 2012 with the following Commission members present: Paul Taylor, President; Eric Smith, Vice-President; Morgan Eppers, Secretary; Kelly Baty, Ed Burns, Gene Taylor, Steve Stolipher, Daniel Hayes and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Steve Groh and Stephanie Grove, Prosecuting Attorneys; and Amy Puetz, Planning Clerk.

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

**1. Approval of the minutes for the June 12, 2012 meeting.**

- **Discussion of action on waiver with Briggs Concept Plan from the June 12, 2012 Planning Commission meeting.**

Mr. Stolipher moved to approve the minutes of the June 12, 2012 Planning Commission Meeting. Mr. Burns seconded the motion which carried 7 for and 1 abstention (Mr. Hayes).

Mr. Rivard reminded the Planning Commission of the motion approving the waiver of sidewalks for Briggs Animal Adoption Center Concept plan. He explained that there had been no notice of the waiver request as the request had been submitted as a part of the concept plan and not as a formal request. He reported that staff felt there should be a placard posted on the property and adjoining letters should be sent to provide an opportunity for public comment regarding the request. He stated that the applicant had been made aware of the situation and had submitted a formal request to be heard at the August 14, 2012 Planning Commission meeting.

**2. Citizens Communication.**

Ms. Nicola Bastia, Millville resident, offered her services and time to assist with future planning for the Millville area specifically with regard to business opportunities in that area.

Mr. Eric Smith entered the room at 7:06 PM.

**3. Request for postponement. None.**

**4. Request by Arcadia Development Co. for a variance from the Subdivision Ordinance Article 8, Section 8.1(d) to allow for an extension of time (24 months to July 23, 2014) to bond and record the Harvest Hills Subdivision (PC File #12-02). The property is located on the east side of Route 17 (Flowing Springs Road) and the south side of the CSX Railroad where the two intersect. The owner of the property is Arcadia Development Co. This property is designated as Tax District: Shepherdstown, Map: 24, Parcels: 12 and 13.**

Mr. Rivard described the variance request and recommended approval.

Ms. Carla Coffey, of the Arcadia Development Co., was available for questions.

Ms. Brockman explained that the Harvest Hills Subdivision did fall under the provisions of the policy recently adopted by the County Commission that extends Senate Bill 595 to July 1, 2015. She reported that the applicant had decided to proceed with the waiver request as a precaution to ensure a time extension for the project.

Mr. P. Taylor opened the public hearing. There was no public comment. The public hearing was closed.

Mr. Smith moved to approve the variance request. Mr. Stolipher seconded the motion which carried 8 for and 1 opposed (Mr. Baty).

**5. Discussion and possible vote regarding the US 340 Gateway Plan.**

Mr. Rivard reviewed each of the public comments regarding the US 340 Gateway Plan from the June 12, 2012 Planning Commission meeting and staff's recommendation of how to address each concern. The comments were presented in a chart provided to the Planning Commission in their packets (attached).

Mr. Hayes suggested modifying the staff's recommendation of comment #18 regarding crossing signals that states, "Signalized intersections should be upgraded to include pedestrian crosswalks and signals" to include, "*where pedestrian access such as a sidewalk or trail is existing*".

Mr. Burns questioned legal counsel whether or not a requirement of that nature could be imposed upon the Department of Highways. Ms. Grove replied that suggestions could be place within the US 340 East Gateway Plan with the understanding that the Department of Highways ultimately has the final decision regarding any traffic or road related issues.

Mr. Taylor suggested using crossing bridges across certain areas of the highway.

Mr. Rivard explained that staff would encourage crosswalks only at light signals.

Mr. Hayes moved to correct typographical errors throughout the document and to adopt staff recommended changes of comments numbered 6, 10, 25, 20, 18, and 21 with the exception that comment #18 regarding crossing signals will state, "Signalized intersections should be upgraded to include pedestrian crosswalks and signals *at intersections where pedestrian conveyance is in effect*". Mr. Smith seconded the motion which carried unanimously.

Mr. Hayes move to approve the US 340 Gateway Plan as amended and to forward to the County Commission for their review and approval. Mr. Smith seconded the motion. Mr. Pellish commented that he would not support recommending adoption of the US 340 Gateway Plan to the County Commission. He stated that the focus of work should be on the 2014 Comprehensive Plan which would include portions of the US 340 Corridor Study. He also noted that he felt that the US 340 Gateway Plan is anti-growth. Mr. Stolipher stated that

he agreed with Mr. Pellish and stated that the study needs to be incorporated into the Comprehensive Plan. Mr. Burns stated that he would support the motion to forward to the County Commission however; he agreed that the study should be included in the 2014 Comprehensive Plan. Mr. Hayes commented that the US 340 Gateway Plan is only a guidance document. Mr. Burns called the question. The motion carried 7 for and 2 opposed (Mr. Pellish and Mr. Stolipher).

**6. Discussion and possible vote regarding the placement of items on the agenda.**

Ms. Brockman explained that there were questions presented to some of the Planning Commissioners and to planning staff regarding how items were placed on the agenda. She presented a policy that described how staff places applicant initiated items in the order that they are submitted on the agenda before staff initiated items. She commented that concern was raised that items were not each given a specific start time on the agenda. She explained that assigning times for items would be near impossible due to the uncertainty of how long any agenda item would last.

Mr. Burns stated that a statement of the rationale staff uses to place items on the agenda would be necessary in the policy to assist with public understanding.

Mr. Hayes commented that it would be very difficult to assign times to agenda items. He cautioned that assigning a time may cause problems if that item is not heard at the exact time scheduled on the agenda and that waiting for an item to be heard is part of the cost of doing business for most applicants.

Mr. Pellish stated that he believes that the current way the agenda is done works well. He stated that no changes need to be made at this time.

Ms. Brockman suggested that amendment related or staff initiated public hearings could be held on special called meetings to make time efficient meetings.

There was unanimous consent to take no action regarding a policy detailing the placement of items on the agenda and to continue creating the agenda as staff currently schedules it.

**7. Reports from Legal Counsel and legal advice to PC.**

**Active Litigation:**

- **Far Away Farms**
- **Cedar Meadows Airpark**

Mr. Groh brought attention to Civil Action #11-C-325 regarding an Order Granting Petitioners' Motion for Partial Summary Judgment in the Far Away Farms litigation. He suggested that an executive session be held to discuss the document.

Mr. Hayes moved to go into an executive session to discuss Civil Action #11-C-325. Mr. Pellish seconded the motion which carried unanimously. Executive session began at 8:04 PM.

Mr. Hayes move to conclude the executive session. Mr. Pellish seconded the motion which carried unanimously according to Mr. P. Taylor. Regular session resumed at 8:15 PM.

Mr. Burns moved to direct legal counsel to appeal Civil Action #11-C-325 to the WV Supreme Court. Mr. Stolipher seconded the motion which carried 8 for and 1 abstention (Mr. Baty).

Mr. Groh stated that litigation regarding Cedar Meadows Airpark is on hold until October to see if a separate civil action that the airpark is involved in will be resolved.

#### **8. Director's Report.**

Ms. Brockman presented a quarterly report for the Planning Commission to review. She stated that this report would be forwarded to the Board of Zoning Appeals and ultimately to the County Commission. She discussed using the final quarterly report as the Planning Commission Annual Report.

Ms. Brockman presented a printed copy of the power point presentation of the "Tourism Works for Jefferson County" economist speaker who was hosted by the Jefferson County Convention and Visitors Bureau.

Ms. Brockman reported that the County Commission approved the policy to extend the provisions of Senate Bill 595. She stated that affected projects would be sent an explanation letter from the Planning Department.

Ms. Brockman stated that the County Commission would be presented with the amendment regarding new zoning categories on July 12, 2012 for the purpose of scheduling a public hearing.

Ms. Brockman stated that staff had been preparing a timeline for preparing the 2014 Comprehensive Plan that would be presented at the August 14, 2012 Planning Commission meeting.

#### **9. County Commission Liaison Report.**

Mr. Pellish encouraged the members of the Planning Commission to thoroughly read the "Tourism Works for Jefferson County" power point presentation.

#### **10. Planning Commission Exchange.**

- **Report from the Health Department Meeting Liaison.**

Mr. Burns explained that the last Health Department meeting had been cancelled.

- **Report from the Public Service District Meeting Liaison.**  
Mr. Hayes requested that he be relieved of the duties of the Public Service District liaison due to a change in job location which prevents his attendance at the meetings. Mr. Burns volunteered to attend the Public Service District meetings.
- **Report from the Parks and Recreation Meeting Liaison.** None.
- **Report from the Jefferson County Development Authority Meeting Liaison.**  
Mr. Pellish expressed gratitude to Ms. Brockman for her involvement in the Jefferson County Development Authority Meetings.
- **Report from the Water Advisory Committee Meeting Liaison.**  
Mr. Baty stated that the Water Advisory Committee discussed their agenda in relation to County Commission directives for the agency. He reported that there was also discussion regarding several water groups collaborating for use of a booth at the County Fair at the end of August.

11. **President's Report.** None.

12. **Actionable Correspondence.** None.

13. **Non-Actionable Correspondence.** None.

Mr. Hayes moved to adjourn the meeting at 8:27 PM. Mr. G. 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 Amy Puetz, Planning Clerk.

**Draft US 340 Corridor East Gateway Plan  
Comments Received at June 12, 2012 Planning Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
1	Bakerton underpass	Section 5.7 Transportation Recommendations Table 11 Page 104 Page 120	Railroad underpass: Widening of Bakerton Road railroad underpass.	Incorporate need for Railroad underpass to be widened into document.	The Plan has identified the this as a needed improvement.	No change recommended.
2	Bakerton underpass funding	Section 5.7 Transportation Recommendations	Railroad underpass: Widening of Bakerton Road railroad underpass.	Identify specific funding sources.	The Plan does not specify any funding sources for any transportation, other than Old Country Club Road intersection with US 340. That project is in the HEPMPO Long Range Transportation Plan.  It should be noted that one of the first steps toward funding transportation projects is inclusion in a local plan which allows for adoption into a future State or Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO)	No change recommended.
3	Bakerton Tunnel	Section 5.7 Transportation Recommendations	Railroad underpass: Widening of Bakerton Road railroad underpass.	The tunnel is not a problem; it's the people trying to rush through the tunnel. Tunnel has value in that it requires people to slow down and acknowledge other drivers.	No suggestion.	No change recommended.
4	UGB vs. GBU	Throughout the document	Urban Growth Boundary (UGB)	Correct any misspelling where UBG may have been used rather than the proper UGB acronym		Staff will address any errors for this acronym.

**Draft US 340 Corridor East Gateway Plan  
Comments Received at June 12, 2012 Planning Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
5	Major Subdivisions within the study area	Appendix B Major Subdivisions within the Corridor Map 27 Page 141	A map depicts the number of subdivisions within the study area.	Add the number of approved homes next to each development.	The list is only to represent the number of residential developments in the corridor, not necessarily the number of homes.	No change recommended.
6	Definition of Major Subdivision	Appendix B Major Subdivisions within the Corridor Map 27 Page 140	“According to the 1979 Jefferson County Subdivision Regulations, a Major Subdivision is a subdivision containing more than three lots.”	Define Major Subdivision as more than 5 lots per the 2008 Subdivision Regulations.	All major subdivisions shown on Map 27, page 140, were approved under the 1979 Subdivision Regulations. There are no major subdivisions within the study area that were approved under the 2008 Subdivision Regulations.  The 1979 Subdivision Regulations define a major subdivision as more than 3 lots, while the 2008 defines a major subdivision as more than 5 lots.	To clarify any confusion, Staff recommends adding a short statement below Map 27 acknowledging the change in the definition of a major subdivision between the 1979 and 2008 Subdivision Regulations.
7	Vested Property Right	Section 5.5 Page 81	The Plan details vested property rights. Vested property rights are developments that have not yet started construction or have a partially completed development, but yet have the right, by approval of the Planning Commission, to continue to move the project forward.	List the number of developments with vested rights and the number of homes within each approved development.	The land use is intended to show currently approved and permitted uses within the study area and maintained rights to those developments.  The purpose is to depict those developments with vested rights, not necessarily the number of housing units.  The map does show and name the projects with vested property rights. When the Plan is printed with 11x17 maps, the name of the developments are shown.	The first half of the request has already been satisfied as the names of the developments with vested rights have been identified.  Regarding the second portion of the request, the purpose of the map is more general than outline the exact number of homes approved.
8	Eminent	N/A	The words “eminent domain” or “home	Define “eminent domain” and	Since these words are not in the Plan,	No change recommended.

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#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
	domain and home destruction		destruction” are <u>not</u> in the plan.	“home destruction.”	there is no need to define the terms.	
9	Patrick Henry Estates (PHE)	Section 5.7 Transportation Recommendations Page 117	“At a public workshop discussion was held regarding connections to existing roadways within the Patrick Henry Estates development. However, the Patrick Henry Estates Homeowners Association is opposed to such options and has sued their developer to obtain the deeds to the roads and common areas in the development.”	Opposes any future roads connections into Patrick Henry Estates.	Staff has work with the Patrick Henry Estates HOA President. There are no proposed roadway connections into PHE.	The Plan as currently drafted has no connection into PHE roadways reflecting the comments provided at previous meetings.  However, Staff continues to believe that interconnection of any development is helpful in dispersing traffic across multiple street networks versus loading all traffic onto the main road.
10	Recommendation of transportation improvements	Section 5.7 Transportation Recommendations Table 11 Page 103 Project ID 7, 8 and 11	Project ID 7 “Road Connection from Shenandoah Springs to Old Country Club Road and Wal-Mart”  Project ID 8 Signal flashers warning of approaching intersection on west-bound US 340 approaching Patrick Henry Way and Shepherdstown Pike (230).  “Aggressive driving and high speed limits on portions of US 340 create safety concerns at several intersections along the corridor. In particular, westbound approaches to both Patrick Henry Way and Shepherdstown Pike Intersection were highlighted as major concerns by the public. Vehicles approach these particular intersections at high speeds, resulting in quick decelerations.” (Page 106)	This request was presented by the Patrick Henry Estates HOA.  Patrick Henry Estates HOA would not support the project ID’s listed to the left.	The proposed projects do not connect into Patrick Henry Estates residential development. Staff has previously worked with the HOA to ensure that new roadways would not connect into the residential development.  Project ID 7 This proposed road bypasses PHE estates to the north with no connection. However, the “and Wal-Mart” references a long term potential connection of a frontage road paralleling 340 from Old Country Club Rd. to Patrick Henry Way. This proposed road is designed to strictly go between Wal-Mart and 340, not near the residential area of PHE. The purpose of this connection is to relieve the congestion at 340 and Patrick Henry Way.	Project ID 7 and 11 are designed to alleviate the traffic at 340 and Patrick Henry Way.  Regarding Project ID 7, Staff suggests rephrasing “Road Connection from Shenandoah Springs to Old Country Club Road and Wal-Mart” to “Road Connection from Shenandoah Springs to Old Country Club Road” and creating a separate line for “Frontage Road from Old Country Club to Patrick Henry Way.” By separating the Wal-Mart connection onto its own line, it reduces the appearance that the connection from “Road Connection from Shenandoah Springs to Old

**Draft US 340 Corridor East Gateway Plan  
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#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
			Project ID 11 East-West road north of the rail line connecting Old Country Club Road and Shepherdstown Pike.		Project ID 8 Flashing signals are designed to warn drivers to be aware and slow down as they enter areas of higher traffic volume.  Project ID 11 This project has no bearing on Patrick Henry Estates and is designed to reduce traffic volumes on US 340 by dispersing the traffic to other networks. Further, the approved development of Breckenridge nearly completes a connection between Old Country Club Road and Shepherdstown Pike.	Country Club Road and Wal-Mart” implies a connection through the residential section of Patrick Henry Way.  Project ID 8 No change recommended.  Project ID 11 No change recommended.
11	Transportation recommendations	Section 5.7 Transportation Recommendations Table 11 Page 104 Pages 106, 107, 108, 113, and 123	“Intersection reconfiguration and/or signalization at US 340 and Bakerton-Millville Roads. Address concerns for left-turn vehicles during peak periods.”  “Improvement projects at US 340 and Millville/Bakerton Roads intersection were rated as the highest priority projects in the corridor (per public input received from meetings and websites).”	The safety of the Millville/Bakerton and US 340 intersection is a concern.	The Plan identifies several short and long term options for improvements to this intersection.	No change recommended.
12	Motor vehicle statistics of accidents within the Study area	Section 3.7 Transportation Recommendations Page 50	Plan notes the number of fatalities along the corridor.	Provide statistics on all motor vehicle accidents within the Study area.	Staff believes the number of transportation recommendations for the corridor indirectly addresses this request. While the statistics are interesting, it is not anticipated to change any of the transportation needs	No change recommended.

**Draft US 340 Corridor East Gateway Plan  
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#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
13	Cost of transportation projects	Section 5.7 Transportation Recommendations Pages 124 and 125	<p>“These funding constraints indicate that it may not be possible to fund many of the identified projects. These issues have prompted the HEPMPO to include a more robust prioritization process as part of the LRTP (Long Range Transportation Plan) development process.”</p> <p>“As Jefferson County continues to assess regional transportation strategies, other potential funding mechanisms will need to be evaluated. These may include public-private partnerships, developer funded projects or land donation, or development fees and tolls.”</p>	Concern regarding how projects will be funded	<p>Staff acknowledges that funding is a real concern and not all projects may be funded. However, projects need to be on a priority list before they are eligible for funding. This will assist in placing needed improvements on inventory list for future state and federal funding.</p> <p>It may be important to remember that some roads will be constructed as part of future developments. For example, as noted above, there is an approved development that provides nearly a complete street network connection between Old Country Club Rd. and Shepherdstown Pike.</p>	No change recommended.
14	Cost of transportation projects	Section 5.7 Transportation Recommendations Pages 124 and 125	As Jefferson County continues to assess regional transportation strategies, other potential funding mechanisms will need to be evaluated. These may include public-private partnerships, developer funded projects or land donation, and/or development fees and tolls.	Create a transportation impact fee.	<p>While the plan notes the possibility of a transportation improvement levy, the Plan does not rely on this as a preferred funding source. State law does permit local jurisdictions to establish taxing district for transportation improvements.</p> <p>The MPO has stated the importance of a locally created priority list receiving consideration as Long Range Transportation Plans are updated.</p> <p>It may be important to remember that some roads will be constructed as part of future developments. For example, as noted above, there is an approved development that provides nearly a complete street network connection</p>	No change recommended.

**Draft US 340 Corridor East Gateway Plan  
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#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
					between Old Country Club Rd. and Shepherdstown Pike.	
15	Overpasses and lights on US 340	Section 5.7 Transportation Recommendations Pages 117 and 113	Old Country Club Road and US 340 AND Millville/Bakerton Road and US 340 are shown to have grade separated intersections.	US 340 should have over/underpasses to eliminate lights on US 340.	The plan does outline a few locations where under/overpasses could be implemented. However it's not envisioned that all points of access will be by an under/overpass due to cost and limited right of way.	No change recommended.
16	Acceleration lanes	Section 5.7 Transportation Recommendations Pages 111 and 119	<p>"Map 20 illustrates the possible extension of existing turning lanes between WV 9 and Jefferson Terrace Road."</p> <p>Regarding the ramp onto Rt. 9 from Flowing Springs Road, the Plan notes, "With future increase in WV 9 traffic and high speeds along this corridor, a merge lane has been recommended."</p>	Improve acceleration lanes.	Plan details improvements to some acceleration and deceleration lanes along 340, including the locations mentioned to the left.	No change recommended.
17	340 Bottleneck	Section 5.7 Transportation Recommendations Page 102	<p>"As indicated in the transportation needs section, the US 340 river crossings are primary bottlenecks just outside the East Gateway Corridor study area. The existing two-lane bridge (Figure 13 shows the Harpers Ferry Bridge) is a source for significant congestion that affects regional access. Although very important to corridor operations, studies of alternative bridge crossings, which require substantial data collection efforts and a detailed assessment of environmental and construction options, were beyond the scope of this land use vision plan. West Virginia will be working with Maryland and Virginia in conducting future studies to address these, and other operational issues along US</p>	Provide 4 lanes on US 340 where there is currently a bottleneck.	<p>While it has been acknowledged that the bottleneck is a real problem, the study area starts at the west end of the Shenandoah. The scope of a bridge improvement is well beyond the scope of this plan. The problem is well known, but the regulatory authority of Jefferson County is limited in addressing this problem.</p> <p>Clearly this topic has been outlined in the Plan, as the statement to the left details.</p>	No change recommended. The problem of the bottleneck is universally recognized and is being addressed by the states of WV, MD and VA.

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#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
			340. Due to the excessive cost and environment concerns, such projects, even if planned, may not be built for years.”			
25	Traffic sensors	N/A	N/A	Provide sensors in road to detect traffic volume for signal change.	Staff agrees.	Staff suggests a sentence stating, “At signalized intersections sensors should be installed to allow for better flow of traffic depending upon traffic volume.”
18	Crossing Signals	Section 4.6 Goals and Objectives and Section 5.6 Parks, Trails and Greenways	“Install pedestrian/bike crossings at intersections along US 340.”	Provide pedestrian walkways at stoplights.	Staff agrees.	Staff suggests a sentence stating, “Signalized intersections should be upgraded to include pedestrian crosswalks and signals.”
19	Parks, Trails, and Greenways	Section 4.6 Goals and Objectives and Section 5.6 Parks, Trails and Greenways	Sections 4.6 and 5.6 details trail connection opportunities.	Provide connections from Harpers Ferry to Charles Town with a connection to the existing Rt. 9.	These connections have been identified in the plan.	No recommended change.
20	Parks, Trails, and Greenways	Section 4.6 Goals and Objectives	“It was also noted that roadways should be accompanied by adjacent bike lanes to provide additional transportation options. The appropriate regional and state transportation	Trails to be separated from the roadway for safety.	Staff agrees.	Staff suggests adding a sentence stating, “Where possible, trails should be separated by a green median from the road for safety of

**Draft US 340 Corridor East Gateway Plan  
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		and Section 5.6 Parks, Trails and Greenways	planning entities should be made aware of the proposed trail plans so that they can be utilized as part of the design of future road improvements.”			the users of the trail.”
21	Parks, Trails, and Greenways	Section 4.6 Goals and Objectives and Section 5.6 Parks, Trails and Greenways	“Members of the Eastern Panhandle Trailblazers, a non-profit organization dedicated to facilitating ‘walking, running, bicycling, and wheeling opportunities’ in West Virginia’s Eastern Panhandle, attended public meetings for the US 340 Corridor Plan and contributed comments regarding trails.”	Note that trails connect to a larger regional network.	While it is implicit in the document, Staff suggests a sentence making this statement more explicit.	Staff suggests adding a sentence stating, “Local trails in the County would assist in creating a regional Eastern Panhandle network that stretches across multiple counties and states.”
22	Parks, Trails and Greenways	Existing Conditions – Section 3.6. Goals and Objectives – Section 4.6. Recommendation – Section 5.6	N/A	Too much focus on bikes and trails.	There are 7 pages dedicated to Parks, Trails, and Greenways in the Plan, compared to 61 pages for Transportation.  While there is a dedicated group of citizens concerned about parks, trails and greenways, the Plan focuses heavily on automobile transportation improvements and land uses.	No change recommended.
23	Parks, Trails and Greenways	N/A	N/A	Require that trails, parks and greenways be dedication during the rezoning process.	State law does not permit this type of request with a rezoning.  The Subdivision Regulations should be amended require the dedication of trail	No change recommended.

