

AGENDA
JEFFERSON COUNTY PLANNING COMMISSION
October 9, 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 September 11, 2012 meeting.
2. Citizen Communications.
3. Request for postponement.
4. Public Hearing for Zoning Map Amendment (Rezoning) for property designated as Tax District: Harpers Ferry, Map: 7, Parcels: 24 and 26. This property is currently zoned Rural and Residential/Light Industrial/Commercial zoning is being requested. This property is located on the intersection of US Route 340 and Washington Street in Harpers Ferry and is a total of 2.39 acres. The owner of record is the Bank of Charles Town.
5. Reports from Legal Counsel and legal advice to PC.
Active Litigation:
 - Far Away Farms
 - Cedar Meadows Airpark
6. Director's Report.
7. Monthly Development Activity Report.
8. County Commission Liaison Report.
9. Planning Commission Exchange.
 - Report from the Health Department Meeting Liaison. **Appointment of volunteer commissioner.*
 - Report from the Public Service District Meeting Liaison. **Appointment of 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.
10. President's Report.
11. Actionable Correspondence.
12. Non-Actionable Correspondence.

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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
SEPTEMBER 11, 2012

The Jefferson County Planning Commission met on Tuesday, September 11, 2012 with the following Commission members present: Morgan Ethers, Secretary; Kelly Baty, Gene Taylor, J.P. Phillips, Steve Stolipher, Daniel Hayes and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jonathon Saunders, County Engineer; Steve Groh, Prosecuting Attorney; and Dawn Childs, Office Manager.

Mr. P. Taylor and Mr. Eric Smith were absent with notification.

Mr. Hayes called the meeting to order at 7:00 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.

Mr. Phillips had not yet been sworn in and could not act as a voting member.

1. Approval of the minutes for the August 14, 2012 meeting.

Mr. Pellish moved to approve the minute of the August 14, 2012 Planning Commission meeting. Mr. G. Taylor seconded the motion which carried 4 for and 1 abstention.

2. Citizens Communication. None.

3. Request for postponement. None.

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.

Ms. Brockman presented the request and recommended that the public hearing be held at the previously scheduled October 23, 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. Stolipher moved to schedule this zoning map amendment request on the October 23, 2012 Planning Commission meeting agenda. Mr. Pellish seconded the motion which carried unanimously.

Mr. Kelly Baty entered the room.

- 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.**

Mr. Rivard stated that the applicant has requested to waive the 60 day requirement to allow for the public hearing to be held on November 13, 2012.

Mr. Stolipher moved to schedule this zoning map amendment request on the November 13, 2012 Planning Commission meeting agenda. Mr. Pellish seconded the motion which carried 5 for and 1 opposed (Mr. Baty).

- 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.**

Mr. Rivard described the location of the property and explained that the 5 year restriction prevented the lots from being transferred to the buyer of the entire subdivision. He reported that the buyer of the lots has agreed that these lots would not be transferred, sold, or built on until September 12, 2013 to honor the intent of restriction to the full extent of the 5 years. He stated that staff recommended approval of the variance.

Mr. Marty Kable, applicant, reiterated his reason for requesting the variance. He explained that a tolling agreement existed on the property and would be transferred to the buyer. He reported that the tolling agreement had been approved approximately one year ago for a total of four years.

Mr. Hayes opened the public hearing.

Ms. Linda Barnhardt, representing the Kent Cartridge Corporation, the adjoining property owner, explained that they would be buying the property to enhance their currently owned property and that there was currently no intention of subdividing or development or further sale of the property.

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

Mr. Stolipher moved to approve the variance request to lift the 5 year parent-to-child restriction to allow for the transfer of the three parent-to-child lots in accordance with the staff recommended motion. Mr. Pellish seconded the motion which carried unanimously.

7. **Request by R.J. Sepco, 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.**

Mr. Stolipher recused himself due to a conflict of interest and left the room.

Mr. Rivard described the location of the property and explained the waiver request. He commented that the area in which Sheetz is located is ideal for sidewalks. However, he stated that the area between the WV Department of Highways (WVDOH) right-of-way and the parking lot of Sheetz would allow for either a sidewalk or landscaping, not both. He remarked that at this time staff would prefer the landscaping to remain. He reported that staff had contacted the WVDOH to inquire as to whether or not a sidewalk could be placed within the right-of-way. He informed the Planning Commission that the WVDOH Administration Manager assigned to answer the inquiry was away from his office for an extended period of time and was unable to provide a determination in time for this meeting. He stated that staff's recommendation would first be to postpone action until the next Planning Commission meeting to allow for response by the WVDOH. He stated that, if the Planning Commission would decide to take action at this meeting, staff would recommend that a ten foot pedestrian/bike easement be required for the length of the property along Flowing Springs Way and Washington Street. Mr. Rivard reported that the applicant had expressed agreement to a ten foot easement.

Mr. Rick Turner, of Diamond Z Engineering, explained the need for the waiver request.

Mr. Mark Dyck, of William H. Gordon Associates, raised concern that postponing action would delay the project further and that time was critical since the construction season was nearing an end. He stated that he felt a motion could be drafted which incorporated action to be taken if a decision were to be made by the WVDOH that would allow a sidewalk to be constructed in the right-of-way instead. He commented that the WVDOH may not respond by the next meeting and that would force another delay to the project unnecessarily. He urged the Planning Commission to take action at this meeting.

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

Mr. Pellish moved to approve the waiver with the condition that the applicant provide a ten foot pedestrian/bike easement on the property or to erect a sidewalk within the WVDOH right-of-way if permitted by the WVDOH. Mr. Rivard stated that a motion would be drafted to be included in the minutes that would specify that language. Mr. G. Taylor seconded the motion which carried unanimously.

8. Reports from Legal Counsel and legal advice to PC.

Active Litigation:

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

Mr. Groh stated that the Cedar Meadows Airpark case was still on hold until October.

Mr. Groh reported that he had received a scheduling order from the Supreme Court on the appeal in the Far Away Farms case. He stated that response times to the appeal extend until the first part of December.

9. Director's Report.

Ms. Brockman reported that there would be a joint Planning Commission/County Commission meeting held Thursday, September 13, 2012 at 7 PM regarding a proposed Timeline and Work Plan for the 2014 Comprehensive Plan. She encouraged attendance.

Ms. Brockman stated that the County Commission had held a public hearing regarding the proposed New Commercial and Industrial Zoning Categories on September 6, 2012 and that the public hearing was left open for 2 weeks to allow for written public comment.

Ms. Brockman reported that staff presented the US 340 Gateway Plan to the County Commission who asked that an informal public workshop be held prior to the public hearing. She commented that the workshop would be scheduled for September 27, 2012.

Ms. Brockman informed the Planning Commission that a WV DOH US 340 South 4-Lane Project meeting held at Page-Jackson Elementary School on September 24, 2012 from 4 PM–7 PM. She stated there would also be a Hagerstown Eastern Panhandle Metropolitan Planning Organization meeting regarding the Bakerton/Millville Proposed Traffic Light held Monday, September 17, 2012 at 6 PM in the County Commission meeting room.

10. County Commission Liaison Report. None.

11. Planning Commission Exchange.

- **Report from the Health Department Meeting Liaison.** None.
- **Report from the Public Service District Meeting Liaison.** None.
- **Report from the Parks and Recreation Meeting Liaison.** None.
- **Report from the Jefferson County Development Authority Meeting Liaison.** None.
- **Report from the Water Advisory Committee Meeting Liaison.** None.
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12. President's Report. None.

13. Actionable Correspondence. None.

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AUGUST 14, 2012
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14. Non-Actionable Correspondence. None.

Mr. G. Taylor moved to adjourn the meeting at 7:50 PM. Mr. Pellish seconded the motion which carried unanimously. An audio recording and/or a video recording of the meeting may be found on our website. These minutes were prepared by Amy Puetz, Planning Clerk.

**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 stance on sidewalks within the Department of Highways right-of-way.

Whereas, The Staff proposed the Planning Commission postpone action until the next regularly scheduled Planning Commission meeting on October 9, 2012, so input from the DOH can be gathered to allow for an informed decision to be made. Staff also proposed that if the Planning Commission were to act on the applicant's request at the meeting that a 10 foot pedestrian easement be established parallel to the right-of-way on the applicant's property;

Whereas, The applicant has proffered to either construct the sidewalk in the right-of-way if the West Virginia Department of Highways permitted the improvement and the applicant was agreeable to provide a 10 foot pedestrian easement on the site plan;

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 grant the waiver subject to the following conditions: As a condition of approval, the applicant shall either construct a sidewalk within the DOH right-of-way parallel to the adjacent public streets or if not so approved and constructed, the applicant shall dedicate on the subject property, contiguous and parallel with the DOH right-of-way a ten (10) foot pedestrian/bike easement for the length of the property along both Flowing Springs Way and Washington Street. The easement shall be shown on the site plan.

