

AGENDA
JEFFERSON COUNTY PLANNING COMMISSION
December 11, 2012

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

1. Approval of the minutes for the November 13, 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, Parcel: 18. This property is currently zoned Residential Growth and Residential/Light Industrial/Commercial zoning is being requested. This property is located on the south side of US Route 340 on Campground Road approximately a half mile east of its intersection with Old Taylor Lane and is a total of 3.94 acres. The owner of record is the Aitcheson Family Trust.
5. Concept Plan Review and Public Workshop for Morgan's Grove Market (PC File #S12-06). This property is located at 3988 Kearneysville Pike (Rt. 480), adjacent to Morgan's Grove Park and is designated as Tax District: Shepherdstown; Tax Map: 13; Tax Parcel: 26.1, 26.2, 26.3 and 26.4. This project consists of an agricultural-based market. Intended uses are to consist of, but are not limited to, a Food Hub, General Merchandise (retail), Professional/Business Offices, Community Amenities, and other associated uses.
6. Discussion and possible action regarding the "Interpretive Appeals and Procedure Workshop" presentation that will allow options to appeal a decision or interpretation of staff heard at the November 13, 2012 meeting.
7. Request by Fred Blackmer for an administrative decision by the Planning Commission regarding initiation of site grading for Morgan's Grove Market prior to approval of the Site Plan.
8. Reports from Legal Counsel and legal advice to PC.
Active Litigation:
 - Far Away Farms
 - Cedar Meadows Airpark
9. Director's Report.
10. Monthly Development Activity Report.
11. County Commission Liaison Report.
12. Planning Commission Exchange.
 - Report from the Health Department Meeting Liaison.
 - Report from the Public Service District Meeting Liaison.
 - Report from the Parks and Recreation Meeting Liaison.
 - Report from the Jefferson County Development Authority Meeting Liaison.

AGENDA
JEFFERSON COUNTY PLANNING COMMISSION
DECEMBER 11, 2012
PAGE 2 OF 2

- Report from the Water Advisory Committee Meeting Liaison.