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					easements or trail improvements as part of a new developments open space requirement.	
24	Parks, Trails, and Greenways	Section 4.6 Goals and Objectives and Section 5.6 Parks, Trails and Greenways	“Provide new connecting trails with all new developments.”	Provide new trails in all new developments.	Request is identified in the document.	No recommended change.
26	Land Use and Zoning	Section 5.5 Page 82	<p>“The preferred Land Use Scenario was developed in an interactive process that included multiple public meetings.</p> <p>“The following Preferred Land Use Scenario was developed after significant public participation and input resulted in the refinement of 3 proposed growth scenarios.”</p> <p>“The Future Land Use Map (Map 17) is an attempt to strike a balance by allowing additional growth beyond the urban growth boundary, while also respecting the area’s rural character, environment and history. The scenario combines commercial, housing, rural development and employment.”</p>	<p>The Future Land Use scenario does not specify intent, and permits too much sprawl.</p> <p>Development should be clustered at intersections.</p> <p>Plan should preserve rural heritage.</p>	<p>Land use has been developed in participation with public input.</p> <p>The Future Land Use Map does strike a balance between competing interests and, to a certain extent, does cluster the highest level development at the intersections.</p>	No changes recommended.
27	Land Use and Transporta	Section 4.7 – Goals and	“This study focuses on addressing key transportation operation, safety and mobility options within the East Gateway Corridor as	Land use and transportation decisions should occur together. Additional development should not	The current language in the document addresses this request.	No change recommended.

**Draft US 340 Corridor East Gateway Plan  
Comments Received at June 12, 2012 Planning Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
	tion	Objectives Section 5.7 Transport ation Recomme ndations	related to future land use growth.”  “Promote a land use pattern that is consistent with the capacity of the roadway networks.”  “Ensure that any required improvements to US 340 and surrounding roads occur concurrent with development activity.”	overburden US 340.	Actual implementation may require changes to local ordinances and regulations.	
28	Commercia l developme nt beyond Bakerton underpass	Land Use Map Section 5.5 Pg. 83	Plan acknowledges existing land use north of the Bakerton underpass. No change in existing land use is shown or proposed.	No commercial development beyond the Bakerton underpass.	No commercial land use is proposed north of the underpass other than the non-conforming campground and river access.	No change recommended.
29	Land Use and Zoning  &  Economic Opportunit ies	Section 5.2 Page 77  Section 5.5 Page 82	“The preferred Land Use Scenario was developed in an interactive process that included multiple public meetings.”  “The following Preferred Land Use Scenario was developed after significant public participation and input resulted in the refinement of 3 proposed growth scenarios.”  “The Future land Use Map (Map 17) is an attempt to strike a balance by allowing additional growth beyond the urban growth boundary, while also respecting the area’s rural character, environment and history. The scenario combines commercial, housing, rural development and employment.”  “Regarding business development, participants identified several types of businesses and industries for potential location within the	Protect corridor from non-tourist businesses by placing non-tourist businesses elsewhere in the County.	Land use has been developed in participation with public input.  The Future Land Use Map does strike a balance between competing interests.	No changes recommended.

**Draft US 340 Corridor East Gateway Plan  
Comments Received at June 12, 2012 Planning Commission Meeting**

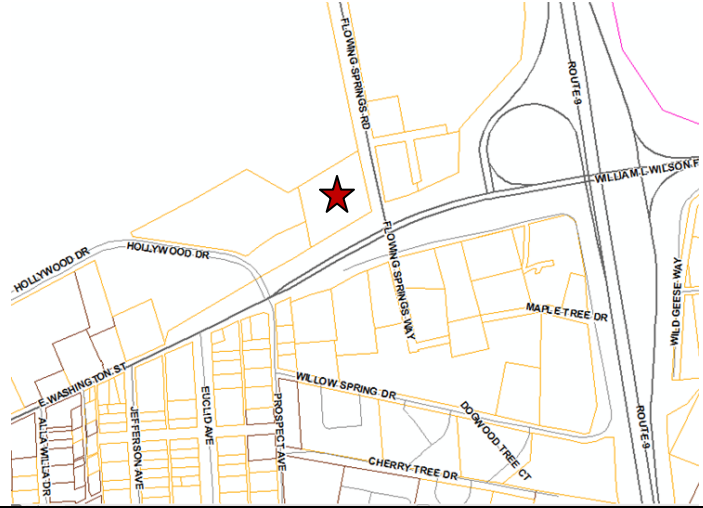
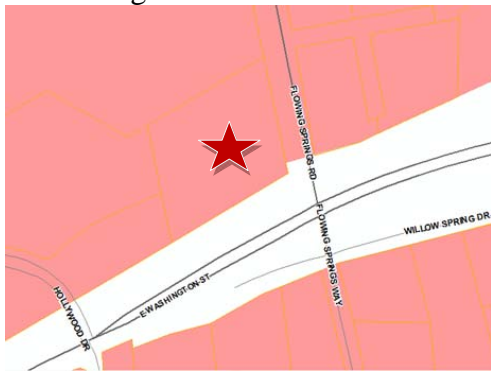
#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
			corridor. These include: <ul style="list-style-type: none"> <li>• Tourism/historical/entertainment”</li> <li>• (the list continues to enumerate other business opportunities)</li> </ul>			
30	Land Use Study Area	Section 1.3 Page 10	“There are two boundaries that frame the study area. The first boundary is one mile on either side of the corridor. This is considered the primary impact area. The second boundary, defined as the scenic view, is much larger and follows the new WV 9 to the south and Job Corps Road and Engle Switch Road to the north.”	Study area should not be along the Potomac River.	The Study area was established before the first meeting in March 2011. The scenic viewshed area detailed in the Plan, essentially recognizes the existing land use in the viewshed area. No proposed changes are shown on the Future Land Use Map that would change the existing conditions where concern has been expressed. Until fall of 2011, concerns regarding the study area were not presented.	No change recommended.
31	340 South	N/A	N/A	Need to study US 340 South.	Within the 2014 Comprehensive Plan, US 340 south is proposed to have a special focus.	No change recommended.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

Item #5 Request by R.J. Sepco, Inc. (Sheetz) for a Major Site Plan Concept Plan Public Workshop for the addition of a 1,941 square foot expansion to include updated restrooms, new coolers, and a reconfigured coffee area. (PC File #S12-02). (Subdivision Regulation 24.119)

APPLICANT:	R.J. Sepco, Inc. (Sheetz)
OWNER:	Same
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Diamond Z Engineering, Inc./ William H. Gordon Associates, Inc.
PROPERTY LOCATION:	This property is located at 51 Flowing Springs Road, Charles Town.
LEGAL DESCRIPTION:	District: Charles Town; Map: 8; Parcel: 11.5 
ZONING DISTRICT:	Zoning Map Designation: Residential/Light Industrial/Commercial 
SURROUNDING PROPERTIES:	Zoning Map Designation: North: R/LI/C      South: R/LI/C East: R/LI/C      West: R/LI/C
LOT AREA:	2.781 acres
EXISTING BUILDING AREA:	4185 square feet
PROPOSED ACTIVITY:	This project consists of the remodeling of the existing building

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

	and a 1,941 square foot expansion to include updated restrooms, new coolers, and a reconfigured coffee area.
<b>APPROVALS:</b>	
Conditional Use Permits (CUP)	<i>PC File #Z96-04</i> Issued: 09/19/96 <i>PC File #Z97-07</i> Issued: 07/22/97 <i>PC File #CP12-04</i> NCM: 06/08/12 BZA approved: 06/21/12
Community Impact Statement (CIS)	<i>PC File #96-28</i> Approved by PC: 09/24/96
Preliminary Plat	Staff Review Mtg.: 12/09/96
Site Plan	Original Approved by PC: 02/25/97
Final Plat	Approved by PC: 02/25/97
Other Approvals:	<i>PC File #S97-15</i> Approved by PC: 08/26/97. Expansion consisted of a second canopy with additional fuel pumps.

### 1. Summary of Request

This request is for an expansion of the existing Sheetz’s convenience store located at the corner of Flowing Springs Way and Washington Street (often referred to as US 340). The current store size is 4,222 square feet and the applicant is requesting a 1,941 square foot addition, which would increase the square footage by 46%. The proposed expansion is for updated restrooms, new coolers, and a reconfigured coffee area.

### 2. Site Plan Category

This site plan is governed by the recently amended Subdivision Regulations, which amended the definition of a Minor Site Plan and Major Site Plan. The newly amended definition allows all site plans with buildings, both new and additions to existing, less than 5,000 square feet of gross floor area (GFA) to process administratively. Site plans with buildings, both new and additions to existing, that have between 5,000 and 50,000 square feet are required to submit a concept plan and then process as a Minor Site Plan. Site plans with buildings, both new and additions to existing, above 50,000 square feet shall process as a Major Site Plan.

Additionally, the Subdivision and Land Development Regulations define Minor Site Developments as “those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure.”

Since the proposed Sheetz addition results in a site where the building’s square footage exceeds 5,000 square feet, the site plan is required to have a concept plan and then proceed as a minor site plat that is administratively reviewed and approved.

### 3. Staff Determination of Application Sufficiency and Concept Plan Completeness Review

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

In accordance with the recently amended Subdivision Regulations, the concept plan process is now a single step versus the previous two step process. Previously, an applicant had to have a “sufficient” application before the Completeness Review could commence. Those steps are combined and save the applicant time in the process.

Upon second submission and review of the applicant’s Concept Plan, Staff found the submitted plan “sufficient” (i.e. meeting all requirements of section 24.116). These requirements, as well as the current review status for each requirement for the Sheetz application, are provided below:

Required Item from Section 24.116(B)	Description	Status
<b>1. General location</b>	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided.
<b>2. Concept Plan</b>	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided.
<b>3. Zoning Information</b>	This shall include: <ul style="list-style-type: none"> <li>a) Determination of the zoning district in which the proposed subdivision or development project is situated.</li> <li>b) Density calculations.</li> <li>c) Site resource map.</li> </ul>	Provided.
<b>4. Proposal Description</b>	This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided.
<b>5. Traffic Impact Data</b>	This shall include: <ul style="list-style-type: none"> <li>a) Average Daily Trip figures for the adjoining or accessible State road.</li> <li>b) Trip generation figures</li> <li>c) Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.</li> <li>d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.</li> </ul>	Provided.
<b>6. Trip Generation</b>	In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.	Provided.
<b>7. Agency Reviews</b>	The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the schedule	See below.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

	public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after the review. Reviewing agencies are found in Section 23.203 and 23.204. Applicant shall provide copy of letter sent to outside agencies to the Departments of Planning and Zoning within 7 days of submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.	
<b>8. Other Data</b>	Any other data or information the applicant believes will assist in the review.	Provided.
<b>9. Other Reviews</b>	Any other staff or agency reviews of the plans.	Provided.
<b>C. Review Content</b>	The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.	See below.
<b>D. Department</b>	<p>The Department review shall include the following:</p> <ol style="list-style-type: none"> <li>1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal.</li> <li>2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.</li> </ol>	For this stage of review, Staff has determined that the requirements of the Zoning Ordinance and Subdivision and Land Development Regulations are met in the proposed Concept Plan.
<b>E. WVDOH</b>	When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.	No letter has been received from the WVDOH to date.
<b>F. Traffic Impact</b>	The review shall indicate whether the traffic impact study follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact	Staff determined that the traffic impact data submitted by the applicant is sufficient.
<b>G. Public Service</b>	The review shall indicate whether there are existing water	The Jefferson

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

	and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	County Public Service District has submitted a letter (attached).
<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a preliminary plat or reasons why the plan should be denied.	See below.
<b>I. Approval</b>	Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	Planning staff accepts the Concept Plan as complete.
<b>J. Effect</b>	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop at least fourteen (14) days in advance of the meeting and the applicant shall post notice on the property.	The Concept Plan was scheduled for a public workshop consistent with this requirement.

#### 4. External Agency Reviews

The Jefferson County Public Service District (PSD) has submitted a letter (included in the Planning Commission packet) noting the following:

- The site is to be served by public water and sewer and the PSD submitted a letter stating this will have no impact upon the Districts facilities.

The Jefferson County Historic Landmarks Commission has submitted a letter (included in the Planning Commission packet) stating that the organization has no objection to the proposed expansion.

#### 5. Staff Recommendation of the Concept Plan

The Planning and Zoning Department Staff finds the Sheetz Concept Plan complete based on the information provided related to the criteria above. The applicant has either addressed the conditions within the submitted Concept Plan or listed when those conditions will be met in future submittals.

Based on the current amended Subdivision Regulations, noted above, the site plan will be reviewed administratively by Staff after the Concept Plan Public Workshop.

It should be noted that, as part of the site plan review, sidewalks are required. This location is in an urban location where pedestrian traffic is currently present. While the property is under the jurisdiction of the County, this site is functionally in a city setting. Within the last year and near this site, the City of Charles Town has completed a streetscape project which has included the installation of sidewalks. It is expected that the need for sidewalks will be addressed in the site plan process.

#### 6. Planning Commission Direction

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

The Site Plan Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before complete engineering design and cost are incurred. The Subdivision and Land Development Regulations outline the procedure:

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan has met the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant's presentation, staff's explanation and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Site Plan Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public workshop is closed.

The Subdivision and Land Development Regulations outline the direction to be provided to the applicant:

“The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.”

It should be noted, that the direction provided to the applicant in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.

# Concept Plan S12-02 #1



JEFFERSON COUNTY, WEST VIRGINIA

Application Number: S12-02

Departments of Planning and Zoning

Date Application Received: 6/8/12

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

Staff Initials: RFB  
from cc

JUN - 8 2012

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING  
Email [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

Email [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Fax: (304) 728-8126

## Concept Plan

The Concept Plan submitted shall be on white paper and shall show in simple form the proposed layout of lots, parking areas, recreation areas, roads, building areas and other features in relation to each other and to the tract boundary. The Concept Plan shall be at a scale acceptable to the Engineer. Contour lines as shown on the appropriate USGS Topographic Quadrangle map should be transferred to the Concept Plan. Natural features such as woods, watercourses, hillsides, prominent rock outcroppings, sinkholes and quarries should be highlighted. The Concept Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules and regulations.

This application and a copy of the concept plan must be submitted to the Jefferson County Departments of Planning and Zoning in order to determine sufficiency. Please refer to Article 24 of the Subdivision Regulations for Concept Plan Requirements.

### Property owner information

Name of Property Owner: R.J. Sepco Inc (Attn: Tom Columbus)  
Mailing Address: 5700 Sixth Avenue  
City: Altoona State: PA Zip Code: 16602  
Phone Number: 800-487-5444 Email: tcolumbu@sheetz.com

### Applicant contact information

Applicant Name: Diamond Z Engineering, Inc. (Attn: Rick Turner)  
Mailing Address: 5670 State Road  
City: Cleveland State: OH Zip Code: 44134  
Phone Number: 440-842-6501 Email: rick.turner@diamondzengineering.com

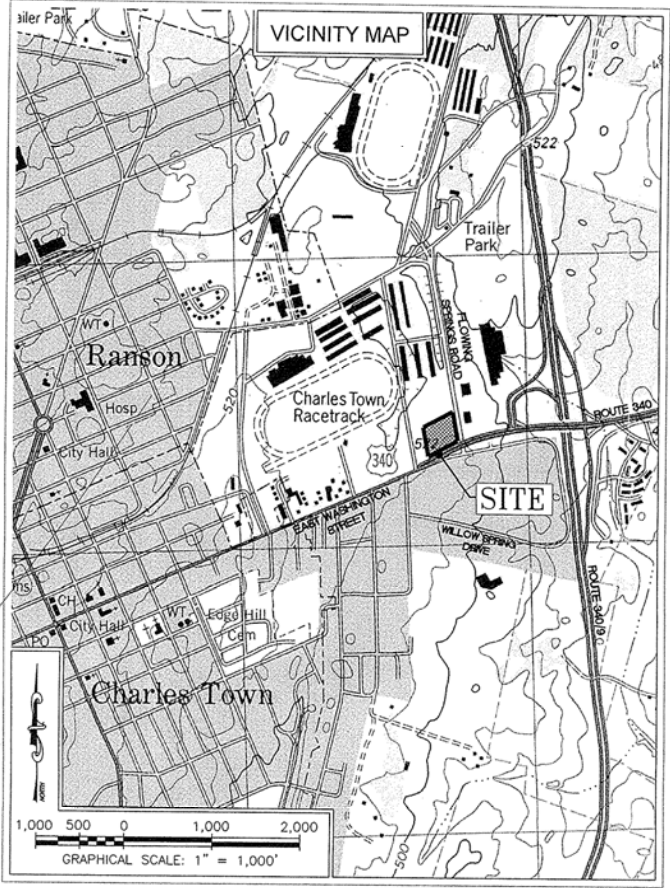
### Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): William H. Gordon Associates, Inc.  
Mailing Address of Engineer(s) or Surveyor(s): 301 N. Mildred Street  
City: Charles Town State: WV Zip Code: 25414  
Phone Number: 304-725-8456 Email: jgerhart@whga.com

### Physical property details

Physical Property Address: 51 Flowing Springs Road  
City: Charles Town State: WV Zip Code: 25414  
Tax District: Charles Town Map #: 8 Parcel #: 11.5  
Parcel Size: 2.781 Deed Book: 856 Deed Bk. Pg. #: 133





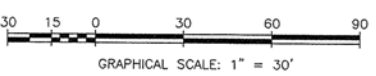
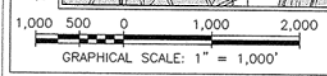
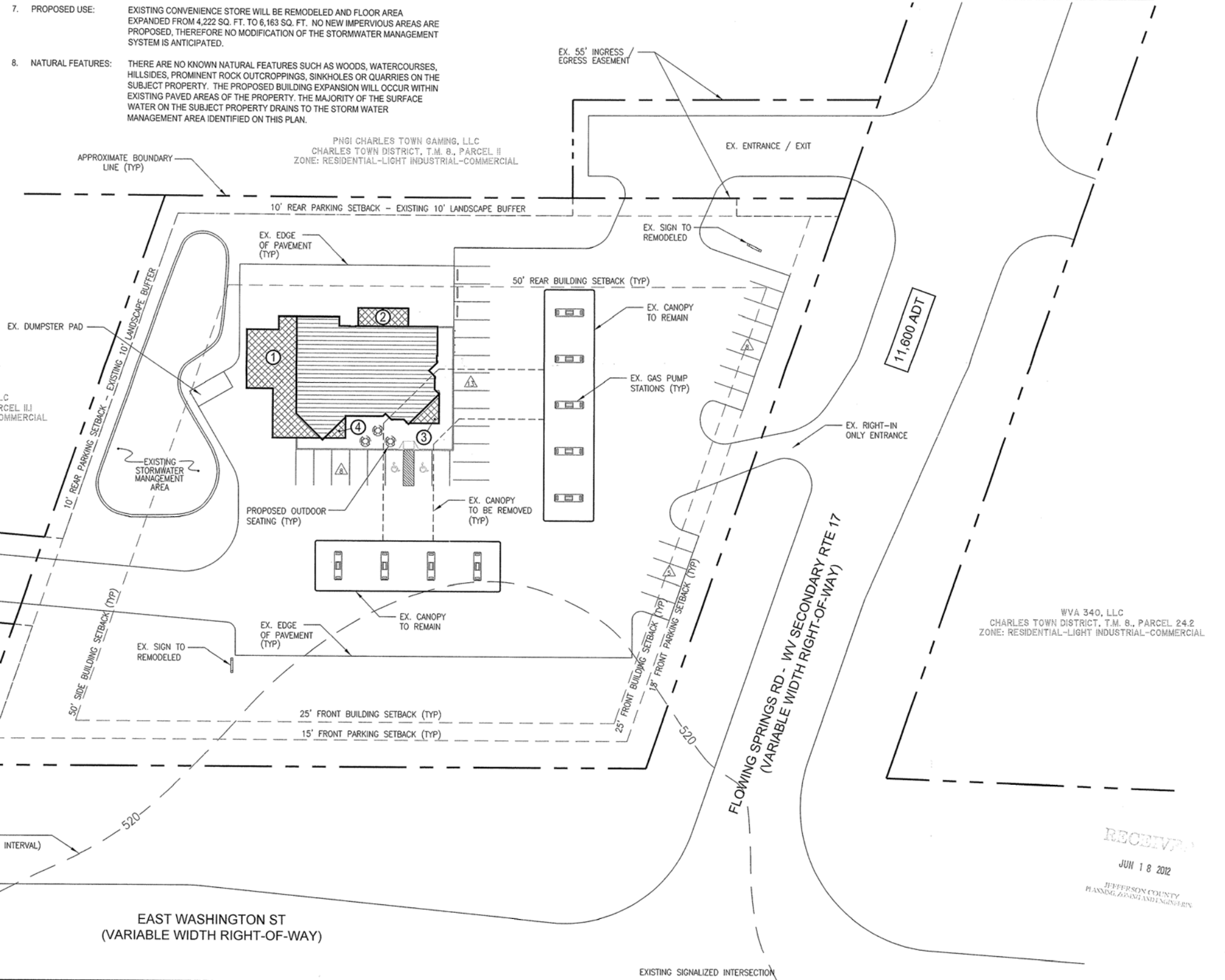
- NOTES:**
- PROPERTY OWNER: R.J. SEPCO INC. 5700 SIXTH AVENUE ALTOONA, PA 16602
  - PROPERTY ADDRESS: 51 FLOWING SPRINGS ROAD CHARLES TOWN, WV 25414
  - PARCEL DESCRIPTION: CHARLES TOWN TAX DISTRICT, TAX MAP 8, PARCEL 11.5 DEED BOOK 856, DEED BOOK PAGE 133
  - SITE AREA: 2.781 ACRES
  - ZONING DISTRICT: RESIDENTIAL - LIGHT INDUSTRIAL - COMMERCIAL \*SUBJECT TO APPROVED CUP EFFECTIVE ON JULY 22, 1997 \*THIS CONCEPT PLAN IS SUBJECT TO A MODIFICATION OF THE EXISTING CUP WHICH IS BEING REVIEWED CONCURRENTLY WITH THIS APPLICATION.
  - EXISTING USE: THE SUBJECT PROPERTY IS USE INCLUDES A CONVENIENCE STORE WITH GAS PUMPS. ALL ADJOINING AND CONFRONTING PARCELS TO THE SUBJECT PROPERTY MAINTAIN A COMMERCIAL USE AND RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL ZONING DESIGNATION.
  - PROPOSED USE: EXISTING CONVENIENCE STORE WILL BE REMODELED AND FLOOR AREA EXPANDED FROM 4,222 SQ. FT. TO 6,163 SQ. FT. NO NEW IMPERVIOUS AREAS ARE PROPOSED, THEREFORE NO MODIFICATION OF THE STORMWATER MANAGEMENT SYSTEM IS ANTICIPATED.
  - NATURAL FEATURES: THERE ARE NO KNOWN NATURAL FEATURES SUCH AS WOODS, WATERCOURSES, HILLSIDES, PROMINENT ROCK OUTCROPPINGS, SINKHOLES OR QUARRIES ON THE SUBJECT PROPERTY. THE PROPOSED BUILDING EXPANSION WILL OCCUR WITHIN EXISTING PAVED AREAS OF THE PROPERTY. THE MAJORITY OF THE SURFACE WATER ON THE SUBJECT PROPERTY DRAINS TO THE STORM WATER MANAGEMENT AREA IDENTIFIED ON THIS PLAN.
  - TRAFFIC GENERATION: PURSUANT TO THE ITE TRIP GENERATION MANUAL, AVERAGE DAILY TRIPS (ADT) FOR SERVICE STATIONS ARE BASED ON THE NUMBER OF FUELING POSITIONS. THE AVERAGE DAILY TRIPS FOR THE EXISTING SERVICE STATION IS 9,767. NO NEW FUELING POSITIONS ARE PROPOSED, THEREFORE THERE IS NO INCREASE IN THE TRAFFIC GENERATION FOR THE PROPOSED IMPROVEMENTS.
  - KEY INTERSECTION: THE FLOWING SPRINGS ROAD / EAST WASHINGTON STREET INTERSECTION IS THE CLOSEST KEY INTERSECTION AS DEFINED BY THE COMPREHENSIVE PLAN.
  - HIGHWAY PROBLEM AREAS: PURSUANT TO THE COMPREHENSIVE PLAN NO HIGHWAY PROBLEM AREAS EXIST WITHIN ONE MILE OF THE SUBJECT PROPERTY. THE NEAREST PROBLEM AREA IS THE BAD INTERSECTION OF SUMMIT POINT ROAD AND MIDDLEWAY PIKE (1.3 MILES FROM THE SUBJECT PROPERTY).