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

Staff Report
Jefferson County Planning Commission Meeting
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STAFF FINDING:	In this report Staff presents the various factors related to this property based on the Comprehensive Plan. Staff does find the plan to be consistent with the 2004 Comprehensive Plan
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Background

The Bank of Charles Town property consist of two vacant lots on the corner of Washington Street and US 340 in Harpers Ferry, WV. Image 1, is a location map showing the parcels requested for rezoning.

Image 1



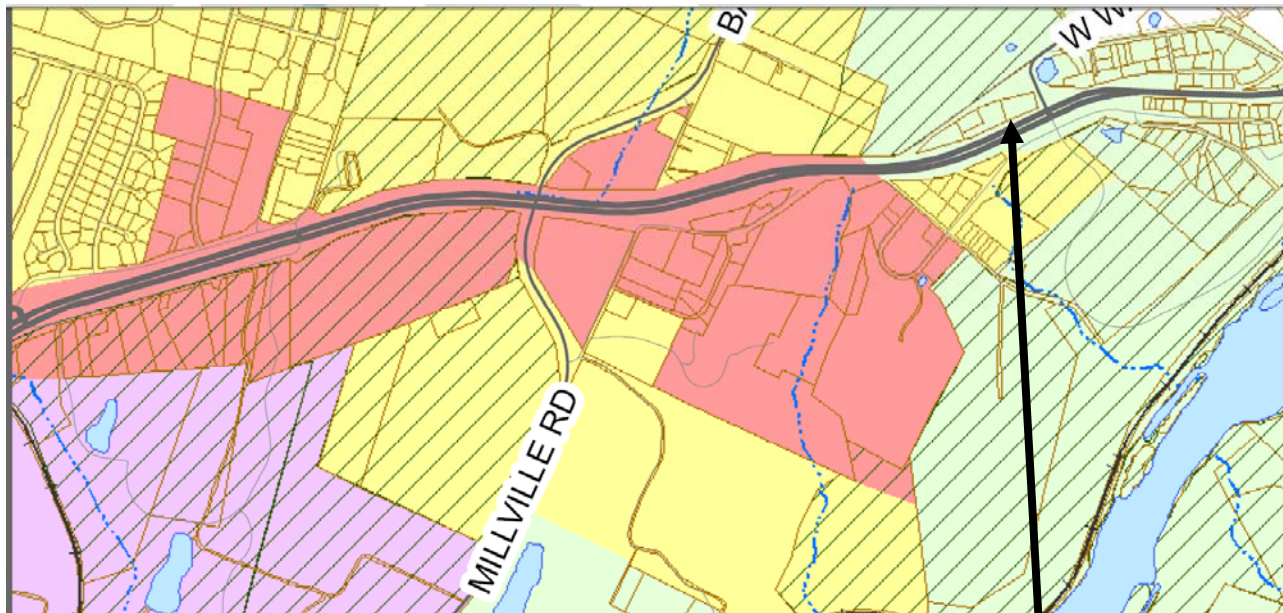
Introduction and Purpose

The applicant has requested to rezone the 1.11 acre and 1.28 acre lots from Rural to Residential-Light Industrial-Commercial. Access to the property is from Washington Court. Surrounding the subject parcel, the properties to the east and west are zoned Rural, property to the north is zoned Rural and owned by the National Park Service, and the property to the






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south is zoned Residential Growth. Note that immediately north of this property is WV DOH right-of-way occupied by an A-Frame structure that houses the Jefferson County Convention and Visitor's Bureau offices and Visitor's Center. Image 2, below, shows the current zoning for surrounding parcels and for reference, Images 3 and 4, at the end of this document, show the National Park Service Property.

Image 2



Legend

-  Urban Growth Boundary
-  Parcels
-  Tax District Boundary
-  Public/Quasi-Public Land
-  Appalachian Trail

Zoning District

-  Incorporated Town
-  Industrial-Commercial
-  Residential-Growth
-  Residential-Light Industrial-Commercial
-  Rural
-  Village

Subject Property

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The following report has been prepared to assist the Jefferson County Planning Commission and Jefferson County Commission in making findings regarding the consistency of the proposed rezoning with the 2004 Jefferson County Comprehensive Plan, in accordance with West Virginia State Code requirements.

Statutory Authority and Requirements

The West Virginia State Code, Section 12.1(a) provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. The County Zoning Ordinance also requires that the *“procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the West Virginia State Code as amended.”* As it concerns amendments by petition, State statute provides that, *“Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.”* [See WVC 8A-7-9(c)] This subsection of the State Code also states that, *“If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”*

Scope of this Assessment

This report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan. It concludes that the request is consistent with Comprehensive Plan. This assumption is also limited to the proposal to rezone the subject site.

The format for this assessment includes quotes from specific provisions of the Comprehensive Plan, which are identified by page number citation at the end of the sentence where it is quoted. Staff has used these notations and quotations in order to address sections of the Comprehensive Plan as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the Plan permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document. When available or appropriate, map references are provided with maps located in the Appendix to this report.

It should also be noted that the Comprehensive Plan states, *“Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals.”* In that sense, there are

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many plan references that are identified in this report that can or may appear to support or fail to support a finding of consistency between the proposed rezoning and the Comprehensive Plan. In the final analysis, each member of the Planning Commission and the County Commission will need to weigh the degree to which various plan provisions are of greater or less importance, in establishing their respective findings regarding the application.

Finally, this report provides a recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be considered the professional opinion of staff; no more and no less. Since the Planning and Zoning staff has no statutory authority to make decisions in this regard, we defer to the Planning Commission and subsequently the County Commission for any final recommendation or decision that may be forthcoming with respect to the subject application.

Relevant Comprehensive Plan Elements and Commentary

Existing Zoning District:

The Comprehensive Plan notes that *"The Rural District contains two predominant uses: agriculture and low density residential development (pg 67)."* In recent years, value added agricultural processes have been added as permitted uses in the Rural District. The Rural District has a mechanism that allows *"...a process that allowed property owners to propose many other types of uses on particular properties if they received a "conditional use" permit from the Planning Commission (now the Board of Zoning Appeals). This process also included a development review system in which higher density subdivisions may be permitted in the Rural District, provided that the site and the proposed development passed a weighted point-system... (pg 67)"*

Proposed Zoning District:

The Comprehensive Plan provides the following perspective on the Residential-Light Industrial-Commercial zoning district, which the applicant is requesting:

- *"...commonly referred to as the "mixed use" zone, permits uses of a light industrial and commercial nature, as well as a spectrum of residential and institutional uses ranging from single-family dwelling units to multi-family apartments and group homes. Residential uses must conform to the standards set forth in the Residential Growth District, but industrial and commercial uses are required to conform to a set of specific performance criteria, which include numerical measurements of several factors for uses that may have nuisance effects on adjacent uses (pg 71).*

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- *There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use" zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof (pg 71).*

The Plan does detail some of the potential benefits of the Residential-Light Industrial-Commercial District and a number of concerns with the district. While this district is defined as mixed used, however it does not require any mixing of uses, it merely allows for the possibility. The district allows two vaguely defined uses as permitted by right, "Commercial Uses" or "Uses of light industrial." "Uses of light industrial" is essentially defined by uses that are not defined as heavy industrial and commercial uses. There is wide latitude for the ability to interpret what qualifies as light industrial use. These two terms allow for some interpretation of what they mean and what is permitted. As such, there are a variety of uses that could be proposed on the subject property, each of which could have very different impacts.

It should be noted that the broadness of this zoning category often raises concerns and is one of the primary reasons that new commercial zoning categories are currently under consideration.

Growth Area:

These parcels are located within the area defined by the Comprehensive Plan as the "growth area," as found on page 75 of the Plan. Since the subject parcels are located both in the growth area and near an existing urban core, the Plan supports the request.

Transportation Impacts:

The Comprehensive Plan discusses the critical role of the transportation routes, noting:

- *"With the increase in population in the last three decades, Jefferson County's roads have had to bear the combined burden of increased traffic volume and heavier commercial vehicles. As a result, the deficiencies of the highway and road systems have become more critical. Inadequate funding and increases in transportation demand are conditions which probably will be facing the people of Jefferson County indefinitely (pg. 26)."*

As many people are aware, the fact that inadequate funding and increased transportation demands are conditions the County is likely to continue to face indefinitely is ominous. The staff

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acknowledges that there is an existing bottleneck along US 340, which is a major transportation route through the County.

The parcels of property proposed to be rezoned are located at a major intersection that is signalized. As it relates to this request, the transportation infrastructure in this location could permit the development of these two parcels. Further, if there were needed roadway improvements in the future, the right-of-way along US 340 and Washington Street are wide enough to accommodate necessary improvements.