13. President's Report.

14. Actionable Correspondence.

15. Non-Actionable Correspondence.

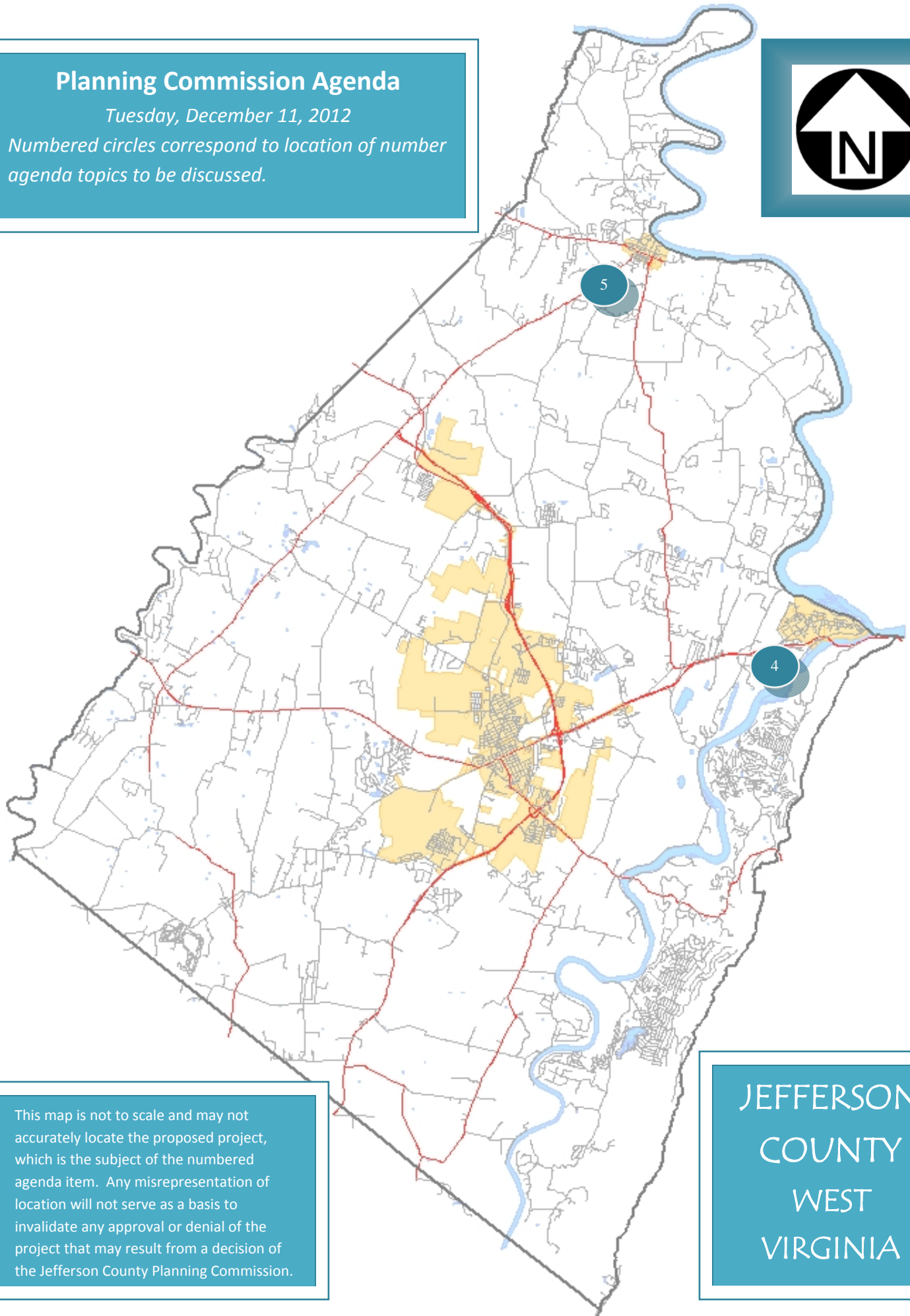
The Planning Commission welcomes written comments at any time. Our office is open Monday through Friday, 9:00 a.m. to 5:00 p.m., and is located at 116 East Washington Street, P.O. Box 338, Charles Town, WV 25414. Our phone number is (304) 728-3228; our fax number is (304) 728-8126; our email address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

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

Planning Commission Agenda

Tuesday, December 11, 2012

Numbered circles correspond to location of number agenda topics to be discussed.



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

JEFFERSON
COUNTY
WEST
VIRGINIA

This information is
Tab #1 in your binder.

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
NOVEMBER 13, 2012

The Jefferson County Planning Commission met on Tuesday, November 13, 2012 with the following Commission members present: Paul Taylor, President; Gene Taylor, J.P. Phillips, Daniel Hayes and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; and Amy Puetz, Planning Clerk.

Eric Smith was absent. Steve Stolipher, Morgan Eppers and Kelly Baty were absent with notification.

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

1. Approval of the minutes for the October 23, 2012 meeting.

Mr. Hayes moved to approve the minutes of the October 23, 2012 Planning Commission meeting. Mr. Pellish seconded the motion which carried unanimously.

2. Citizens Communication. None.

3. Request for postponement. None.

4. Request by Mark Adkins of the Waterfront Group (Rock Ferry Station) (PCV#12-08) for a variance from the Subdivision Ordinance Article 8, Section 8.2.e.3 to waive the requirement that every lot shall have a minimum road frontage of 80 feet along a road right-of-way and that the ratio between lot depth and lot width shall not exceed 3:1. This property is located approximately 6 miles southwest of the Mission Road and Route 9 intersection and is designated as Tax District: Kabletown, Map: 8, Parcel: 19; Tax District: Kabletown, Map: 22, Parcels: 14 and 15; and Tax District: Kabletown, Map: 26, Parcel: 1.4.