**LEGEND**

- EXISTING BUILDING
- PROPOSED BUILDING EXPANSION
- ① - BUILDING EXPANSION REFERENCE NUMBER

Building	Area (Sq Ft)	Required Parking	Provided Parking
Existing Building	4,222	23.3	34
Proposed Building Expansion	1,941	10.7	0
<b>Totals</b>	<b>6,163</b>	<b>34</b>	<b>34</b>

Building Expansion Reference #	Area (Sq Ft)
1	1,455
2	280
3	137
4	69
<b>Total</b>	<b>1,941</b>



REVISIONS

1	06-18-12	Revised per County comments
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SURVEY

DESIGN DCW

DRAWN DCW

CHECKED JPG

DATE: JUNE 2012

SCALE: HORZ: 1"=30' VERT: NA

SEAL

CONCEPT PLAN

**CHARLES TOWN SHEETZ**  
CHARLES TOWN DISTRICT, TAX MAP 8, PARCEL 11.5  
JEFFERSON COUNTY, WEST VIRGINIA

RECEIVED  
JUN 18 2012  
JEFFERSON COUNTY  
PLANNING AND ENGINEERING

JOB: 2971-0101

CADD: 2971-Concept Plan.dwg

SHEET: 1 OF 1

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512-02  
and Review

Jason Gerhart

**From:** Jason Gerhart  
**Sent:** Monday, June 11, 2012 10:31 AM  
**To:** 'Alt, Larry A'  
**Subject:** Charles Town Sheetz  
**Attachments:** 2971\_Concept Plan.pdf

**Importance:** High



Larry,

Sheetz is processing a building renovation of their store just outside of Charles Town (in front of the Hollywood Casino). It is typical of the other store renovations they have been doing throughout the area (Inwood, Martinsburg, etc.). As part of this renovation, they are adding on to their building for remodeled restrooms, new coolers, and a reconfigured coffee area. Since there is not going to be an expansion of fueling pumps or food service area, this is not considered an "expansion of use". As such, Jefferson County would like an email or letter from WVDOH regarding this project shown on the attached Concept Plan. They may also be providing a copy to you for comment as it processes through their regulations. I do not have copies of the previous entrance permits, but they generally state the permit is valid unless there is an expansion of use on the property or something to that effect, so hopefully a simple email stating that the site plan is still in compliance with the existing permits would suffice.

Please give me a call if you have any questions. Otherwise I look forward to hearing back from you so that Sheetz can continue moving forward with their ever increasing investment in West Virginia.

Thanks,

Jason Gerhart, P.E.  
Project Manager

**William H. Gordon Associates, Inc.**

Civil Engineering | Landscape Architecture | Site Security Consulting | Land Planning | Surveying

301 North Mildred Street, Suite 1, Charles Town, WV 25414  
office: 304-725-8456 | cell: 717-253-1693 | fax: 304-728-0117

GORDON



S12-02  
2nd Review

**Jason Gerhart**

---

**From:** Jason Gerhart  
**Sent:** Thursday, June 14, 2012 4:21 PM  
**To:** 'Timmermeyer, William F'  
**Cc:** Rick Turner; Chad Wallen  
**Subject:** Charles Town Sheetz Concept Plan Review Request  
**Attachments:** 2971\_Concept Plan.pdf

**Importance:** High

**RECEIVED**  
JUN 18 2012  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Bill,

At the request of the Jefferson County Planning & Zoning Department, attached you will find the Concept Plan showing the Charles Town Sheetz renovation for review by WVDEP. Please contact the Jefferson County Planning & Zoning Department with any comments or questions.

Thank you,

Jason Gerhart, P.E.  
Project Manager

**William H. Gordon Associates, Inc.**

Civil Engineering | Landscape Architecture | Site Security Consulting | Land Planning | Surveying

301 North Mildred Street, Suite 1, Charles Town, WV 25414  
office: 304-725-8456 | cell: 717-253-1693 | fax: 304-728-0117

GORDON



Jason Gerhart

2nd Review

**From:** Jason Gerhart  
**Sent:** Thursday, June 14, 2012 4:21 PM  
**To:** 'tfagan@jeffersoncountywv.org'  
**Cc:** Rick Turner; Chad Wallen  
**Subject:** Charles Town Sheetz Concept Plan Review Request  
**Attachments:** 2971\_Concept Plan.pdf

**Importance:** High

RECEIVED  
JUN 18 2012  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Todd,

At the request of the Jefferson County Planning & Zoning Department, attached you will find the Concept Plan showing the Charles Town Sheetz renovation for review by the Jefferson County Addressing Office. Please contact the Jefferson County Planning & Zoning Department with any comments or questions.

Thank you,

Jason Gerhart, P.E.  
Project Manager

**William H. Gordon Associates, Inc.**

Civil Engineering | Landscape Architecture | Site Security Consulting | Land Planning | Surveying

301 North Mildred Street, Suite 1, Charles Town, WV 25414  
office: 304-725-8456 | cell: 717-253-1693 | fax: 304-728-0117

GORDON

View my profile on [LinkedIn](#)

512-01  
and Review

Jason Gerhart

---

**From:** Rick Turner [Rick.Turner@diamondzengineering.com]  
**Sent:** Monday, June 18, 2012 9:28 AM  
**To:** paul.j.emanuel@wv.gov  
**Cc:** Seth Rivard (planningdepartment@jeffersoncountywv.org); Jason Gerhart  
**Subject:** FW: Charles Town Sheetz Concept Plan Review Request - Jefferson County Health Department  
**Attachments:** 2971\_Concept Plan.pdf; Concept Letter 1.doc  
**Importance:** High

RECEIVED

JUN 18 2012

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Dear Paul,

We are preparing to renovate the Sheetz station at 51 Flowing Springs, Charles Town. At the request of the Jefferson County Planning and Zoning Department, we are sending you the Concept Plan for your review. Please send any comments or questions to:

Mr. Seth Rivard  
Jefferson County Planning and Zoning Department  
116 East Washington Street  
Charles Town, WV 25414

**Rick Turner**  
Diamond Z Engineering, Inc.  
5670 State Road  
Cleveland OH 44134-2259  
440-842-6501 Office  
216-319-4092 Mobile

512-02

2nd Review

**Jason Gerhart**

---

**From:** Rick Turner [Rick.Turner@diamondzengineering.com]  
**Sent:** Monday, June 18, 2012 9:24 AM  
**To:** gm@jcpsd.com  
**Cc:** Seth Rivard (planningdepartment@jeffersoncountywv.org); Jason Gerhart  
**Subject:** FW: Charles Town Sheetz Concept Plan Review Request - Jefferson County Public Service District  
**Attachments:** 2971\_Concept Plan.pdf; Concept Letter 2.doc  
**Importance:** High

RECEIVED

JUN 18 2012

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Dear Sue,

We are preparing to renovate the Sheetz station at 51 Flowing Springs, Charles Town. At the request of the Jefferson County Planning and Zoning Department, we are sending you the Concept Plan for your review. Please send any comments or questions to:

Mr. Seth Rivard  
Jefferson County Planning and Zoning Department  
116 East Washington Street  
Charles Town, WV 25414

**Rick Turner**  
Diamond Z Engineering, Inc.  
5670 State Road  
Cleveland OH 44134-2259  
440-842-6501 Office  
216-319-4092 Mobile

5/12/02  
2nd Review

Jason Gerhart

---

**From:** Rick Turner [Rick.Turner@diamondzengineering.com]  
**Sent:** Monday, June 18, 2012 9:30 AM  
**To:** johnallenjr@me.com  
**Cc:** Seth Rivard (planningdepartment@jeffersoncountywv.org); Jason Gerhart  
**Subject:** FW: Charles Town Sheetz Concept Plan Review Request - Jefferson County Historic Landmarks Commission  
**Attachments:** 2971\_Concept Plan.pdf; Concept Letter 3.doc  
**Importance:** High

RECEIVED  
JUN 18 2012  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Dear John,

We are preparing to renovate the Sheetz station at 51 Flowing Springs, Charles Town. At the request of the Jefferson County Planning and Zoning Department, we are sending you the Concept Plan for your review. Please send any comments or questions to:

Mr. Seth Rivard  
Jefferson County Planning and Zoning Department  
116 East Washington Street  
Charles Town, WV 25414

**Rick Turner**  
Diamond Z Engineering, Inc.  
5670 State Road  
Cleveland OH 44134-2259  
440-842-6501 Office  
216-319-4092 Mobile

---

**From:** Rick Turner  
**Sent:** Monday, June 18, 2012 9:24 AM  
**To:** 'gm@jcpsd.com'  
**Cc:** Seth Rivard (planningdepartment@jeffersoncountywv.org); Jason Gerhart (JGerhart@whga.com)  
**Subject:** FW: Charles Town Sheetz Concept Plan Review Request - Jefferson County Public Service District  
**Importance:** High

Dear Sue,

We are preparing to renovate the Sheetz station at 51 Flowing Springs, Charles Town. At the request of the Jefferson County Planning and Zoning Department, we are sending you the Concept Plan for your review. Please send any comments or questions to:

Mr. Seth Rivard  
Jefferson County Planning and Zoning Department  
116 East Washington Street  
Charles Town, WV 25414

## Amy Puetz

---

**From:** Seth Rivard <srivard@jeffersoncountywv.org>  
**Sent:** Tuesday, June 19, 2012 4:24 PM  
**To:** Amy Puetz  
**Subject:** FW: Charles Town Sheetz Concept Plan Review Request - Jefferson County Public Service District  
**Attachments:** 2971\_Concept Plan.pdf; Concept Letter 2.doc  
**Importance:** High

---

**From:** Susanne Lawton [<mailto:gm@jcpsd.com>]  
**Sent:** Monday, June 18, 2012 10:01 AM  
**To:** Matt Piepenburg; Joe Freeze; Ashley Stottlemeyer  
**Cc:** [rick.turner@diamondzengineering.com](mailto:rick.turner@diamondzengineering.com); Seth Rivard; Jason Gerhart  
**Subject:** FW: Charles Town Sheetz Concept Plan Review Request - Jefferson County Public Service District  
**Importance:** High

Matt & Joe, would you please review this plan while considering the location and impact to our existing facilities. If Sheetz currently has grease traps, assure that if changes are proposed that the traps meet our requirements. We'll talk after you review.

Thanks, Sue

**Susanne Lawton, General Manager**

**Jefferson County Public Service District**  
**340 Edmond Rd, Suite A, Kearneysville, WV 25430**  
**Phone # 304-725-4647: Fax # 304-725-5976: Cell # 304-283-3072**

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**From:** Rick Turner [<mailto:Rick.Turner@diamondzengineering.com>]  
**Sent:** Monday, June 18, 2012 9:24 AM  
**To:** Susanne Lawton  
**Cc:** Seth Rivard ([planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)); Jason Gerhart ([JGerhart@whga.com](mailto:JGerhart@whga.com))  
**Subject:** FW: Charles Town Sheetz Concept Plan Review Request - Jefferson County Public Service District  
**Importance:** High

Dear Sue,

We are preparing to renovate the Sheetz station at 51 Flowing Springs, Charles Town. At the request of the Jefferson County Planning and Zoning Department, we are sending you the Concept Plan for your review. Please send any comments or questions to:

Mr. Seth Rivard

Jefferson County Planning and Zoning Department  
116 East Washington Street  
Charles Town, WV 25414

**Rick Turner**

Diamond Z Engineering, Inc.  
5670 State Road  
Cleveland OH 44134-2259  
440-842-6501 Office  
216-319-4092 Mobile

## Amy Puetz

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**From:** Seth Rivard <srivard@jeffersoncountywv.org>  
**Sent:** Tuesday, June 19, 2012 4:25 PM  
**To:** Amy Puetz  
**Subject:** FW: Sheetz improvements

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**From:** Rick Turner [<mailto:Rick.Turner@diamondzengineering.com>]  
**Sent:** Monday, June 18, 2012 4:17 PM  
**To:** Matt Piepenburg; Ashley Stottlemeyer  
**Cc:** Seth Rivard; Jason Gerhart  
**Subject:** RE: Sheetz improvements

We plan to increase the size of the restrooms, going from a total of three toilets and two urinals to five toilets and four urinals. The cooking facilities will remain approximately the same size.

**Rick Turner**  
Diamond Z Engineering, Inc.  
5670 State Road  
Cleveland OH 44134-2259  
440-842-6501 Office  
216-319-4092 Mobile

---

**From:** Matt Piepenburg [<mailto:Engineering@jcpsd.com>]  
**Sent:** Monday, June 18, 2012 11:34 AM  
**To:** Rick Turner; Ashley Stottlemeyer  
**Cc:** Seth Rivard; Jason Gerhart  
**Subject:** Sheetz improvements

Attached is a map of where the grease trap, pump station, valves and forced man are located. The PSD would like to know if there are any more or larger bathrooms or more or larger cooking facilities This information is needed to help finalize or assessment. Thank you

Matt

Matthew D. Piepenburg  
Engineering Technician  
Jefferson County Public Service District  
340 Edmond Rd, Suite A,  
Kearneysville, WV 25430  
Phone # 304-725-4647  
[engineering@jcpsd.com](mailto:engineering@jcpsd.com)  
[www.jcpsd.com](http://www.jcpsd.com)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. Thank you.



Engineering\_template\_landscape.mxd  
 Improvements\_to\_Sheetz.pdf  
 51 Flowing Springs Rd  
 2012-06-18

- |                 |                           |                   |                   |                   |             |                    |                  |
|-----------------|---------------------------|-------------------|-------------------|-------------------|-------------|--------------------|------------------|
| Gravity Line    | Manhole Inspected & GPS'd | Manhole On Plans  | Cleanout GPS'd    | Pump Station      | Check Valve | Pinch Valve        | Flush Connection |
| Force Main Line | Manhole GPS'd             | Manhole Not Found | Cleanout On Plans | Air Release Valve | Gate Valve  | Quarter Turn Valve | Grease Trap      |



# Jefferson County Public Service District

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June 22, 2012

Seth Rivard, Planner  
Jefferson County Dept of Planning and Zoning  
PO Box 338  
116 East Washington Street  
Charles Town, WV 25414

Re: Charles Town Sheetz  
Concept Plan Review Request

Dear Seth:

I write today to inform you that the improvements for the abovementioned project will not have an impact on the Districts facilities.

Please feel free to contact me should you need additional information from this office.

Sincerely,



Susanne Lawton,  
General Manager

SL/as

cc: Rick Turner, P.E., Diamond Z Engineering, Inc.  
Zane Summerfield, Pentree, Inc.

RECEIVED

JUN 26 2012

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING



Diamond Z Engineering, Inc.  
5670 State Road  
Cleveland, Ohio 44134-2259

Office: 440-842-6501  
Fax: 440-842-8605

[www.DiamondZEngineering.com](http://www.DiamondZEngineering.com)

6/15/2012

Ms. Sue Lawton  
Jefferson County Public Service District  
340 Edmond Road, Suite A  
Kearneysville, WV 25430

Re: Charles Town Sheetz Concept Plan Review Request

Dear Ms. Lawton,

We are preparing to renovate the Sheetz station at 51 Flowing Springs, Charles Town. At the request of the Jefferson County Planning and Zoning Department, we are sending you the Concept Plan for your review. Please send any comments or questions to:

Mr. Seth Rivard  
Jefferson County Planning and Zoning Department  
116 East Washington Street  
Charles Town, WV 25414

Sincerely,

*Rick Turner*

Rick Turner, P.E.

**RECEIVED**  
JUN 26 2012  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

## Amy Puetz

---

**From:** Planning Department <planningdepartment@jeffersoncountywv.org>  
**Sent:** Friday, June 22, 2012 3:28 PM  
**To:** srivard@jeffersoncountywv.org  
**Cc:** apuetz@jeffersoncountywv.org  
**Subject:** Fw: Sheetz station at 51 Flowing Springs, Charles Town

Planning Department  
P.O. Box 338  
116 East Washington Street  
Charles Town, WV 25414  
(304) 728-3228

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

From: "Martin Burke" <[martinburke@frontiernet.net](mailto:martinburke@frontiernet.net)>  
Sent 6/21/2012 11:51:37 AM  
To: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
Subject: Sheetz station at 51 Flowing Springs, Charles Town

Mr. Seth Rivard  
Jefferson County Planning and Zoning Department  
116 East Washington Street  
Charles Town, WV 25414

Seth,

The Jefferson County Historic Landmarks Commission (JCHLC) reviewed the concept plan for the Sheetz gas station renovation, submitted by Diamond Z Engineering, Inc., at our **June 20th meeting**. The JCHLC has no objections or comments on the building expansion and other proposed changes since the site boundaries do not increase.

If you have any questions or need additional information call or email.


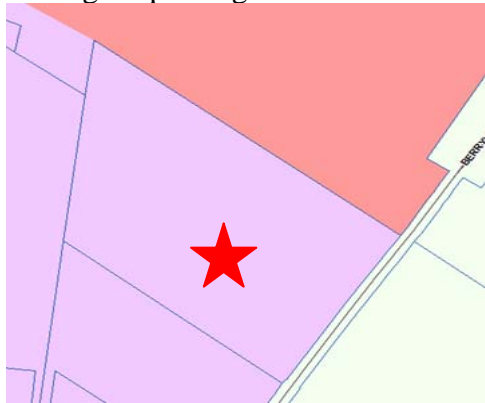
Martin Burke  
Chair, JCHLC  
304-876-3883

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

Item #6 Request by Jim Taylor (Briggs Animal Adoption Center) for a waiver from Subdivision Regulations Section 21.202.B requiring sidewalks to be provided along the road and to provide connectivity between parking lots of non-residential areas with residential areas; from Section 22.208.A requiring sidewalks to be provided in non-residential development; and from Appendix B, Section 9.6.C requiring that sidewalks be provided to allow pedestrian conveyance between existing developments on either side of the proposed site.

APPLICANT:	Briggs Animal Adoption Center
OWNER :	Same
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Greenway Engineering, Inc.
PROPERTY LOCATION:	West side of US Route 340 north of its intersection with Route 340/2 (Wheatland Road).
LEGAL DESCRIPTION:	District: Charles Town; Map: 1; Parcel: 14 
ZONING DISTRICT:	Zoning Map Designation: Industrial/Commercial 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: R/LI/C      South: I/C</i> <i>East: R              West: I/C</i>
LOT AREA:	23.36 Acres

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

PROPOSED ACTIVITY:	Building an addition consisting of 10,000 square feet designated as a cat building with additional gravel parking area of 11,058 square feet. sales, sale of local products and produce, and a meeting area.
HISTORY:	06/12/2012 – Concept Plan approved by the Planning Commission 10/27/1998 – Original Site Plan (PC File #S98-09 Peace Plantation Animal Sanctuary) approved by the Planning Commission.

### The Request

The applicant has requested a waiver from the sidewalk requirement for non-residential developments as found within the Jefferson County Subdivision and Land Development Regulations per sections:

- 21.202(B)
- 22.208(A)
- Appendix B 9.6(C) requiring sidewalks to be provided in non-residential developments

### 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.***

Relief from the sidewalk requirement will provide no increase or decrease in public or County benefit.

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

The waiver will not impact the public health, safety or welfare of the public or affect adjacent owners and residents.

While sidewalks often provide a safe means of travel for pedestrians and increase public health, in this instance, the potential benefit is limited at this time. Based on the little existing pedestrian activity, such a benefit would be minimal.

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

While the intent of the Subdivision Regulations is to require sidewalks, there are extenuating circumstances where it may not be practical to do so at this point and time. The intent of the Regulations is to have useable sidewalks that provide value to the community.

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

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

The effect of the waiver would be neutral, as it relates to quality and character. While sidewalks are nearly always a universal good attribute to a community, appropriate time of installing such sidewalks is important.

### Staff Recommendation

In the Planning profession, sidewalks are usually considered strongly desirable as they allow for safe pedestrian travel and the added health benefits achieved through walking in both residential and non-residential areas. It is difficult to argue against the need and value for sidewalks in most cases; however, in Rural Planning, there are some valuable planning principles that can be difficult to effectively apply in all instances. Rural planning of villages or modifications of existing non-conforming uses involves different principles than planning for farmstead preservation. Different tools and techniques need to be applied in those instances.

The request for the waiver of sidewalks in this instance requires some additional consideration because of the type of development and where it is located. Currently this area is limited in pedestrian activity and an auto dependent area; however, this property is located within the Charles Town Urban Growth Boundary and may at some time be annexed into the city. As such, requiring that sidewalks be installed in this area at this time would serve a minimal public benefit. However, there is a demand for detached pedestrian/bikeway's along many major routes in the County. Therefore while the installation of sidewalks at this time may not be appropriate, providing a pedestrian/bike easement is a reasonable request.

It's not unreasonable to believe that in the future this site and surrounding area could be develop at a higher intensity where sidewalks area appropriate. This request to provide an easement along the road is *only* for this specific project, the Briggs Animal Adoption Center Cat Building. With any future site plans on this property, the need for installation of sidewalks or a trail will be reviewed at that time.

As a condition of approval, staff recommends that a ten (10) foot pedestrian/bike easement shall be required for the length of the property along US 340. An easement shall be shown across the property in this site plan.

Planners often advocate for sidewalks that initially "lead to nowhere". With good planning, these sidewalks will eventually connect to other locations. It is often true that sidewalks do eventually connect to other paths. However, in this particular location, this report has delineated why sidewalks are unnecessary at this time. This should not be considered a blanket recommendation that sidewalks are not appropriate in rural areas and any such requests should be carefully reviewed on a case-by-case basis.



