

AGENDA
JEFFERSON COUNTY PLANNING COMMISSION
September 11, 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. Approval of the minutes for the August 14, 2012 meeting.
2. Citizen Communications.
3. Request for postponement.
4. Presentation of a petition by the John and Mike Thomas (Jefferson Asphalt Products, Inc.) 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 on the south side of WV Route 51 near the Tuscowilla Hills entrance approximately 2 miles west of Charles Town and is designated as Tax District: Charles Town; Tax Map: 13; Tax Parcel: 7.
5. Presentation of a petition by the Aitcheson Family Trust (Roger and Wanda Perry) and Frederica Adkinson 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 of US Route 340 on Campground Road approximately a half mile east of its intersection with Old Taylor Lane and is designated as Tax District: Harpers Ferry; Tax Map: 7; Tax Parcel: 18.
6. Request by Marty and Carol Kable for a variance from the Subdivision Ordinance Article 2, Section 2.1(B) to lift the 5 year parent-to-child restriction and allow for the transfer of three parent-to-child lots. These properties are located approximately one mile east of Leetown Pike near the intersection of Hite Road and Jefferson Orchard Road and is designated as Tax District: Middleway, Map: 9, Parcels: 2.14, 2.15 and 2.16.
7. Request by R.J. Speco, Inc. on behalf of Sheetz 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 at 51 Flowing Springs Road, Charles Town and designated as Tax District: Charles Town, Map: 8, Parcel: 11.5.
8. Reports from Legal Counsel and legal advice to PC.
Active Litigation:
 - Far Away Farms
 - Cedar Meadows Airpark
9. Director's Report.
10. County Commission Liaison Report.
11. Planning Commission Exchange.
 - Report from the Health Department Meeting Liaison. **Appointment of a volunteer Commissioner.*

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SEPTEMBER 11, 2012
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- Report from the Public Service District Meeting Liaison. **Appointment of a volunteer Commissioner.*
- 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.

12. President's Report.

13. Actionable Correspondence.

14. 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 and our website is 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
AUGUST 14, 2012

The Jefferson County Planning Commission met on Tuesday, August 14, 2012 with the following Commission members present: Kelly Baty, 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; Jonathon Saunders, County Engineer; Steve Groh, Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. P. Taylor, Ms. Morgan Eppers, Mr. Eric Smith were absent with notification.

Mr. Hayes called the meeting to order at 7:02 PM and asked for nominations for an acting chairman for the meeting. Mr. Pellish moved that Mr. Hayes serve as acting President for this meeting. Mr. G. Taylor seconded the motion which carried unanimously.

1. Acknowledgement of Mr. Ed Burns' service to the Planning Commission.

Ms. Brockman acknowledged the service of Mr. Ed Burns to the Planning Commission and the Jefferson County Community prior to his passing.

2. Approval of the minutes for the July 10, 2012 meeting.

Mr. Baty noted that the date at the top of page 1 needed to be changed from *June 12, 2012* to *July 10, 2012*.

Mr. Pellish moved to approve the minutes of the July 10, 2012 Planning Commission meeting as amended. Mr. Stolipher seconded the motion which carried unanimously.

3. Citizens Communication. None.

4. Request for postponement. None.

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.

Mr. Stolipher recused himself due to a conflict of interest with the parties involved. Mr. Stolipher left the room.

Mr. Rivard reviewed the location of the property.

Mr. Rick Turner, of Diamond Z Engineering, Inc., gave a presentation regarding the proposed activity on the property. He stated that there would be possible issues in providing sidewalks that he would be willing to discuss with the Planning Commission. Although a

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waiver of sidewalks would be a requirement, it was not being requested as a part of the Concept Plan review.

Mr. Rivard read from his staff report and recommended approval. He reported that a sidewalk would be required as a part of the administrative site plan review unless the applicant applied for a waiver of sidewalks.

Mr. Saunders gave a brief report and requested that the one-way entrance on Flowing Springs road be removed or closed off.

Mr. Jason Gerhardt, of William H. Gordon, Associates, stated that the Department of Highways suggested signage and pavement markings to clarify the one-way entrance. He reported that the applicant had complied with those suggestions.

Mr. Saunders stated that the bigger concern was the traffic making left hand turns into the one-way entrance due to the stacked traffic pattern.

Mr. Hayes opened the public hearing.

Mr. William McCloud, Shepherdstown resident, supports the expansion and requested that the streetscape of Charles Town be extended to the property. He asked that the lamp posts and sidewalks be integrated into the Concept Plan.

Mr. Pellish moved to close the public hearing. Mr. G. Taylor seconded the motion which carried unanimously.

Mr. Rivard explained that the property in discussion is in Jefferson County and that the streetscape design is under the purview of the City of Charles Town.

Mr. Pellish asked if the one-way entrance was necessary. Mr. Turner explained that the angled entrance directed traffic into the first canopy instead of through exiting traffic allowing for safer entrance onto the property. He suggested that the one-way entrance could be more directional to prevent traffic from entering on a left-hand turn.

Mr. Pellish questioned why the applicant would be required to install sidewalks since the business has been open since 1997. Mr. Rivard explained that the size of the expansion triggers an upgrade to the site and since the regulations have changed since the business was first built, sidewalks would be required by the Subdivision Regulations. Further he stated that sidewalks are reasonable in this area as the location is an urban environment and pedestrians are present in the area. He stated that the applicant would have the opportunity to apply for a waiver of sidewalks if necessary.

Mr. Pellish moved to approve the Concept Plan as presented with a recommendation to perform engineering design to alleviate the traffic concern at the southernmost Flowing Springs Road entrance. Mr. G. Taylor seconded the motion which carried unanimously.

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.**

Mr. Rivard presented the waiver request and reminded the Planning Commission that this issue had been voted on in June when the Briggs Animal Adoption Center Concept Plan was heard. He explained that the request had not been properly noticed at that time and that the waiver application had since been formally submitted and noticed according to the Subdivision Regulations. He read from his staff report and recommended that a 10 foot easement be dedicated instead of the actual installment of sidewalks.

The applicant was not present for comment.

Mr. Hayes opened the public hearing. There was no comment. Mr. Stolipher moved to close the public hearing. Mr. Pellish seconded the motion which carried unanimously.

Mr. Stolipher moved to approve the waiver request stating that it met all of the 4 criteria as outlined in Division 24.300 of the Jefferson County Subdivision Regulations. Mr. Pellish seconded the motion which carried unanimously.

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.

Mr. Rivard presented the location of the property and the proposed activity on the site. He remarked that this location would be ideal for sidewalks as there is a park trail across the street, a trail to the north and sidewalks in the subdivision directly adjacent to the church property. He indicated however, that the topography of the church property makes the installation of the sidewalks difficult due to a stormwater management feature. He read from his staff report and recommended approval with the condition that a 10 foot sidewalk/bike path easement be dedicated.

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Mr. Rob Holmes, of Frederick, Seibert and Associates, stated that there would be no room for sidewalks due to the drainage of the property and the widening of Kearneysville Pike.

Mr. Saunders presented his staff report regarding the curb radii at the site development access drive and recommended denial. He stated that the proposed culvert could be moved to the southwest and the 30' radius requirements could be used to provide for easier access to the site.

Mr. Holmes explained that the applicant is improving the road and adding an acceleration lane to the south. He stated that a 20' turning radius is appropriate for automobiles and respectfully requested that it be allowed to remain a 20' radius.

Mr. Hayes opened the public hearing. There was no public comment. Mr. Stolipher moved to close the public hearing. Mr. Pellish seconded the motion which carried unanimously.

Mr. Pellish moved to approve the waiver of the sidewalk since the request meets the 4 criteria as outlined in Division 24.300 of the Jefferson County Subdivision Regulations and requested that the applicant work with staff on providing a sidewalk/bike trail easement. Mr. G. Taylor seconded the motion which carried unanimously.

Mr. Stolipher moved to approve the waiver of the 30' minimum curb radii and to allow the 20' curb radii since the request meets the 4 criteria as outlined in Division 24.300 of the Jefferson County Subdivision Regulations. Mr. Pellish seconded the motion which carried 4 for and 1 opposed (Mr. Baty).

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.**

Mr. Rivard presented the request and recommended that the public hearing be held at the October 9, 2012 Planning Commission meeting to allow proper noticing requirements to be met and to meet the requirement of holding a public hearing within 60 days.

Mr. Scott Faulkner, holder of a sales contract on adjoining parcels, stated that he would like to raise a point of order that would affect the scheduling of the public hearing. Mr. Hayes consulted legal counsel and allowed Mr. Faulkner to comment. Mr. Faulkner stated that the Planning Commission, by holding a public hearing, would be aiding and abetting the Bank of Charles Town to violate Chapter 7 of the Code of Federal Regulations and the Federal Reserve Act and also under the Controller of the Currency 12 US Code 29 Section 219 which he reported states that a state chartered bank may not hold real estate, may not speculate on real estate, and may not improve real estate. He cautioned the Planning Commission that the rezoning request was a blatant violation of Federal Banking laws and encouraged the board to seek legal counsel before proceeding. Mr. Groh stated that the Planning Commission

could schedule the public hearing and that arguments of this nature could be made at the public hearing.

Mr. Stolipher moved to schedule for the October 9, 2012 Planning Commission meeting. Mr. Pellish seconded the motion which carried unanimously.

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

Mr. Rivard presented the request and recommended that the public hearing be held at the October 9, 2012 Planning Commission meeting to allow proper noticing requirements to be met and to meet the requirement of holding a public hearing within 60 days.

Mr. Richard Klein, representing the applicant, requested that this rezoning request be scheduled for a different meeting from the Bank of Charles Town rezoning request. He stated that the applicant would be willing to waive the 60 day requirement to allow for alternative scheduling.

Mr. Stolipher moved to hold a special meeting on October 23, 2012 specifically to hearing any scheduled rezoning requests. Mr. G. Taylor seconded the motion which carried unanimously.

Mr. Stolipher moved to schedule this rezoning request for October 23, 2012. Mr. G. Taylor seconded the motion which carried unanimously.

Mr. Hayes called for a recess at 8:15 PM. Mr. Hayes called the meeting back to order at 8:20 PM. Mr. Hayes asked to hear item #11 before item #10.

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

Active Litigation:

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

Mr. Groh stated that the appeal for the Far Away Farms case is still pending. He stated that the Cedar Airpark case is also still pending until the issue of having attorneys with conflicting interest is resolved.

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.**

Ms. Brockman gave a detailed presentation of the proposed 2014 Comprehensive Plan scope of work and timeline. The report included an overview of what was accomplished in the

2004 Comprehensive Plan, the responsibilities of the Planning and County Commissions, the components of a Comprehensive Plan, Staff's recommendations on work strategies and time frames and extensive public outreach approaches. Ms. Brockman discussed the implementation of a Technical Advisory Committee and a Steering Committee and explained the benefit each would have in developing the 2014 Comprehensive Plan. She distributed copies of the PowerPoint that was used for the presentation to the Planning Commissioners. She stated that there would be a joint meeting between the Planning Commission and the County Commission on September 13, 2012 at 7 PM and requested that all Planning Commission members attend if possible.

Mr. Pellish expressed his support of staff throughout this project and stated that he would like for this undertaking to be staff driven without input from professional consultants. Mr. Pellish cautioned that the committees should remain small enough to be manageable. He stated that since an additional 2 year contractual staff person would be requested, that person might be able to act as a facilitator to the meetings.

Mr. Stolipher suggested adding a representative from the Jefferson County Farm Bureau to the Steering Committee. He recommended keeping the 2014 Comprehensive Plan simple and business friendly.

Mr. Baty stated that a good facilitator would be necessary and that using an additional staff member for that role may not be the best strategy.

Ms. Brockman requested that the Planning Commission bring ideas for the Steering Committee to the joint meeting on September 13, 2012.

12. Director's Report.

Ms. Brockman distributed a memo of US 340 project meetings that will be held over the next 2 months to clarify which meetings are regarding the US 340 East Gateway Plan and which are for other projects.

Ms. Brockman reminded the Planning Commission of the September 13, 2012 joint meeting with the County Commission.

Ms. Brockman reported that the County Commission had approved the rezoning request for the Gene Capriotti property.

Ms. Brockman stated that the County Commission would be holding a public workshop on August 16, 2012 regarding potential amendments to the Zoning Ordinance text regarding the creation of new Commercial/Industrial Zoning Categories and related amendments with a public hearing to be held September 6, 2012. She also related that there would be a County Commission workshop to be held tentatively on August 23, 2012 regarding the US 340 East Gateway Plan.

13. County Commission Liaison Report. None.

14. Planning Commission Exchange.

- **Report from the Health Department Meeting Liaison.**
Mr. Hayes stated that a replacement for Mr. Burns would be discussed at a future meeting.
- **Report from the Public Service District Meeting Liaison.**
Mr. Hayes stated that a replacement for Mr. Burns would be discussed at a future meeting.
- **Report from the Parks and Recreation Meeting Liaison.**
Mr. G. Taylor reported that the Hite Road Park project was moving forward.
- **Report from the Jefferson County Development Authority Meeting Liaison.**
Mr. Stolipher volunteered to attend these meetings in place of Mr. Burns.
- **Report from the Water Advisory Committee Meeting Liaison.**
Mr. Baty reported that Mr. Roger Ethier would be stepping down and that Ms. Mary Sell would take over the position of Chairmen. He reported on the river clean-up that occurred in July.