Water and Sewer Proximity:

These lots can be served by water and sewer. The Comprehensive Plan encourages urban level development to be on a central water and sewer system, whether public or privately owned. Therefore, the requested rezoning would conform to this aspect of the 2004 Comprehensive Plan and its growth plan.

Development Implications:

The "...plan encourages new development patterns that foster mixed-use neighborhoods, so that a sense of community begins at the subdivision level (pg. 8)." The plan further "...recommends that Jefferson County's natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds (pg. 8) and "...an increasing number of tracts are developed for residential, commercial or industrial uses, existing unprotected historic resources become endangered. (pgs. 55-56)."

Staff concurs with the need for mixed development to provide for a variety of uses when possible. However, on smaller lots, the mixing of uses becomes more difficult. This location is an extension of the communities of Harpers Ferry and Bolivar and functions as a "gateway" to the County, the state and the Harpers Ferry National Historic Park. While these parcels are near the National Park Service and do have intrinsic historical value, these two small lots are separated from the Park Service by existing development patterns that surround the site and an area owned by the Department of Highways.

The US 340 Corridor East Gateway Plan outlines ways to achieve both economically viable growth and provide some picturesque vistas that attract people to Jefferson County. While the US 340 Plan has not yet been adopted by the County Commission, it contains recommendations worthy of consideration. Staff recommends that any future development in the 340 Corridor

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be compatible with the historic character of the area and provide landscaping and vegetative screening along US 340 to protect the scenic views while providing economic opportunities in the County.

Natural Resources, Historic Resources and National Park Service Property

This report would not be complete, if it did not acknowledge the implications on the natural, environmental and historical resources that are addressed in further detail below. The 2004 Plan notes the significance of these elements, particularly along the US 340 corridor. As the Planning and County Commissions determines the merits of this rezoning, the impact on the surrounding natural, environmental and historical resource elements could be a consideration for not finding this rezoning request consistent with the 2004 Comprehensive Plan.

Natural Resources:

As a broad outline the Comprehensive Plan notes that:

- *“In terms of environmental resources, Jefferson County suffers from an embarrassment of riches. If we are not careful, we could squander these resources. Effective planning is essential to preserving these resources for use and enjoyment of future generations (pg. 48).”* Additionally the plan notes *“Caves, scenic vistas, wildlife corridors and cliff areas are just several examples of additional forms of natural resources that contribute to the environmental and cultural mix that is Jefferson County. The topography, geology, hydrology, and biological diversity of the environment is one of the hallmarks that makes Jefferson County the beautiful environment that it is. Unfortunately, not every form of natural resource can be discussed in detail within the context of a Comprehensive Plan. The protection of scenic vistas has been the subject of public comment during this process. The County should identify the protection of scenic vistas as an issue to address, this is best done through the adoption of standards within the ordinances, so that all parties are aware of their rights and responsibilities in this regard (pg. 52).”*

This vision for the document illustrates that the historic and scenic viewsheds of Jefferson County are threatened by the rate of growth occurring within the County. The intent is to shape growth in a manner that preserves these important features, while allowing for growth where appropriate. Outlined on page 14 is the US 340 Corridor East Gateway Plan which provides methods to achieve the balance between development and natural resources. As a means of achieving balance, Staff suggests that any development of these lots along this corridor should use landscaping as a screen along US 340.

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Historic Resources:

In addition to the natural resources of the community, the 2004 Plan discusses the County's historic resources in depth. It is summarized below, but its totality should be an element of consideration to this rezoning request:

- *Jefferson County is an area rich in historical and archaeological interest. It has arguably been referred to as the most historic rural county in America. As part of our country's first western frontier, it was settled by Europeans before 1720 and was inhabited by Native Americans for several thousand years before.*
- *Surveyed by a young George Washington and host to seven Washington family homes*
- *The site of the John Brown Insurrection*
- *County's place at one of the crossroads of the Civil War forever links it to many of the important events that occurred during our Nation's greatest test of endurance.*
- *Given its size and population, Jefferson County has been fortunate in the amount of historic preservation projects that have been implemented around the County. From Harpers Ferry National Historical Park to the historic districts of Shepherdstown and Middleway, Jefferson Countians can be proud of the number of historic resources that have been preserved here.*
- *History tourism is a significant element of Jefferson County's economy. Harpers Ferry, the Appalachian Trail, Shepherdstown, Antietam and the C&O Canal all serve to draw visitors to the County and surrounding area.*
- *Regardless of the successes of the past, as an increasing number of tracts are developed for residential, commercial or industrial uses, existing unprotected historic resources become endangered. Existing processes should be evaluated for their ability to address this growing issue (pgs. 55-56)."*

Historic and natural features are given a significant priority in the 2004 Comprehensive Plan. This section of the Plan underscores the importance of heritage tourism to the economy and notes the cultural and scenic features that drive locally based tourism's economic engine. The text substantially supports the need to protect the "scenic vistas" both in this plan and in the 1994 Comprehensive Plan.

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It is important to note that recreational tourism, heritage tourism, scenic tourism and eco-tourism are part of Jefferson County's pro-business and pro-economic development ventures. The subject property is an element of a historic battlefield as shown on Image 4. As such, any future development of the property should consider building designs that are sensitive to the historic nature of this area.

Implications of National Park Service Property:

Since 2004, there have been several acquisitions by the National Park Service surrounding this property that were not anticipated in 2004. While there have been major changes to the US Route 340 Corridor area that were not anticipated when the Comprehensive Plan was written, particularly the acquisition of property by the National Park Service (NPS), this specific location was surrounded by the National Park Service when the 2004 Comprehensive Plan was adopted. Additionally mentioned previously, the location of the lots proposed for rezoning are within the identified growth area of the County and are an expected outgrowth of the adjacent communities.

US 340 Corridor East Gateway Plan:

While the US 340 East Gateway Plan has not yet been adopted, Staff continues to believe that the values, principles and recommendations of the US 340 Plan would make development proposals less contentious if considered during such rezoning requests. Staff acknowledges that during the course of creating the Gateway Plan much of the focus was on the area from Charles Town to the areas surrounding the intersection of US 340 and Bakerton/Millville.

The intersection at Washington Street and US 340 near Bolivar and Harpers Ferry received less attention. This is due, in part, to the fact that in this location, development is limited by the existing land uses and road layout in the area. Since the 340 Plan did not focus adequately on this intersection, the land use was not calibrated correctly. While the Future Land Use for the US 340 Plan details the subject parcels as Rural and Public/Semi-Public (mistake was due to misinterpretation of Visitors Center property), Staff believes that this does not reflect the existing land uses on these two properties. It is possible that based on the concept of concentrating development with urban growth boundaries and at key intersection nodes, this area would have been recommended for future commercial use. However, if shown as commercial at the public forums, public input in that location may have resulted in a different response.

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The critical components of the US 340 Plan that could be applied to this request are that building materials, screening, landscaping and signage are in keeping with the character of the surrounding area. The following objective is noted in the US 340 Corridor East Gateway Plan regarding the gateway as it pertains to this request.

Objectives: Create Gateway/Entrance

Strategies:

- Encourage appropriate rural/historic design for new or redeveloped public buildings in the corridor
- Install historic signage at appropriate locations along the US 340 Corridor, such as the location of the Visitors Center
- Minimize development along the US 340 frontage in the vicinity of the battlefield, to preserve a prominent gateway feature for the entry into West Virginia
- Improve US 340 Corridor aesthetics by creating a continuous green gateway landscaped with native species providing all-season color, developed in cooperation with community groups, governments, schools, religious organizations, etc.