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

PCW 12-04

Date Applic. Rec'd: 6.28.12

Fees Paid: \$ 100.00

Sketch Received: \_\_\_\_\_

Staff Initials: CLE

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: The National Humane Education Society
Mailing Address: 3794 Berryville Pike
City: Charles Town State: WV Zip Code: 25414
Phone Number: (304) 724-6558 Email: jtaylor@nhes.org

Applicant contact information

Applicant Name: Jim Taylor
Mailing Address: 3731 Berryville Pike, Suite 100
City: Charles Town State: WV Zip Code: 25414
Phone Number: (304) 725-0506 Email: jtaylor@nhes.org

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Greenway Engineering / Randy Kepler, P.E.
Mailing Address of Engineer(s) or Surveyor(s): 115 Windy Hill Lane
City: Winchester State: VA Zip Code: 22602
Phone Number: (540) 662-4185 Email: rkepler@greenwayeng.com

Physical property details

Physical Property Address: 3731 Berryville Pike
City: Charles Town State: WV Zip Code: 25414
Tax District: Kabletown Map #: 11 Parcel No: 1
Parcel Size: 23.362 Ac. Deed Book: 912 Deed Bk. Pg. #: 485

RECEIVED

Zoning District:

JUN 28 2012

JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING

- Rural (R-A) [ ] Residential Growth (R-G) [ ] Industrial Commercial (I-C) [x] Residential-Light Industrial-Commercial (R-L-C) [ ] Village (V) [ ]

**What section of the Ordinance are you requesting to waive?**

Section 21.202.B

**Briefly describe the nature of your waiver request:**

To waive the requirement of this section for sidewalk connectivity between parking lots of non-residential areas with residential areas.

**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 project is for a building that will only be accessed by it's employees. The necessity for sidewalk connections between this building and any other buildings would not be used.

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

There are no adverse affects on public health, safety or welfare or rights of adjacent owners if the sidewalk does not get installed with this plan.

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

The intent of the ordinance is for non-residential development to provide access to residential areas to allow them to travel to the non-residential development by sidewalk and avoid traveling by automobile. Since this additional parking lot and building will not be accessed by anyone but employees, the ordinance requirement does not apply.

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

The project is for an animal sanctuary ran by the National Humane Education Society (NHES). This project will provide lifelong care for animals, and additional costs for sidewalk that would not be used would take away from funds that would be better used in providing for needy animals.

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

NHES by James D. Tyler 5-25-12  
Signature of Property Owner Date

Christine Chambers 6-28-12  
Received By Date

**For Official Use Only**

✓ Date of Public Meeting/Public Hearing TUESDAY AUGUST 14, 2012 AT 7:00PM

Official/Administrative Body

✓ Date Property to be posted by JULY 31, 2012

Date Adjoiner letters to be mailed by

Check # 10031 (5-25-12)  
\$100.00

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

Approved  Denied

**Amy Puetz**

---

**From:** Daniel Murphy <dmurphy@greenwayeng.com>  
**Sent:** Thursday, July 12, 2012 12:53 PM  
**To:** apuetz2@jeffersoncountywv.org  
**Cc:** Randy Kepler  
**Subject:** RE: Briggs Animal Adoption Center Waiver

Amy,  
Those amendments to the waiver are acceptable. Please make the adjustments and let me know if you need anything else.  
Thanks,

Dan Murphy | **GREENWAY ENGINEERING** |

----- Forwarded message -----  
**From:** Amy Puetz <[apuetz2@jeffersoncountywv.org](mailto:apuetz2@jeffersoncountywv.org)>  
**Date:** Thu, Jul 12, 2012 at 11:59 AM  
**Subject:** Briggs Animal Adoption Center Waiver

While reviewing the Briggs Animal Adoption Center Waiver, staff has noticed that there are additional sections of the Subdivision Regulations that would apply to your request. We suggest that these sections be added to the request in our office in order to completely cover the intent of your request. The following changes (noted in red) to the waiver request form are recommended:

- 1. What section of the Ordinance are you requesting to waive?* Section 21.202 B, Section 22.208 A, and Appendix B, Sections 9.6 C.
- 2. Briefly describe the nature of your waiver request:* To waive the requirement of this section for sidewalks to be provided along the road and to provide connectivity between parking lots of non-residential areas with residential areas as in Section 21.202 B. To waive the requirement of sidewalks in non-residential development as in Section 22.208 A. To waive the requirement that sidewalks be provided to provide pedestrian conveyance between existing developments on either side of the proposed site as in Appendix B, Section 9.6 C.

If you agree to these changes, you may simply respond to this email and I will make the amendments for you. You may also contact me with any questions or concerns.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

Item #7

Request by Asbury United Methodist Church for a waiver from Subdivision Regulations Section 21.202.B requiring sidewalks to be provided along the road and to provide connectivity between parking lots of non-residential areas with residential areas; from Section 22.208.A requiring sidewalks to be provided in non-residential development; and from Appendix B, Section 9.6.C requiring that sidewalks be provided to allow pedestrian conveyance between existing developments on either side of the proposed site.

APPLICANT:	Asbury United Methodist Church
OWNER:	Same
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Frederick, Seibert & Associates
PROPERTY LOCATION:	Kearneysville Pike north of Morgan's Grove Park
LEGAL DESCRIPTION:	District: Shepherdstown; Map: 8; Parcel: 7.2
ZONING DISTRICT:	<p>Zoning Map Designation:</p> <p>Residential Growth</p>
SURROUNDING PROPERTIES:	<p>Zoning Map Designation:</p> <p>North: RG                      South: R (Morgan Grove Park)</p> <p>East: RG                        West: RG</p>
LOT AREA:	4.98 acres

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

HISTORY:	06/28/11 – Concept Plan approved by the Planning Commission
PROPOSED ACTIVITY:	Addition to existing church (16,239 square feet), including expansion of parking area.

### The Request

The applicant has requested a waiver from the sidewalk requirement for non-residential developments as found within the Jefferson County Subdivision and Land Development Regulations per sections:

- 21.202(B)
- 22.208(A)
- Appendix B 9.6(C) requiring sidewalks to be provided in non-residential developments

### 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.***

Relief from the sidewalk requirement will provide no increase or decrease in public or County benefit.

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

The waiver will not impact the public health, safety or welfare of the public or affect adjacent owners and residents.

While sidewalks provide a safe means of travel for pedestrians and increase public health, in this instance, the nature of the topography of the site limits the ability to install sidewalks.

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

While the intent of the Subdivision Regulations is to require sidewalks, there are extenuating circumstances where it may not be practical to do so at this point and time. The intent of the Regulations is to have sidewalks that provide value to the community.

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

The effect of the waiver would be neutral, as it relates to quality and character. While sidewalks are nearly always a universal good attribute to a community, appropriate time of installing such sidewalks is important.

### Staff Recommendation

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

The request for the waiver of sidewalks in this instance requires some additional consideration because of the type of development and where it is located. This location is ideal for sidewalks, as within several hundred feet of this property is a trail along Potomac Farms Road (Alternate Route 45), the residential development directly to the southwest has sidewalks, and Morgan Grove Park across the road has walking trails within the park. The installation of a sidewalk or trail in this location could be linked with existing walkways and would not be a walkway to “no where”. However, the stormwater management feature for the new church expansion will be located along the right of way and the property line of the church lot. Unfortunately, without a significant amount of engineering, it does make sidewalks difficult to install. If not for this particular site constraint, Staff could not support this request, particularly given the sidewalks or trails in close proximity to this site.

While a sidewalk may not be possible to install currently, the Department of Transportation may make improvements to Route 45 which may include installation of a sidewalk or trail. As such, while the installation of sidewalks may not be plausible at this time, providing a pedestrian/bike easement is a reasonable request.

As noted above, it is possible that road improvements or future development in the area could result in a sidewalk or trail being installed along Route 45. This request to provide an easement along the road is *only* for this specific project, the Asbury United Methodist Church addition. With any future site plans on this property, the need for installation of sidewalks or a trail will be reviewed at that time.

As a condition of approval, staff recommends that a ten (10) foot pedestrian/bike easement shall be required for the length of the property along Route 45. An easement shall be shown on the across the property in this site plan.

PLW12-05



# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 338

Charles Town, WV 25414

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

Date Applic. Rec'd: \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_

Sketch Received: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

Email [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

Email [zoning@jeffersoncountywv.org](mailto: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: ASBURY UNITED METHODIST CHURCH

Mailing Address: 4257 KEARNEYSVILLE PIKE

City: SHEPHERDSTOWN State: WV Zip Code: 25443

Phone Number: 304.876.3112 Email: PASTORB@4PILLARCHURCH.ORG

#### Applicant contact information

Applicant Name: ASBURY UNITED METHODIST CHURCH

Mailing Address: 4257 KEARNEYSVILLE PIKE

City: SHEPHERDSTOWN State: WV Zip Code: 25443

Phone Number: 304.876.3112 Email: PASTORB@4PILLARCHURCH.ORG

#### Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): FREDERICK SEIBERT & ASSOC. MIKE HICKS, PE

Mailing Address of Engineer(s) or Surveyor(s): 128 SOUTH POTOMAC STREET

City: HAGERSTOWN State: MD Zip Code: 21740

Phone Number: 301.791.3650 Email: MIKE@FSA-MD.COM

#### Physical property details

Physical Property Address: 4257 KEARNEYSVILLE PIKE

City: SHEPHERDSTOWN State: WV Zip Code: 25443

Tax District: SHEPHERDSTOWN (9) Map #: 8 Parcel No: 7.2

Parcel Size: 4.98 AC Deed Book: 570 Deed Bk. Pg. #: 585

Zoning District:	<b>RECEIVED</b>	Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential-Light Industrial-Commercial (R-L-C)	Village (V)
	JUL 23 2012	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

What section of the Ordinance are you requesting to waive?

APPENDIX A SECTION 1.3 SUBSECTION 29 / APPENDIX B SECTION 2.3.B. 6.

Briefly describe the nature of your waiver request:

THE SIDEWALKS AT THE FRONT OF THE SITE DUE TO LARGE OFF-SITE FLOWS THE DRAINAGE CHANNEL AND PARKING REQUIREMENTS DO NOT ALLOW FOR SPACE FOR SIDEWALK ALSO THE ADJOINING SUBDIVISION DOES NOT HAVE SIDEWALKS SO THESE WOULD GO NOWHERE.

THE ENTRANCE WAS APPROVED WITH 20 RADIUS DUE TO EXISTING CULVERT CONSTRAINTS. 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.

THERE WOULD BE NO NOTICEABLE BENEFIT.

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

THERE WOULD BE NO ADVERSE EFFECTS WHATSOEVER.

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

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

THE FRONTAGE OF THE SITE WILL APPEAR AS ALL ADJOINERS.

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

Rudolph M. Proffler 7-17-12

Signature of Property Owner

Date

Received By

Date

For Official Use Only

Date of Public Meeting/Public Hearing

Official/Administrative Body

Date Property to be posted by

Date Adjoiner letters to be mailed by

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

Approved  Denied



July 17, 2011

Jefferson County Department of Planning and Zoning  
116 East Washington Street  
P.O. Box 338  
Charles Town, WV 25414

ATTN: Seth A. Rivard

RE: **Asbury United Methodist Church**  
**S11-05**  
**Waiver Request**

RECEIVED

JUL 23 2012

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Dear Mr. Rivard,

I am writing to provide more information on the waiver request for the above mentioned project.

**Sidewalk Waiver Request**

The attached drawing submitted with this waiver request is the approved WV Division of Highways Entrance Plan. There is little or no room for the sidewalk as required by the ordinance. The Division of Highways did not want curb installed as there is no other curb located nearby to this site so without curb there would need to be a swale to convey water flow and then a sidewalk behind the swale. The location of this sidewalk would then require the removal of trees along the western edge of the frontage. Also since there is no sidewalk on either side of the site there would be nowhere the sidewalk would lead to. The western adjoiner, Colonial Hills has no sidewalk along Starkey Landing and Potomac Farms drive does not have sidewalk either. Finally the placement of sidewalk would require significant fill that would restrict the offsite flow that has to be conveyed through the site.

The second waiver request is for the 30 foot radius requirement at the entrance. We have shown 20 feet as the radius and had this approved by WV Division of Highways. This was due to the existing drainage facilities (box culvert) under Kearneysville Pike and allowing for recovery area for this box culvert. Also with the design of the entrance having a dedicated right and left turn out lanes there is plenty of turning space for a vehicle existing or entering the site. All lanes in and out of the church site are to be 10 feet wide,

Please call me with any questions or comments.

Sincerely,

Michael Hicks, PE  
Frederick Seibert & Associates, Inc.

## Amy Puetz

---

**From:** Becky Burns <[bburns@jeffersoncountywv.org](mailto:bburns@jeffersoncountywv.org)>  
**Sent:** Tuesday, July 24, 2012 2:50 PM  
**To:** [mike@fsa-md.com](mailto:mike@fsa-md.com)  
**Cc:** 'Amy Puetz'; 'Seth Rivard'; 'Jennie Brockman'; 'Christine Chalmers'  
**Subject:** FW: Waiver Request Form  
**Attachments:** 6016-DOH-02.pdf; 6016 Waiver Request.pdf

Mike,

This was sent to Engineering but I do not handle waiver requests for the Planning Commission. Amy Puetz is the person who docket items to be scheduled for consideration by the Planning Commission. By virtue of this email I have forwarded this information to Amy who may have questions or need additional information in order to docket this on the next available Planning Commission agenda. If you have any questions Amy can be reached at 304-728-3228.

If I can be of assistance let me know.

Becky  
Rebecca F. Burns  
Office Manager/Bonding Administrator  
Jefferson County Engineering Department  
Office of Building Permits, Inspections & Impact Fees  
116 East Washington Street  
P. O. Box 716  
Charles Town, WV 25414  
Tel: 304-728-3257  
Fax: 304-728-3953  
[engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

---

**From:** Mike Hicks [<mailto:mike@fsa-md.com>]  
**Sent:** Tuesday, July 24, 2012 10:28 AM  
**To:** Rebecca Burns ([bburns@jeffersoncountywv.org](mailto:bburns@jeffersoncountywv.org))  
**Subject:** Waiver Request Form

Asbury Church told me this revision was necessary for the waiver request. She also told me that the county was to contact me but I have heard nothing.

Please let me know if there is anything else needed.

Also let me know you received this.

Michael Hicks  
Frederick, Seibert & Associates, Inc  
20 West Baltimore Street  
Greencastle, PA 17225  
717-597-1007  
717-597-1028 - fax

**What section of the Ordinance are you requesting to waive?**

Appendix A, Section 1.3 Subsection 29. / Appendix B Section 2.3.B.6

**Briefly describe the nature of your waiver request:**

The sidewalks at the front of the site. The large offsite flows, the drainage channel, and parking requirements do not allow for space for sidewalk. Also the adjoining sites do not have sidewalks so these would go nowhere. The Colonial Hills subdivision does not have sidewalk along Starkey Drive.

The entrance was approved by WV DOH with the current radius returns due to the existing and proposed culvert constraints.

**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 county would not have the sidewalk to maintain in the right-of-way. Otherwise there would be no noticable benefit.

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

There would be no adverse effects whatsoever.

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

The sidewalk not being installed along the frontage of this site will be in keeping with the rural nature of the site and its surroundings. It will not create a lone sidewalk in an area that there is no connection of the sidewalk. It will also help maintain/retain existing wooded area at the front of the site.

The entrance radii being 20 feet and not 30 feet will still allow for a safe entrance that will not be a safety hazard and will not promote truck traffic that the site cannot accommodate.

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

The frontage of the site will appear the same as all of its adjoiners.

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

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date

**For Official Use Only**

\_\_\_\_\_  
Date of Public Meeting/Public Hearing

\_\_\_\_\_  
Official/Administrative Body

\_\_\_\_\_  
Date Property to be posted by

\_\_\_\_\_  
Date Adjoiner letters to be mailed by

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

Approved

Denied

Provided by email as a addendum 7-24-12

## Amy Puetz

---

**From:** Mike Hicks <mike@fsa-md.com>  
**Sent:** Wednesday, July 25, 2012 9:44 AM  
**To:** 'Amy Puetz'  
**Cc:** 'pastorb@4pillarchurch.org'; 'Lorraine Rutherford (lrutherford@4pillarchurch.org)'  
**Subject:** RE: Waiver Request edits for Asbury Methodist Church

I have no issues with the revised waiver information. I will provide the church with a revised form for signature and then submission to your office.

Mike Hicks

---

**From:** Amy Puetz [<mailto:apuetz2@jeffersoncountyywv.org>]  
**Sent:** Wednesday, July 25, 2012 9:42 AM  
**To:** [mike@fsa-md.com](mailto:mike@fsa-md.com)  
**Cc:** [pastorb@4pillarchurch.org](mailto:pastorb@4pillarchurch.org)  
**Subject:** Waiver Request edits for Asbury Methodist Church

Hi Mike,

As we discussed on the phone, the section of the Subdivision Regulations that you requested to be waived is discussing soils. We feel that there may be more appropriate sections to request a waiver from based on the description of your request to waive the sidewalk requirement. Therefore, we are suggesting the following edits (noted in red) to the waiver request form:

1. *What section of the Ordinance are you requesting to waive?* Section 21.202 B, Section 22.208 A, and Appendix B, Sections 9.6 C.
2. *Briefly describe the nature of your waiver request:* To waive the requirement for sidewalks to be provided along the road and to provide connectivity between parking lots of non-residential areas with residential areas as in Section 21.202 B. To waive the requirement of sidewalks in non-residential development as in Section 22.208 A. To waive the requirement that sidewalks be provided to provide pedestrian conveyance between existing developments on either side of the proposed site as in Appendix B, Section 9.6 C. (This would be in addition to the current statement on the request.)

If you agree to these changes, you may simply respond to this email and I will make the amendments for you. You may also contact me with any questions or concerns.

Please note that the second signed waiver request regarding the entrance radius and its related fees must be in no later than noon on Friday to allow for preparation of notice requirements that would permit both waivers to be heard at the August 14, 2012 Planning Commission meeting. If that waiver request is received any later, it will be placed on the September 11, 2012 Planning Commission meeting. I have received the changes that you have sent to Becky Burns along with the DOH grading and striping plan that I will attach to the waiver request as an addendum.

Thank you,

*Amy Puetz*

Amy Puetz  
Planning Clerk  
Planning and Zoning Department  
(304) 728-3228



**PUBLIC NOTICE**  
*PLANNING COMMISSION MEETING*  
# P.W. 12-05 WAIVER FROM SEC. 21.20.2.B, SEC. 22.20.8.F  
PROPOSED USE AND APPENDIX B, SECTIONS 9.6.C  
# P.W. 13-06 WAIVER FROM APPENDIX B, SECTION 2.3.B.6  
WHEN TUESDAY AUGUST 14, 2012 AT 7:00 PM  
THE CHARLES TOWN LIBRARY CONFERENCE ROOM LOCATED AT  
300 EAST WASHINGTON STREET AT THE SIDE ENTRANCE ON  
WHERE SANDWAL STREET IN CHARLES TOWN, WEST VIRGINIA  
TELEPHONE (304) 728-3228  
SEAL Jennifer M. Brackman Arec  
PUBLIC IS WELCOME 186

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 14, 2012

Item #7 Request by Asbury United Methodist Church for a waiver from Subdivision Regulations Appendix B, Section 2.3.B.6 requiring that the minimum curb radii at the site development access drive intersection with the subdivision street or public highway be 30 feet.

APPLICANT:	Asbury United Methodist Church
OWNER:	Same
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Frederick, Seibert & Associates
PROPERTY LOCATION:	Kearneysville Pike north of Morgan's Grove Park
LEGAL DESCRIPTION:	District: Shepherdstown; Map: 8; Parcel: 7.2
ZONING DISTRICT:	<p>Zoning Map Designation:</p> <p>Residential Growth</p>
SURROUNDING PROPERTIES:	<p>Zoning Map Designation:</p> <p>North: RG                      South: R</p> <p>East: RG                        West: RG</p>
LOT AREA:	4.98 acres
HISTORY:	06/28/11 – Concept Plan approved by the Planning Commission
PROPOSED ACTIVITY:	Addition to existing church (16,239 square feet), including expansion of

# STAFF REPORT

Jefferson County Planning Commission Meeting

August 14, 2012

	parking area.
--	---------------

The Planning and Zoning Department defers to the Engineering Department for a recommendation regarding the waiver request of the minimum curb radii.

# **Engineering Report**

## **Asbury United Methodist Church Waiver for 30' Curb Radius Requirement 08/14/2012**

### **Request:**

Asbury United Methodist Church is requesting a waiver from the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (2008), Site Development Access to Public Roads, Appendix B; Section 2.3.B.6, which states:

"Minimum curb radii at the site development access drive intersection with the subdivision street or public highway should be thirty (30) feet."

The waiver is being requested to decrease the 30' fillet radius requirement to 20' where the access driveway intersects the public street.

### **Findings:**

The applicant is requesting this variance to be granted because:

1. The entrance is approved by the WVDOH for a 20' radius.
2. The proposed culvert placement prohibits the use of a 30' radius.

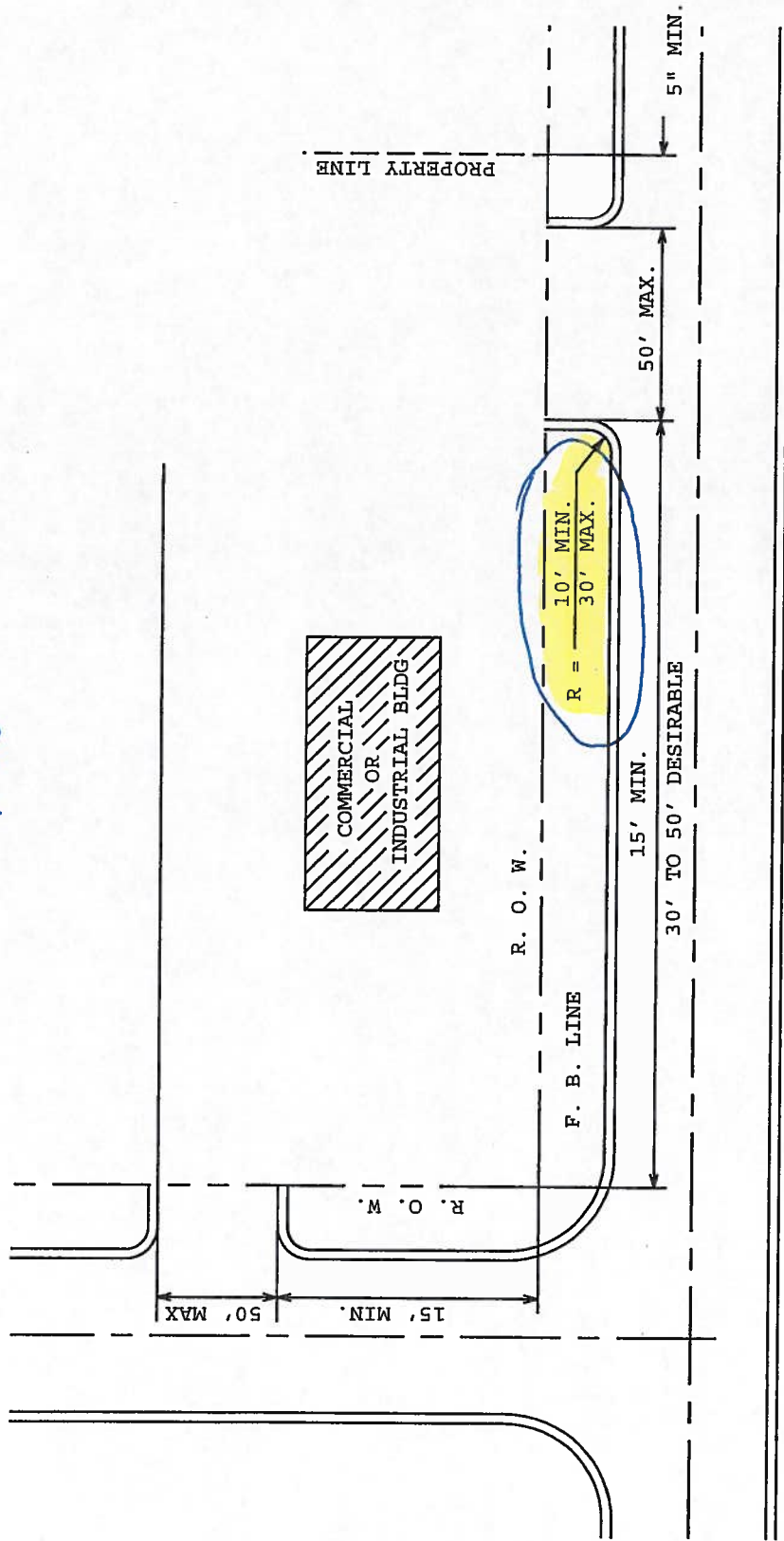
The entrance is approved by the WVDOH for a 20 foot radius. The standard for the WVDOH Manual on Rules and Regulation for Constructing Driveways on State Highway Right-of-Way states that the minimum curb radius can be 10' and the maximum can be 30'.