Mr. Rivard presented his staff report. He described the location and design of the property. He explained that the applicants were decreasing the density of the property from 20 lots to 4 lots. He stated that staff recommended approval of the variance since granting the variance will allow adequate access to the lots being created. He commented that, due to the larger size of the lots, the 3:1 ratio was less of a concern. He also stated that with the reduction of density, there would be less impervious area.

Mr. Mark Adkins, of the Waterfront Group, reiterated that the 85 acres of land would encompass just 4 lots instead of 20 lots on 85 acres.

Ms. Brockman presented an email from Mr. Roger Goodwin, Chief County Engineer, supporting the variance.

Mr. P. Taylor opened the public hearing.

Mr. Steve McMurray, adjoining property owner, asked for clarification of how the decrease in density would affect surrounding property. He explained that density rights had originally been transferred from his land (a residue to the Rock Ferry Subdivision) to this property. He wondered if he would gain additional density rights by the decrease in density. Mr. Rivard clarified that the applicant had agreed to extinguish existing rights as a part of the process to create the 4 larger lots.

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

Mr. G. Taylor moved to approve the variance from the requirements that the ratio between lot depth and lot width shall not exceed the 3:1 ratio and that there is a minimum 80 feet of road frontage. Mr. Hayes seconded the motion which carried unanimously.

5. **“Interpretive Appeals and Procedure Workshop”. Presentation by Fred Blackmer to discuss procedures that will allow options to appeal a decision or interpretation of staff.**

Ms. Brockman discussed the history of the request. She stated that staff had met with legal staff and both parties had agreed that it was a legal issue. She informed the Planning Commission that, due to unforeseen family issues, legal representation was not present. She stated that legal staff commented that the meeting would be reviewed and addressed at a future meeting.

Ms. Brockman presented a timeline of meetings and consultations offered to the applicant which detailed staff’s effort to resolve some of the applicant’s issues.

Mr. Fred Blackmer stated that he believes that the Planning Commission should be able to make a determination without legal counsel. He stated that he was asking for an administrative decision by the Planning Commission to provide some means for citizens to have an affordable option to have a body to mediate the differences in interpretation of regulations between the staff and the applicant. Mr. Blackmer discussed several examples of issues regarding differences of opinion and interpretation between planning staff and the applicant regarding a prior rezoning request of his property and regarding the current process of Morgan’s Grove Market Concept Plan and Site Plan which included specific conditions of the approved Conditional Use Permit. He stated that the Planning Commission should follow WV State Code and take on the responsibility of being a mediator or to create an appeal board. He reiterated that citizens need a citizen body to appeal to when there are unresolved issues between the staff and the applicant.

Ms. Brockman stated that staff was not prepared to respond to the workshop as they had expected legal counsel to be present to make the formal response. She commented that staff makes every effort to work with every applicant and project to give as much information as early in the process as possible to make the developer aware of regulations and timeframes. She stated that staff and the Planning Commission both have worked diligently to create amendments to current regulations with the purpose of ensuring an easier process when submitting projects.

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
NOVEMBER 13, 2012
PAGE 3 of 6

Mr. P. Taylor inquired as to the relationship between staff and the Board of Zoning Appeals (BZA). Ms. Brockman stated that Mr. Barney was the primary staff member assigned to the Board of Zoning Appeals. She briefly explained the role of the BZA.

Mr. Hayes commented that he would like for staff to be given a proper amount of time to prepare a formal response. He stated that he would like that response in addition to a response from legal counsel.

Mr. Pellish stated that he did not believe this to be a legal issue. He expressed his support of the project and the jobs that it could provide to the area. He stated that the project should be proactively facilitated instead of having surprise issues frequently occur. He commented that he did not believe another body would be necessary and that issues should be handled through the staff, the applicant and the Planning Commission.

Ms. Brockman stated that, as an example, staff had recently sent a letter to Mr. Blackmer regarding ways to satisfy his Conditional Use Permit (CUP) conditions in an effort to act as a facilitator.