Staff Recommendation

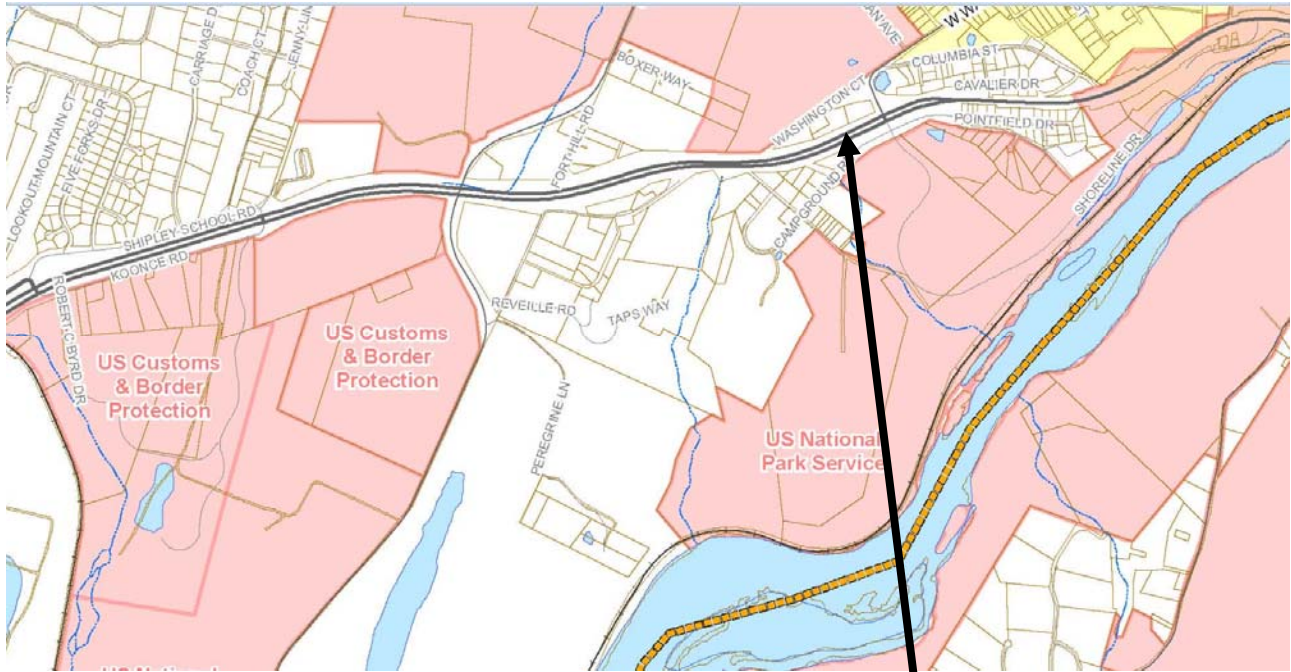
While this area of the County contains significant historic and scenic resources and serves as an important gateway to the state, Staff finds the proposed rezoning to be consistent with the 2004 Comprehensive Plan. With urban level development directly adjacent to the east, urban level water and sewer services are available for the property and a signalized intersection, the requested rezoning is reasonable. The subject parcels are within the identified growth areas as defined in the 2004 Plan. While the Comprehensive Plan notes the following should be considered in a study of the US 340 Corridor, these elements should be also considered above the current site development requirements as a part of any development that occurs on these two lots.

“Buffers, landscaping requirements, traffic and access design, sign regulation and aesthetic highway improvements are all examples of issues that could be discussed as part of this study (pg. 72).”

If the Planning Commission were to find the request not in conformance with the with the 2004 Comprehensive Plan, the historical, natural and cultural resources could be cited as the most important elements of the 2004 Plan for the protection of the scenic gateway into both Jefferson County and that the State of West Virginia. The historical, natural and cultural resources are discussed on pages 8-10 of this report.

Staff Report
Jefferson County Planning Commission Meeting
October 9, 2012

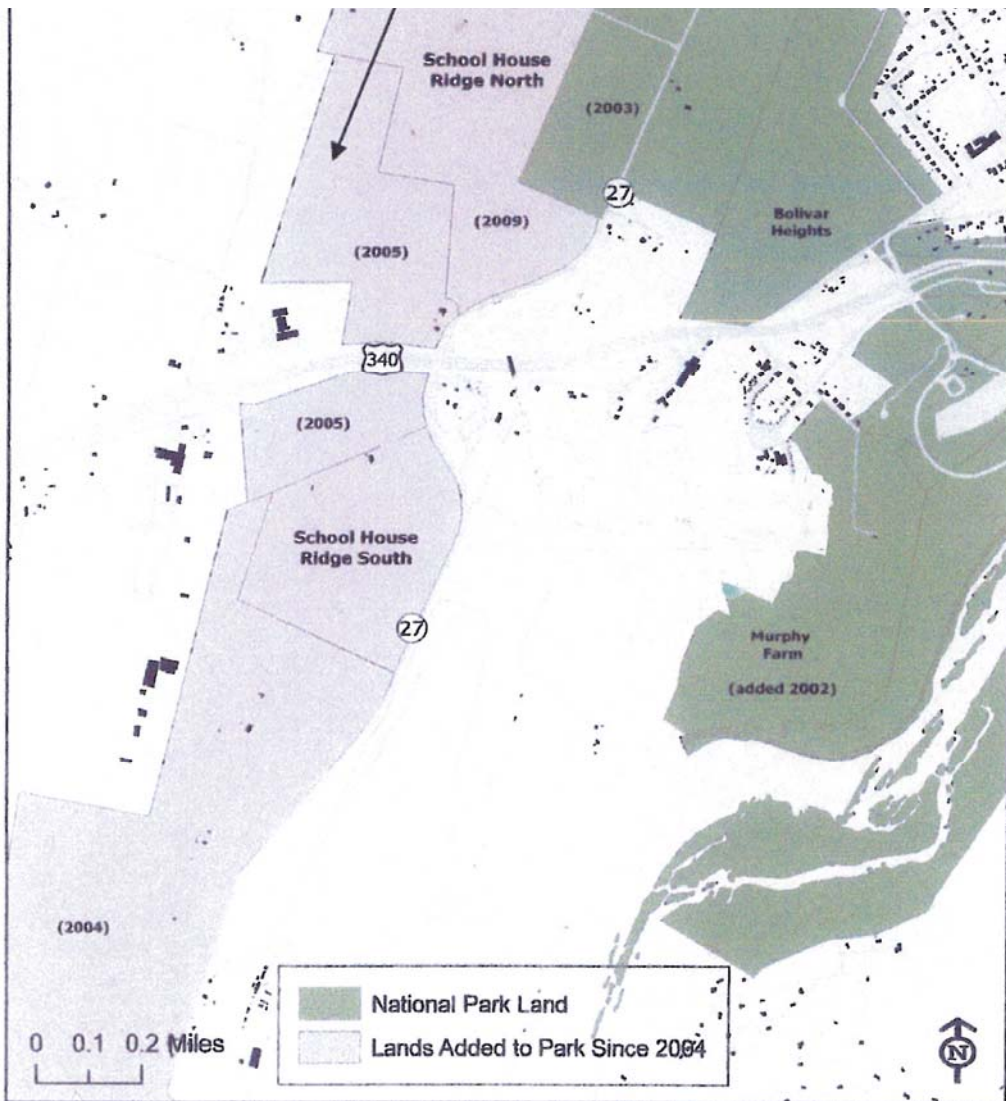
Image 3



Subject Property

Image 4

Growth of Harpers Ferry NHP



**A Motion Recommending Approval of a
Rezoning for Bank of Charles Town Property
October 9, 2012**

Whereas, Bank of Charles Town has requested rezoning of two parcels; and

Whereas, The property is identified as Parcels 24 and 26 as shown on Tax Map 7 of the Harpers Ferry District, cumulatively consisting of 2.39 acres; and

Whereas, The applicant is requesting both parcels, be rezone from Rural to Residential-Light Industrial-Commercial; and

Whereas, The requested rezoning process complies with the requirements in accordance with the provisions of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective July 7, 1988, as amended and West Virginia State Code Section 8A-7-9; and

Whereas, The Planning Commission finds that the requested rezoning is conformance with the adopted 2004 Comprehensive Plan as outlined in the staff report; and

Whereas, The Planning Commission further finds that there has not been major changes of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted; and

Whereas, Staff recommends approval of the requested rezoning based on the conditions outlined in the staff report as attached; and

Now therefore be it moved, that the Jefferson County Planning Commission recommends approval the request for rezoning from Rural to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Parcels 24 and 26 as shown on Tax Map 7 of the Harpers Ferry District.

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 October
By vote of the Jefferson County Planning Commission
By a vote of ___ Yes ___ No

Planning Commission President



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: #712-02

Date Application Received: 7.16.12

Staff Initials: CFC

Application Fee: \$115000

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html CK #122884

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: BANK OF CHARLES TOWN (BCT)
Mailing Address: P.O. BOX 906 111 EAST WASHINGTON STREET
City: CHARLES TOWN State: WV Zip Code: 25414
Phone Number: _____ Email: _____

Applicant Contact Information

Applicant Name: SAME
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Email: _____

Applicant Representative

Name of Representative: ANNETTE G. VAN HILST, PRINCIPAL - the crossroads group
Address of Representative: 22 VAN CLEVELAND ROAD
City: KEARNEYSVILLE State: WV Zip Code: 25430
Phone Number: (304) 896-6984 Email: agvh@frontiernet.net

Physical property details

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

Current Zoning District

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

Proposed Zoning District

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

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

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

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

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

12-02

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

Owner:

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

RECEIVED

JUL 16 2012

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Applicant:

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

Ordinance Citation:

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

Map Amendment Definition:

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

Substantiation for the Request:

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

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

Tax District, Map and Parcel Number:

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

Deed Book Reference:

Deed Book 991 at Page 723

Sketch Plat:

Attached

Tract Size:

2.39 Acres

Discussion on:

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

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

A. Comprehensive Plan Compatibility

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

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

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

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

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

Recommendation 3.18 on Page 64:

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

Commentary:

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

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

Recommendation 3.25 on Page 73:

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

Commentary:

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

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

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

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

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

Recommendation 4.01 on Page 78:

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

Commentary:

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

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

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

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

B. Change of Neighborhood

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

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

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

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

1. Availability of Public Utilities:

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

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

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

2. Growth in the Corridor:

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

C. Change of Transportation Characteristics:

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

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

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

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

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

D. Error in the Original Zoning Map

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

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

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

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

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

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

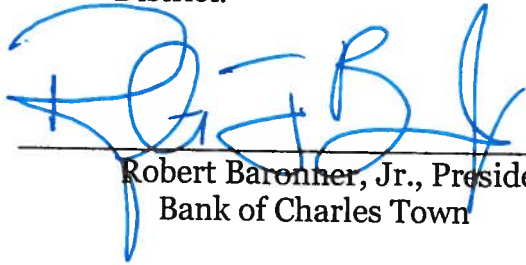
This topic was also discussed under Recommendation 4.01. On page 6 of the Capriotti Staff Report, the Staff acknowledges that the Residential Growth District is a 'growth oriented district'. Along with the Residential/Light Industrial/Commercial District, these are the two growth districts that are

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

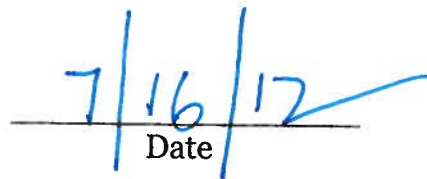
Regarding land use policy in Jefferson County, the Growth Area on the Study Area Map on page 75 appears to be the only land use policy map in the 2004 Comprehensive Plan. Therefore, the County Commission should utilize this map when making the decision on the requested map amendment.

F. Conclusion:

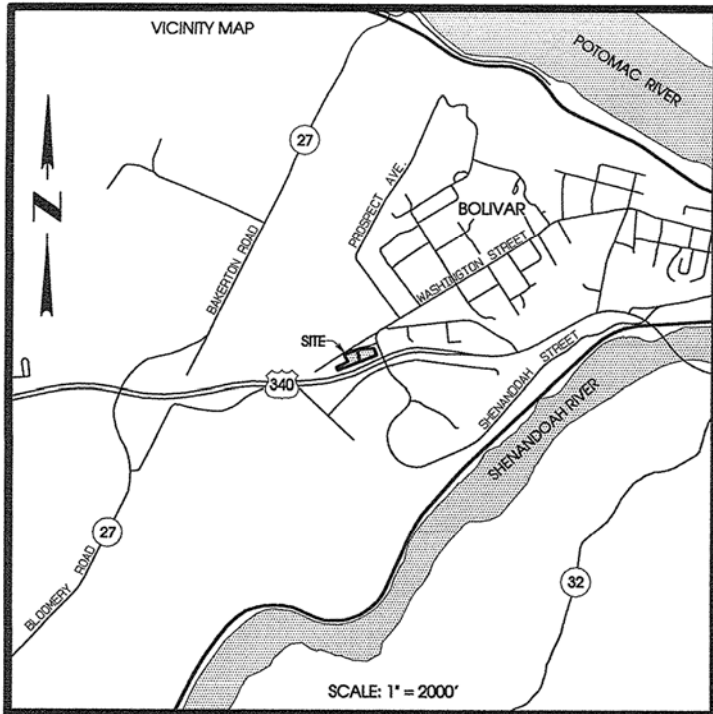
The Bank of Charles Town respectfully requests that the County Commission approves this map amendment to the Jefferson County Zoning Map. This Petition cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the 2004 Comprehensive Plan; the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



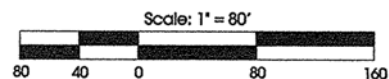
Robert Baronner, Jr., President
Bank of Charles Town



Date



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



HFD M7 P11
U.S.A.
D.B. 199 P. 41

HFD M7A P60
Marino
D.B. 956 P. 487

WV Rt. 340/15 Ex. R/W Varies

HFD M7 P25
DF Briarpatch, LLC
D.B. 956 P. 275

Lot 3
HFD M7 P26
The Bank of Charles Town
D.B. 991 P. 723
1.28 Acres +/-
(per Tax Map)

Lot 4
HFD M7 P24
The Bank of Charles Town
D.B. 991 P. 723
1.11 Acres +/-
(per Tax Map)

HFD M7 P27
Cavaller Properties, LLC
D.B. 990 P. 666

US Rt. 340 Ex. R/W Varies

HFD M7 P31.1
Cavaller
D.B. 272 P. 152

HFD M7 P28.4
Cavaller
D.B. 513 P. 443

HFD M7 P31
U.S.A.
D.B. 405 P. 30

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

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

RECEIVED
JUL 16 2012
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Appalachian Surveys, PLLC

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

#2012033

712-02

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

From: "Karan Townsend" <karantownsend@gmail.com>

Sent: 10/3/2012 9:59:17 AM

To: "Planning Department" <planningdepartment@jeffersoncountywv.org>, zoning@jeffersoncountywv.org, "Patsy Noland" <patsynol@gmail.com>, "Dale Manuel" <dmanuel@frontiernet.net>, "Walt Pellish" <walt@waltpellish.com>, "Frances Morgan" <fberrymorgan@aol.com>, "Lyn Widmyer" <lynwidmyer@gmail.com>

Cc: "Joe Anderson" <joewa2@juno.com>, "Kevin Carden" <recorder@harpersferrywv.us>, "Betsy Bainbridge" <betsybainbridge@yahoo.com>, "Jeremy Hutton" <jerwar@frontiernet.net>, "Dan Riss" <fdrfdr@comcast.net>, "Charlotte W W Thompson" <charlottethompson7@gmail.com>, "Greg & Lynn Vaughn" <olvaughn@frontiernet.net>

Subject: Fwd: support letter for zoning change request for BCT property on Rt. 340 ~ [non-support of re-zoning statement]

Greetings to members of the Jefferson County Commission and the Jefferson County Planning Commission:

I won't be able to attend the 340 Gateway Study meeting this evening --- and I probably won't be able to attend the 9 October hearing on the BCT re-zoning --- so I would like to submit a written statement for the record.

However (as a busy business owner), I don't have time to write a special letter to the JC County Commission and Planning Commission regarding the 340 Gateway Study and the related BCT re-zoning application --- so I decided (for better or worse) to simply forward to you the brief email that I sent to the JCDA explaining why I am against the BCT re-zoning and for preserving, protecting, and promoting the 340 Corridor Gateway as a tourist / resident - friendly corridor that not a collection of the strip shopping malls, gas stations, office complexes, apartment complexes, light industry structures, etc. that are common on urban/suburban non-tourist destination highways across the USA. :(Folks can travel a couple of miles further on 340 and find all of these conveniences in the Walmart area of the Corridor :).

As stated by a concerned and informed neighbor of mine, regardless of how loosely one construes the BCT request to meet Jefferson County Planning & Zoning standards for rezoning, it must be viewed within context to the Jefferson County and Harpers Ferry Comprehensive Plans, the JCDA mission statement and goals, and a basic level of cost/benefit analysis and highest maximum return, all of which the rezone request severely violates. Not to mention it is not good governance to consider rezoning US 340 parcels ahead of the approval of the US 340 Gateway Plan. In addition to my letter to the JCDA, please consider the following:

"Jefferson County was ranked #1 in tourist spending in 2010 at \$769.6 million." -Jefferson County Economic Development Authority's website

Is the JCDA willing to gamble away \$769.6 million in tourist revenues in pursuit of a low return rezoning change of this nature? So doing would put JCDA's reputation and legitimacy on the line in the eyes of many.

Clearly the economic force in Jefferson County are the tourism magnets, the Racetrack/Casino facility and Jefferson County's premiere historic and natural resource located in the Harpers Ferry/Bolivar portion of the US 340 corridor.

The revenues afforded Jefferson County via the gambling facilities are threatened by Maryland and Pennsylvania gaming industries. This economic impact is beyond Jefferson County's control. The ability to protect its premiere historic and natural resources located within the Harpers Ferry/Bolivar portion of the US 340 corridor is not beyond control. Jefferson County should deny this unwise and counterintuitive land use petition, an economic development move destined to marginalize and drain the

economic vitality of its historic resource assets just as out-of-state economic development forces threaten to do the very same to its gaming

Thank you for your consideration of my position, which I think is the position of many residents and business owners in the County.