15. President's Report. None.

16. Actionable Correspondence. None.

17. Non-Actionable Correspondence. None.

Mr. Hayes adjourned the meeting at 9:19 PM. 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.



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

Application Number: #712-04

Date Application Received: 8-03-12

Staff Initials: CJC

Application Fee: \$2750.00

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email 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: Jefferson Asphalt Products, Inc.

Mailing Address: 9390 Middleway Pike

City: Charles Town State: WV Zip Code: 25414

Phone Number: 304/725-2539 Email: _____

Applicant Contact Information

Applicant Name: John and Mike Thomas

Mailing Address: 9390 Middleway Pike

City: Charles Town State: WV Zip Code: 25414

Phone Number: 304/725-2539 Email: _____

Applicant Representative

Name of Representative: Annette van Hilst, R.A., The Crossroads Group

Address of Representative: 22 Van Clevesville Road

City: Kearneysville State: WV Zip Code: 25430

Phone Number: 540/336-8494 Email: agvh@frontiernet.net

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Physical property details

Physical Property Address: 9390 Middleway Pike

City: Charles Town State: WV Zip Code: 25414

Tax District: Charles Town Map #: 13 Parcel #: 7

Parcel Size: 34.27 Deed Book: 313 Deed Book Page #: 435

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.

See Attached.

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

See Attached.

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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.

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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] 8/2/12
Signature of Property Owner Date

[Signature] 8/2/12
Signature of Property Owner Date

Received By 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

712-04

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

PETITION FOR MAP AMENDMENT
PERSUANT TO §8-7-9 OF THE WEST VIRGINIA STATE CODE, AS AMENDED
Jefferson Asphalt Products, Inc.
August 1, 2012

Owner/Applicant:

Jefferson Asphalt Products, Inc.

Substantiation for the Request:

1. The property is currently classified as Rural on the Jefferson County Zoning Map and the Applicant is seeking a map amendment for the Residential/Light Industrial/Commercial Classification. The requested district is known as the Mixed-Use Zone. The Applicant believes that this change is consistent with the 2004 Jefferson County Comprehensive Plan, as evidenced in this application;
2. Jefferson Asphalt believes that the Rural Zoning Classification is inconsistent with the historic use of the property and is therefore an error in the original zoning map that was adopted in 1988;
3. With the development of Locust Hill, there has been a change in the neighborhood, since the Jefferson County Zoning Ordinance was adopted in 1988; and,
4. Charles Town and Jefferson County have approved the Charles Town Urban Growth Boundary and this property is located within that boundary.

Tax District, Map and Parcel Number:

Charles Town Tax District, Map 13, Parcel 7

Deed Book Reference:

Deed Book 315 at Page 435

Plat:

Attached

Tract Size:

34.27 Acres

Discussion on:

Comprehensive Plan compatibility of the proposed change: See Below.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: See Below.

Background:

Jefferson Asphalt has been operating on the subject property since 1968. Prior to Jefferson Asphalt, the property was operated as a commercial/industrial quarry operation. When zoning went into effect in 1988, the property was used industrially with the asphalt batch plant on the property; and, commercially with offices and shops related to the asphalt plant and offices for the development and contracting businesses that were operated by the principals of Jefferson Asphalt. Currently, the property is used for offices, a portion of the asphalt production and shops for maintenance and repair associated with all of the businesses. Jefferson Asphalt has operated commercially and industrially on this property for over 43 years. Prior to that, the property was used commercially and industrially as a quarry since the mid-20th century.

Jefferson Asphalt also has an asphalt batch plant located on another property in Jefferson County. A portion of the production has moved to the other batch plant. However, under §8-7-10 of the West Virginia State Code and Article 4, Sections 4.f and 4.g, Jefferson Asphalt does retain the right to operate the industrial batch plant used in the manufacturing of asphalt. This is true regardless of the zoning classification. Furthermore, there is a portion of the property that is in the FEMA 100 Year Floodplain. A study is underway to determine the exact limits of the floodplain. The Applicant believes that the floodplain area will be reduced by FEMA as a result of that study. Please note that the Applicant will comply with the Jefferson County Floodplain Management Ordinance during the development of the property.

Jefferson Asphalt recently went through the Jefferson County Site Plan Process for additional offices and shops associated with the property. During that process, the Staff suggested that the Applicant seek a rezoning for the property. The Applicant stated that they would start the rezoning process after the site plan was approved because of urgency of the site plan at that time.

1. Comprehensive Plan Compatibility

The Applicant believes that the following recommendations support the map amendment:

Recommendation 3.02 on page 24 states: "The County Commission should study the impact of current development trends and issues, and the issue of municipal annexation and attempt to gain the cooperation of the municipalities to create a long term annexation strategy acceptable to all jurisdictions."

Comment: This recommendation was implemented, in part, by the adoption of Charles Town's Urban Growth Boundary. Recommendation 3.02 was written in an effort to facilitate cooperation between Jefferson County and the municipalities during a time period in the early 2000's when annexations were prevalent. These boundaries are an attempt to identify areas in the County (outside of municipalities) that both jurisdictions recognized were available for growth. The Charles Town Urban Growth Boundary was adopted by both Charles Town and Jefferson County and includes the Applicant's property. This demonstrates that the future development of this parcel has been recognized by Charles Town and Jefferson County. As such, the rezoning of this property to the mixed-use zone is very much consistent with Recommendation 3.02.

Recommendation 3.03 on page 25 states: "When considering amendments to the Ordinances and Zoning Map to incorporate decisions based on the recommendations of this Plan, the County should address the ordinances in their entirety including: a. The preparation of a comprehensive 'existing land use map'".

Comment: This 'existing land use map' would show that the subject property would be commercial and industrial. It would also show the property is surrounded by the railroad track to the north and by two large mixed use communities along the other borders. Locust Hill Subdivision and Tusawilla Hills Subdivision contain commercial uses, as well as a mix of single family detached units, duplex units and townhouse units. In addition, Tusawilla Hills has numerous apartment units. These communities demonstrate that the area has long been a 'mixed-use' neighborhood. As such, the rezoning of the Jefferson Asphalt property would fit ideally within this area of residential and commercial uses. Jefferson Asphalt's property has a long history of commercial and industrial use and the addition of a residential component, especially along the Locust Hill and Tusawilla Hills' property lines would be very compatible with the neighborhood. Therefore, when considering this amendment to the Zoning Map, Recommendation 3.03 appears to support the request based on the existing uses in the neighborhood.

Recommendation 3.12 on Page 54 states: "The County should investigate mechanisms to foster the maintenance of land in farm uses and stem the erosion in the availability of the non-renewable resource of farmland."

Comment: In this case, the Applicant's property is already a long established developed site. The property is also located with Charles Town's Urban Growth Boundary. Therefore, the complete development of this property would not negatively affect the farmland inventory in Jefferson County. As a property within the Urban Growth Boundary, it is a site that is recognized in an area for the comprehensive future growth of the County.

Recommendation 3.18 on Page 64 states: "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 to its workforce."

Again, this property is already an established commercial and industrial site. However, its ability to fully develop commercially is limited because of its Rural Zoning Classification. This property is certainly not rural with the existing commercial and industrial uses on the property. The map amendment would allow the property to maximize its potential for commercial expansion in accordance with this recommendation. Accordingly, the map amendment would be consistent with Recommendation 3.18.

Recommendation 3.23 on Page 72 states: "In order to accommodate additional traffic demand anticipated through the enlargement of Charles Town and Ranson, The County should promote the design and construction of an at-grade western arterial road west of Charles Town – Ranson, which incorporates the Huntfield spine road as the southern third of this new road."

Comment: This recommendation demonstrates that the Comprehensive Plan anticipated growth on the western fringes of Charles Town and Ranson. This is the Plan's recommendation for a western 'bypass' around Charles Town and Ranson. Although in recent past, the County has concentrated its attention on the eastern side of the metropolitan area, the plan does recognize that the western and southern areas of Charles Town and Ranson should also be targeted for growth and expansion. Therefore, the rezoning of this property would be compatible with this Recommendation (3.23).

Two of the Plan's policies also appear to support this request:

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

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

Regarding these policies, the property is already being used for commercial operations and the Applicant would like the ability to further develop the property commercially without being considered a nonconforming use. Again, this property was used as such for many years prior to the adoption of the Zoning Ordinance. The Applicant would also like the opportunity to provide housing units in the area of the property that is surrounded by Locust Hill and Tuscawilla Hills.

Two of the Statement of Goals in the Plan state 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'; and,

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

Regarding these goals, the property is already being operated as a commercial and industrial site. It would only make sense to make these uses conforming with the Zoning Ordinance by rezoning it to mixed-use. The Applicant does not want to seek a rezoning to Commercial and Heavy Industrial, because they have no desire to locate other heavy industrial uses or adult uses on the property. Also, the property is already recognized as an Urban Growth Area on the Zoning Map.

With regard to the availability of sewer and water facilities, these services are already available to the site. Charles Town obtained the water and wastewater treatment facilities in Tuscawilla Hills in the mid-2000s. These facilities are currently undergoing a substantial upgrade and are now a part of the Charles Town utility system.

Based on these aspects of the Comprehensive Plan, the requested rezoning is both consistent and compatible with the Jefferson County 2004 Comprehensive Plan.

2. Change of Neighborhood

Availability of Central/Public Water and Wastewater Treatment Facilities:

Although public utilities were available in Tuscawilla Hills when the original zoning ordinance was adopted, these services are now owned by the City of Charles Town. As stated earlier, a goal of the Comprehensive Plan is to encourage growth and development where public sewer and water services are available. This property will continue to be served by Charles Town's facilities when the property is further developed.

Adjacent and Surrounding Commercial and Residential Subdivision Approval and Intensity of Use have changed:

Although Tuscawilla Hills existed at the time of the adoption of the Zoning Ordinance, the subdivision was not as developed. The townhouse and duplex sections adjacent to this property were sections that were developed near the end of the completion of Tuscawilla Hills. Also, the tenants of the commercial shops have change hands several times over the years.

The entire Locust Hill development also was approved after zoning went into effect. This development included the commercial golf course and clubhouse. Locust Hill is a mixed-use development that borders the Applicant's property on the southern and western boundaries.

Both of these mixed-use developments contain high density residential and commercial uses. These developments nearly surround the Applicant's property. As such, the rezoning of this property to Residential/Light Industrial/Commercial would be entirely compatible with the existing mixed-use neighborhood.

Creation of the Charles Town Urban Growth Boundary

The Applicant's property is now located within the Charles Town Urban Growth Boundary. This boundary did not exist when the zoning ordinance was originally adopted. As stated previously, this boundary was, in part, created for the County and City to recognize this area as an Urban Growth Area. This area should be zoned to take advantage of this designation. As the Comprehensive Plan suggests, this boundary was created to reduce the competitive edge between the County and Charles Town as it relates to land use. Accordingly, this area should be rezoned to mixed-use in order to realize the purpose of an Urban Growth Boundary.

3. *Change of Transportation Characteristics (from when the original ordinance was adopted):*

There have not been many changes in the transportation characteristics and road network; however the changes that were made were beneficial to the site. Locust Hill added an additional entrance onto Route 13 (Summit Point Road), which provided an additional route for traffic to travel into Charles Town or points south of Tusawilla Hills.

The most significant change to the road system was the major hill that was taken out in front of Tusawilla Hills on Route 51. This enhancement removed a major vertical hump, as well as widened the shoulder area. Other changes to this area included the reduction of the speed limit along Route 51 and improvements to Route 51 on both sides of the railroad tracks in front of the Applicant's property.

These transportation and road improvements were significant and certainly should support the map amendment requested in this petition.

4. *Error in the Zoning Map:*

The Applicant's property had well-established commercial and industrial businesses on the property when the original Zoning Ordinance was adopted. The property is also located next to a railroad and along a major east-west thorough fare in Jefferson County. As such, the property should always have been included in one of the commercial zones. Furthermore, Tusawilla Hills, which is adjacent to the Applicant's property, was already a well-established mixed-use residential and commercial development. This further illustrates that the property should have been zoned to be compatible with Tusawilla Hills.


The mixed-used nature of the neighborhood when the ordinance was adopted combined with the addition of the Locust Hill mixed-use development after the zoning ordinance was adopted makes this an ideal location for the Residential/Light Industrial/Commercial District.

The fact that this property is located within the Charles Town Urban Growth Boundary is further evidence that this property is zoned incorrectly. As mentioned earlier, the Charles Town Urban Growth Boundary was approved by both Charles Town and Jefferson County and has been added to the official Jefferson County Zoning Map. All of the property within this designated growth boundary should be permitted to develop to its fullest extent to take advantage of the growth designation.


The rezoning of the Applicant's property would be appropriate based on the fact that the property has continued to operate commercially and industrially for over 40 years and is surrounded by two mixed-use communities.