The current location of the proposed culvert is restricting the use of a 30' radius due to its proximity to the existing box culvert.

### **Conclusion:**

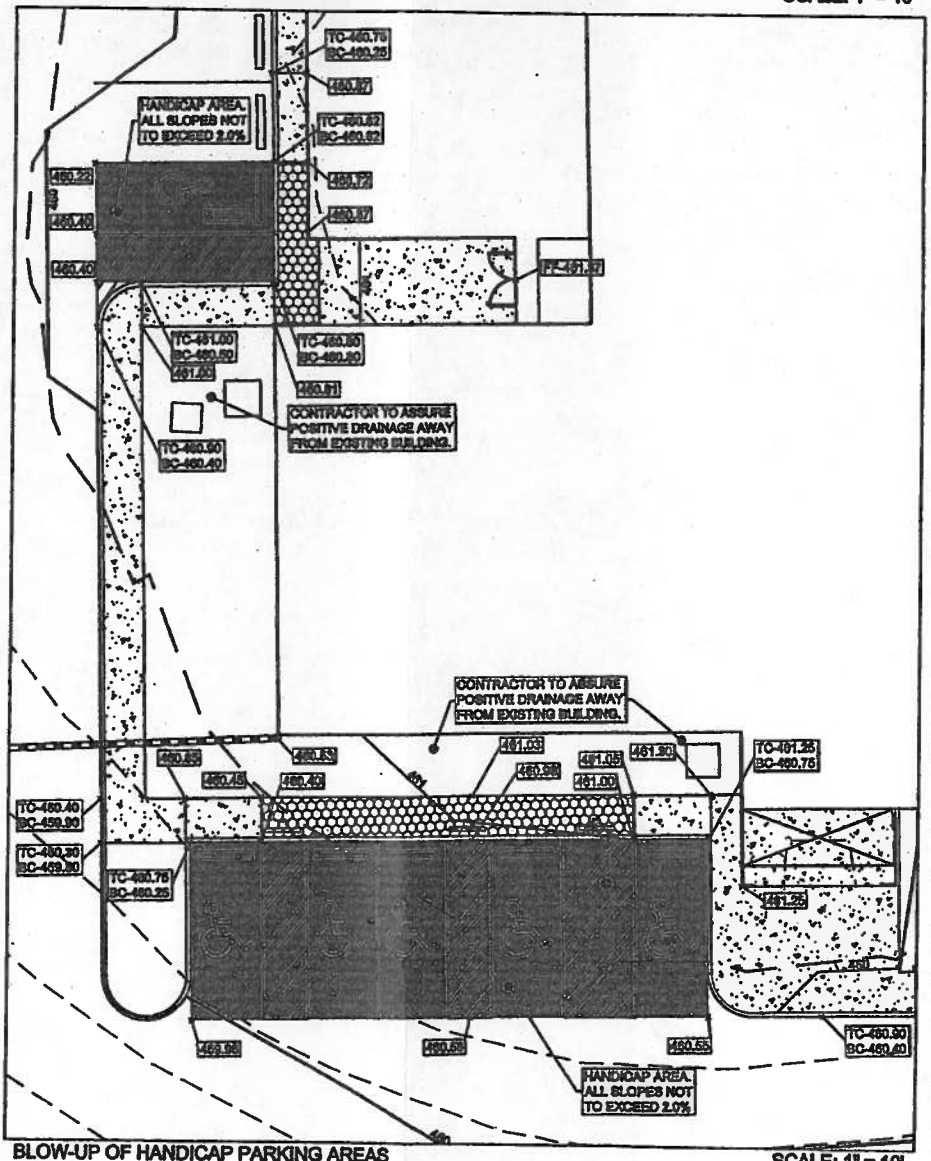
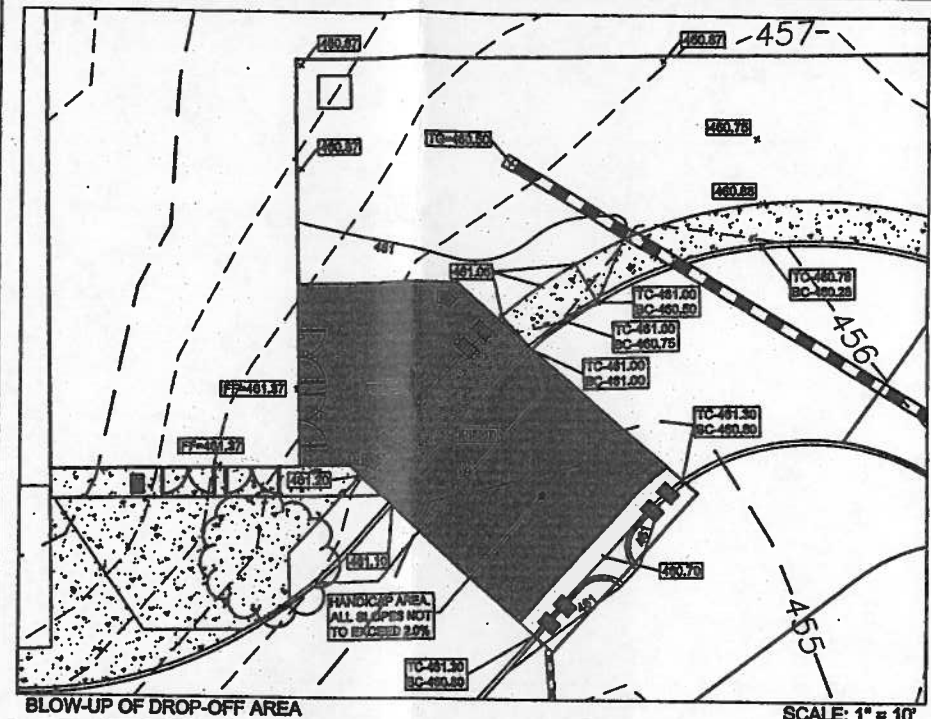
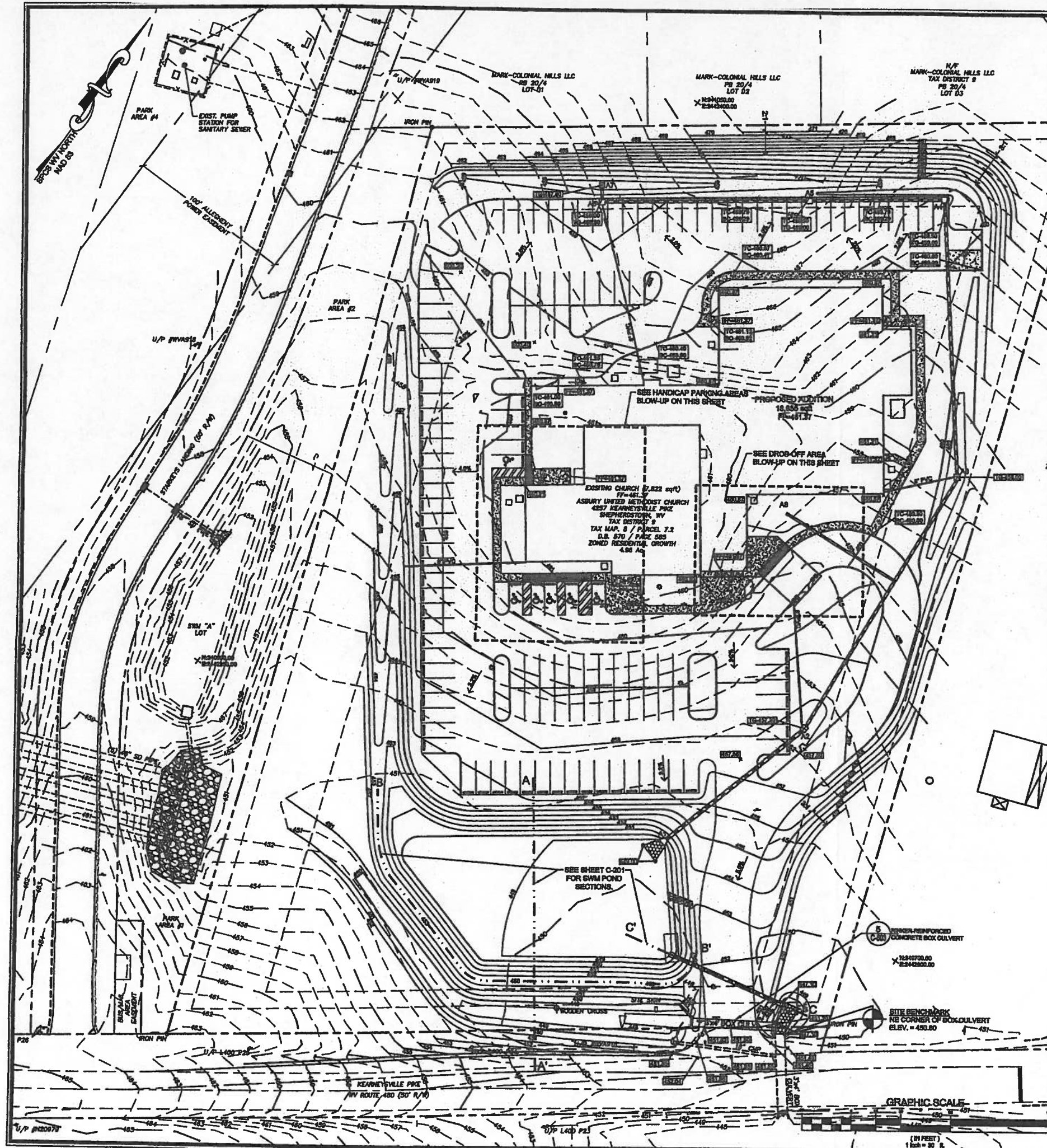
Looking at the layout of the proposed culvert, it appears the culvert can be moved to the South-West and the 30' radius requirement could be used. Also, the 30' radius will meet the WVDOH standards and provides for easier site access. Therefore, the County Engineer recommends denial of this waiver request.

WVOOH



DRIVEWAYS TO A CORNER COMMERCIAL ESTABLISHMENT --- URBAN

FIGURE 16



HATCH REPRESENTS SLOPES THAT WILL NOT EXCEED 2.0%

- NOTES:
- SIDEWALK GRADES: 5% (20:1) MAXIMUM SLOPE
  - HANDICAPPED RAMPS: MAX. 20:1 GRADE; PROVIDE DETAILS & NOTES.

FREDERICK SEIBERT & ASSOCIATES, INC.  
 CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS - LAND PLANNERS  
 128 SOUTH POTOMAC STREET, GREENCASTLE, MARYLAND 21740  
 30 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225

ASBURY UNITED METHODIST CHURCH  
 457 KEARNEYVILLE PIKE, P.O. BOX 100, KEARNEYVILLE, VIRGINIA 22643  
 JEFFERSON COUNTY, WEST VIRGINIA

PROJECT NO.	2012.0
DATE	04-20-2012
TAX DISTRICT	9
DRAWN BY	JAN
CHECKED BY	MCH
SCALE	1" = 20'

GRADING & DRAINAGE PLAN



# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 338

Charles Town, WV 25414

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

Date Applic. Rec'd: \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_

Sketch Received: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

Email [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

Email [zoning@jeffersoncountywv.org](mailto: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: Asbury United Methodist Church

Mailing Address: 4257 Kearneysville Pike

City: Shepherdstown State: WV Zip Code: 25443

Phone Number: 304-876-3112 Email: pastorb@4pillarchurch.org

#### Applicant contact information

Applicant Name: Asbury United Methodist Church

Mailing Address: 4257 Kearneysville Pike

City: Shepherdstown State: WV Zip Code: 25443

Phone Number: 304-876-3112 Email: pastorb@4pillarchurch.org

#### Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Frederick, Seibert & Associates, Inc - Mike Hicks, PE

Mailing Address of Engineer(s) or Surveyor(s): 128 South Potomac Street

City: Hagerstown State: MD Zip Code: 21740

Phone Number: 301-791-3650 Email: mike@fsa-md.com

#### Physical property details

Physical Property Address: 4257 Kearneysville Pike

City: Shepherdstown State: WV Zip Code: 25443

Tax District: Shepherdstown (9) Map #: 8 Parcel No: 7.2

Parcel Size: 4.98 Ac. Deed Book: 570 Deed Bk. Pg. #: 585

Zoning District:

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

**What section of the Ordinance are you requesting to waive?**

Appendix B Section 2.3.B.6

**Briefly describe the nature of your waiver request:**

The entrance was approved by WV DOH with the current radius (20 feet) due to the existing and proposed culvert constraints.

**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.**

There is no public benefit.

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

There would be no adverse affects whatsoever

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

The entrance radius being 20 feet and not 30 feet will still allow for a safe entrance to the site. there will not be a safety hazard with the 20 feet and it will not promote truck traffic entering the site that should not be there as the site is not designed for truck traffic.

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

It will be of a safer entrance with no large drop off in grade adjacent to the pavement.

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

Gloria Rutherford 7/26/12

Signature of Property Owner

Date

Received By

Date

**For Official Use Only**

\_\_\_\_ Date of Public Meeting/Public Hearing

\_\_\_\_ Official/Administrative Body

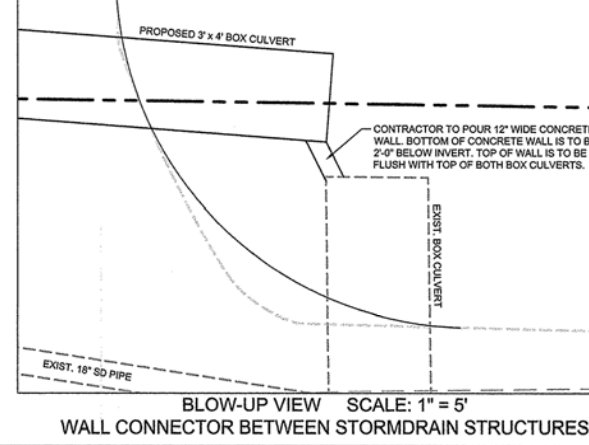
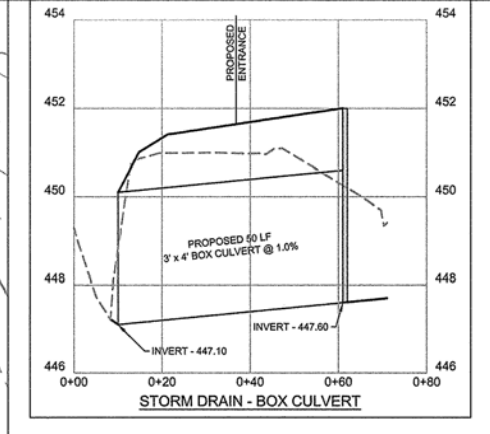
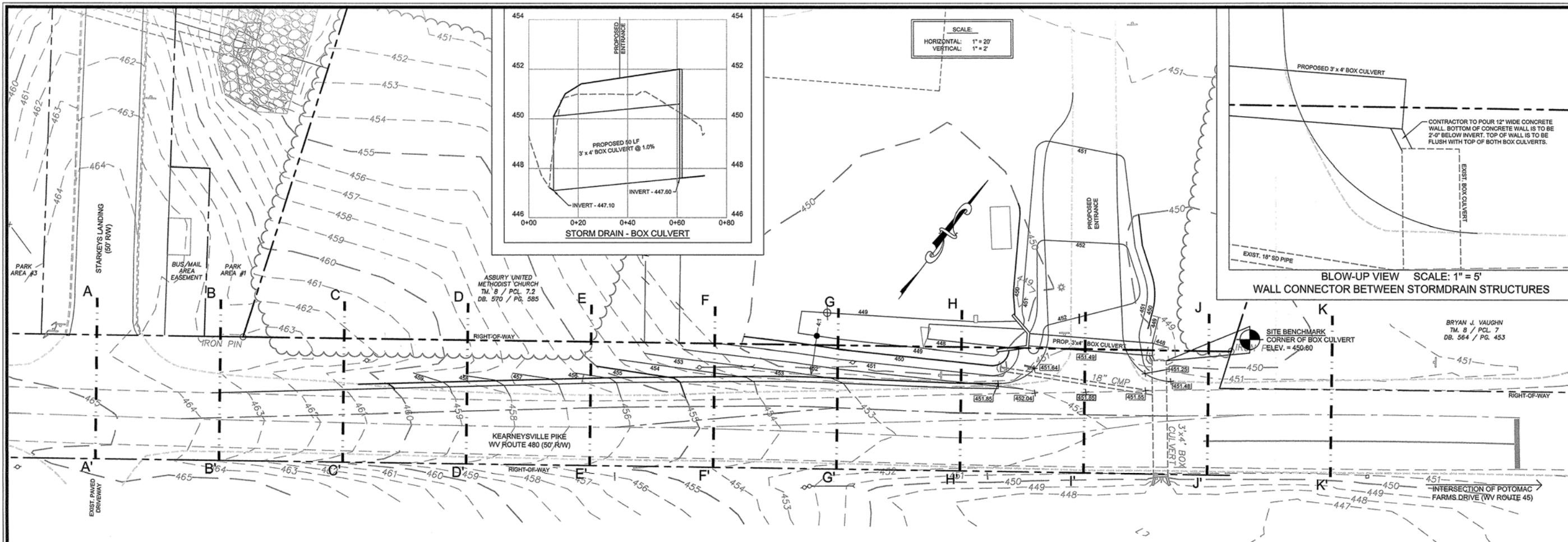
\_\_\_\_ Date Property to be posted by

\_\_\_\_ Date Adjoiner letters to be mailed by

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

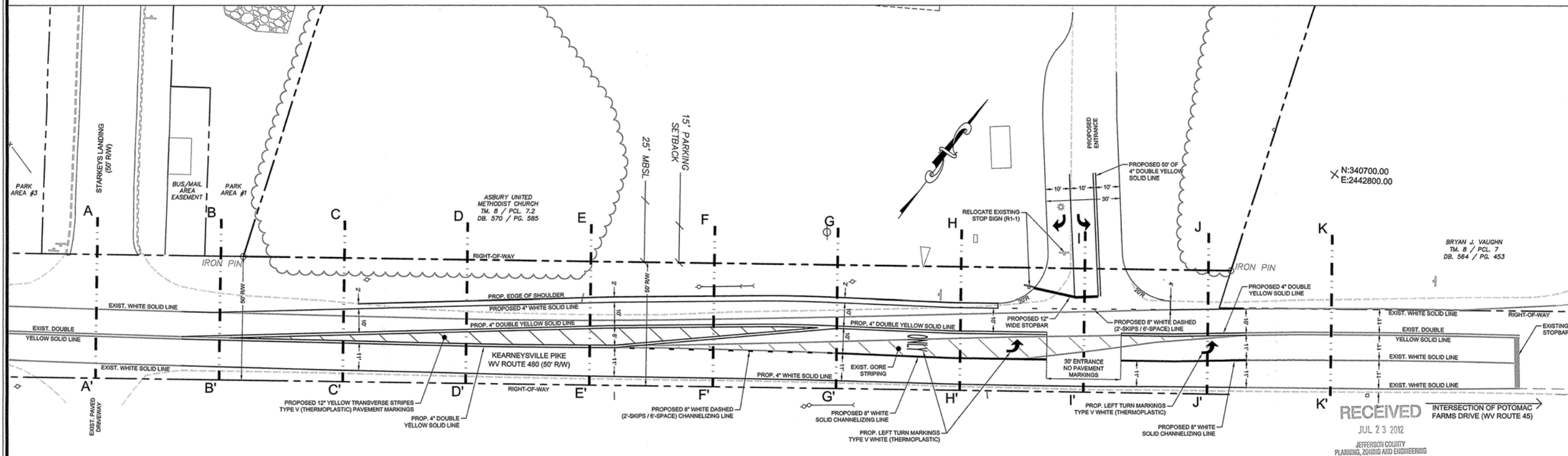
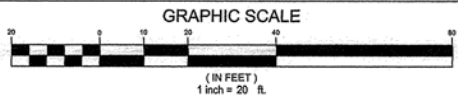
Approved

Denied

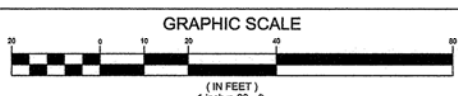


GRADING PLAN

NOTE:  
CONTRACTOR IS REQUIRED TO USE CASE A9 OF DOH MANUAL ON TEMPORARY TRAFFIC CONTROL FOR STREETS AND HIGHWAYS, 2006 EDITION. ANY CHANGES MUST BE APPROVED BY THE WVDOH ON-SITE REPRESENTATIVE.



STRIPING PLAN



Professional Certificate  
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of West Virginia.  
Bryan J. Vaughn  
Professional Engineer  
No. 12442  
Expiration Date: 12/31/2011

FREDERICK S. EIBERT & ASSOCIATES, INC.  
© 2011  
CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS - LAND PLANNERS  
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740  
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225

DATE:	03-27-12
DESCRIPTION:	Revised per WV DOH Comments
MISC:	

ASBURY UNITED METHODIST CHURCH  
4257 Kearneysville Pike  
Shepherdstown  
JEFFERSON COUNTY, WEST VIRGINIA  
CLIENT:  
Asbury United Methodist Church  
4257 Kearneysville Pike, Shepherdstown WV 25443  
Client Phone

PROJECT NO:	6016.0
CAD DWG FILE:	6016-DOH-02.DWG
DRAWN BY:	JAN
DATE:	05-03-2011
CHK'D BY:	MDH
DATE:	2011
TAX MAP:	ELECTION DIST.

SCALE: 1" = 20'  
SHEET TITLE: GRADING PLAN STRIPING PLAN  
SHEET 2 OF 4

DW12-05



# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 338

Charles Town, WV 25414

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

Application Number: #712-02

Date Application Received: 7-16-12

Staff Initials: CFC

Application Fee: \$1150.00

CK # 122884

Email [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

Email [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Fax: (304) 728-8126

### Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, 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 WV State Code. All Amendments to the Zoning 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.