Sincerely,
Karan

Dr. Karan Townsend

The Town's Inn
175/179 High Street
PO Box 1412
Harpers Ferry, WV 25425



Jefferson County
Development Authority

Board of Directors
2012-2013

Mark Dyck
President

Howard Mills
Vice President

Eric J. Lewis
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Mike Chapman
Joe Cosentini
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Conrad C. Hammann
Joshua Householder
Debra Lee Hovatter
P. David Mills
Walter Pellish
James A. Tolbert
Karan Townsend

John Reisenweber
Executive Director

PO BOX 237
CHARLES TOWN
WV 25414

304.728.3255
304.725.3133 fax

www.JCDA.net

RECEIVED

OCT 04 2012

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

October 2, 2012

Mr. Paul Taylor
President, JC Planning Commission
PO Box 338
Charles Town, WV 25414

Dear Mr. Taylor:

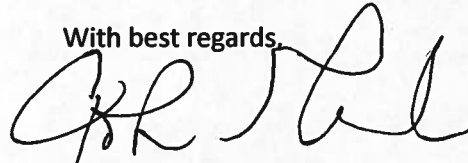
On behalf of the Jefferson County Development Authority (JCDA), I am writing to express our support of the Zoning Map Amendment request for the Bank of Charles Town (BCT) that will be discussed at the JC Planning Commission meeting on October 9, 2012. As you know, the property is located at the intersection of RT. 340 and Washington Street as you enter Bolivar and Harpers Ferry. The zoning request is to change the property from its current rural zoning to a residential/light industrial/commercial zoning.

The JCDA believes that the Zoning Map Amendment request is reasonable and appropriate given its location on the highly travelled Rt. 340 and its proximity to other similarly zoned properties along Rt. 340. The current traffic volume on Rt. 340 is in excess of approximately 23,000 vehicles per day and the subject property benefits from a traffic signal at the intersection providing access to the site. The property is not large enough for agricultural use and the development of the site as large lot rural housing does little to benefit the County. We believe that the zoning map amendment will make the property more valuable to Jefferson County in the form of increased tax revenue and employment. In fact, the requested zoning variance will foster additional economic development in Jefferson County. Of course, we trust that the Planning Commission will ensure that any proposed site development will be done in accordance with all applicable Federal, State, and local laws, rules, regulations, and ordinances.

In closing, I would like to add that the Bank of Charles Town has been a loyal business partner in Jefferson County since its charter in 1871. For over 140 years, BCT has provided excellent service to its clients and has grown from its humble roots to a company with over 100 employees and \$300 million in assets. The JCDA firmly believes that supporting our local businesses, like BCT, is crucial to the long term economic prosperity of Jefferson County. Therefore, we strongly encourage the Jefferson County Board of Zoning Appeals to look favorably upon this very reasonable request and grant the zoning map amendment.

Thank you very much for your consideration and please do not hesitate to contact me if you have any questions.

With best regards,



John Reisenweber
Executive Director

cc: Jefferson County Commission President Patricia Noland



United States Department of the Interior

NATIONAL PARK SERVICE
Harpers Ferry National Historical Park
P.O. Box 65
Harpers Ferry, West Virginia 25425

IN REPLY REFER TO:

L1425 (HAFE)

October 5, 2012

Mr. Paul G. Taylor, President
Jefferson County Planning Commission
116 E. Washington St., 2nd floor
P.O. Box 338
Charles Town, WV 25414

Dear Mr. Taylor:

This is in response to the petition to rezone the property designated as Harpers Ferry Tax District, Map 7, Parcels 24 and 26. The 2.39-acre property is located at the intersection of U.S Route 340 and Washington Street, at the gateway to scenic Jefferson County near the corporate limits of Bolivar and in the center of the historic 1862 Harpers Ferry battlefield. Currently zoned Rural, the property owner, the Bank of Charles Town (BCT), has requested a change in the zoning to Residential/Light Industrial/Commercial.

While the NPS supports planned economic growth in the County that is consistent with the policies and recommendations outlined in the 2004 Comprehensive Plan, the rezoning of the BCT property is not consistent with what we believe are the goals and objectives of the County as documented in the Plan. Rezoning to Residential/Light Industrial/Commercial, which would allow intensive development and commercial use, will have a significant adverse impact on the historic values inherent in the adjoining lands managed by the National Park Service.

The rezoning of the BCT property is not compatible with the Plan as follows:

1. It is not consistent with the vision for the County that seeks to *shape growth in a manner that preserves the most important features of Jefferson County: the rural landscape, the natural beauty of the rivers, the rolling terrain and the strong sense of community* (page 8). The property is located within view of the historic Bolivar Heights and is therefore important in interpreting the historic events that occurred there. The current undeveloped status is the desirable condition for protecting the viewshed. Modern structures at this site will degrade the scenic beauty and the ability of visitors to comprehend the historic significance of this area.
2. It does not *[p]romote the conservation of the natural, cultural, and historical resources and the preservation of the scenic beauty* (page 19). The BCT property is located within the core battlefield area of the park between Bolivar Heights and the Murphy Farm, areas of national significance as part of the 1862 Harpers Ferry Battlefield. That Congress expanded the boundary of the Harpers Ferry National Historical Park in 2004 to include the BCT property in an effort to preserve lands associated with the 1862 Battle of Harpers Ferry is a reflection of the area's historic significance.
3. It is not consistent with Recommendation 3.01 (page 24). Potential commercial or industrial uses conflict with the surrounding uses which are predominantly residential or rural lands maintained by the NPS for their historic rural-agricultural setting. The NPS strives to maintain the

agricultural appearance of the surrounding battlefield properties by issuing permits for approximately 350 acres for use by area farmers.

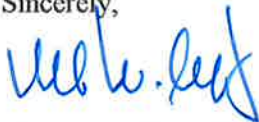
4. It is not consistent with the Plan (page 32), as more intensive development at this intersection would exacerbate the county's greatest transportation problem, which is a bottleneck through the Harpers Ferry water gap. Due to the need for multi-state coordination, design difficulties and costs, a solution will likely not be implemented in the foreseeable future. It is also inconsistent with Recommendation 3.25 (page 73), which suggests a Historic Gateway Special Study Area. The Plan states, *...the purpose of the study is to identify ways to ensure that the residential and commercial development that occurs along this corridor is designed and constructed in such a way where development does not cause visual blight and major traffic problems along the eastern corridor to the State.* The ongoing U.S. Route 340 Corridor – East Gateway Plan should be completed before additional rezoning requests in the corridor are decided so that wise land use decisions can be made on a systematic rather than piecemeal basis.

5. The Plan acknowledges that history tourism is a significant element of Jefferson County's economy (page 56). According to recent economic surveys, the Park and its visitors provide total direct spending in Jefferson County amounting in the tens of millions of dollars. These numbers will only continue to increase, as visitors stay longer to experience the historic sites on School House Ridge. However, inappropriately sited commercial or industrial development will significantly impact the rural appearance and historic values of the BCT property. It will mar the historic and scenic views from adjacent parklands where hundreds of millions of dollars of investment have been made to attract tourists and businesses.

In summary, the NPS supports planned growth in the County and adjacent to the park; however, any such development should be compatible with the County's long-range goals to preserve rural-agricultural lands and to preserve historic resources both of which are inherent in adjacent park lands. Therefore the NPS does not support the petition to rezone the BCT property. As an adjacent property owner with significant holdings, we urge you to once again deny this request.

Thank you for the opportunity to comment on this important matter.

Sincerely,



Rebecca L. Harriett *For:*
Superintendent

cc:

Daniel Hayes
Clifford Taylor
Stephen Stolipher
Wm. Kelly Baty
Morgan Etters
Eric Smith
Walt Pellish



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 October 9, 2012 Planning Commission Meeting

1) **Activity Report** (attached)

2) **2014 Comprehensive Plan Update**

a) Website/Public Outreach Efforts:

- Name for Plan Update chosen: "Envision Jefferson 2035"
- Invitation to all CC and PC members access the website, <http://envisionjefferson2035.com/>, and to "follow" the plan process
- Facebook page being created for the purpose of posting upcoming events

b) 2 - Year Comprehensive Planner Position:

- Approved by County Commission
- Accepting resumes through October 15, 2012
- Anticipate interviews in late October
- Anticipate recommendation to County Commission 11/8/12

c) Steering Committee:

- Accepting applications through October 10, 2012
- 2 citizen members from each County Commission District
- 1-3 At-Large Members
- Anticipated appointment at October 18, 2012 County Commission meeting
- Kick-off meeting with staff mid-November

d) Facilitator:

- Staff researching pros and cons of hiring a facilitator and inviting a few proposals related to cost and tasks
- Contract would require County Commission approval

3) **US 340 South:**

a) WV DOH US 340 South 4-Lane Project (see attached e-mail)

On September 24, 2012, the WV DOH held a 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 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 4b were displayed. There was considerable public concern by residents of Ryan's Glen Subdivision about why their subdivision has been approved in the Preferred Alignment of the road. Attached is an e-mail that was sent to the local and state elected officials that explains the role of local planning and zoning in approving developments in proposed road alignments. This can be discussed in more detail if the Planning Commission would like a more detailed explanation.

a) **Eastern Panhandle Transportation Authority Funds**

On September 20, 2012, the County Commission approved a motion to place \$13,661.00 received from the Eastern Panhandle Transportation Authority in the Planning and Zoning into a special fund marked for transportation and the study of the southern section of US Rt. 340. Staff has initiated discussions with HEPMPO and State Transportation Officials regarding possible uses for these funds focused on US 340 South to supplement and support the Comprehensive Plan.