5. Conclusion:

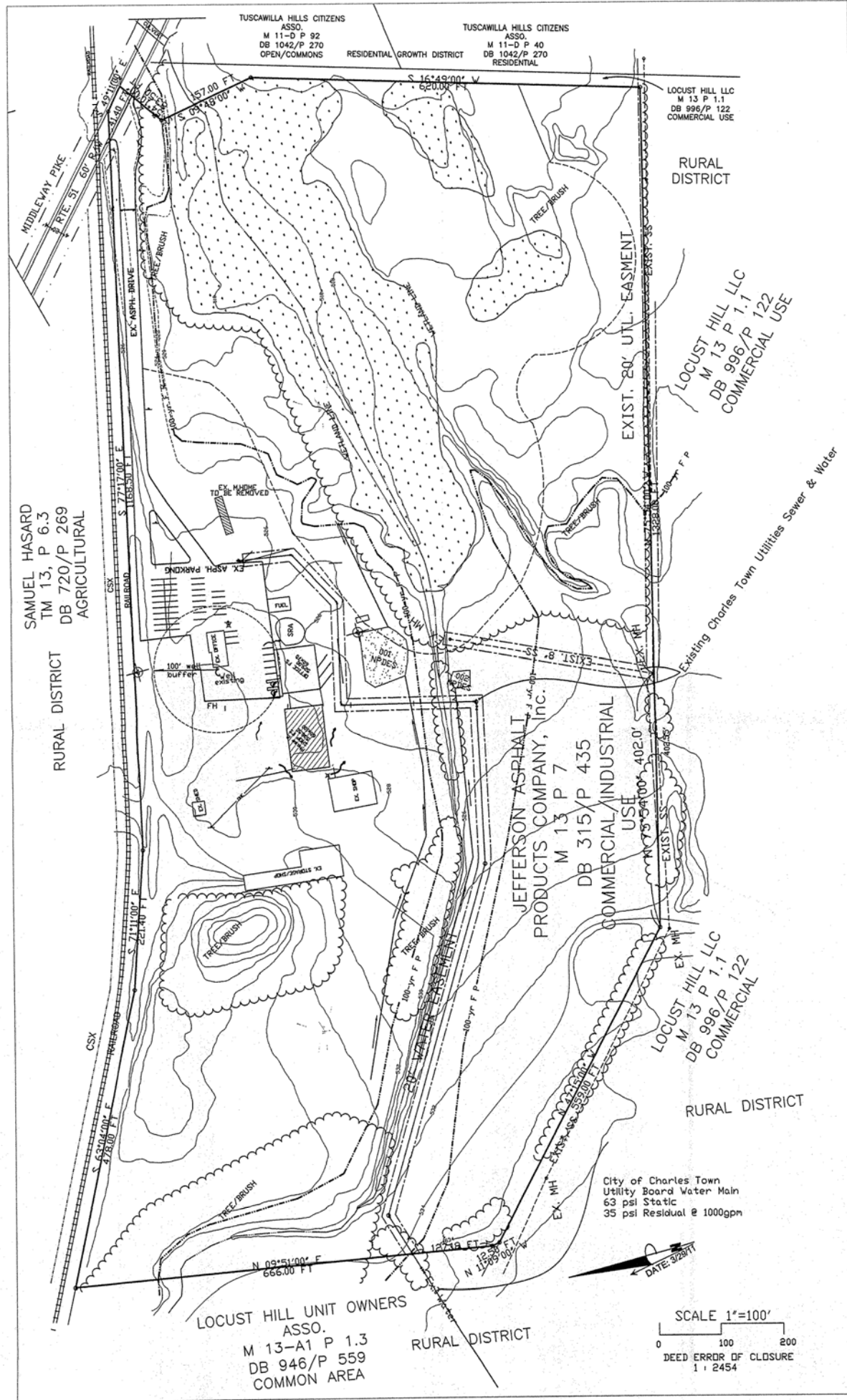
The Applicant is requesting that the County Commission of Jefferson County approve a map amendment to the Jefferson County Zoning Map. This map amendment will change the zoning classification on the applicant's property from the Rural District to the Residential/Light Industrial/Commercial District. The Applicant believes that this request is supported by the 2004 Jefferson County Comprehensive Plan. The Applicant believes that this map amendment is also supported by the reasons set forth in this petition, which include the Change of Neighborhood, an Error in the Zoning Map and the creation and adoption of the Urban Growth Boundary.



John Thomas 8/2/12
Date

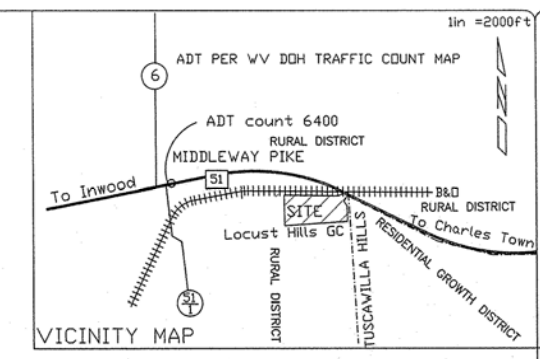


Mike Thomas 8/2/12
Date

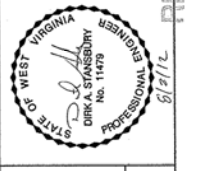


MAP INFORMATION
 CONTROL POINTS WV NorthNAD83 & BMs
 BM 401 (spike)
 N 294,292.546 E 2,420,561.782 Ele 528.72
 BM 450 (spike)
 N 293,938.717 E 2,420,529.406 Ele 523.64
 Provided by Greg Yebermetsky, P.S. 304-582-2314
 TOPOGRAPHY by PHR&A from Aerial Topo obtained from Al Hooper, Jr.
 All known surface features have been shown or otherwise identified.

- Wetland Areas
- General Permit NPDES Structure & Outfall No.
- Existing Diversion Dike p/o NPDES Structure
- Existing DH
- UP (Utility Pole)
- UP w/ DD Light
- FH - Prop. Fire Hydrant
- Well - To remain for non-potable use



Developer/Operator
Jefferson Asphalt Products
 9390 Middleway Pike
 Charles Town, WV 25414
 304-725-2539



DRAWN BY: DAS
 DATE: 1/29/11
 CHECKED BY:
 DATE:
D.A. STANSBURY-ENGINEERING
 3 SUE COURT SUITE B
 Martinsburg, WV 25405
 304-596-2543
THIS DRAWING IS PROTECTED BY FEDERAL COPYRIGHT LAW AND IS NOT TO BE REPRODUCED OR USED FOR CONSTRUCTION WITHOUT WRITTEN AUTHORIZATION BY DR. A. STANSBURY, P.E.

Site Plan
Jefferson Asphalt Products Facility Plan
 Middleway Pike (Rte 51 West)
 Charles Town Dist., Jefferson County, West Virginia
 MAP 13 PARCEL 7, DB 315 PG 435

NO.	REVISIONS	DATE

JCPC FILE # S11-12
 SHEET
 1 OF 1

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 3/3/2012
 #212-04

Amy Puetz

From: Annette Van Hilst <agvh@frontiernet.net>
Sent: Saturday, September 01, 2012 12:28 PM
To: Amy Puetz
Subject: Aicheson Zoning Request

Amy:

Attached Scan of letter from Roger Perry waiving 60 day requirement for the Aicheson Property (Roger owns 50% of the property). I would appreciate it if the hearing can be scheduled for the November meeting as we discussed previously. I will be dropping off the original sometime on Tuesday or Wednesday. I will also be present at the PC meeting on the 11th.

Annette van Hilst R.A.

The Crossroads Group

agvh@frontiernet.net

tel: 304 876 6984 Cell: 540 336 8494

Roger Perry, et al.
60 Somerset Road
Charles Town, WV 25414

August 28, 2012

Jefferson County Planning Commission
P.O. Box 338
Charles Town, WV 25414

Dear Commissioners:

We are the Applicants for a Rezoning Petition for Parcel 18 on Tax Map 7 in the Hagers Ferry Tax District. Our representative, Annette van Hilst, has indicated that due to timing constraints, it may be difficult for the Planning Commission to schedule a Public Hearing on our application within the regular 60 day period. Please be advised, that if the Commission feels it helpful for scheduling purposes, we will waive the right to a hearing within 60 days, but only to permit the hearing to be held by November 13, 2012 and no later.

If you have any questions, please give Ms. van Hilst a call at 540/336-8494. Thank you for your consideration of this request.



Roger Perry, et al.
66 Somerset Blvd.
Charles Town, WV 25414

August 28, 2012

Jefferson County Planning Commission
P.O. Box 338
Charles Town, WV 25414

Dear Commissioners:

We are the Applicants for a Rezoning Petition for Parcel 18 on Tax Map 7 in the Harpers Ferry Tax District. Our representative, Annette van Hilst, has indicated that due to timing constraints, it may be difficult for the Planning Commission to schedule a Public Hearing on our application within the requisite 60 day period. Please be advised, that if the Commission finds it helpful for scheduling purposes, we will waive the right to a hearing within 60 days, but only to permit the hearing to be held by November 13, 2012 and no later.

If you have any questions, please give Ms. van Hilst a call at 540/336-8494. Thank you for your consideration of this request.

Sincerely,


Roger Perry

#FLB-05



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

Application Number: _____

Date Application Received: _____

Staff Initials: _____

Application Fee: _____

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

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email 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: Roger & Wanda Perry, Aitcheson Family Trust, Frederica Adkinson
Mailing Address: 66 Somerset Blvd
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304/725-7639 Email: _____

Applicant Contact Information

Applicant Name: Owners Listed Above
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Email: _____

Applicant Representative

Name of Representative: Annette van Hilst, R.A., The Crossroads Group
Address of Representative: 22 Van Clevesville Road
City: Kearneysville State: WV Zip Code: 25430
Phone Number: 540/336-8494 Email: agvh@frontiernet.net

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Physical property details

Physical Property Address: Campground Road (Rte 340/17) Just West of Shenandoah St/340 Intersection

City: Harpers Ferry State: WV Zip Code: 25425

Tax District: Harpers Ferry Map #: 7 Parcel #: 18

Parcel Size: 3.94 Deed Book: 763,763,1105 Deed Book Page #: 318,324,93

Current 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 checked="" 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.

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).

Frederica Adkison 8.10.12
 Signature of Property Owner Date

Received By Date

Roger Perry Wade Perry 8/12
 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

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

§8A-7-9 PETITION
Map Amendment
Article 12, Jefferson County Zoning Ordinance
Roger Perry, et al.
August 16, 2012

Owners:

Roger and Wanda Perry
Robert and Wanda Aitcheson (Trustees Aitcheson Family Trust)
Frederica Adkinson
66 Somerset Blvd.
Charles Town, WV 25414

Applicants:

Roger and Wanda Perry
Robert and Wanda Aitcheson (Trustees Aitcheson Family Trust)
Frederica Adkinson
66 Somerset Blvd.
Charles Town, WV 25414

Ordinance Citation:

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

Definition of a Map Amendment:

“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. There have been changes in this area and neighborhood, since the Jefferson County Zoning Ordinance was originally adopted in 1988. These changes include transportation patterns, land use and zoning designations, as explained in this application;

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2. This property is within the Growth Area as shown on the attached Study Area Map. This map is the land use map found in the current Comprehensive Plan; and,
3. The Applicants believe that the requested map amendment is supported by Jefferson County's 2004 Comprehensive Plan. This map amendment is a request to rezone the property from the Residential Growth District to the Residential/Light Industrial/Commercial District. As explained in this Petition, this change is consistent and compatible with the current Comprehensive Plan.

Tax District, Map and Parcel Number:

Harpers Ferry Tax District, Map 7, Parcel 18

Deed Book References:

Deed Book 763 at Page 324

Deed Book 1105 at Page 93

Deed Book 763 at Page 318

Sketch Plat:

Attached

Tract Size:

3.94 Acres

Discussion on:

Comprehensive Plan compatibility of the proposed change: Included.

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

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Background:

The Applicants/Owners have a history of ownership of this parcel dating back to 1977. The owners purchased the property well before zoning was adopted with the intent to develop it into a development. They held onto the property during Jefferson County's major growth period while waiting for an appropriate time to develop it into a development that would be suitable for the area. Although the current Residential Growth zoning classification would allow the property to develop into high density residential, the Applicants would like the flexibility to add a commercial component to the property. As explained in this Petition, it is vital to have commercial services available near major attractions such as the Harpers Ferry National Historic Park and River Riders where tourists come to the County to spend money. Otherwise, these visitors will spend the day here, but spend their money elsewhere. The size of the property, combined with setback and buffer requirements will limit the size of any commercial component. Furthermore, regarding the 'light industrial' portion of the requested zone, these limitations would also only permit a small industrial use, such as a cabinetmaker, handcrafted furniture shop or art and craft studio to be located on the property if it is rezoned to the mixed use zone. These types of small manufacturers would be ideal in this particular location.

A. Comprehensive Plan Compatibility

The following 2004 Comprehensive Plan recommendations address the property in this Petition:

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."