Mr. P. Taylor stated that he would like for staff to be given time to draft a formal response.

Mr. Hayes stated that there must have been some miscommunication between the developer and the staff. He reiterated that staff should have time to draft a response. He suggested that the staff and the applicant meet again to discuss issues in an attempt to resolve issues.

Mr. Rivard stated that the staff report included in the packet outlined efforts made by staff to resolve the issues between staff and the applicant.

Mr. Phillips suggested that a list of issues be created that would make for a starting point of discussion. He stated that a bigger topic may be the underlying issues of the CUP process.

Ms. Brockman stated that staff would consider supporting an amendment to the Subdivision Regulations which would accept the CUP process taking the place of the Concept Plan process. She stated that such an amendment could potentially quicken the process for future projects by a month but would not change the timeline for Morgan's Grove Market.

Mr. Barney stated that he would happily work with the applicant on any specific issues of the CUP conditions. He commented that he was unaware of any issues regarding those conditions until this meeting.

Mr. Blackmer stated that the workshop was not to be about the specific issues of his project. He stated the issue that should be discussed is creating an affordable mechanism in which unresolved issues can be appealed to a third party. He stated that, in his opinion, the Planning Commission could designate themselves as that third party within the Planning Commission Bylaws.

Mr. Hayes requested that staff address the procedural perspective of incorporating into the bylaws that the Planning Commission would act as an appeals board.

Ms. Brockman reiterated that the legal staff would be the proper staff to address these issues.

Mr. Hayes commented that he would like for planning staff, as well as legal staff, to address the potential risks and benefits of having the Planning Commission assume the responsibility of hearing appeals. Mr. Hayes asked that planning staff and legal staff both address this issue at the December 11, 2012 Planning Commission meeting.

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

Active Litigation:

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

Ms. Brockman presented a memorandum from Mr. Stephan Groh and recent order from the WV Supreme Court which determined that the Circuit Court's order of Far Away Farms was not "final and appealable".

7. Director's Report.

Ms. Brockman discussed the website page for Envision Jefferson 2035. She reminded the Planning Commission that to "follow" the page, they would be required to confirm their personal email address.

Ms. Brockman stated that interviews for the 2-year Comprehensive Planner position were held and that staff would be making a recommendation to hire one of the applicants at the November 15th County Commission meeting. She anticipated the start date of the new hire to be December 10, 2012.

Ms. Brockman commented that a Steering Committee had been appointed by the County Commission with a total of 13 members. She stated that a new County Commission member had just been elected and would be given the opportunity to select two additional Steering Committee members in January when she takes office. She reported that the County Commission provided expectations of the committee to members at their November 8, 2012 County Commission meeting.

Ms. Brockman reported that staff would be proposing a contract to hire a facilitator for the Public Input meeting for County Commission approval at the November 15, 2012 County Commission meeting.

Ms. Brockman presented letters received by the County Commission regarding the expansion of US 340 South from two lanes to four lanes. Ms. Brockman reported that the WV Department of Highways may hold another public meeting on this topic in the beginning of 2013.

Ms. Brockman reviewed the upcoming County Commission meetings. She stated that the public hearing for the Bank of Charles Town rezoning request was scheduled for November 29, 2012 at 7 PM. She commented that the public hearings for Lowe Property rezoning request and the Jefferson Asphalt Property rezoning request were tentatively scheduled for January 10, 2013.

Ms. Brockman reported that there would be another rezoning request public hearing heard at the December 11, 2012 Planning Commission meeting regarding the Aitcheson Property.

Ms. Brockman stated that the County Commission had voted to table action on the proposed new zoning categories until after the completion of the 2014 Comprehensive Plan.

Ms. Brockman stated that staff would be presenting a request of approval for the US 340 Corridor East Gateway Plan at the County Commission meeting on November 15, 2012.