4) Recent CC Meetings relevant to Planning:

a) Joint Planning Commission/County Commission for the purpose of discussing proposed Timeline and Work Plan for 2014 Comp Plan (September 13, 2012)

b) County Commission Action Related to on US 340 East Gateway Plan:

- i. Public Workshop – no formal presentation/public discussion (September 27, 2012)
- ii. County Commission Public Hearing (10/4/12)

5) Upcoming CC Actions:

a) Action on Propose Zoning Ordinance Text Amendments regarding the Creation of New Commercial and Industrial Zoning Categories and Related Amendments (tentatively set for 10/18/12)

b) Action on Approval of the US 340 Corridor East Gateway Plan as an amendment to the Comprehensive Plan (written public comment being accepted through October 18, 2012; action anticipated in early November)

6) Upcoming PC meetings:

a) 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
- 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

b) November 13, 2012

- 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

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 9.10.12- 9.14.12

MONDAY, SEPTEMBER 10, 2012

10:00 am – 11:00 am STAFF MEETING
2:00 pm JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN “TAC” MEETING
7:30 pm JENNIE, SETH & DAWN – AG TASK FORCE MEETING /
LOCATION: PUBLIC SERVICES BLDG

TUESDAY, SEPTEMBER 11, 2012

10:00 am – 11:30 am JENNIE & STEVE – WEEKLY ZONING MEETING
1:00 pm – 1:30 pm JENNIE & DAWN – MEETING / RE: VOICE OVER IP SURVEY
2:00 pm – 3:00 pm JENNIE, SETH & AMY – WEEKLY PLANNING MEETING
7:00 pm JENNIE, STEVE, SETH & DAWN – PLANNING COMMISSION MEETING

WEDNESDAY, SEPTEMBER 12, 2012

10:45 am – 11:30 am JENNIE & DAWN – MEETING / PROJECT PLANS & STRATEGY
1:00 pm STEVE & JENNILEE – SITE VISITS / PLACARD CHECK – BZA AGENDA ITEMS

THURSDAY, SEPTEMBER 13, 2012

9:00 am COUNTY COMMISSION MEETING
2:30 pm STEVE, MASON & MIKE – MEETING WITH DANNY LUTZ
7:00 pm STEVE, SETH & DAWN – JOINT CC & PLANNING COMMISSION MTG
RE: 2014 COMP PLAN

FRIDAY, SEPTEMBER 14, 2012

BOARD OF ZONING APPEALS PACKET DAY

9:30 am - 11:00 am JENNIE, STEVE & SETH MTG w/MAYOR JOE ANDERSON
@ BOLIVAR COMMUNITY CNTR
11:00 am – 2:00 pm JENNIE – JEFFERSON CNTY CENTER ON AGING (JCCOA) MTG
RE: “WELCOME TO PARADISE” / LOCATION: RANSON CIVIC CENTER
NOON JENNIE, STEVE & SETH – PLANNER’S POLYPHONY – SHEPHERDSTOWN

SATURDAY, SEPTEMBER 15, 2012

SAM MICHAEL’S PARK COMMUNITY YARD SALE

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 9.17.12- 9.21.12

MONDAY, SEPTEMBER 17, 2012

10:00 am – 11:00 am	STAFF MEETING
11:00 am – 11:30 am	JENNIE & SETH – WEEKLY PLANNING MEETING
11:30 am – 12:30 pm	JENNIE, STEVE & SETH – MTG WITH PETER CORUM
1:30 pm – 3:00 pm	JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN TRAINING/ RE: ZOHO PROJECT & PROPOSED WEBSITE
3:30 pm – 5:00 pm	JENNIE & STEVE – WEEKLY ZONING MEETING
6:00 pm - 7:30 pm	JENNIE – HEPMPO MEETING / RE: PROPOSED BAKERTON STOP LIGHT

TUESDAY, SEPTEMBER 18, 2012

ALL DAY	SETH & AMY – OUT OF OFFICE / RE: EXCEL CLASS IN WINCHESTER, VA
7:15 am	JENNIE – ROTARY CLUB MEETING
12:00 pm – LUNCH MEETING	JENNIE & STEVE – MONTHLY JOINT MEETING w/ENGINEERING
2:00 pm	JENNIE – HOMELAND SECURITY RISK ASSESSMENT MEETING
3:00 pm	JENNIE – EDA BOARD MEETING

WEDNESDAY, SEPTEMBER 19, 2012

ALL DAY	SETH & AMY – OUT OF OFFICE / RE: EXCEL CLASS IN WINCHESTER, VA
9:30 am – 2:30 pm	JENNIE – DISTRICT 5 DOH MTG WITH LOCAL PLANNERS / LOCATION: HEATHERFIELDS RESTAURANT AT HOLIDAY INN, MARTINSBURG
10:30 am	DAWN – HEPMPO MEETING / CHARLES TOWN LIBRARY CONFERENCE ROOM
11:00 am – 12:00 pm	STEVE/JENNILEE & JONATHAN – SITE PLAN PPC / RE: BRUCE HOSTLER

THURSDAY, SEPTEMBER 20, 2012

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

FRIDAY, SEPTEMBER 21, 2012

CHARLES TOWN HERITAGE DAYS FESTIVITIES

9:30 am – 10:30 am	JENNIE, STEVE, SETH & DAWN – PREP 9/27 WORKSHOP & 9/24 CAC MEETING
10:30 am – 11:30 am	JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN FACILITATOR INTERVIEW RE: GARY BOETTCHER
1:00 pm – 1:30 pm	JENNIE & DAWN – MEETING: RE: VOICE OVER IP SURVEY
2:00 pm	JENNIE, STEVE & SETH – MTG WITH STEPHANIE GROVE & STEVE GROH RE: NEW ZONING AMENDMENT

SATURDAY, SEPTEMBER 22, 2012

CHARLES TOWN HERITAGE DAYS FESTIVITIES

SUNDAY, SEPTEMBER 23, 2012

CHARLES TOWN HERITAGE DAYS FESTIVITIES

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 09.24.12- 09.28.12

MONDAY, SEPTEMBER 24, 2012

10:00 am – 11:00 am STAFF MEETING
12:00 pm – 12:30 pm JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN MEETING /
RE: PLANNING SHARED & FILING CONVENTIONS
1:00 pm – 2:00 pm JENNILEE & AMY – UNDISTURBED TIME / SUBDIVISION PROJECT WORK
2:00 pm SETH – RESCHEDULED ROCK FERRY S/D MTG IN ENGINEERING
2:00 pm – 3:00 pm JENNIE, STEVE & DAWN – CITIZEN'S ADVISORY COMMITTEE MTG – **NO SHOW**
4:00 pm – 7:00 pm JENNIE, STEVE & SETH – US 340 SOUTH DOH PUBLIC MTG (PAIGE JACKSON)

TUESDAY, SEPTEMBER 25, 2012

10:00 am STEVE & JENNILEE – MONTHLY BZA APPLICATION REVIEW MTG
10:00 am – 11:00 am JENNIE, SETH & AMY – WEEKLY PLANNING MEETING
11:45 am – 1:00 pm JENNIE – EASTERN PANHANDLE TRAILBLAZERS LUNCH MEETING /
LOCATION: JEFFERSON MEMORIAL HOSPITAL
12:00 pm – 1:00 pm STEVE & SETH – LUNCH MEETING AT GLORY DAYS WITH
TED & JANIS SCHILTZ AND CATHY VANCE
1:00 pm – 2:00 pm JENNILEE & AMY – UNDISTURBED TIME / SUBDIVISION PROJECT WORK
2:00 pm – 3:30 pm JENNIE, STEVE & JENNILEE – WEEKLY ZONING MEETING

WEDNESDAY, SEPTEMBER 26, 2012

9:30 am – 9:45 am JENNIE, STEVE & SETH – MEETING W/ PETER CORUM & FRED BLACKMER
10:00 am JENNIE, STEVE, SETH & MASON – SITE VISIT: DANNY LUTZ / FEAGAN'S MILL
1:00 pm – 2:00 pm JENNILEE & AMY – UNDISTURBED TIME / SUBDIVISION PROJECT WORK
1:30 pm – 3:30 pm JENNIE – WV CHESAPEAKE BAY TRIBUTARY TEAM TELECONFERENCE
2:00 pm – 3:00 pm STEVE, SETH & JONATHAN – REVIEW / RE: MORGAN GROVE CONCEPT PLAN