Comment:

Currently this property is zoned Residential Growth. The current allowed uses in this zone includes: townhouses, apartments, mobile home parks and other high density uses such as condominiums. Accordingly, the Applicants could use the property for a dense residential subdivision without any commercial use. The size of the property would limit many

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potential commercial uses. However, if the mixed use classification is approved, it would open the potential for commercial uses that would complement the existing and potential residential uses. If the property were rezoned to the Residential/Light Industrial/Commercial zone, then it could develop a commercial component that would lessen the residential impact to the area. Because of the location of the property, it would also be perfect for commercial uses that would serve the tourists, residential development and KOA Campground that already exist in the neighborhood.

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”.

Comment:

The original intent of the Route 340 Corridor Study was to address economic development and traffic in the Route 340 area. In order to effectuate this recommendation, the implementation chapter of the Plan only mandates that a cooperative planning effort takes place between the County and the West Virginia Department of Transportation to improve this area. This cooperative effort has begun in earnest. Maryland, Virginia and West Virginia have been working together to study the area between the bridges on Route 340. Furthermore, The WV DOT recently met with the County Commission to hear concerns and tour the area. The WVDOH also conducted a public meeting on August 16, 2012 to hear comments and provide information on traffic and transportation issues in this area.

Regarding the US 340 Study referred to in this recommendation, a Draft Study was prepared after many months of work by the Planning Commission and Staff. Since the County Commission hasn't adopted the Study, this petition will not address the specifics of this draft. However, the study does make several recommendations that support this request. It needs to be noted is that the existing land use map on page 34 of the Draft shows that this property is an existing vacant commercial property. Therefore, this property is already recognized as a viable commercial property. That fact combined with the fact that the property is already zoned for residential growth, makes the property an ideal candidate to be rezoned to the requested mixed-use zone.

Also, the 340 study didn't address the origin and destination of vehicle trips. Although some of the traffic is going to the Hollywood Casino at

Charles Town Races, a lot of the traffic is estimated to be traffic passing through the County to other destinations. Any future study should include a Comprehensive Traffic Study. This study should identify possible solutions to some of Jefferson County's traffic concerns. These solutions might include bypasses and improved routes outside of the 340 Corridor. The Route 340 Study also identified a problem with the intersection of Bakerton Road with Route 340. However, it has been reported that a new traffic light will probably be added to this intersection in the near future.

Regarding the 340 study, the County Commission should identify a large portion of the Route 340 area as the primary area for economic development in Jefferson County. This would include rezoning the area to as much commercial, industrial and mixed-use land as possible. This would maximize commercial opportunities in an already defined mixed-use area. Since there isn't much vacant commercial land available in this corridor, this is the area that should be rezoned since it is identified as the major growth area in the 2004 Comprehensive Plan. The construction of the very large commercial and office complex at the U.S. Customs property shows that the area is a prime location for these types of projects. Accordingly, the 340 Corridor Study should recognize this corridor as an area of economic growth as recently supported by the Jefferson County Commission.

Finally, this property is located in a mixed use neighborhood that includes medium density housing, a church, a large commercial parking lot for the NPS and a commercial campground. The KOA Campground also includes a large meeting area where many large gatherings take place. The KOA is also commercially opened to the community for swimming, birthday parties and other banquet type events. The larger neighborhood includes a former gas and auto service station, a real estate office, a model home with a sales office, the Quality Inn and Conference Center and River Riders. This area also includes the Flea Market and Shenandoah Professional properties that were recently rezoned to the mixed-use zone.

Based on the above, the Applicants believe that this map amendment is supported by Recommendation 3.25 in the Comprehensive Plan. The Applicants also believe that the County Commission is appropriately taking a leadership role in recognizing that this area should be a main economic engine in Jefferson County.

Recommendation 4.01 on Page 78:

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

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Comment:

The subject property is located within the Growth Area as designated on the land use map in the Comprehensive Plan. This map is attached to this Petition. This property is also in the area that should be included in the Bolivar Urban Growth Boundary (UGB). Although Bolivar and Jefferson County have not agreed on an UGB, this area is very close to the Corporate Limits of Bolivar and would be a logical inclusion in the UGB when adopted. As such, this is an area where growth should be encouraged.

The NPS, river outfitters, such as River Riders, the zipline, Harpers Ferry and the Appalachian Trail all bring many tourists into the immediate area where this property is located. However, there are a limited amount of commercial services and vacant commercial land in this area. It is vital that commercial services are available to serve these tourists.

The County should create opportunities for the surrounding property owners to provide tourism related services. Areas that experience a large volume of tourists should be able to accommodate their needs. Otherwise, the tourist's economic contribution is not being maximized by the County. In addition to capitalizing on the tourism dollar, page 71 of the Comprehensive Plan, states that there is also a need to maximize the 'potential for commercial development to offset the demands of residential development' because every property developed entirely for residential use is a lost opportunity for much needed commercial development.

Since this property is: located within the mapped Growth Area; shown on the Existing Land Use Map as vacant commercial land; and, already zoned Residential Growth, the proposed map amendment to Residential/Light Industrial/Commercial is ideal for this site. As such, this rezoning application is entirely consistent with this recommendation in the Plan.

Based on the above recommendations, the applicant believes that this rezoning is very much consistent and compatible with the 2004 Jefferson County Comprehensive Plan.

There is also narrative in the Comprehensive Plan that supports the rezoning request from the standpoint of economic development and tourism. The following are some of the policies and goals that support the map amendment:

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

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

'This Plan recognizes existing population centers as the focus of new, more intense development and the importance of working with municipalities to assure a pattern of development consistent with the Plan vision';

(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'; and,

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

Regarding land use, the land use policy map found on page 75 only outlines two growth areas in Jefferson County. One is located outside of Shepherdstown and one is located between Bolivar and Charles Town and encompasses the majority of the land included in the Route 340 Corridor. The subject parcel is located in this growth area and should therefore be included in the mixed-use zone.

B. Change of Neighborhood

There have been many changes in the neighborhood since the zoning ordinance was adopted in October 1988. These changes include new developments along Route 340 and changes in the intensity of existing developments in the area and in the Route 340 Corridor. The County Commission has also changed the zoning classifications on several properties in the area.

The zoning changes and the changes in the intensity of uses that have occurred in the area include:

1. The County Commission has rezoned several parcels in the Route 340 Corridor for many of the same reasons found in this Petition. Last year, the County rezoned the property on the north side of Route 340 at the Bakerton Road intersection (Shenandoah Development) from Residential Growth to Residential/Light Industrial/Commercial. And, this year, the County rezoned the Gibson Flea Market property and the Capriotti property near River Riders. These properties were changed to mixed-use, in part, because there is limited land available for commercial growth in the 340 Corridor; and, the County Commission wanted to provide for additional economic opportunities in this corridor.

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2. River Riders has expanded considerably in recent years and just purchased the property that surrounded the existing operation for further expansion opportunities. These properties are already zoned Residential/Light Industrial/Commercial.
3. The NPS added a large Transportation Center and Bus Terminal on the property very close to the subject property. This was an effort by the NPS to more efficiently handle visitors and to keep traffic out of lower Harpers Ferry.
4. The KOA Campground and the Quality Inn (Cliffside Inn) have also expanded and renovated their operations since the original zoning ordinance was adopted in 1988.

These changes in the neighborhood and area support the requested map amendment to the mixed-use district.

Another significant change of use in the expanded area includes the ongoing development of the U.S. Customs property along Route 340. The massive construction taking place on their property is a very good indication of what type of businesses can locate in this area. Although the development of this Federal property is a significant change in the area, it is a positive change that will bring even more visitors and employees into the area. The location of the Customs and Border Patrol in this area is an additional reason that more land should be zoned to allow for commercial use in the 340 Corridor. Simply put, commercial services are needed to support the influx of these types of visitors to Jefferson County.

There have been other changes in the neighborhood, which would support the requested change from Residential Growth to the Residential/Light Industrial/Commercial District. These include the following:

1. **Availability of Public Services:**

Public Water and Wastewater facilities are now more readily available in this neighborhood. Harpers Ferry Public Water is available within 500 feet of the subject property and Harpers Ferry Sewer is available at the Route 340 intersection with Shenandoah Street and Campground Road. 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’.

Regarding these public services, since this property is already zoned Residential Growth, there really can only be an equal amount of impact or even less impact on public services, such as roads and schools, if the property is rezoned to mixed-use. Plus, since the property is close to public water and sewer, the Applicant would have to extend those services to the property; so there would be no public cost to extend these utilities to the property.

2. Growth in the Corridor:

There have been many commercial additions to the 340 Corridor between Charles Town and Harpers Ferry/Bolivar since the adoption of the zoning ordinance. The two major ones are the addition of the Hollywood Casino and table games at the Charles Town Race Track and the development of the Customs and Border Patrol Development. Smaller developments include: the Eackles-Spencer-Norton Funeral Home; the Meadows Commercial Nursery; a landscaping business; an expanded River Riders; the redevelopment of the Quality Inn; the Shenandoah Professional Building; Windmill Crossing (Aldi Grocery Store, Sheetz and the Tractor Supply Company); and, the 340 Business Center (Sears and Benjamin Moore Paints). The Corridor has also grown residentially since the original zoning ordinance was adopted.

The mixed use development that has taken place since 1988 is evidence that the Route 340 Corridor should continue to be the economic gateway into Jefferson County. This is especially true since it appears that the current County Commission has the attention of the West Virginia Department of Transportation. The West Virginia Division of Highways now seems committed to providing better services to this corridor at the request of the Jefferson County Commission. These projects, together with the long pre-existing uses in this corridor, demonstrate that rezoning property to mixed-use in this area is indeed compatible with the Comprehensive Plan.

C. Change of Transportation Characteristics:

There have been major changes to the transportation and traffic characteristics in this area since the original zoning ordinance was adopted. The two most significant changes that have affected this immediate area were the construction of the major parking facility and transportation hub for the NPS and the expansion of the train station and parking lot at Duffields. The commuter station at Duffields provided an additional parking area for commuting workers in the northern and western area of Jefferson County. This reduced the amount of

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PLANNING, ZONING AND ENGINEERING

traffic traveling through the 340 Corridor that previously went to Harpers Ferry or Brunswick Maryland to ride the MARC. The NPS Parking and Bus Center provided an area for tourists to park and take mass transit to Harpers Ferry. The construction of this facility has also guided the visitors into the immediate area of the Applicants' property. As mentioned earlier in the Petition, some commercial services in this area should be made available for these visitors.

Other changes include the replacement and widening of the Route 340 bridge over the Shenandoah River; new signals and lane improvements at most of the intersections on Route 340; and the reconstruction of the frontage road that serves Shipley Elementary School. Also planned in the area are a new light and interchange at the entrance to the Customs and Border Patrol facility and, reportedly, a new light at Bakerton Road intersection with Route 340. All of these improvements have or will have a positive effect on the transportation network in this area.

Much advancement in the area transportation network and traffic situation has been made recently by the County Commission. As stated in this Petition, the County Commission has been getting a great deal of attention by the WVDOT regarding highway improvements along Route 340. Although, nothing has been committed, it is significant because of the collaboration that has begun between the County and the State.

Although not adjacent to the subject property, the construction of the new Route 9 will also have a direct impact on traffic on Route 340. When this road is completed, it should route some traffic from the Route 340 Corridor to the Route 9 Corridor. Currently, some commuters travel to the metropolitan area on Route 340 instead of Route 9 because of the condition of Route 9 through the Blue Ridge.

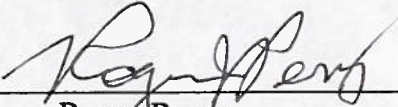
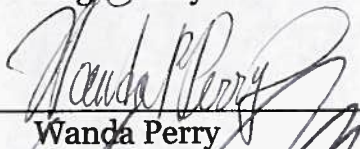
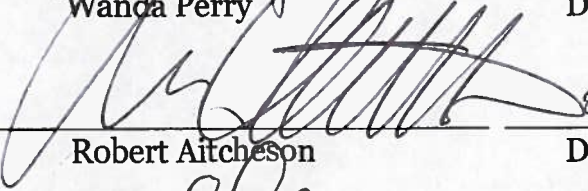
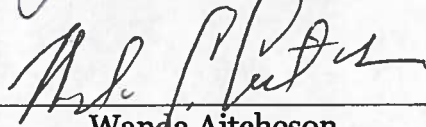
These improvements to the transportation network have had a positive effect on the traffic flow in the Route 340 Corridor. All of these changes have taken place since the ordinance was adopted in 1988; though a number of them have taken place since the Comprehensive Plan was adopted in 2004. More needs to be done, but the Applicants believe that the appropriate government agencies are now heavily involved in these discussions.

Finally, please remember 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 actually have a positive effect on traffic in the area, since existing tourist and residents in the area could use any commercial services on the property if it is rezoned.

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D. **Conclusion:**

The Applicants are respectfully requesting that the County Commission approve a map amendment to the Jefferson County Zoning Map that would change this property's classification from the Residential Growth District to the Residential/Light Industrial/Commercial District. The Applicants believe that this rezoning is supported by: the 2004 Comprehensive Plan; the recent actions of the County Commission regarding rezoning in this area; the positive changes in the transportation characteristics in this area; the fact that this property is in the designated growth area; and, the changes in the neighborhood from when the original zoning ordinance was adopted.