Ms. Brockman reported that the public workshop for the Morgan's Grove Market Concept Plan would be heard at the December 11, 2012 Planning Commission meeting. Mr. Hayes asked that the Planning Commission use caution to keep the discussion of the Concept Plan and the discussion of the Interpretive Appeals and Procedure Workshop as separate discussions.

8. Monthly Development Activity Report.

Mr. Rivard presented the October Monthly Development Activity Report.

9. County Commission Liaison Report.

Mr. Pellish stated that he felt positive regarding the composition of the Steering Committee.

Mr. Pellish reported that he felt that the County Commission made an error in deciding to table the discussion of the proposed new zoning categories and that he hoped to find a way to put that topic back on the table for discussion.

10. Planning Commission Exchange.

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

Ms. Brockman reported that the Planning Department, the GIS Department and the Health Department have been working together to find a document tracking system that will allow shared information between the agencies.

- **Report from the Public Service District Meeting Liaison.** None.
- **Report from the Parks and Recreation Meeting Liaison.**

Mr. G. Taylor reported that the Hite Road Park project is progressing.

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
NOVEMBER 13, 2012
PAGE 6 of 6

- **Report from the Jefferson County Development Authority Meeting Liaison.** None.
- **Report from the Water Advisory Committee Meeting Liaison.** None.

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

12. **Actionable Correspondence.** None.

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


Mr. Hayes moved to adjourn the meeting at 8:17 PM. Mr. Phillips 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.

This information is
Tab #4 in your binder.

Staff Report
 Jefferson County Planning Commission Meeting
 December 11, 2012

Perry, Aitcheson and Adkinson Property Rezoning (#Z12-05)

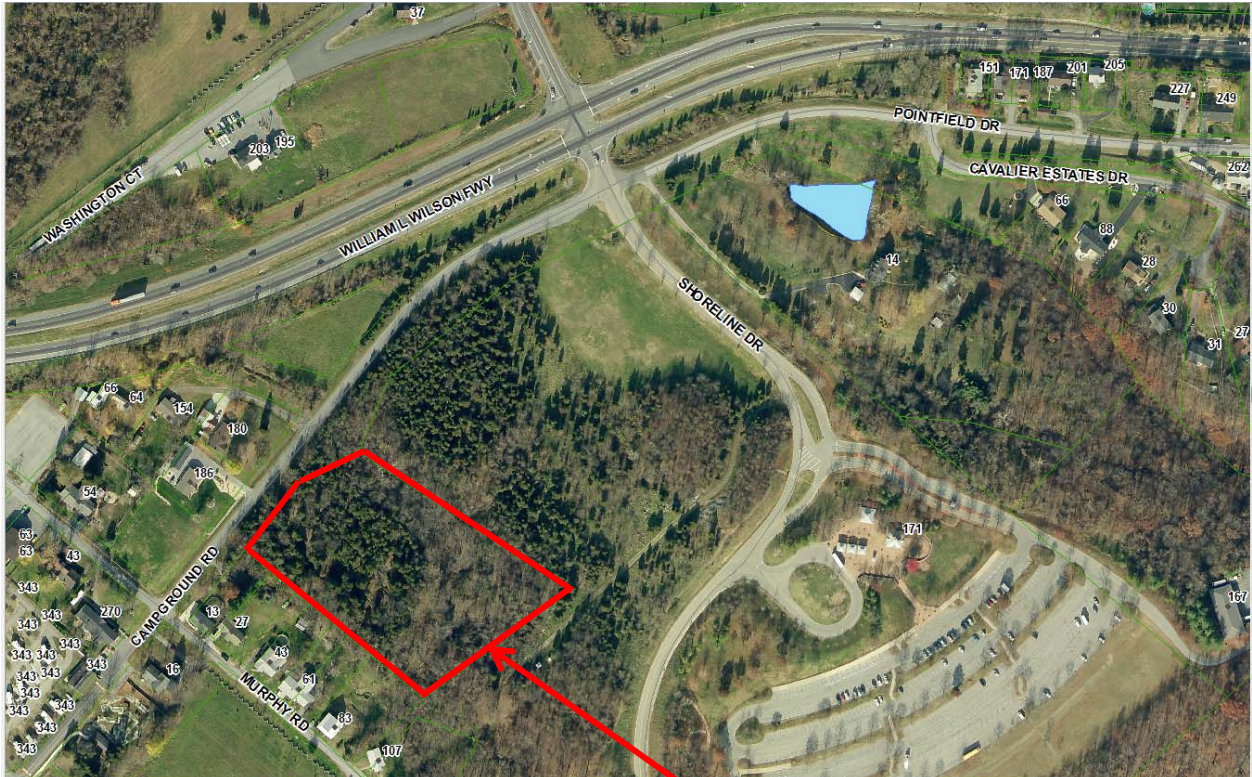
Item #4: Request by Roger and Wanda Perry, Aitcheson Family Trust, and Frederica Adkinson for a zoning map amendment for property designated as Tax District Harpers Ferry, Map: 7, Parcel: 18.