THURSDAY, SEPTEMBER 27, 2012

9:00 am COUNTY COMMISSION MEETING
10:00 am – 5:00 pm JENNIE – STATEWIDE HISTORIC PRESERVATION CONFERENCE
1:00 pm – 2:00 pm JENNILEE & AMY – UNDISTURBED TIME / SUBDIVISION PROJECT WORK
1:30 pm – 4:30 pm SETH - STATEWIDE HISTORIC PRESERVATION CONFERENCE
6:00 pm JENNIE – PARKS & REC MEETING
7:00 pm JENNIE, STEVE & SETH – US 340 EAST GATEWAY PLAN PUBLIC WORKSHOP

FRIDAY, SEPTEMBER 28, 2012

12:00 pm -5:00 pm SETH – STATEWIDE HISTORIC PRESERVATION CONFERENCE
1:00 pm – 2:00 pm JENNILEE & AMY – UNDISTURBED TIME / SUBDIVISION PROJECT WORK
3:00 pm – 5:00 pm DAWN & AMY – 2014 COMP PLAN WEB TRAINING
6:00 pm SETH - STATEWIDE HISTORIC PRESERVATION CONFERENCE /
RE: RECEPTION AND AWARDS BANQUET

FRIDAY, SEPTEMBER 28th - SUNDAY, SEPTEMBER 30th [MOUNTAIN HERITATE FESTIVAL AT SAM MICHAEL'S PARK](#)

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 10.01.12- 10.05.12

MONDAY, OCTOBER 01, 2012

10:00 am – 11:00 am JENNIE, STEVE, SETH & DAWN - 2014 COMP PLAN / MEET & GREET MTG
RE: FACILITATOR GARY BOETTCHER
1:00 JENNIE & SETH – MTG W/PAUL RACO – RE: NOTTING HILL MERGER
3:30 pm – 5:00 pm JENNIE & STEVE – WEEKLY ZONING MEETING

TUESDAY, OCTOBER 02, 2012

10:00 am SETH – MTG WITH JASON GERHART (WHGA) / RE: AMS BUILDING
10:00 am – 11:00 am JENNIE, SETH & AMY – WEEKLY PLANNING MEETING
NOON – 5:00 pm JENNIE – WVDOH PLANNING CONFERENCE 2012
1:00 pm – 2:00 pm JENNILEE & AMY – UNDISTURBED TIME / SUBDIVISION PROJECT WORK
4:00 pm STEVE & SETH – INFO MEETING WITH ANNE HUNTER (304-725-2513) /
RE: PROP REZONING

WEDNESDAY, OCTOBER 03, 2012

8:00 am – 9:30 am JENNIE – MONTHLY DEPARTMENT HEAD MEETING w/CNTY ADMINISTRATOR
9:30 am – 8:00 pm JENNIE- WVDOH PLANNING CONFERENCE 2012 /
(JENNIE TO SPEAK: 3:15 pm – 3:45 pm)
1:00 pm – 2:00 pm JENNILEE & AMY – UNDISTURBED TIME / SUBDIVISION PROJECT WORK

THURSDAY, OCTOBER 04, 2012

8:30 am - NOON JENNIE – WVDOH PLANNING CONFERENCE 2012
9:00 am COUNTY COMMISSION MEETING
1:00 pm – 2:00 pm JENNILEE & AMY – UNDISTURBED TIME / SUBDIVISION PROJECT WORK
2:00 pm STEVE, SETH, JONATHAN & AMY – MORGAN GROVE CONCEPT PLAN MTG/
LOCATION: ENGINEERING DEPARTMENT CONFERENCE ROOM
7:00 pm JENNIE, STEVE & SETH – COUNTY COMMISSION PUBLIC HEARING /
RE: FINAL RECOMMENDED DRAFT US 340 EAST GATEWAY PLAN

FRIDAY, OCTOBER 05, 2012

PLANNING COMMISSION PACKET DAY

10:00 am – 1:00 pm JENNIE, STEVE, SETH & DAWN - 2014 COMP PLAN /
RE: FACILITATOR MEETING
1:00 pm JENNIE – BOH MEETING

Jennifer Brockman

From: Jennifer Brockman <jbrockman@jeffersoncountywv.org>
Sent: Tuesday, September 25, 2012 5:43 PM
To: 'lawrencefordelgate@hotmail.com'; 'john.unger@wvsenate.gov';
'herb.snyder@wvsenate.gov'; 'johndoyle@wvhouse.gov';
'eric.householder@wvhouse.gov'
Cc: Debbie Keyser (dkeyser@jeffersoncountywv.org); Patsy Noland
(pnoland@jeffersoncountywv.org); Walter Pellish (walterpellish@mac.com); Dale Manuel
(dmanuel@frontiernet.net); Lyn Widmyer (Lynwidmyer@gmail.com);
'fberrymorgan@aol.com'; Seth Rivard; Steve Barney; Stephen Groh
(sgroh@jeffersoncountywv.org); Stephanie Grove (sgrove@jeffersoncountywv.org)
Subject: RE: subdivision approval process related to US 340 South

Jefferson County Senators and Delegates:

It has come to our attention that there may be some confusion regarding the local planning and zoning approval processes and the selection of a proposed new road alignment by WV DOH. This is a very brief explanation of the role of the County Planning Commission in this approval process so that you are aware when you receive questions from your constituents.

Currently the WV DOH is in the midst of finalizing an Environmental Impact Statement (EIS) for the proposed 4-laning of US 340 South between Charles Town and Clarke County VA. It is my understanding that the EIS process, which required by the National Environmental Protection Act (NEPA), has been going on for a number of years. I have been told that in both 1998 and 2003, Alternative 4 was chosen as the preferred alignment in public workshops held at that time; however, there was never a Record of Decision (ROD) which is required to complete the NEPA process. For this reason, at this point in time, there is no final alignment for the expansion of US 340 South that would allow the acquisition of right-of-way. Without this ROD, there is no way for a local government to prohibit the development of a private property that might be in the alignment of one of the alternatives. There is considerable anger in the community over the fact that in 2005, the Planning Commission approved a subdivision in an alignment for the 340 South. Because the EIS was never completed through the publication of a ROD, the route still does not appear on any planning maps for the purpose of reserving future right-of-way. Therefore, the local Planning Commission would have had no authority to deny a development in its possible alignment. We are providing this historical information to interested citizens at their request.

Note that last year I participated in some meetings with Senator Unger about the need to be able to reserve future right-of-way for roads, but it is my understanding that it would require legislative action to make this possible. I hope that this information is helpful to you and would be glad to discuss this with you in more detail if it is of interest.

Thank you for your support of the local planning and development review processes.

Respectfully,

Jennie

Jennifer M. Brockman, AICP
Director, Planning and Zoning
116 E. Washington St. PO Box 338
Charles Town, WV 25414
304-728-3228



JEFFERSON COUNTY, WEST VIRGINIA
Department of Zoning
116 East Washington Street
P.O. Box 338
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

MEMORANDUM

TO: Jefferson County Planning Commission Members
FROM: Seth Rivard, County Planner
DATE: October 5, 2012
SUBJECT: September Monthly Report of Minor Subdivision and Site Plan Review and Approval

MINOR SUBDIVISIONS

Approved Subdivisions

12-08 **John Paul Laycock, Jr. MSD**

Approved Date: September 27, 2012
Number of Reviews: 2
Proposed Activity: To subdivide three 4-acre parent-to-child parcels from residue parcel.
Physical Location: 122 S. Child Road, Kearneysville, WV 25430
District/Map/Parcel: Middleway/Map: 25/Parcel: 12.1
Zone: Rural

Minor Subdivisions in Review

12-09 **Ellen Smith Tchakirides MSD**

Returned Date: October 1, 2012
Review Number: 1st review
Proposed Activity: To subdivide one 1.65 acre lot from residue parcel.
Physical Location: 2873 Engle Moler Road, Harpers Ferry, WV 25425
District/Map/Parcel: Shepherdstown/Map: 18/Parcel: 18.1
Zone: Rural

MINOR SITE PLANS

Approved Site Plans

None

Minor Site Plans in Review

S12-04 **SPARC, LLC (Barbara Scott)**

Date Returned: September 27, 2012
Review Number: 1st review
Proposed Activity: Phase III of the Tactical Training Center to include a training building, training area and storage area.
District/Map/Parcel: Kabletown/Map: 16 /Parcel: 11
 Kabletown/Map: 17/Parcels:2, 5 and 5.1
Physical Location: Summit Point Race Track off of Summit Point Road.
Zone: Rural

S12-05 **Automated Merchandising Systems, Inc.**

Date Returned: July 25, 2012
Review Number: 1st review
Proposed Activity: Expansion of existing industrial building, drive aisles and parking area with associated drainage structures and water quality stormwater management facilities.
District/Map/Parcel: Shepherdstown/Map: 18/Parcel: 18.1
Physical Location: Burr Industrial Park
Zone: Industrial/Commercial