#### Property Owner Information

Name of Property Owner: BANK OF CHARLES TOWN (BCT)

Mailing Address: P.O. BOX 906 111 EAST WASHINGTON STREET

City: CHARLES TOWN State: WV Zip Code: 25414

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

#### Applicant Contact Information

Applicant Name: SAME

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

#### Applicant Representative

Name of Representative: MINALETTE G. VAN HILST, PRINCIPAL - the crossroads group

Address of Representative: 22 VAN CLEVELAND ROAD

City: KEARNEYVILLE State: WV Zip Code: 25430

Phone Number: (304) 876-6984 Email: agvh@frontiernet.net

**Physical property details**

Physical Property Address: 111 EAST WASHINGTON STREET  
City: CHARLES TOWN State: WV Zip Code: 25414  
Tax District: HARPERS FERRY - 04 Map #: 7 Parcel #: 24 + 26  
Parcel Size: 2.39 ACRES Deed Book: 991 Deed Book Page #: 723

**Current Zoning District**

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"/>

**Proposed Zoning District**

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

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

**Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.**

REFER TO ATTACHED MAP AMENDMENT SEC 8A-7-9 PETITION

**Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.**

**Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

**Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?**

- Yes, I request that the Planning and Zoning Staff present the petition**  
 **No, I prefer to present the petition**

**Plat or Sketch Plan (provide as an attachment to this application)**

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

- Yes**                       **No**

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

\_\_\_\_\_  
Signature of Property Owner                      Date

\_\_\_\_\_  
Received By                      Date

\_\_\_\_\_  
Signature of Property Owner                      Date

\_\_\_\_\_  
Received By                      Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_ (Year)**

- Recommended**                       **Not Recommended**

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_ (Year)**

- Approved**                       **Disapproved**

**Final Determination/Other Comments**

F12-02

MAP AMENDMENT: §8A-7-9 PETITION  
Article 12, Jefferson County Zoning Ordinance  
Bank of Charles Town  
July 10, 2012

Owner:

Bank of Charles Town (BCT)  
111 East Washington Street  
P.O. Box 906  
Charles Town, WV 25414

RECEIVED

JUL 16 2012

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Applicant:

Bank of Charles Town (BCT)  
111 East Washington Street  
P.O. Box 906  
Charles Town, WV 25414

Ordinance Citation:

Article 12 of the Jefferson County Zoning and Development Review Ordinance as amended on November 10, 2011.

Map Amendment Definition:

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

Substantiation for the Request:

1. The property owned by BCT is currently zoned Rural and the Applicant is seeking a map amendment to the Residential/Light Industrial/Commercial District. The Applicant believes that this change is consistent and compatible with the 2004 Jefferson County Comprehensive Plan, as illustrated in this application;
2. BCT believes that the Rural Classification is an error in the Jefferson County Zoning Map since the property is located on a major intersection on a four lane highway (Route 340) next to the incorporated limits of Bolivar;

3. There has been a significant change in this area, since the Jefferson County Zoning Ordinance was adopted in 1988, as explained in this application; and,
4. This property is within the Growth Area as defined on the Study Area Map on Page 75 of the Comprehensive Plan.

Tax District, Map and Parcel Number:

Harpers Ferry Tax District, Map 7, Parcels 24 and 26

Deed Book Reference:

Deed Book 991 at Page 723

Sketch Plat:

Attached

Tract Size:

2.39 Acres

Discussion on:

Comprehensive Plan compatibility of the proposed change: Included in Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in Petition.

A. Comprehensive Plan Compatibility

The Comprehensive Plan contains policies, narrative and recommendations that support this map amendment. Areas of the Plan that support this request include:

In the policies found on Page 8, the Plan recognizes that existing population centers should be the focus of new, more intense development. This property is next to the corporate limits of Bolivar. This property should be located within the Urban Growth Boundary of Bolivar when and if that boundary is adopted. The policies on page 8 also encourage economic development in Jefferson County.

In the Statement of Goals, the Plan encourages growth and development in areas where infrastructure and public facilities are available. In this case, the property has access to the Harpers Ferry's Water and Wastewater Facilities and it is located next to Route 340. In fact, there are water and sewer easements located on this property. These attributes make the property an ideal candidate for a map amendment. The Plan's goals also support commercial activities in the County; in addition to the protection of private property rights.

Finally, the Plan's goals support and promote pedestrian friendly communities. This property is within walking distance of Bolivar, Harpers Ferry's Middle School, the library, various commercial entities and several parks. If the map amendment were approved, any type of commercial development would be compatible with promoting a walkable community.

The 2004 Comprehensive Plan includes numerous recommendations. However, only a handful appropriately addresses this map amendment request. These recommendations include the following:

**Recommendation 3.18 on Page 64:**

"The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities in the workforce."

**Commentary:**

This property is currently zoned Rural. As such, it can be used for several residential dwellings already. If it is rezoned to mixed-use, the property could still only be used for several dwellings due to the size and shape of the property. Furthermore, because of the size and shape, it would not be practical for industrial uses, except for small tourist based industries such as a woodworking shop, basket weaver, or something of this nature. Finally, the rezoning would allow a small commercial venture to locate here that could serve the tourists visiting Jefferson County. Please note that a convenience store or a fast food restaurant are not principal permitted uses in the requested zone. These two types of uses would require the issuance of a Conditional Use Permit.

A service related commercial venture or a business that would cater to tourists, such a Visitor's Center, would be an ideal use for this property if rezoned. Simply put, the requested map amendment would meet the goal of this recommendation without being a major impact to the area due to the size and shape of the land.

**Recommendation 3.25 on Page 73:**

“The County should study the US 340 corridor, including the land use, viewscape, economic development and traffic design and management in order to create an effective strategy for the long term management of this important mixed-use corridor”.

**Commentary:**

This draft study has been completed and is pending at the County Commission. Some Commissioners have expressed concern about this report because of its potential adverse effect on economic development in this prime mixed-use corridor. As such, the Applicant is reluctant to cite the draft study in this Petition until the County Commission takes action on the study. However, since the Staff used portions of the study to comment on the last rezoning petition, this Petition will address some of the items in that study. One should remember that the original intent of the 340 study was to be an attempt to address economic development and traffic characteristics in the area, as the Comprehensive Plan suggests.

To implement this recommendation (3.25), the implementation section of the Plan mandates a ‘cooperative planning effort with the WV DOT to improve the US 340 corridor.’ Based on the fact that the 340 Study did provide this opportunity for the County and WVDOH to finally sit down to discuss these issues, this recommendation has already been implemented. However, a major traffic or transportation study wasn’t conducted. The WVDOH is preparing to undertake that study. The traffic reports that the Staff and consultant did prepare for the 340 Study where unfortunately limited because of funding. For instance, this study did not address the traffic’s origin or destination. As such, the question remains on how much of the traffic on Route 340 is ‘pass through’ traffic versus local traffic. Route 340 is a primary connection point between the Washington, D. C. /Baltimore Metro Area and Interstate 81. As such, it should be estimated that a lot of this traffic just passes through the County. The 340 Study does conclude that a great deal of the 340 Gateway traffic is pass ‘thru’ traffic. However, it is encouraging that Maryland, Virginia and West Virginia are finally meeting on an improved route between Sandy Hook, Maryland and Bolivar, West Virginia. The three States might find other alternatives to address this pass through traffic.

Economic development of Route 340, especially at the primary intersections was one of the recurring topics during the course of the 340 Study. Hopefully, the County Commission will address the economic development issues along Route 340 more comprehensively if the Study is advanced.

If the 340 Study is going to be acted on by the County Commission, the 340 Study should be revised to include most of the 340 Corridor as the key to economic development. This is the area that is best served by infrastructure and has historically been a mixed-use area. The County Commission should use the study to recognize the commercial and economic development opportunities in this corridor. This would maximize the land use in an already defined mixed-use area. This area is already indicated as the major 'growth area' of Jefferson County in the 2004 Comprehensive Plan. The growth and development that the Federal Government has brought to this corridor is a good indicator that this area is a prime area for economic development.

Based on the above, the Applicant believes that this map amendment is consistent with Recommendation 3.25 in the Comprehensive Plan as it relates to the County Commission's desire to enhance economic development along this corridor. As addressed with the earlier recommendation, this particular property would be ideal to locate a small commercial or tourist related project.

**Recommendation 4.01 on Page 78:**

"It is the vision of this Comprehensive Plan that development will be concentrated within the designated growth areas".

**Commentary:**

There is one land use policy map in the 2004 Comprehensive Plan. It is found on page 75 and a copy of it is included with this petition. That map shows that the subject parcel is shown within the designated growth area along the Route 340 Corridor. According to the Plan (page 70), the strong majority of this growth area is designated as the Residential Growth District and the Residential/Light Industrial/Commercial District. It is therefore perplexing as to why this 2.39 acre parcel within the growth area at a major intersection is zoned 'Rural'. This is especially strange since the property is adjacent to properties with a commercial real estate office and an automotive service center located on them. The property is also next to the Visitor's Center, which had a commercial home builder's office in it for many years. Finally, this property is next to the Town of Bolivar and has water and sewer line easements located on it.

Based on the location of this property in the 'growth area' with the above described attributes, the requested map amendment appears very much consistent with Recommendation 4.01. These facts also support the argument that the Rural Designation is an error in the zoning map that

needs to be corrected. This land is not rural in nature and, in fact, should be considered the economic gateway into Jefferson County.

According to the above three major recommendations in the 2004 Comprehensive Plan, this map amendment is very much consistent and compatible with the Plan.

#### B. Change of Neighborhood

The zoning designations and changes in use and intensity of uses have changed the neighborhood in the recent past. The zoning changes and the changes in uses that have occurred in the area since the adoption of the Zoning Ordinance include:

1. The County Commission has rezoned several properties in the area of the subject property. At the bottom of Allstadt's Hill, just west of this property, the County has rezoned three properties to the Residential/Light Industrial/Commercial District. These properties included the Shenandoah Professional Building Property (Sanderson), the Gibson Property (Flea Market) and the Capriotti Property (adjacent to River Riders);
2. River Riders has expanded considerably in the recent years;
3. The Cliffside/Quality Inn has undergone significant renovations and remodeling to become a large banquet hall facility;
4. The complete development of the Federal Customs and Border Patrol property; and,
5. The addition of the NPS' Transportation and Parking Hub was developed directly across Route 340 from the subject property.

The ongoing development of the U.S. Customs and Border Patrol property along Route 340 is a significant change in this area. The development of that complex will have a huge impact along this corridor. It seems that almost the entire property will be used for construction of this large commercial type facility.

There have been other changes in the area, since the adoption of the zoning ordinance, which would support the requested change to the Residential/Light Industrial/Commercial District. These include the following:

1. Availability of Public Utilities:

Public Water and Wastewater facilities are more readily available in this area. In fact, this property contains both water and sewer line easements. One of the major goals of the Comprehensive Plan states that the Plan should:

‘Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable costs to the community’.

Also, since the property can already add several residential dwelling units, any added commercial portion to the development would lessen any school impact. Furthermore, since the property already has access to water and wastewater facilities, the public would have no costs regarding these utilities.

## 2. Growth in the Corridor:

Since the adoption of the original Zoning Ordinance in 1988, the Route 340 Corridor has grown considerably. The significant growth includes: the addition of the Casino and table games at the race tract; the Customs and Border Patrol Development; the Eackles-Spencer and Norton Funeral Home; two landscaping businesses; the major expansion of River Riders, including the zip line and the aerial adventure park; the redevelopment of the Cliffside/Quality Inn; the Shenandoah Professional Building conversion and rezoning; Windmill Crossing including the Sheetz, Aldi and Tractor Supply Company; and the Sears Professional Building to name a few. This is a further indication that the Route 340 Corridor is a major economic and commercial engine in Jefferson County. Along with these commercial developments, there have also been major residential projects approved in this corridor. These types of developments illustrate that mixed-use development along Route 340 is consistent with the Comprehensive Plan, since most of these came after the Plan was adopted in 2004. The map amendment for the subject property would ideally fit into this corridor’s mixed use.

## C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics in this area and along Route 340 since the zoning ordinance was adopted in 1988. The bridge on Route 340 over the Shenandoah River was totally rebuilt. Although the bridge does not have four lanes, it was significantly widened. As noted earlier, there has also been progress between the three States’ Highway Departments on this area between Sandy Hook, MD and Bolivar, WV.

Several intersections to the west of this property have also been significantly improved. The improvements include new signals and lane modifications at the Route 230 and Route 24 intersections with Route 340. Furthermore, the three entrance points on the stretch of Route 340 from Shipley Elementary School and Halltown Road were modified and improved to facilitate both the residential traffic from Halltown Road and Carriage Park Subdivision and the bus traffic from Shipley School. Finally, a new intersection with a signal and lane modifications is planned for where the U. S. Customs and Border Patrol wants to have direct access to Route 340. All of these intersection improvements have made significant positive contributions to the transportation patterns for the safe and efficient traffic flow in the area.

There have been two major improvements to reduce traffic flow in this area since the Zoning Ordinance was adopted in 1988. These include the construction of the major Parking and Bus Transportation Center across Route 340 from this property and the construction and expansion of the commuter rail station at Duffields. The Bus Transportation and Parking Center was built by the NPS to eliminate tourist vehicles from congesting the highway and the town. This facility also reduced hesitant and conflicting traffic movements when the centralized transportation facility was built. The commuter station at Duffields also removed a large amount of vehicle trips in this area by providing a parking area and station far removed from Route 340.

One final major change to the transportation characteristics that will be completed within a year is the construction of the new four lane Route 9. This new road will indeed take some of the traffic burden off of Route 340 in this area. A lot of the commuter traffic from residents in the central, northern and western part of the County that are heading towards Northern Virginia utilize Harpers Ferry Road, between the bridges, to access Route 9 between Sweet Springs Store and Hillsboro in order to avoid the winding Route 9 through Mannings. Once the new Route 9 is built, these commuters will access Route 9 from the Bypass. This will further alleviate the traffic on the two lane Route 340 near Harpers Ferry.

All of these changes and improvements have taken place since 1988 when the Zoning Ordinance was adopted; and some of them have taken place since the 2004 Comprehensive Plan was written. The Comprehensive Plan is nearly 10 years old and should be considered to be updated to include these improvements, as well as, recommend new improvements. All of these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and corridor. These changes should have a positive effect on this Petition for a map amendment.

#### D. Error in the Original Zoning Map

This topic was discussed along with Recommendation 4.01 earlier in this Petition. However, here is an attempt at summarizing the reasons that the Rural Zoning Classification should be considered an error on the Zoning Map. However, irrespective of the error on the Zoning Map, these reasons alone would support the requested map amendment to the mixed-use classification:

1. The property is located on a major intersection on one of only two four lane highways in Jefferson County;
2. The property has access to public water and public wastewater services;
3. The property is adjacent to land that contains (and contained at the time of the ordinance adoption) a Visitors Center, a Model Home and home construction business, a Real Estate Office and an Automotive Service Facility (and gas station at one time);
4. The property is next to Bolivar, one of only five 'urban' areas and municipalities in Jefferson County;
5. There are other mixed-use properties in this area in both the County and Bolivar;
6. Due to the location, the property is not an ideal site for several houses to be built next to Route 340 as permitted by the Rural Designation;
7. The property is located in the Growth Area in the Comprehensive Plan;
8. Two commercial billboards have existed on this property for many years (prior to the adoption of the Zoning Ordinance); and,
9. The property contains 2.39 acres and is located along a primary highway. Typically, these properties should be classified with some commercial component.

The misappropriated zoning classification is best summed up with the purpose statement found in the Rural District section of the Zoning Ordinance (Article 5, Section 5.7), which states:

“The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities.”

The Applicant does not believe that this 2.39 acre property would be a good location for a house or a farm. Accordingly, it appears that this property was inadvertently left out of a commercial district many years ago.

#### E. The Property is Located Within the 2004 Comprehensive Plan Growth Area

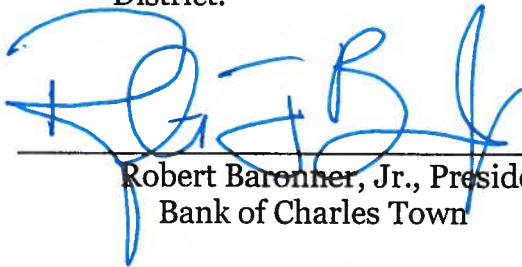
This topic was also discussed under Recommendation 4.01. On page 6 of the Capriotti Staff Report, the Staff acknowledges that the Residential Growth District is a 'growth oriented district'. Along with the Residential/Light Industrial/Commercial District, these are the two growth districts that are

recognized in the 2004 Comprehensive Plan as the two zones that primarily make up the 'growth area'. Presently, the BCT property is not included in either district. This should be the most compelling argument that the current Rural Classification needs to be changed. The fact that it is zoned Rural makes the property inconsistent with the 2004 Comprehensive Plan Map that recognizes this property as a 'growth area' property.

Regarding land use policy in Jefferson County, the Growth Area on the Study Area Map on page 75 appears to be the only land use policy map in the 2004 Comprehensive Plan. Therefore, the County Commission should utilize this map when making the decision on the requested map amendment.

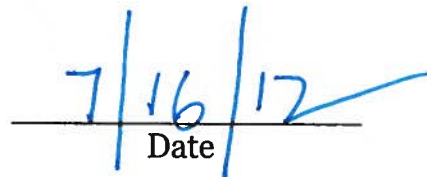
F. Conclusion:

The Bank of Charles Town respectfully requests that the County Commission approves this map amendment to the Jefferson County Zoning Map. This Petition cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the 2004 Comprehensive Plan; the recent actions of the County Commission regarding rezoning in this area; the fact that the property should always have been classified as one of the commercial districts; the positive changes in the transportation characteristics in the area; the changes in the neighborhood from when the original zoning ordinance was adopted; and, the fact that the property is within the Growth Area in the Plan. This map amendment will change the zoning classification on the Applicant's property from the Rural District to the Residential/Light Industrial/Commercial District.



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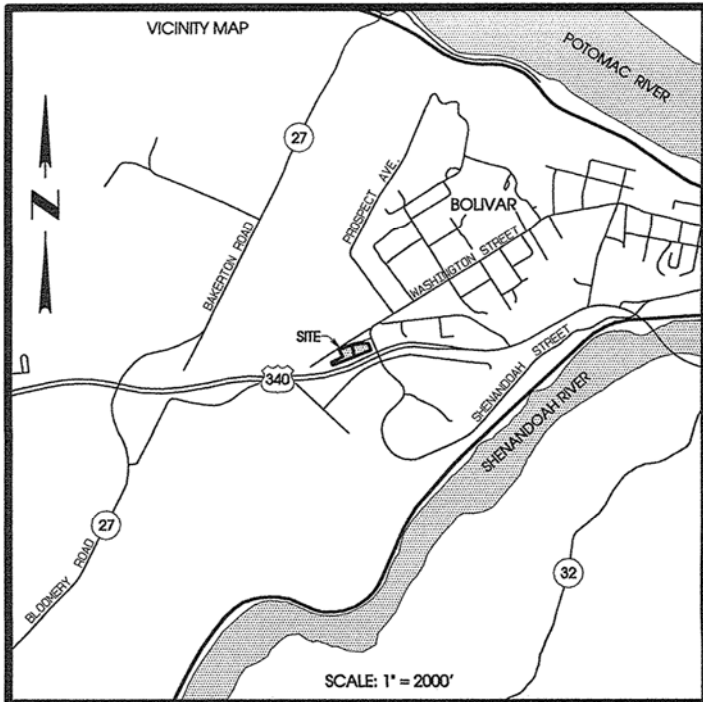
Robert Baronner, Jr., President  
Bank of Charles Town



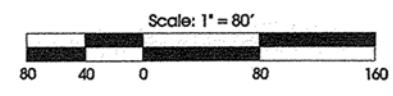
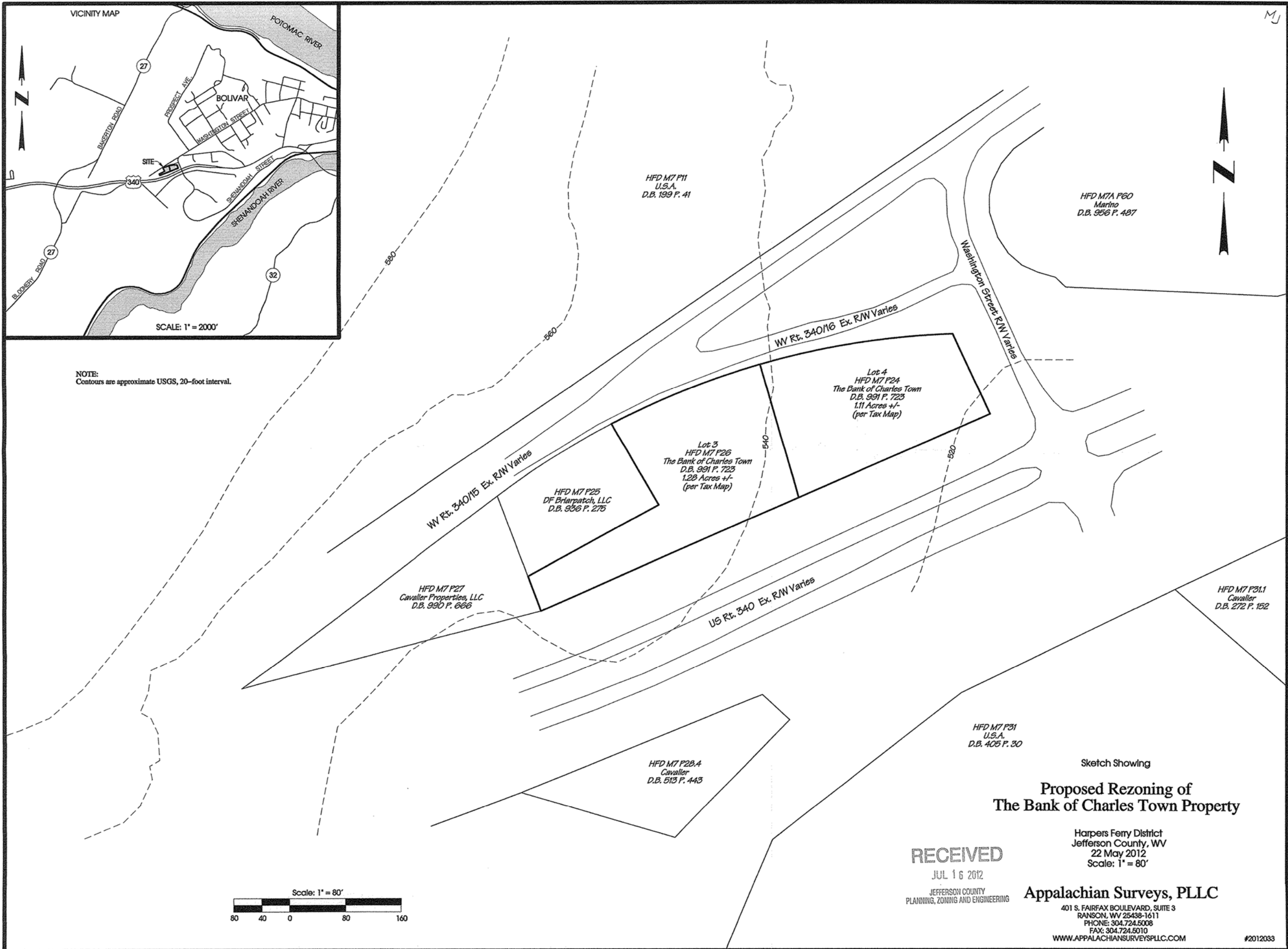
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Date

MJ



NOTE:  
Contours are approximate USGS, 20-foot interval.



Sketch Showing  
**Proposed Rezoning of  
The Bank of Charles Town Property**

**RECEIVED**  
JUL 16 2012  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Harpers Ferry District  
Jefferson County, WV  
22 May 2012  
Scale: 1" = 80'

**Appalachian Surveys, PLLC**  
401 S. FAIRFAX BOULEVARD, SUITE 3  
RANSON, WV 25438-1611  
PHONE: 304.724.5008  
FAX: 304.724.5010  
WWW.APPALACHIANSURVEYSPLLC.COM

#2012033

712-02



**JEFFERSON COUNTY, WEST VIRGINIA**

Application Number: Z12-03

**Departments of Planning and Zoning**

Date Application Received: 7-24-12

116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 338

Staff Initials: ALC

Charles Town, WV 25414

Application Fee: #1450.00

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html) CK # 57171

Email [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

Email [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Fax: (304) 728-8126

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, 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 WV State Code. All Amendments to the Zoning 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.