 _____ Roger Perry	8/19/12 _____ Date
 _____ Wanda Perry	8/19/12 _____ Date
 _____ Robert Aitcheson	8/19/12 _____ Date
 _____ Wanda Aitcheson	8/19/12 _____ Date
_____ Frederica Adkinson	_____ Date

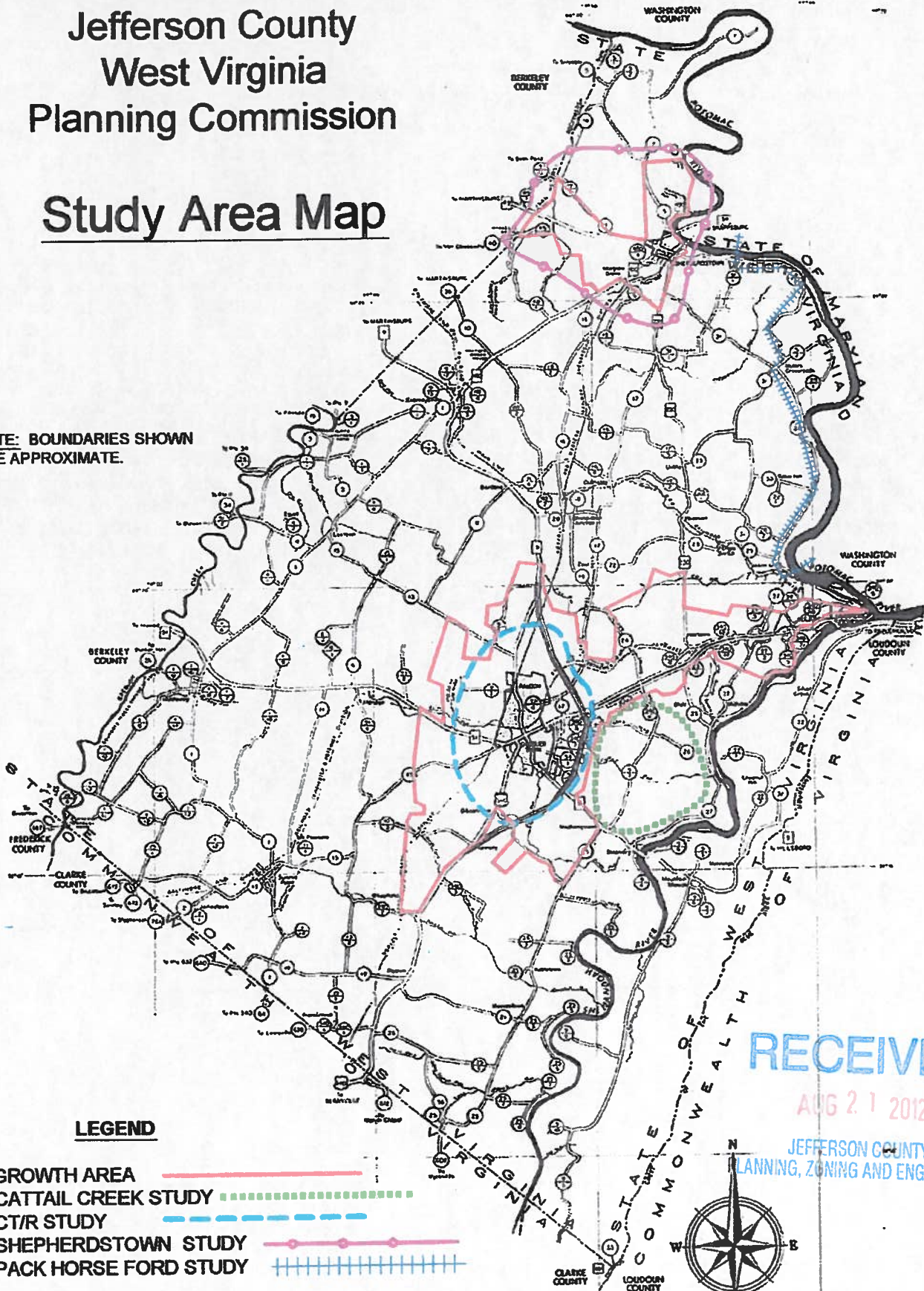
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PLANNING, ZONING AND ENGINEERING

Jefferson County West Virginia Planning Commission Study Area Map

NOTE: BOUNDARIES SHOWN
ARE APPROXIMATE.



LEGEND

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

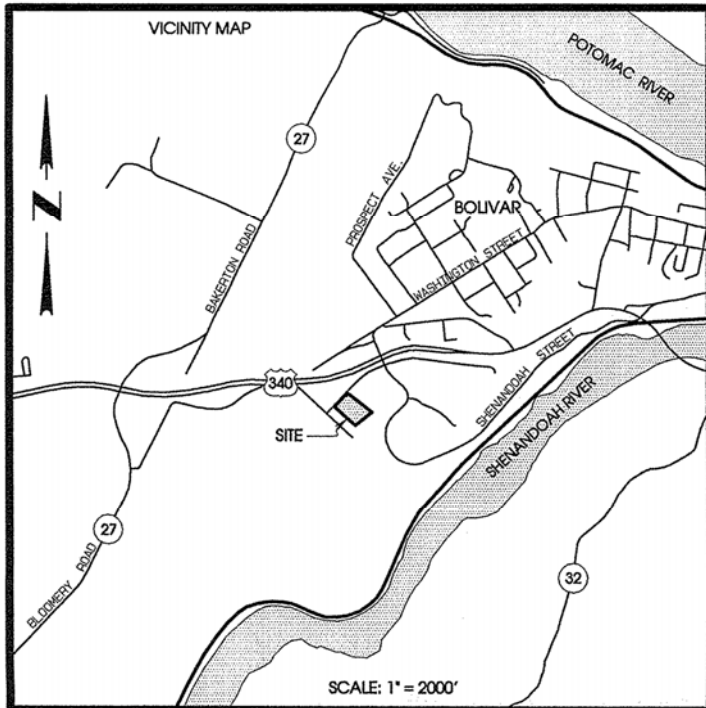
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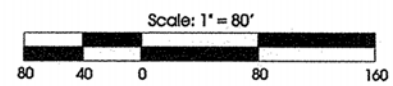
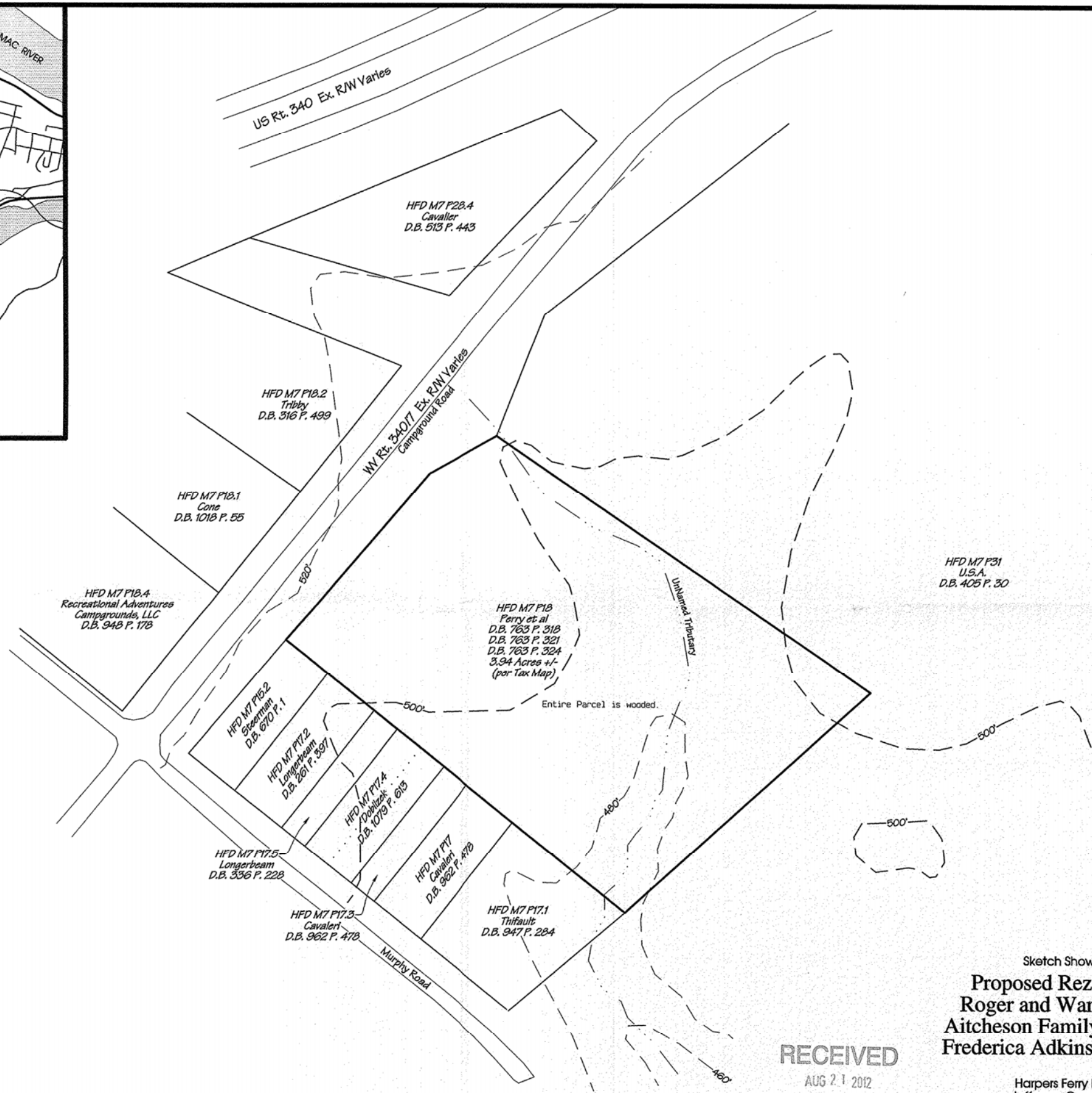
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August, 2003
NOT TO SCALE



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



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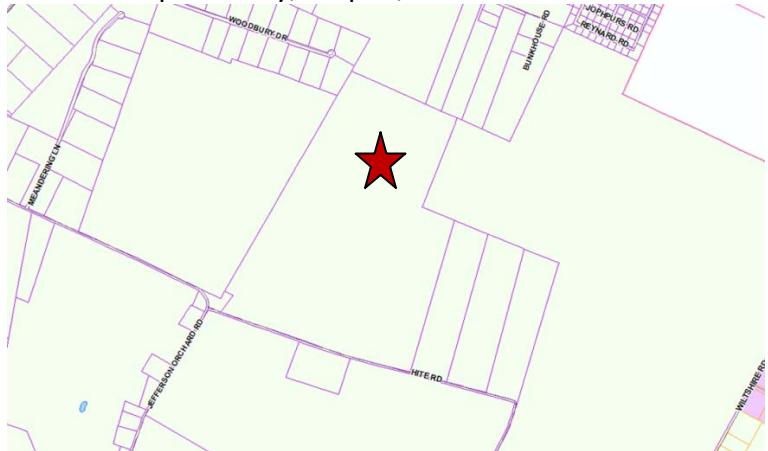
Sketch Showing
**Proposed Rezoning of
Roger and Wanda Perry,
Aitcheson Family Trust, and
Frederica Adkinson Property**

Harpers Ferry District
Jefferson County, WV
25 July 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

Staff Report
Jefferson County Planning Commission Meeting
September 11, 2012

Item #6: Request by Marty and Carol Kable for a variance, from the 1979 Subdivision Ordinance Article 2, Section 2.1 B, to lift the 5 year parent to child restriction. These lots originally processed as a part of the Jackson Woods Subdivision (PC File #06-28).

APPLICANT:	Marty and Carol Kable
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	N/A
PROPERTY LOCATION:	The property is located on the north side of Route 1/4 (Hite Road) just east of its intersection with Jefferson Orchard Road and within the Jackson Woods Subdivision.
LEGAL DESCRIPTION:	District: Harpers Ferry; Map: 9; Parcel: 39.1 
ZONING DISTRICT:	Rural
SURROUNDING PROPERTIES:	2011 Zoning Map North: R East: R South: R West: R
LOT AREA (3 parent to child lots only):	29.266 acres (comprised of 3 parcels of 8.751 ac, 9.774 ac, and 10.741 ac)
PROPOSED ACTIVITY:	To lift the 5 year restriction on these 3 parent-to-child parcels to allow for the transfer of these properties.
APPROVALS:	
Community Impact Statement (CIS) PC File #06-28	PC Approval: 01/09/07
Preliminary Plat	County Engineer Approval: 08/07/07
Final Plat	Public Hearing Held: 11/13/07 PC Action: 11/13/07 PC approved the final plat.
Parent-to-Child Deeds	Parent-to-Child Deeds Approval: 09/12/08
OTHER APPROVALS:	Variance – 06-28 to permit Residue tract to retain separate access

Staff Report
Jefferson County Planning Commission Meeting
September 11, 2012

Background:

Jackson Woods is a 12 lot cluster development in the Rural District on Hite Road. In addition to the 12 lots, 3 parent-to-child lots were created as part of the development. Parent-to-child and child-to-parent lots are exempt from density, meaning the creation of such a lot does not count against the total development rights to which the residue tract is permitted. Although parent-to-child and child-to-parent lots are not deducted from the total number of permitted development rights for a given property, there is a 5 year transfer restriction. The 5 year parent-to-child/child-to-parent transfer restriction has been in the Zoning Ordinance since its adoption.