APPLICANT:	Roger and Wanda Perry, Aitcheson Family Trust, and Frederica Adkinson
OWNER:	Same as above
DEVELOPER:	Same as above
APPLICANT REPRESENTATIVE:	Annette van Hilst, R.A, The Crossroads Group
PROPERTY LOCATION:	This property is located on Campground Road (Route 340/17) just west of the Shoreline Drive/US 340 Intersection
LEGAL DESCRIPTION:	District: Harpers Ferry; Map: 7; Parcel: 18 
ZONING DISTRICT:	RG
SURROUNDING PROPERTIES:	North: RG South: R East: RG West: RG
LOT AREA:	3.94 acres
PROPOSED ACTIVITY:	To rezone this Residential Growth property to a designation of Residential-Light Industrial-Commercial.
PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the 2004 Comprehensive Plan.
STAFF FINDING:	In this report, Staff presents the various factors related to this property based on the Comprehensive Plan. Staff finds the request to be consistent with the 2004 Comprehensive Plan.

Background

The property is a vacant lot on Campground Road, near the intersection of Washington Street/Shoreline Drive and US 340 in Harpers Ferry, WV. Image 1, is a location map showing the parcel requested for rezoning.

Image 1



Subject Parcel

Introduction and Purpose

The applicant has requested to rezone the 3.94 acre property from Residential Growth to Residential-Light Industrial-Commercial. Access to the property is from Campground Road. The zoning surrounding the subject property is:

North and west – Residential Growth

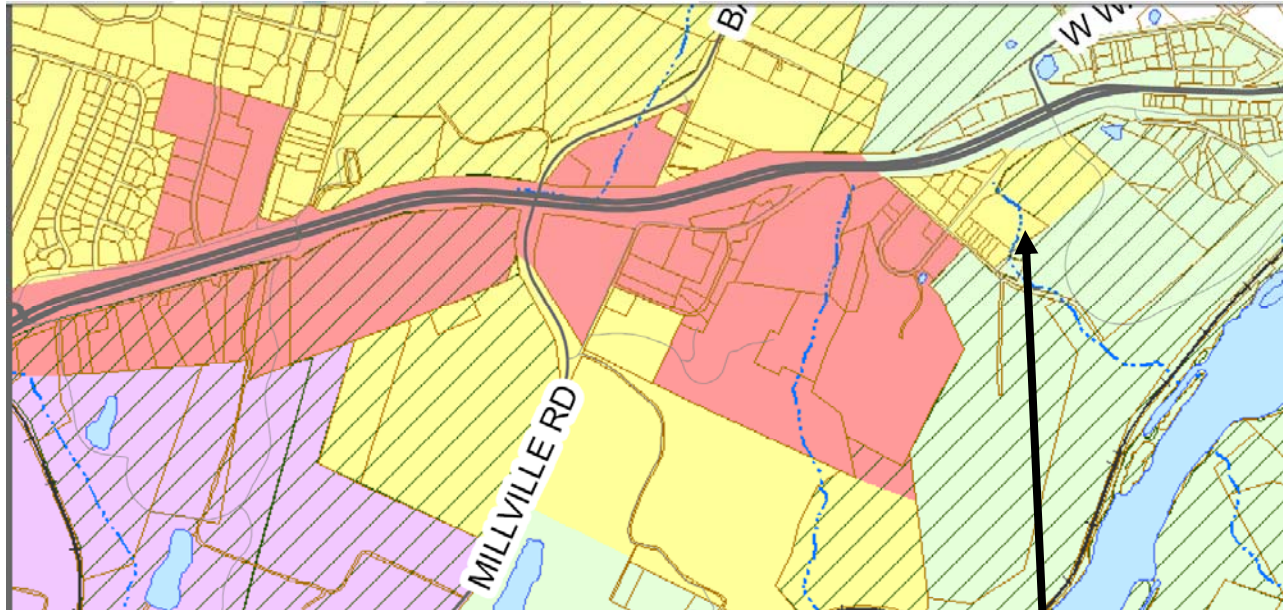
South – Rural and owned by the National Park Service