**Property Owner Information**

Name of Property Owner: John D. Lowe, III, et. al.  
Mailing Address: P.O. Box S  
City: Shepherdstown State: WV Zip Code: 25443  
Phone Number: 304/876-2546 Email: \_\_\_\_\_

**Applicant Contact Information**

Applicant Name: John D. Lowe, III  
Mailing Address: P.O. Box S  
City: Shepherdstown State: WV Zip Code: 25443  
Phone Number: 304/876-2546 Email: \_\_\_\_\_

**Applicant Representative**

Name of Representative: Richard Klein, P.E., Alpha Associates, Inc.  
Address of Representative: 535 W. King Street  
City: Martinsburg State: WV Zip Code: 25401  
Phone Number: 304/264-0051 Email: \_\_\_\_\_

RECEIVED

JUL 24 2012

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

**Physical property details**

Physical Property Address: 777 Potomac Farms Drive

City: Shepherdstown State: WV Zip Code: 25443

Tax District: Shepherdstown Map #: 8 Parcel #: p/o 5

Parcel Size: 8.07 Acres Deed Book: 1021 Deed Book Page #: 626

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

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

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

***Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.***

See Attached Petition

***Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.***

See Attached Petition

**Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

See Attached Petition

**Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?**

**Yes, I request that the Planning and Zoning Staff present the petition**

**No, I prefer to present the petition**

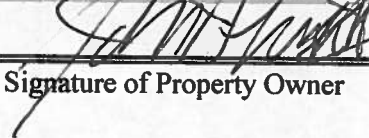
**Plat or Sketch Plan (provide as an attachment to this application)**

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

**Yes**       **No**

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

      7/24/12  
Signature of Property Owner      Date

Christina Chalmers      July 24 2012  
Received By      Date

\_\_\_\_\_  
Signature of Property Owner      Date

\_\_\_\_\_  
Received By      Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_ (Year)**

**Recommended**       **Not Recommended**

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_ (Year)**

**Approved**       **Disapproved**

**Final Determination/Other Comments**



# 712-03

July 20, 2012

Ms. Jennifer Brockman  
Director  
Jefferson County Planning and Zoning  
PO Box 338  
Charles Town, WV 25414

RECEIVED

JUL 20 2012

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Re: Petition for Map Amendment  
Lowe Products, Inc.  
Rezoning 10 Acre Property  
Shepherdstown District, Map 8, Parcel 5

Dear Ms. Brockman,

On behalf of our client, Lowe Products, Inc., we are submitting a Petition for Map Amendment for the referenced property. The property is currently zoned Residential Growth and the Applicant is seeking a map amendment for the Residential/Light Industrial/Commercial District. Lowe Products, Inc. is located in Shepherdstown and proposes to develop a commercial subdivision on approximately 8.07 acres of land that fronts Potomac Farms Drive.

A check in the amount of \$1,450.00 is enclosed to cover the application fee. Please place this petition on the next available Planning Commission meeting agenda.

Please contact us if you have any questions or require additional information at this time. Thank you.

Sincerely,  
Alpha Associates, Incorporated

A handwritten signature in blue ink that reads "Richard W. Klein".

Richard W. Klein, PE  
Chief Executive Officer

Attachment: Petition for Map Amendment w/Exhibits

**§8A-7-9 PETITION  
REQUEST FOR MAP AMENDMENT  
John D Lowe, III, ET. AL.  
July 18, 2012**

**Property Owner and Applicant:**

John D. Lowe, III, ET. AL.  
P.O. Box S  
Shepherdstown, WV 25443

**Request:** The Lowe family owns a 41.14 acre parcel of land near Shepherdstown that was split into two parcels when the Route 45 Connector Road (which is now called Potomac Farms Drive (Alternate Route 45)) was built between Route 45 and Route 480 in 2000/2001. Prior to the Potomac Farms Drive's construction, the property was utilized as a part of the Lowe's Wood Product and Mulch Facility. The portion of the property to be considered for the map amendment is the approximate 8.07 acre portion of the parcel that is on the Northeast side of Potomac Farms Drive. Although the entire parcel shares the same Tax Identification, the property is now two separate parcels due to the DOH Right of Way that was purchased for Potomac Farms Drive. The property is currently zoned Residential Growth and was so designated in 1988 when the original zoning ordinance was adopted in Jefferson County. This petition is a request for a map amendment and rezoning of the property from the Residential Growth District to the Residential/Light Industrial/Commercial District.

**Section of Ordinance:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance, as amended.

A Map Amendment is defined as: "An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation."

**Substantiation for the Request:**

1. The request is consistent and very much compatible with the 2004 Jefferson County Comprehensive Plan. The plan's applicable recommendations are explained in the Petition.
2. Since the Zoning Ordinance was adopted in 1988, there have been several significant changes in the neighborhood. The most significant change was the construction of the Connector Road which functions as a bypass around Shepherdstown. This road bisected the Applicant's property. Other changes in the neighborhood include the development of the Maddex Commercial Area (Food Lion, etc.); the construction of the Clarion Conference Hotel and National Training Center; the enhancement to the entrance to the western campus of Shepherd University; and, the development of the Colonial Hills Subdivision. These and other changes are described in the Petition.
3. The Petition will also try to demonstrate that there was an error in the original zoning map. This property should have been given a commercial classification since the property was part of the Potomac Farms Nursery and Lowe Wood Product operations and was located behind a commercial area along Route 45. Lowe Products, Inc. has been in operation for over 40 years.

**Tax Information:**

Shepherdstown Tax District, Map 8, P/O Parcel 5

**Deed Book Reference:**

Deed Book 1021 at Page 626

**Sketch Plat:**

Attached

**Tract Size:**

Approximately 8.07 Acres

Petition Includes a Discussion on:

The compatibility of the proposed change with the Jefferson County Comprehensive Plan.

The change of transportation characteristics and neighborhood from when the original zoning ordinance was adopted in 1988.

A. Comprehensive Plan Compatibility

Among the many recommendations in the 2004 Jefferson County Comprehensive Plan, the following recommendations address items pertinent to this map amendment:

**Recommendation 3.18 on Page 64:**

“The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities in the workforce.”

Response: This property is currently zoned Residential Growth. As such, it can develop into a very dense housing development which can include apartments and townhouses. The requested Residential/Light Industrial/Commercial designation will essentially cut down the amount of land that can be used for residential purposes. In this case, there are already multiple residential developments in the area (Maddex Subdivision, Kensington Townhouse development, Tollhouse Woods and Colonial Hills Subdivision), so the ideal development would be a commercial business park that will allow businesses to service these housing developments. The map amendment would take land from the high density residential growth zone and allow it to develop into a commercial business park that would increase the tax base, provide employment opportunities and provide commodities to the surrounding residential growth.

On Page 71 of the Comprehensive Plan, it states that only 5% of Jefferson County is zoned for commercial and industrial development. It goes on to state that there is a need to maximize the potential for commercial development to offset the demands of residential development. In this case, this map amendment will allow the addition of this needed commercial development. The plan also states, that every mixed use property that develops entirely for residential use is a lost opportunity for ‘much needed commercial development’.

**Recommendation 4.01 on Page 78:**

“It is the vision of this Comprehensive Plan that development will be concentrated within the designated growth areas”.

**Response:**

The area of the requested map amendment is located directly within the Shepherdstown's Growth Area as depicted on page 75 of the Comprehensive Plan. The map is attached to this petition. There are only two areas that are shown as Growth Areas on this map: the one around Shepherdstown; and, the one along the Route 340 Corridor. These areas are the only areas that are expressly earmarked for growth in the Plan. This fact makes the property uniquely qualified for commercial development. Also, since the property is already zoned for residential growth, it would only make sense to allow the property to develop commercially. Very little land has been added to the commercial districts since the ordinance was adopted in 1988. New land should be added to the commercial districts in order to keep pace with the lands that have developed residentially within the growth areas.

These recommendations reinforce the fact that this rezoning is consistent and compatible with the Comprehensive Plan.

**B. Change of Neighborhood**

The neighborhood has undergone significant changes since the zoning ordinance was adopted. In 1988, the Shepherdstown Wastewater Treatment Plant was nearing capacity and that is probably one of the reasons that more land wasn't zoned for mixed uses at that time. That Shepherdstown Treatment Facility is now nearing the completion of a major upgrade and can now support additional growth. Another huge change in the neighborhood very specific to the subject property is that the Route 45 Connector Road (Potomac Farms Drive) bisected the property in 2000/2001. This change will be further discussed in the Change of Transportation Characteristics' part of the petition. Finally, the neighborhood has added a significant amount of residential units in several subdivisions including Maddex, Kensington, Tollhouse Woods and Colonial Hills. Along with this residential growth, other commercial areas have also developed since 1988, leaving a deficit of available commercial land in and around the growth areas of the County.

The following are changes in the neighborhood that would specifically support the requested change from Residential Growth to the Residential/Light Industrial/Commercial District:

## 1. Availability of Public Utilities:

Public Water is already in this neighborhood and Wastewater facilities can be extended to this neighborhood now that the Shepherdstown Wastewater Treatment Plant has expanded its capacity. It has long been the goal of Shepherdstown to extend its sewer services along Route 45. This map amendment would allow the applicant to participate in that extension. One of the Comprehensive Plan's primary objectives is to:

'Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable costs to the community'.

In this case, the water is already available in the area and sewer is obtainable at the applicant's cost. There would be no unreasonable costs to the community, since the additional utility customers would allow the Town to keep the rates stabilized.

Regarding schools, the property is already zoned for high density residential growth. Therefore, the map amendment could only provide for a lessened impact on the schools, since the addition of the commercial component would reduce the number of residential units permitted.

## 2. Growth in the Area:

Several large residential projects have been developed in this area that would certainly benefit from the additional commercial growth that would be permitted with this map amendment. Four of these, Colonial Hills, Tollhouse Woods, Kensington Townhouses and Maddex Subdivision, are residential developments that are approved with a significant number of residential units. Although the Maddex development has a limited amount of commercial services available to the residents in the Maddex Subdivision, Colonial Hills, Tollhouse Woods and Kensington Townhouses are approved mostly as a residential developments. When built out, these developments would most certainly need nearby commercial services available to their residents. Due to the limited area of Shepherdstown and the traffic congestion and parking problems within the town, it is imperative that commercial services be made available to the residents outside of town. Otherwise, the town would be overwhelmed. Furthermore, these new commercial services should not have a negative impact on the businesses within the Central Business District of Shepherdstown, because of the unique collection of eclectic shops that are already in town. As exhibited in other growth areas, such as Arlington and Alexandria, Virginia, these types of shops continue to thrive in their downtowns.

The other significant development in the area that was built after the zoning ordinance was adopted is the Clarion Conference Hotel and National Training Center. This hotel and conference center hosts major federal government training programs and conferences. The people attending these functions would also benefit from the availability of commercial services in the area. A participant at the facility would have the ability to walk to both this property and downtown Shepherdstown for commercial services.

The primary area that is zoned for commercial uses in the Shepherdstown Growth area is essentially developed. There was very little area in the Shepherdstown Growth Area that was zoned mixed use when the zoning ordinance was adopted. Most of that area was the Maddex Farm area that is now either fully developed commercially or already platted into residential lots. From this standpoint, it is vital to change some of the residential land into a commercial zone. Otherwise, commercial growth in the Shepherdstown Growth Area will not be able to meet the demands of the residentially zoned and/or developed properties in that growth area. This map amendment is a perfect opportunity to take some property slated for residential use and allow it to develop commercially. This map amendment would provide a balance of land available for both residential and commercial development.

**C. Change of Transportation Characteristics:**

Please note that this property is already zoned Residential Growth. As such, there should be little significant difference in traffic from this property if it is rezoned to mixed-use. A mixed-use development would have a more favorable outcome regarding traffic since some of the local residents could utilize the commercial services available if the property is rezoned. The major change to this area from a transportation standpoint was when Potomac Farms Drive (Alternate Route 45) was constructed through the Applicant's property. The State even built two commercial grade entrances into the Applicant's property. This would allow the property to develop into a commercial center without direct access points to the Connector Road. This scenario would not be conducive to the development of a 'strip mall'. In fact it would provide an opportunity to develop into a comprehensive interconnected commercial neighborhood.

The addition of this road, along with the expanded entrance into the western campus of Shepherd University, has considerably changed the transportation characteristics of the neighborhood. These two improvements have allowed traffic to bypass Shepherdstown to keep pass through traffic away from the more congested areas of town. The addition of commercial services in the western suburb of Shepherdstown should further reduce commercial traffic in the downtown area of Shepherdstown, without negatively affecting the unique collection of shops in town.

#### D. Error in the Original Zoning Map

When the Zoning Ordinance was adopted, this property was part of the land owned by the Lowe family that was being used for the Lowe Wood Products and mulching operation and the Potomac Farms Nursery. It is perplexing that the property wasn't given the commercial or industrial classification consistent with the existing use at the time of the ordinance adoption. The property is also directly behind the property that housed the Potomac Supermarket and adjacent to a large electric substation. Accordingly, the entire area should have been zoned either commercial or mixed-use. The Potomac Supermarket property is now utilized as a collection of commercial and retail space including a Subway and a Dollar General. Once the property was bisected by Alternate Route 45, this portion of the property became even more suited for commercial development, since it was separated from the main portion of the Lowe Products' operation.

#### E. Current Permitted Uses on the Subject Property

The property can currently be subdivided or developed into a dense residential development by virtue of its Residential Growth designation. Furthermore, under Article 4, Sections 4.3(f) and 4.3(g); and, §8A-7-10(c) of the West Virginia State Code, as amended, the property can also be used for the expansion or continued development of the Lowe Products, Inc. operation. These provisions allow for the expansion and continued development of agricultural, industrial and manufacturing operations that existed in Jefferson County when the original zoning ordinance was adopted.

Accordingly, the subject property can currently be used for the Lowe Products operation and/or for a residential development. As such, the requested mixed-use district would only allow the added commercial component to the possibilities of land development on this parcel. The Applicant is requesting the change, because the commercial aspect seems to be the most desirable use in this area. Furthermore, it appears that the County Commission has been very supportive of enhanced business opportunities in Jefferson County that this map amendment would allow.

F. General Policy of the Comprehensive Plan

There is a lot of narrative in the Comprehensive Plan that is outside of specific recommendations that supports this map amendment. The most important sections are some of the general policies of the Plan, which include:

'This Plan encourages new development patterns that foster mixed-use neighborhoods so that a sense of community begins at the subdivision level';

'This Plan encourages economic development so that residents can live and work in the County';

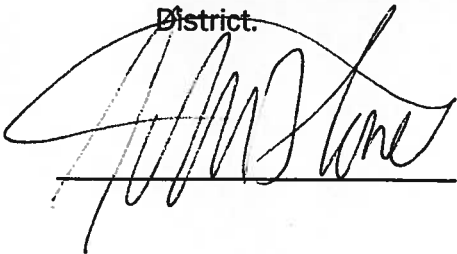
The County should 'Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable costs to the community'; and,

The County should 'Encourage and support commercial, industrial, and agricultural activities to provide a diversified and sound local economy'.

Finally, the Plan contains a land use policy map that includes this land in one of two Growth Areas in Jefferson County. This Growth Area Map is the only land use policy map in the Plan. As such, the map should be a vital piece of evidence to support the requested map amendment.

G. Summary:

The Applicant is requesting a map amendment for this 8.07 acre parcel for the benefit of economic development in Jefferson County. As such, this Petition is requesting a map amendment by the County Commission. The Applicant believes that: the 2004 Comprehensive Plan; the general philosophy of the County Commission regarding business enhancement in Jefferson County; the apparent error in the original zoning classification; and, the changes in the neighborhood from when the original zoning ordinance was adopted, all support the requested map amendment. The requested rezoning will change this property's zoning designation from the Residential Growth District to the Residential/Light Industrial/Commercial District.

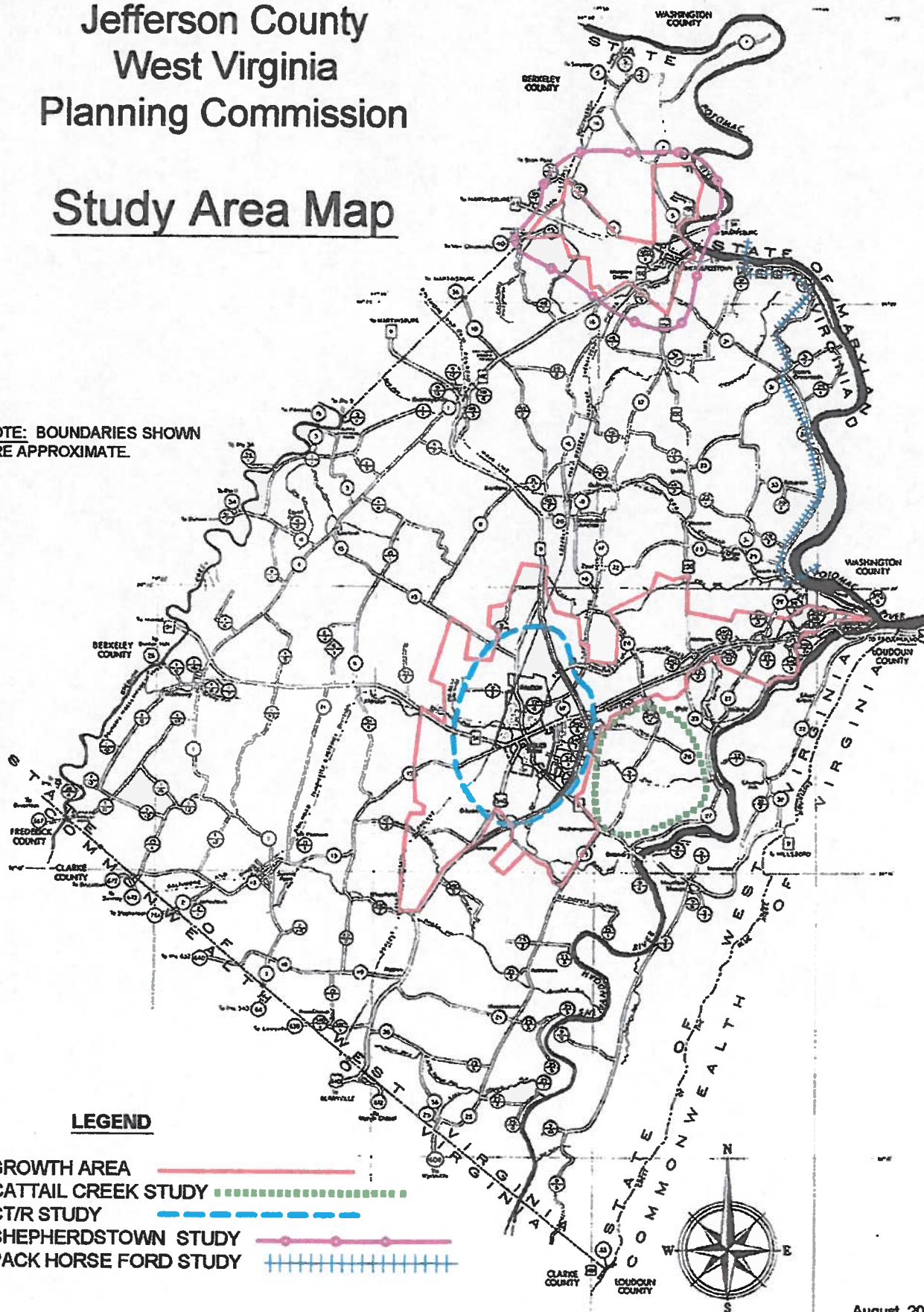


7/19/12  
Date

# Jefferson County West Virginia Planning Commission

## Study Area Map

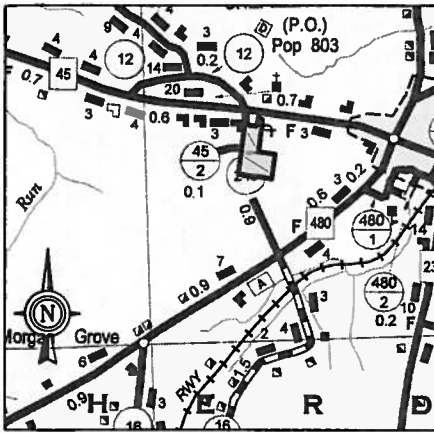
NOTE: BOUNDARIES SHOWN  
ARE APPROXIMATE.



### LEGEND

1. GROWTH AREA —————
2. CATTAIL CREEK STUDY .....
3. CT/R STUDY - - - - -
4. SHEPHERDSTOWN STUDY —●—●—●—
5. PACK HORSE FORD STUDY | | | | |

August, 2003  
NOT TO SCALE



SCALE: 1" = 1 MILE

N 72°43'50" W  
475.70'

N/F  
JOHN D. LOWE III ET AL  
DB: 1021 PG. 626  
TM: 8 PARCEL 6 & 6.2

N/F  
ROY F. AND PATRICIA  
DICK  
DB: 358 PG. 591  
TM: 8 PARCEL 5.2

N/F  
S&T GROUP LLC  
TM: 8 PARCEL 5.4  
DB: 1000 PG. 103

N 41°58'00" W  
145.40'  
WV RT. 45  
OLD WV RT 45

N 75°10'00" W  
57.10'

N/F  
POTOMAC EDISON  
DB: 493 PG. 633  
TM: 8 PARCEL 10.8

S 19°15'37" W  
383.85'

N 15°05'00" E  
1308.20'

N/F  
JESSE RYNIER VAN EVERA, JAMES W. VAN  
EVERA, LINDA HEANEY, LIVING TRUST.  
DB: 817 PG. 375  
DB: 545 PG. 104

2000.00'  
S 15°13'00" W

POTOMAC FARMS DRIVE  
(ALT. RT 45)

675.10'  
N 73°57'00" W

N/F  
JOHN D. LOWE III ET AL  
TM: 8 PARCEL 5  
DB: 1021 PG. 626

N/F  
MARK-COLONIAL LLC  
TM: 8 PARCEL 10  
DB: 989 PG. 175

S 73°24'00" E  
1343.90'

N 16°09'00" E  
1005.00'

N/F  
MARK-COLONIAL LLC  
COLONIAL HILLS PHASE 1 & 2  
P.B. 20 SLIDE 4



ALPHA ASSOCIATES, INC.  
535 WEST KING STREET  
MARTINSBURG, WV 25401  
PHONE: 304-264-0051  
FAX: 304-264-0707  
TOLL FREE: 877-264-0051  
www.thinkALPHAfirst.com

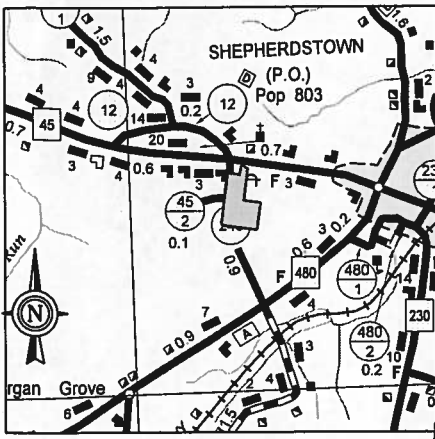
NOTE:

1. BEARING AND DISTANCES FOR THE PROPERTY LINES WERE TAKEN FROM THE WVDOH RIGHT-OF-WAY PLANS FOR THE SHEPHERDSTOWN CONNECTOR DATED 1999.