The Request:

The applicant is requesting to transfer the parent-to-child lots within the 5 year restriction period. Three lots were created on September 12, 2008 and are restricted for transfer until September 12, 2013. The applicant does have a buyer who would like to purchase the Jackson Woods Development, including the 3 parent-to-child lots. The proposed buyer is not proposing to construct the development at this time. Further, once the buyer has purchased all the lots, they have agreed to not transfer the parent-to-child lots for housing development until September 12, 2013.

Four Variance Criteria:

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Ordinance. In order to grant a variance the following four criteria must be met:

The request is not contrary to the public interest.

While the lots would be transferred 12 months before the permitted date, as defined in the Subdivision Regulations, the prospective buyer has no interest in selling the lots at this time. Hence, the public interest has been maintained. Since the applicant has held the lots for four (4) years, it's seems the applicant has tried to meet the intent of the Zoning Ordinance and Subdivision Ordinance.

A literal enforcement of this Ordinance will result in unnecessary hardship.

A literal enforcement of the Ordinance would create an unnecessary hardship. In this particular instance, while the applicant is proposing to transfer the parent-to-child lots, the intent of the ordinance is being met. Since the lots have not been built on and the prospective buyer has agreed to not sale the lots until the 5 year restriction has been met, there would be an unnecessary hardship on the applicant.

The request is not the result of a self-imposed hardship.

The request is not a self-imposed hardship. The applicant has demonstrated good faith in meeting the 5 year restriction. To further demonstrate efforts in meeting the 5 year restriction, the applicant placed the development in a tolling agreement. Although efforts to maintain the development rights and the three parent-to-child lots were made, by placing the development in a tolling agreement the applicant has shown that the parent-to-child lots were not created to be sold before the 5 year restriction expired. The applicant's efforts required to process the approvals shows a vested interest to proceed forward.

The spirit of this Ordinance will be observed and substantial justice done.

Staff Report
Jefferson County Planning Commission Meeting
September 11, 2012

While a transfer is occurring for the three lots, the buyer is willing to agree to hold the lots until the 5 year restriction expires. Considering that the lots have not been built on and the buyer does not have plans in the near future to sell the lots, the spirit of the ordinance will be observed.

Recommendation

Staff recommends approval of the transfer under the consideration that the applicant has made a good faith effort at retaining the lots for the majority of the 5 year parent-to-child/child-to-parent restriction and the buyer's willingness to retain the lots until the 5 year restriction has expired.

Currently, the Jackson Woods development has an active tolling policy agreement. If the new owners would like to maintain that agreement, that tolling agreement can be passed to the buyers provided that they post a new bond. The transfer of the tolling agreement will not extend the current expiration date. In discussion with the applicant and proposed buyers, both agree to the conditions noted above.

Staff cautions that the uniqueness of this situation makes it possible to recommend approval of this request. Consideration for approval was based upon the fact that the applicant has held the property for four (4) years and that the proposed buyer does not have an interest in developing or selling the lots within the 5 year restriction period. Parent-to-child lots and child-to-parent lots are a unique opportunity that allows parents and children to provide lots to each other without affecting their development rights. As such, it is important to honor this approach and retain the intent as originally created. Any future request of this nature will have to be reviewed on a case-by-case basis.

**A Motion Recommending Approval of a
Variance for Marty and Carol Kable
September 11, 2012
File # PCV12-06**

Whereas, When parent-to-child and child-to-parent lots are created, there is a restriction permitting the transfer of such lots within 5 years;

Whereas, The applicant created three (3) parent-to-child lots on September 12, 2008;

Whereas, The applicant has requested a variance from the parent-to-child transfer restriction, as found within the amended 1979 Jefferson County Subdivision and Land Development Ordinance per section:

- 2.1(B);

Whereas, The applicant has adhered to the parent-to-child lot requirements for four (4) years;

Whereas, The parent-to-child lots have not had improvements constructed on the lots;

Whereas, Once the prospective buyer has purchased all the lots, they have agreed to not transfer the parent-to-child lots for housing development until September 12, 2013;

Whereas, the following findings have been made in regards to the request in accordance with the provisions of Article 17, Section 17.1 of the 1979 Subdivision Ordinance:

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

Now therefore be it moved, that the Jefferson County Planning Commission _____ the requested variance for Marty and Carol Kable (PC File(s) #PCV 12-06 and 06-28) to allow for the transfer of the 3 parent-to-child lots within the 5 year transfer restriction period.

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

Recommended _____ this ___ day of _____ 2012

By vote of the Jefferson County Planning Commission

By a vote of ___ Yes ___ No

Planning Commission President

REFER TO #06-28 JACKSON WOODS S/D

PCV 12-07

JEFFERSON COUNTY PLANNING COMMISSION

VARIANCE REQUEST

I/We request a variance from the provisions of the Jefferson County Subdivision and/or Salvage Yard Ordinance.

Property Owner(s): Marty & Carol Kahl

Address: 336 Rosemont Way
Charles Town W.V. 25414

Phone Number: 304-725-2465 304-261-0988-(C)

Location of Property: _____

Lot Size: _____

Deed Book Reference: Deed Book Number 1004, Page Number 39

Tax Map Reference: District Middleway, Map 9, Parcel 2

Zoning District: Rural

Section of Ordinance: 2.1 B.

Briefly describe (in your own words) by specific reference to a sketch (in accordance with the following paragraph) of the lot the nature of your variance request.

Transferring the 3 parent to child lots while
still under the current restriction to adjacent
property owner

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Sketch on a separate 8-1/2" x 11" sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date the sketch. Please provide a vicinity map of the area.

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance; and, variances from the Salvage Yard Ordinance must comply with Article 6 of the Ordinance. To justify your variance request, please address the following items:

1. The request is not contrary to the public interest. _____

There will be no impact on the public. The parent to child lots will transfer as platted.

2. A literal enforcement of this Ordinance will result in unnecessary hardship. _____

The enforcement of this Ordinance would not allow the real estate transfer to take place between a willing seller to a willing buyer. The spirit of this Ordinance will remain. Only the ownership of said property will change.

3. The request is not the result of a self-imposed hardship. _____

No self-imposed hardship is involved in this request to allow the transfer of the parent to child lots to the purchaser of the subject real estate.

4. The spirit of this Ordinance will be observed and substantial justice done. _____

The spirit of this Ordinance will remain. Only the ownership of said property will change.

Harry M. Kable

Signature of Property Owner
Mary Kable

Signature of Property Owner
Carol J. Kable

Signature of Property Owner

For official use only: Amount of fees paid _____

Date of meeting/public hearing _____

Official/Administrative body _____

Posting requirements _____

Advertising dates _____

Official Signature and Seal _____

Effective 6/72 Subdivision Ordinance - 8/94 Salvage Yard Ordinance

Jefferson County, West Virginia

Department of Planning

116 East Washington Street, Suite 201

P.O. Box 338

Charles Town, West Virginia 25414

planningdepartment@jeffersoncountvwy.org

Phone: (304) 728-3228

Fax: (304) 728-8126

Staff Assignment #: PCV12-07

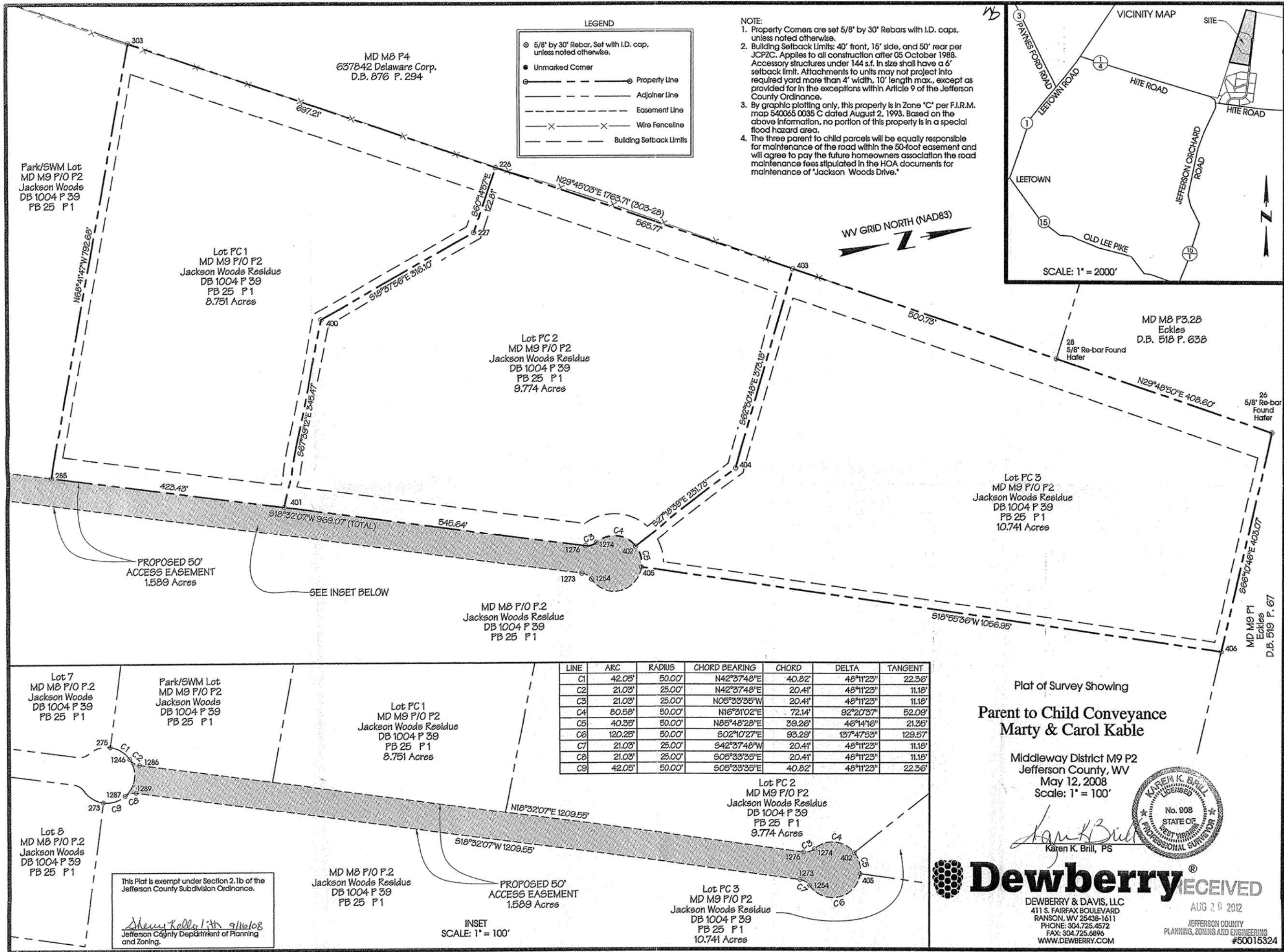
Please be advised that staff from the Department of Planning is authorized to make necessary revisions to the enclosed submission if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: Harry M. Kable

Applicant SIGNATURE: Harry M. Kable

Contact Number: 304-261-0988

Date: 8/20/2012



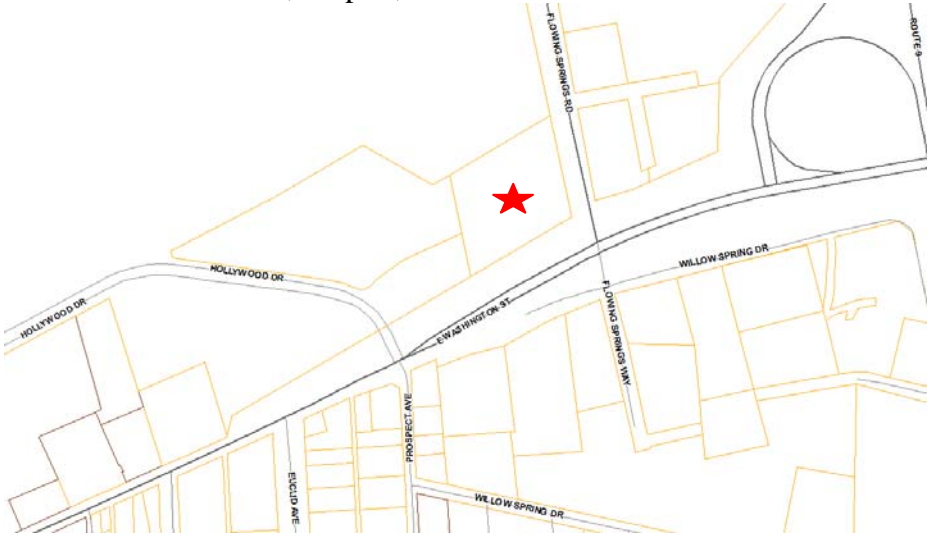

REFER TO #06-28 JACKSON WOODS #PCV12-07

Pto 2 sm

STAFF REPORT

Jefferson County Planning Commission Meeting
September 11, 2012

Item #7 Request by R.J. Sepco, Inc. (Sheetz) 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:	R.J. Sepco, Inc. (Sheetz)
OWNER :	Same
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Diamond Z Engineering, Inc.
PROPERTY LOCATION:	51 Flowing Springs Road, Charles Town, WV
LEGAL DESCRIPTION:	District: Charles Town; Map: 8; Parcel: 11.5 
ZONING DISTRICT:	Zoning Map Designation: Residential/Light Industrial/Commercial 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: R/LI/C South: R/LI/C</i> <i>East: R/LI/C West: R/LI/C</i>
LOT AREA:	2.78 Acres
PROPOSED ACTIVITY:	This project consists of the remodeling of the existing building and a 1,941 square foot expansion to include updated restrooms, new coolers, and a reconfigured coffee area.