East – Residential Growth and owned by the National Park Service.

Image 2, below, shows the current zoning for surrounding parcels and for reference, Images 4 and 5, at the end of this document, show the National Park Service Property.

Staff Report
Jefferson County Planning Commission Meeting
December 11, 2012

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

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 conclusion is also limited to this requested rezoning of 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 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.

Staff Report
Jefferson County Planning Commission Meeting
December 11, 2012

Finally, this report provides a Staff 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 – Residential Growth (RG):

The Comprehensive Plan notes that *“This district (Residential Growth) and the ‘Residential-Light-Industrial-Commercial’ Zoning District, are co-mingled and comprise a strong majority of the ‘Designated Growth Area (pg 70).”* This statement acknowledges that the Residential Growth district is a growth oriented district. In addition to a broad range of urban density residential uses, the district permits day care centers, hospitals, nursing homes, and churches. This zoning district should not be considered a limited use district.

The following is an approximate number of units (density) the applicant could yield on this particular property with the existing zoning:

17 Single Family Dwelling
22 Duplex Dwelling
49 Townhomes
85 Multi-family units

Proposed Zoning District – Residential-Light Industrial-Commercial (RLIC):

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).*

Staff Report
Jefferson County Planning Commission Meeting
December 11, 2012

- *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.

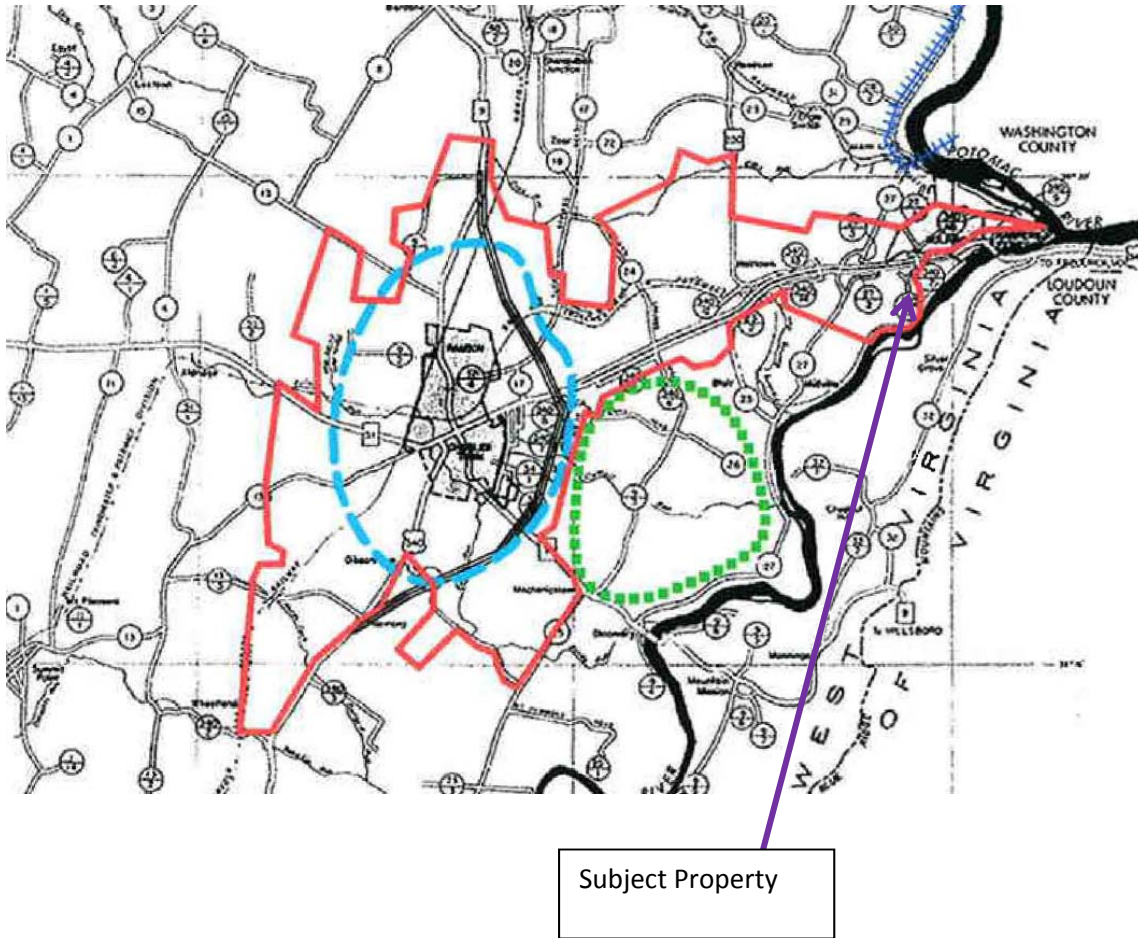
This property is large enough to support heavy commercial activity, such as a gas station, multiple fast food restaurants or a few sit down restaurants.

Staff Report
Jefferson County Planning Commission Meeting
December 11, 2012

Growth Area:

The parcel is located within the area defined by the Comprehensive Plan as the “growth area,” as found on page 75 of the Plan. As the subject property is located both in the growth area and near an existing urban core of Bolivar/Harpers Ferry, the Plan supports the request (Image 3).