SCALE: 0 500'



LOWE PRODUCTS PROPERTY MAP  
PRIOR TO 1988



SCALE: 1" - 1 MILE

N/F  
ROY F. AND PATRICIA  
DICK  
DB: 358 PG. 591  
TM: 8 PARCEL 5.2

N/F  
S&T GROUP LLC  
TM: 8 PARCEL 5.4  
DB: 1000 PG. 103

N/F  
JOHN D. LOWE III ET AL  
DB: 933 PG. 643  
TM: 8 PARCEL 6 & 6.2

ENTRANCE CONSTRUCTED  
BY WVDOT

S 19°15'37" W  
383.85'

N 75°10'00" W  
57.10'

N/F  
POTOMAC EDISON  
DB: 493 PG. 633  
TM: 8 PARCEL 10.8

ROCK OUT  
CROP  
APPROXIMATE  
ACREAGE 8.07 ACRES

ROCK OUT  
CROP

EXISTING TREE  
LINES

POTOMAC FARMS DRIVE  
(ALT. RT. 45)

N/F  
JOHN D. LOWE III ET AL  
DB: 933 PG. 643  
TM: 8 PARCEL 6 & 6.2

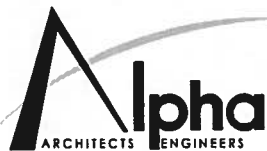
N/F  
JOHN D. LOWE III ET AL  
TM: 8 PARCEL 5  
DB: 1021 PG. 626

N/F  
JESSE RYNIER VAN EVERA, JAMES W. VAN  
EVERA, LINDA HEANEY, LIVING TRUST.  
DB: 817 PG. 375  
DB: 545 PG. 104

ENTRANCE CONSTRUCTED  
BY WVDOT

**NOTE:**

1. BEARING AND DISTANCES FOR THE PROPERTY LINES WERE TAKEN FROM THE WVDOT RIGHT-OF-WAY PLANS FOR THE SHEPHERDSTOWN CONNECTOR DATED 1999.
2. THE PROPERTY TO BE REZONED IS APPROXIMATELY 8.07 ACRES.
3. THERE ARE NO STREAMS, WETLANDS, CAVES, OR SINKHOLES ON THE PROPERTY.
4. THERE ARE NO MANMADE FEATURES ON THE PROPERTY.
5. THERE ARE NO KNOWN GRAVE SITES OR OTHER HISTORICAL SITES ON THE PROPERTY.
6. THE PROPERTY IS SERVED BY TWO COMMERCIAL ACCESS DRIVES CONSTRUCTED BY THE STATE HIGHWAY DEPARTMENT ON POTOMAC FARMS DRIVE.
7. THE RIGHT-OF-WAY WAS TAKEN BY CONDEMNATION ORDER DATED JULY 7, 2002.

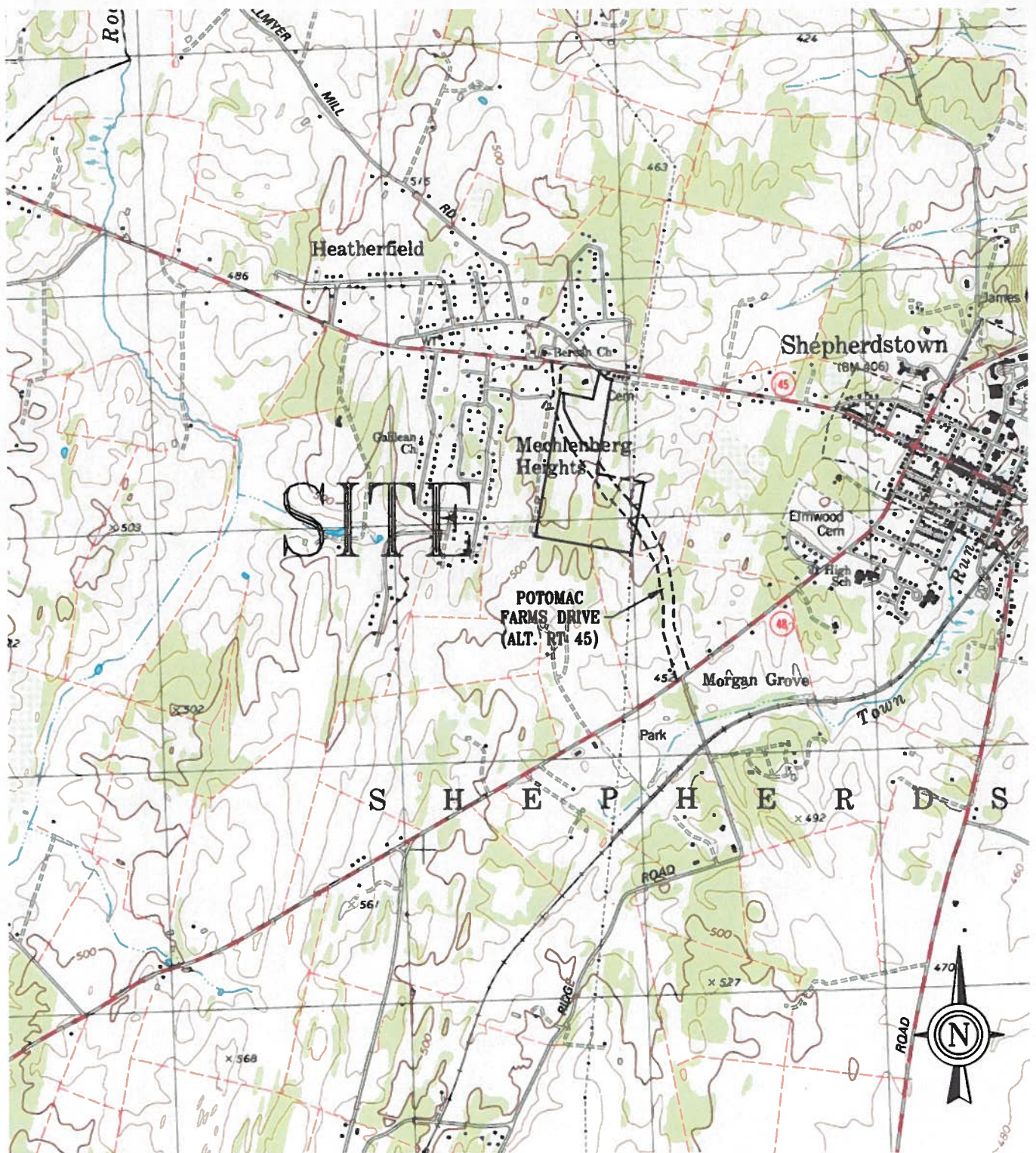


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FAX: 304-264-0707  
TOLL FREE: 877-264-0051  
www.IthinkALPHAfirst.com

LOWE PRODUCTS PROPERTY MAP  
PRESENT DAY

SCALE:

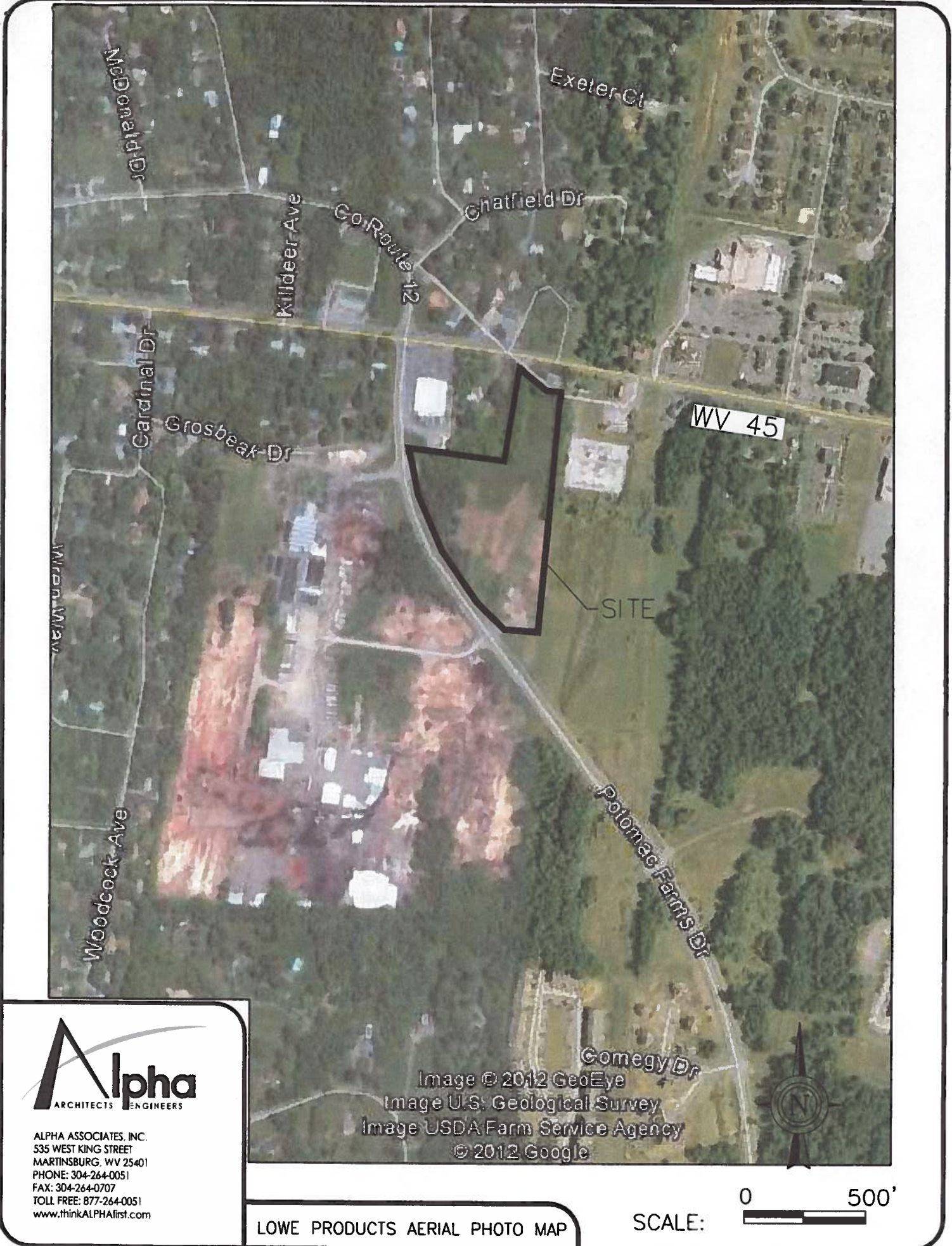




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FAX: 304-264-0707  
TOLL FREE: 877-264-0051  
www.thinkALPHAfirst.com

SCALE - 1" = 2,000'

U.S.G.S. MAP OF PROPERTY



WV 45

SITE



ALPHA ASSOCIATES, INC.  
535 WEST KING STREET  
MARTINSBURG, WV 25401  
PHONE: 304-264-0051  
FAX: 304-264-0707  
TOLL FREE: 877-264-0051  
www.thinkALPHAfirst.com

Image © 2012 GeoEye  
Image U.S: Geological Survey  
Image USDA Farm Service Agency  
© 2012 Google



0 500'  
SCALE:

LOWE PRODUCTS AERIAL PHOTO MAP



# JEFFERSON COUNTY, West Virginia

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Fax: (304) 728-8126

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## Director's Report August 14, 2012 Planning Commission Meeting

- 1) Activity Report (attached)
- 2) **\*\*\* SAVE THE DATE\*\*\*\***  
Important Date: Joint Planning Commission/County Commission has been set for **Thursday, September 13, 2012 7 pm** for the purpose of discussing proposed Timeline and Work Plan for 2014 Comp Plan – This is an important kick-off meeting and attendance by as many PC members as possible is strongly encouraged.
- 3) Recent CC Actions:
  - a) Vote on the landowner-initiated petition to amend the County Zoning Map for a 8.98 acre property owned by Gene Capriotti (*approved July 19, 2012*)
  - b) Presentation of Fourth Quarterly/Annual Report of the Planning and Zoning Departments, Planning Commission and Board of Zoning Appeals Report and Discussion of FY 2012 Work Plan (8/2/12)
- 4) Upcoming CC Actions:
  - a) County Commission Action Related to on Potential Amendments to the Zoning Ordinance Text regarding the Creation of New Commercial and Industrial Zoning Categories and Related Amendments:
    - i. County Commission Workshop – no public input (August 16, 2012, 1:30 pm)
    - ii. County Commission Public Hearing (September 6, 2012 7:00 pm)
  - b) County Commission Action Related to on US 340 East Gateway Plan:
    - i. County Commission Workshop – no public input (August 23, 2012, 11:00 AM tentatively)
    - ii. County Commission Public Hearing (to be set after 8/23/12 Workshop – near end of September)
  - c) Joint Planning Commission/County Commission for the purpose of discussing proposed Timeline and Work Plan for 2014 Comp Plan (September 13, 2012 7 pm) – no public input
- 5) Upcoming PC meetings:
  - a) September 11, 2012
  - b) September 13, 2012 -- 7 pm Joint PC/CC Meeting re: 2014 Comp Plan

## Christine Chalmers

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**To:** PLANNING COMMISSION  
**Subject:** RE: WEEKLY CALENDAR / 7.09.12- 7.13.12

### MONDAY, JULY 09, 2012

10:00 am – 11:00 am STAFF MEETING  
11:00 am – 12:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING

### TUESDAY, JULY 10, 2012

10:00 am – 11:00 am JENNIE, SETH & AMY – WEEKLY PLANNING MEETING  
1:30 pm JENNIE, STEVE & SETH – MEETING WITH TYLER QUINN  
7:00 pm JENNIE, STEVE, SETH & AMY – PLANNING COMMISSION MEETING

### WEDNESDAY, JULY 11, 2012

8:00 am – 9:30 am JENNIE - MONTHLY DEPARTMENT HEAD MEETING  
10:00 am – 11:00 am STEVE, SETH, AMY & JONATHAN – SITE PLAN PPC /  
RE: BIANCA FOWLER - DAY CARE CENTER IN BURR INDUSTRIAL PARK LOCATION  
11:00 am JENNIE, STEVE, SETH & JONATHAN – MEETING W/SHEP OGDEN -  
RE: FUTURE AG/FARM DISTILLERIES & POSSIBLE DISTILLERY COOPERATIVE  
2:00 pm – 3:00 pm JENNIE – HR WEBINAR  
3:30 pm – 4:30 pm JENNIE, STEVE, SETH & DAWN – WEEKLY UPDATE MTG WITH OLIVIA

### THURSDAY, JULY 12, 2012

9:00 am COUNTY COMMISSION MEETING - STEVE & SETH TO ATTEND  
9:00 pm – 2:30 pm JENNIE – WIP II IMPLIMENTATION PLAN / LOCATION: ROMNEY, WV  
2:30 pm STEVE & JENNILEE – SITE VISITS / RE: BEARUP (#CP12-03) & MOORE (#CP12-02)

### FRIDAY, JULY 13, 2012

BOARD OF ZONING APPEALS PACKET DAY

**Christine Chalmers**

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**To:** PLANNING COMMISSION  
**Subject:** RE: WEEKLY CALENDAR / 7.16.12- 7.20.12

**MONDAY, JULY 16, 2012**

9:00 am – 10:30 am JENNIE, STEVE, SETH & DAWN – INTERNAL COMP PLAN MTG #1 / RE: THE FIRST STEP  
10:30 am – NOON JENNIE, STEVE, SETH & DAWN – INTERNAL COMP PLAN MTG #2 / RE: TIMELINE  
NOON – 1:30 pm JENNIE, STEVE, SETH & DAWN – INTERNAL COMP PLAN MTG #3 /  
RE: STRATEGIES & INDUSTRY STANDARDS  
3:30 pm – 5:00 pm JENNIE, STEVE, SETH & DAWN – INTERNAL COMP PLAN MTG #4 /  
RE: STEERING COMMITTEE & SUBCOMMITTEES

**TUESDAY, JULY 17, 2012**

11:00 am JENNIE, STEVE & SETH – MONTHLY “AMENDMENT” MTG WITH ENGINEERING STAFF  
3:00 pm JENNIE – EDA MEETING

**WEDNESDAY, JULY 18, 2012**

11:00 am JENNIE – MEETING WITH TODD & CHRISTOPHER WHITE  
1:00 pm – 4:00 pm JENNIE, STEVE, SETH & DAWN – INTERNAL COMP PLAN MTG #7 /  
RE: COMP PLAN REQUIRED ELEMENTS & COMPONENTS

**THURSDAY, JULY 19, 2012**

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

5:00 pm – 9:00 pm **THIRD THURSDAY IN CHARLES TOWN – FOOD / FAMILIES / FUN**

**FRIDAY, JULY 20, 2012**

10:00 am – 11:00 am JENNIE, STEVE, SETH & DAWN – WEEKLY UPDATE MEETING WITH OLIVIA

## **Christine Chalmers**

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**To:** PLANNING COMMISSION  
**Subject:** RE: WEEKLY CALENDAR / 7.23.12- 7.27.12

### **MONDAY, JULY 23, 2012**

9:30 am STEVE – MEETING WITH VINCE PETIT / RE: BURR INDUSTRIAL  
1:30 pm – 2:30 pm JENNIE, STEVE & JENNILEE – WEEKLY ZONING MEETING  
2:30 am – 3:30 am JENNIE & SETH – WEEKLY PLANNING MEETING  
3:30 pm – 4:30 pm JENNIE, STEVE & SETH – MEETING WITH OLIVIA

### **TUESDAY, JULY 24, 2012**

9:00 am – 11:00 am JENNIE – JEFF CNTY RISK ASSESSMENT & MITIGATION PLANNING COMMITTEE  
10:30 am STEVE & SETH – SITE VISIT TO BURR INDUSTRIAL PARK / RE: BIANCA FOWLER  
2:00 pm STAFF MEETING

### **WEDNESDAY, JULY 25, 2012**

10:00 am – 11:00 am STEVE/JENNILEE, SETH/AMY, JONATHAN & JOE – SITE PLAN PPC / RE: MARTIN WELLER  
11:30 am – 1:30 pm JENNIE – JCHSEM QUARTERLY MEETING  
1:30 pm – 3:30 pm WIP TEAM TELEPHONE CONFERENCE  
3:00 pm JENNIE, STEVE, SETH & MASON – MTG WITH BILL ZALESKI / RE: SMALL FOOD TRUCKS  
4:30 pm JENNIE – INTERVIEW WITH MATT ARMSTRONG / RE: US 340 PLAN

### **THURSDAY, JULY 26, 2012**

9:00 am COUNTY COMMISSION MEETING  
10:00 am STEVE & MIKE – MEETING WITH CHRIS ZANELLA / RE: HAWTHORN (STEPTOE HOUSE)  
1:30 pm STEVE & MASON – MEETING / RE: USA PARTS SUPPLY  
2:00 pm JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN FOLLOW-UP MEETING

### **FRIDAY, JULY 27, 2012**

9:30 am JENNIE & SETH – MEETING WITH PAUL RACO & JIM TAYLOR (BRIGGS)  
10:00 am JENNIE, STEVE, SETH & DAWN – WEEKLY UPDATE MEETING WITH OLIVIA  
NOON – 1:30 pm JENNIE, STEVE & SETH – PLANNER'S LUNCH MEETING  
2:00 pm ED BURNS MEMORIAL SERVICE

## **Christine Chalmers**

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**To:** PLANNING COMMISSION  
**Subject:** RE: WEEKLY CALENDAR / 7.30.12- 8.03.12

### **MONDAY, JULY 30, 2012**

10:00 am – 11:00 am STAFF MEETING  
11:00 am – 12:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING

### **TUESDAY, JULY 31, 2012**

8:00 am – 3:00 pm JENNIE – SUPER-NOVA MEETING / LOCATION: WINCHESTER, VA  
10:00 am – 10:30 am STEVE & MASON – MEETING WITH LES BOWMAN / RE: SIGNS FOR BUSINESSES

### **WEDNESDAY, AUGUST 01, 2012**

8:00 am – 9:30 am JENNIE – MONTHLY DEPARTMENT HEAD MEETING  
1:30 pm – 2:30 pm STEVE & JENNIE – MEETING WITH LYN WIDMYER / RE: NEW ZONING DISTRICTS  
4:00 pm JENNIE & DAWN – GRANT MEETING / LIBRARY CONFERENCE ROOM

### **THURSDAY, AUGUST 02, 2012**

9:00 am COUNTY COMMISSION MEETING  
2:00 pm JENNIE, STEVE & DAWN – 2014 COMP PLAN FOLLOW-UP MEETING  
3:30 pm – 4:00 pm JENNIE & AMY – “GOALS” MEETING  
4:00 pm – 4:30 pm JENNIE & CHRISTINE – “GOALS” MEETING

### **FRIDAY, AUGUST 03, 2012**

10:00 am STEVE – MEETING WITH LEE BAIHLY / SITE VISIT TO RIVER & TRAILS OUTFITTERS  
10:00 am – 10:30 am JENNIE & DAWN – “GOALS” MEETING  
11:00 am – 11:30 am JENNIE & STEVE – “GOALS” MEETING  
1:00 pm JENNIE – BOARD OF HEALTH MEETING  
2:00 pm JENNILEE & AMY – TRAINING WITH CHARLOTTE / LIBRARY CONFERENCE ROOM

## **Christine Chalmers**

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**To:** PLANNING COMMISSION  
**Subject:** RE: WEEKLY CALENDAR / 8.06.12- 8.10.12

### **MONDAY, AUGUST 06, 2012**

9:30 am – 10:30 am STAFF MEETING  
3:30 pm – 4:00 pm JENNIE & JENNILEE – “GOALS” MEETING  
4:00 pm – 4:30 pm JENNIE & SETH – “GOALS” MEETING

### **TUESDAY, AUGUST 07, 2012**

10:00 am STEVE – MEETING WITH DR. PARKER HINZMAN  
2:00 pm JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN MEETING  
4:00 pm JENNIE, STEVE & SETH – UPDATE MEETING WITH OLIVIA

### **WEDNESDAY, AUGUST 08, 2012**

9:00 am – 1:00 pm JENNILEE & CHRISTINE - PICTOMETRY TRAINING / LOCATION: SHEPHERD UNIVERSITY  
9:30 am – 10:30 am JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN MEETING  
1:30 pm JENNIE – MEETING WITH TOM TRUMBLE / RE: DOCUMENT MANAGEMENT DISCUSSION  
2:00 pm – 3:00 pm JENNIE & SETH – WEEKLY PLANNING MEETING  
3:00 pm – 4:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING

### **THURSDAY, AUGUST 09, 2012**

9:00 am COUNTY COMMISSION MEETING  
1:30 pm – 3:00 pm JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN MEETING / RE: POWER POINT  
3:00 pm STEVE – MEETING WITH MIKE KANEHL / RE: DRIVEWAY

### **FRIDAY, AUGUST 10, 2012**

**BOARD OF ZONING APPEALS & PLANNING COMMISSION PACKET DAY**  
**INTERN OLIVIA NOLAN’S LAST DAY**

### **SATURDAY, AUGUST 11, 2012**

7:30 pm – 10:00 pm 2<sup>nd</sup> ANNUAL BIG SCREEN MOVIE NIGHT AT SAM MICHAEL’S PARK  
EVENING FEATURE: WIZARD OF OZ