STAFF REPORT

Jefferson County Planning Commission Meeting

September 11, 2012

APPROVALS:	
Conditional Use Permits (CUP)	PC File #Z96-04 Issued: 09/19/96 PC File #Z97-07 Issued: 07/22/97 PC File #CP12-04 NCM: 06/08/12 BZA approved: 06/21/12
Community Impact Statement (CIS)	PC File #96-28 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:	PC File #S97-15 Approved by PC: 08/26/97. Expansion consisted of a second canopy with additional fuel pumps.

Background

Sheetz is proposing an expansion of the existing Sheetz 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. As part of the site plan process, sidewalks are required for this expansion.

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 decrease the public benefit. The installation of the sidewalk will allow citizens of the County greater walking opportunities.

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 impact the public health, safety and welfare of the public. Sidewalks provide a safe means of travel for pedestrians and increase public health. Without a sidewalk in this location, residents' safety and welfare is placed in jeopardy in this location.

STAFF REPORT

Jefferson County Planning Commission Meeting

September 11, 2012

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

The intent of the Regulations is to have useable sidewalks that provide value to the community. Sidewalks in this location would add value to the community. There may be an extenuating circumstance where it may not be possible to install the sidewalks at this time.

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

The waiver would decrease the quality of the project since the sidewalks would be an improvement to the area. Sidewalks are nearly always a universal good attribute to a community.

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. This location is in an urban location where pedestrian traffic is currently present. While the property is under the jurisdiction of the County, the 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. Staff believes that installation of sidewalks in this location is good planning. The City of Ranson required sidewalks to be installed as part of the site plans for Holiday Inn Hotel on Flowing Springs Way and Hampton Inn Hotel on Pimlico Drive. Such improvements are part of a future program to expand sidewalks throughout the urban areas. Sheetz is located within this area that is expected to have sidewalks in the future. The request for the waiver of sidewalks in this instance requires additional consideration because of the WVDOH (West Virginia Division of Highways) right-of-way.

While it has been stated previously that the WVDOH does not support sidewalks within the right-of-way, the Director of Program Planning and Administration Division at the West Virginia Division of Highways was unaware that sidewalks were being discouraged in the right-of-way. He stated that the DOH installs sidewalks in the right-of-way and was unsure of why the DOH had would have a problem with others installing pedestrian improvements within the right-of-way. He further indicated that the DOH is beginning to undertake a detailed analysis of providing better pedestrian connections in accordance with the Americans with Disabilities Act.

Staff has been communication with the WVDOH Director of Program Planning and Administration. The Director stated that the Administration Manager assigned to this matter is on vacation for 2 weeks and is not able to provide us with a response to our question. Without clarification from the DOH on their position, Staff is not able to gather enough information in time for the September 11th Planning Commission meeting to provide a clear recommendation. Staff's preference is for the applicants to provide or contribute to sidewalks within the DOH right-of-way parallel to the roads.

If, in fact, there is no ability to place the sidewalks in the DOH right-of-way, there is limited space on the parcel to locate the improvements. Along Flowing Springs Way the area between the right-of-way and the beginning of the parking lot only allows enough area for either a sidewalk or landscaping, but not both. At this time staff would prefer that that landscaping remain in place. The Sheetz property line

STAFF REPORT

Jefferson County Planning Commission Meeting

September 11, 2012

is located behind a very wide section of state right-of-way and is not close to the roadway. While there is area along the Washington Street side of the property to install sidewalks, it would not be as effective if sidewalks are not able to be installed along Flowing Springs Road.

Using the 4 criteria above, the applicant is not able to meet the standards detailed in the requirements above. Since the waiver standards have not been met, the waiver cannot be granted. However, under the consideration of the all the information, staff suggests the following:

1. Postpone action until the next Planning Commission meeting so that input from the WVDOH about sidewalks in their right-of-way can allow an informed decision to be made.
2. If the Planning Commission decides to take action at the September 11, 2012 meeting, a decision needs to be made whether to save the existing landscaping or install sidewalks. If the Planning Commission grants the waiver, it should be stated that while the four (4) criteria above cannot be met, other extenuating circumstances, i.e. the impact of the right-of-way, are grounds for granting the wavier.
 - 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 both Flowing Springs Way and Washington Street. An easement shall be shown in the site plan. Planners often advocate for sidewalks that initially “lead to nowhere”. With good planning that is occurring in both Ranson and Charles Town, these sidewalks will eventually connect to other locations.

**A Motion Recommending Postponing a
Waiver Request for Sheetz Convenience Store
File # S12-02**

Whereas, Sheetz Convenience Store is located at the corner of Washington Street and Flowing Springs Way and is processing a site plan for an 1,941 square foot addition;

Whereas, The applicant has requested a waiver from the sidewalk requirement for non-residential developments, as found within the amended 2008 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;

Whereas, Staff is gathering information from the West Virginia Department of Highways regarding their position on sidewalks within the Department of Highways right-of-way. Staff proposes the Planning Commission postpone action until the next regularly scheduled Planning Commission meeting, so input from the DOH can be gather to allow for an informed decision to be made;

Whereas, the following findings shall have been made with regards to the request in accordance with the provisions of 21.202(B), 22.208 (A) and Appendix B, Section 9.6 of the 2008 Subdivision Regulations which requires sidewalks in nonresidential projects and a waiver of the requirement has been found not to be in conformance with Section 24.300 of the 2008 Subdivision Regulations:

1. The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.
2. The waiver, if granted, will not adversely affect the public health, safety or welfare or the rights of adjacent property owners or residents.
3. The waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.
4. The waiver, if granted, will result in a project of better quality and/or character.

Now therefore be it moved, that the Jefferson County Planning Commission postpone the waiver request for the Sheetz Convenience Store until the next regularly scheduled Planning Commission meeting for the purpose of making an informed decision.

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

Approved this _____ day of _____, 2012
By vote of the Jefferson County Planning Commission
By a vote of _____ Yes _____ No

Planning Commission President

Heter 10/2/12

PCW-12-07



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

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

Date Applic. Rec'd: _____

Fees Paid: \$ _____

Sketch Received: _____

Staff Initials: _____

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: SHEETZ INC. aka RJ SEPCO INC.

Mailing Address: 5700 SIXTH AVENUE

City: ALTOONA State: PA Zip Code: 16602

Phone Number: 814-239-6013 Email: tcolumbu@sheetz.com

Applicant contact information

Applicant Name: RICK TURNER, DIAMOND Z ENGINEERING

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 No: 11.5

Parcel Size: 2.781 Deed Book: 856 Deed Bk. Pg. #: 133

RECEIVED

Zoning District:

AUG 24 2012

JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING

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

What section of the Ordinance are you requesting to waive?

sections 21.202B, 22.208, and Appendix B 9.6C

Briefly describe the nature of your waiver request:

We request a waiver to the requirement for sidewalks, either within the right of way, or on Sheetz property.

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.

Relief from the sidewalk requirement would allow green space to remain as it is
A sidewalk within the right-of-way at the property line would divide a large open green space along Washington.
A sidewalk within Sheetz property would require the removal of all the trees along Flowing Springs.

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

The waiver would remove the requirement to install a sidewalk which would not connect to any adjacent sidewalks. It would also prevent leading pedestrians into unsafe or unacceptable situations; into a fence on one end and an open field on the other.


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

The intent of the regulations is to require installation of sidewalks for use by pedestrians as an alternative to wheeled transportation. However in this case, putting sidewalks parallel to the roads would not convey people towards any destination.

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

The granting of the waiver would prevent the installation of dead end sidewalks through attractive green space around our facility.

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

 08/21/12

Signature of Property Owner SHEETZ INC. Date

Received By

Date

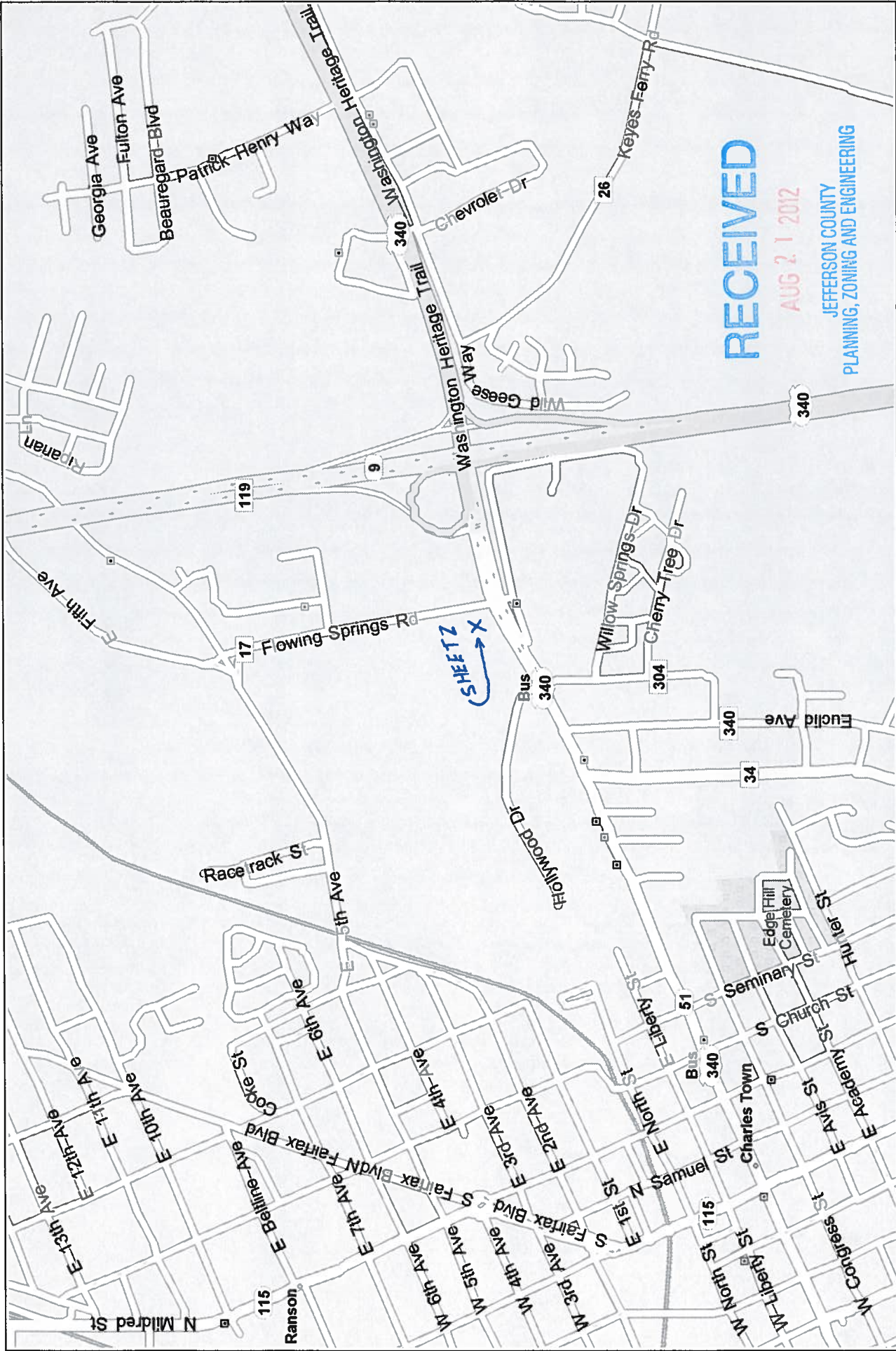
For Official Use Only

- _____ 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

VA trip 4



RECEIVED

AUG 21 2012

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

0 mi 0.2 0.4 0.6 0.8

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#paw12-07

#PCW12-07

May 21, 2012

To Whom it may Concern:

This letter will verify that Rick Turner of Diamond Z Engineering Inc., 5670 State Road, Cleveland, OH, 44134-2259, is authorized to act as construction permitting agent for Sheetz Inc. This is effective for the year of 2012.

Yours truly,



Thomas M. Columbus Jr., AIA, LEED AP
Sheetz Store Design Manager
351 Sheetz Way
Claysburg, Pa. 16625
Ph: 814-239-6013

RECEIVED
AUG 21 2012
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING



JEFFERSON COUNTY, West Virginia

Departments of Planning and Zoning

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

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Director's Report September 11, 2012 Planning Commission Meeting

- 1) **Activity Report** (attached)
- 2) ***** IMPORTANT REMINDER ***** -- Joint Planning Commission/County Commission, **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) County Commission Action Related to 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 (8/16/12 and 9/6/12)
 - 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)
- 4) **Upcoming CC Actions:**
 - a) 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
 - i. Appointment of Citizen's Committee
 - ii. Approval of outside resources request
 - b) 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 (tentatively set for action 9/20/12)
 - c) County Commission Action Related to on US 340 East Gateway Plan:
 - i. Public Workshop – no formal presentation/no public input (September 27, 2012, 7 pm)
 - ii. County Commission Public Hearing (10/4/12)
- 5) **Upcoming PC meetings:**
 - a) September 13, 2012 -- 7 pm Joint PC/CC Meeting re: 2014 Comp Plan

- b) October 9, 2012
 - Public Hearing, Zoning Map Amendment, Bank of Charles Town Property, currently zoned Rural, requesting Residential/Light Industrial/Commercial zoning, located at the intersection of US 340 and Washington Street in Harpers Ferry
- c) October 23, 2012 (Special Called Meeting)
 - Public Hearing, Zoning Map Amendment, for property owned by John D. Lowe, III, currently zoned Residential Growth, requesting Residential/Light Industrial/Commercial zoning, located on the south side of Route 45 (Martinsburg Pike) and on the east side of Potomac Farms Drive
 - Tentative: Public Hearing, Zoning Map Amendment, for property owned by John and Mike Thomas (Jefferson Asphalt Products, Inc.), currently zoned Rural, requesting Residential/Light Industrial/Commercial zoning, located on the south side of WV Route 51 near the Tuscawilla Hills entrance
- d) November 13, 2012
 - Tentative: Public Hearing, Zoning Map Amendment, for property owned by Aitcheson Family Trust (Roger and Wanda Perry) and Frederica Adkinson, currently zoned Residential Growth, requesting Residential/Light Industrial/Commercial zoning, located on the south of US Route 340 on Campground Road

6) **Other Meetings of Interest:**

a) WV DOH US 340 South 4-Lane Project

WV Division of Highways is holding an informational public meeting related to upgrading existing two-lane section of US 340 from 0.5 miles southwest of the WV state line to approximately 2 miles north of Rippon on Monday, September 24, 2012, 4:00 – 7:00 pm, at Page Jackson Elementary School to provide the public an update on the progress on the US 340 Improvements Study since the last public meeting in 2003 that presented Preferred Alternative 4. Newly drafted Alternatives 4A and \$b will be displayed. NO FORMAL PRESENTATION WILL BE MADE. Verbal and written comments will be accepted during the meeting; written comments are requested by October 24, 2012.

b) Bakerton/Millville Proposed Traffic Light

The Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) will hold a public informational meeting regarding a proposed traffic light at Bakerton Road on Monday, Sept. 17, 2012 at 6:00 p.m. in the County Commission Meeting Room in the basement of the Old Charles Town Library, 200 E. Washington St., Charles Town, WV.

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 8.13.12- 8.17.12

MONDAY, AUGUST 13, 2012

10:00 am – 11:00 am STAFF MEETING
11:00 am – 12:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING
3:30 pm – 4:30 pm JENNIE & SETH – WEEKLY PLANNING MEETING

TUESDAY, AUGUST 14, 2012

10:00 am – NOON STEVE, SETH & DAWN – 2014 COMP PLAN POWER POINT REVIEW
2:45 pm – 3:30 pm JENNIE – MEETING WITH DEBBIE KEYSER (P&Z OFFICE)
3:30 pm – 5:00 pm JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN POWER POINT REVIEW
7:00 pm JENNIE, STEVE, SETH & AMY – PLANNING COMMISSION MEETING

WEDNESDAY, AUGUST 15, 2012

NOON JENNIE – CVB BOARD MEETING / LOCATION: BAVARIAN INN
2:00 pm – 4:00 pm JENNIE – DEPARTMENT OF HIGHWAYS MEETING / RE: ELECTEDS

THURSDAY, AUGUST 16, 2012

9:00 am COUNTY COMMISSION MEETING
1:30 pm JENNIE, STEVE & SETH – COUNTY COMMISSION WORKSHOP /
RE: ZONING CATEGORIES
3:00 pm JENNIE, STEVE & JENNILEE – BOARD OF ZONING APPEALS MEETING
4:00 pm – 7:00 pm JENNIE – (DOH) US 34 PUBLIC WORKSHOP / LOCATION: BOLIVAR COMMUNITY CNTR

FRIDAY, AUGUST 17, 2012

9:00 am – 11:30 am JENNIE – DEVELOPED LANDS WV WIP PLANNING WORKSHOP
1:00 pm JENNIE, STEVE & SETH – MTG W/MARTY KABLE, LINDA BARNHART & VACAINNA

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 8.20.12- 8.24.12

MONDAY, AUGUST 20, 2012

JEFFERSON COUNTY FAIR WEEK

10:00 am – 11:00 am STAFF MEETING (TO INCLUDE CHARLOTTE)
2:00 pm – 3:00 pm JENNIE & SETH – WEEKLY PLANNING MEETING

TUESDAY, AUGUST 21, 2012

11:00 pm – 12:00 pm JENNIE & SETH – MONTHLY JOINT MEETING W/ ENGINEERING DEPARTMENT
3:00 pm JENNIE – EDA MEETING

WEDNESDAY, AUGUST 22, 2012

11:00 am – 11:30 am JENNIE, TODD & BILL POLK – MEETING RE: NO TRESPASSING SIGNS
1:00 pm – 2:00 pm SETH, JENNILEE & JONATHAN – SITE PLAN PPC WITH FRED BLACKMER /
RE: MORGAN GROVE MARKET
2:00 pm – 3:00 pm SETH, AMY & JONATHAN – MSD PPC WITH ERIC LEWIS, PAUL RACO & MIKE SHEPP
RE: NEEDY FARM

THURSDAY, AUGUST 23, 2012

9:00 am COUNTY COMMISSION MEETING
11:00 am JENNIE, STEVE & SETH–COUNTY COMMISSION WORKSHOP / RE: 340 PLAN

FRIDAY, AUGUST 24, 2012

10:00 am – 11:00 am JENNIE & STEVE – MEETING / RE: VERIZON
TO INCLUDE HAROLD "B", GARY BARBER, JOHN ALLEN & MARTIN BURKE
11:00 am – 11:30 am JENNIE, STEVE & SETH – (#1) 2014 COMP PLAN: TAC -
CREATE INVITEE LIST, DRAFT INVITE LETTER AND SEND
11:30 pm – 12:00 pm JENNIE, STEVE & SETH – (#2) 2014 COMP PLAN: STEERING COMMITTEE -
CREATE POTENTIAL INVITEE LIST, DRAFT INVITE LETTER AND DRAFT
APPOINTMENT LETTER RECOMMENDATIONS TO COUNTY COMMISSION
1:00 pm – 2:00 pm JENNIE, STEVE & SETH – (#3) 2014 COMP PLAN: JOINT CC / PC MEETING PREPERATION
REPURPOSE 8/14/12 PC POWER POINT AND FINALIZE PLAN ELEMENTS
2:00 pm – 2:30 pm JENNIE, STEVE & SETH – (#4) 2014 COMP PLAN: 2-YEAR CONTRACTUAL EMPLOYEE
POSITION JOB DESCRIPTION

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 8.27.12- 8.31.12

MONDAY, AUGUST 27, 2012

9:30 am – 10:00 am PRE-STAFF MEETING WITH DEBBIE KEYSER / RE: WELLNESS TEAM
10:00 am – 11:00 am STAFF MEETING
11:00 am – 12:00 pm JENNIE, STEVE & SETH – (#6) 2014 COMP PLAN: FACILITATOR ROLES AND RESPONSIBILITIES – SEE HANDOUT EMAIL TO JB ON 8/16/12.
2:00 pm – 3:30 pm JENNIE, STEVE & JENNILEE – WEEKLY ZONING MEETING
3:30 pm – 4:30 pm JENNIE, SETH & AMY – WEEKLY PLANNING MEETING

TUESDAY, AUGUST 28, 2012

10:00 am STEVE – MEETING WITH DON RAWLINGS & TRACY KIRKMAN / RE: CHEESE BUSINESS
11:00 am JENNIE, STEVE, SETH & MASON – MEETING WITH STEVE GROH / RE:
1:30 pm – 2:00 pm JENNIE, STEVE & SETH – (#7) 2014 COMP PLAN: WEBPAGE – LIST OF COMPONENTS
2:00 pm – 3:00 pm JENNIE, STEVE & SETH – (#8) 2014 COMP PLAN: 1st PUBLIC MEETING – BRAINSTORM MEETING PURPOSE AND GOALS.
3:00 pm – 4:00 pm JENNIE, STEVE & SETH – (#9) 2014 COMP PLAN: ESTABLISH DRAFT PUBLIC OUTREACH STRATEGY

WEDNESDAY, AUGUST 29, 2012

10:00 am SETH & AMY – INFORMAL WEBSITE MEETING
11:00 am STEVE – MEETING WITH SARA LAMBERT
10:00 am STEVE & JENNILEE – MONTHLY BZA APPLICATION REVIEW MEETING
2:00 pm – 4:00 pm JENNIE – HAZARD MITIGATION PLAN (MAINTENANCE DEPT. CONFERENCE ROOM)
7:00 pm – 9:00 pm SETH – STORMWATER 101 WORKSHOP /
LOCATION: ROBERT C. BYRD CENTER IN MARTINSBURG, WEST VIRGINIA

THURSDAY, AUGUST 30, 2012 NO COUNTY COMMISSION MEETING

FRIDAY, AUGUST 31, 2012

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 9.03.12- 9.07.12

MONDAY, SEPTEMBER 03, 2012
LABOR DAY HOLIDAY - CLOSED

TUESDAY, SEPTEMBER 04, 2012

2:00 pm – 3:00 pm STAFF MEETING
3:00 pm – 4:00 pm JENNIE & SETH – WEEKLY PLANNING MEETING

WEDNESDAY, SEPTEMBER 05, 2012

8:00 am – 9:30 am JENNIE – MONTHLY DEPARTMENT HEAD MEETING
10:00 am JENNIE, STEVE & SETH – GIS MEETING / COMP PLAN MAPS
11:00 am JENNIE, STEVE & SETH – PREP FOR AG TASK FORCE & ROTARY /
RE: ZONING & 2014 COMP PLAN)
2:30 pm – 4:00 pm JENNIE & STEVE – WEEKLY ZONING MEETING

THURSDAY, SEPTEMBER 06, 2012 **WEEKLY TIMESHEETS TO DAWN BY NOON**

9:00 am COUNTY COMMISSION MEETING
1:30 pm JENNIE, STEVE & SETH – COUNTY COMMISSION MEETING /
CONTINUATION OF ZONING CATEGORY WORKSHOP
6:00 pm – 9:00 pm JENNIE & SETH – COUNTY COMMISSION PUBLIC HEARING /
RE: NEW ZONING CATEGORIES

FRIDAY, SEPTEMBER 07, 2012 **PLANNING COMMISSION PACKET DAY**

10:00 am – NOON JENNIE, STEVE, SETH & DAWN – PREP / 2014 COMP PLAN TAC MTG
1:00 pm JENNIE – “BOH” MEETING

WEST VIRGINIA DIVISION OF HIGHWAYS PUBLIC MEETING



WHAT:

**US 340-4 Lane Project
VA LINE to CHARLES TOWN BYPASS
U219-340-0.00 (02)
NH-0340(030)E
Jefferson County**

WHERE AND WHEN:

**Monday, September 24, 2012
Page Jackson Elementary School Gymnasium
370 Page Jackson School Road
Charles Town, WV**

The project consists of upgrading the existing two lane section of US 340 from 0.5 miles southwest of the state line to approximately 2 miles north of the community of Rippon. This meeting will update the public on the progress of the US 340 Improvement Study since the last public meeting in 2003. Newly developed modifications to Preferred Alternative 4, designated 4A and 4B are the focus of this meeting.

**THERE WILL BE NO FORMAL PRESENTATION
Attend anytime between 4:00 to 7:00pm**

WHY:

**To get your comments on the project.
Don't miss this opportunity!**

**Comment by October 24, 2012
at <http://go.wv.gov/dotcomment> (under Engineering Projects)**

The West Virginia Department of Transportation will, upon request, provide reasonable accommodations including auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in our services, programs and activities. Please contact us at (304) 528-3834. Persons with hearing or speech impairments can reach all state agencies by calling (800) 862-6772 (voice to TDD) or (800) 862-6775 (TDD to voice).

WV Dept.



5/26/12

Dear Members of the
Jefferson County Planning Commission

On behalf of the Board of
Directors of the Animal Welfare
Society of Jefferson County, I'd
like to thank you for your
generous donation of \$100 in
memory of Ed Burns.

I have sent a note to Ros
to inform her of your thoughtful
tribute.

Sincerely,
Ann & Mary Walsh
Member
Board of Directors