Image 3 – Growth Area as defined in the 2004 Comprehensive Plan



LEGEND

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

Staff Report
Jefferson County Planning Commission Meeting
December 11, 2012

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

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

Water and Sewer Proximity:

The lot could be served by water and sewer as those utilities are within the vicinity. However, neither Harpers Ferry or Bolivar has committed to serving this site. 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

Staff Report
Jefferson County Planning Commission Meeting
December 11, 2012

location functions as a “gateway” to the County, the state and the Harpers Ferry National Historic Park. The lot is adjacent to the National Park Service and does have intrinsic historical value due to its proximity to the National Park. This rezoning is in the Congressionally recognized National Heritage Area of the Journey Through Hallowed Ground. This lot is also adjacent to suburban residential development.

Staff recommends that any future development in the 340 Corridor 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 determine the merits of this rezoning, the impact on the surrounding natural, environmental and historical resource elements could be a consideration for finding this rezoning request not 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).”*

Staff Report
Jefferson County Planning Commission Meeting
December 11, 2012

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. As a means of achieving balance, Staff suggests that any development of this lot should consider additional landscaping to promote a campus like feel to any development that does occur in that location.

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

Staff Report
Jefferson County Planning Commission Meeting
December 11, 2012

economic engine. The text substantially supports the need to protect the “scenic vistas” both in this Plan and in the 1994 Comprehensive Plan.

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 5. 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 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.

Staff Recommendation

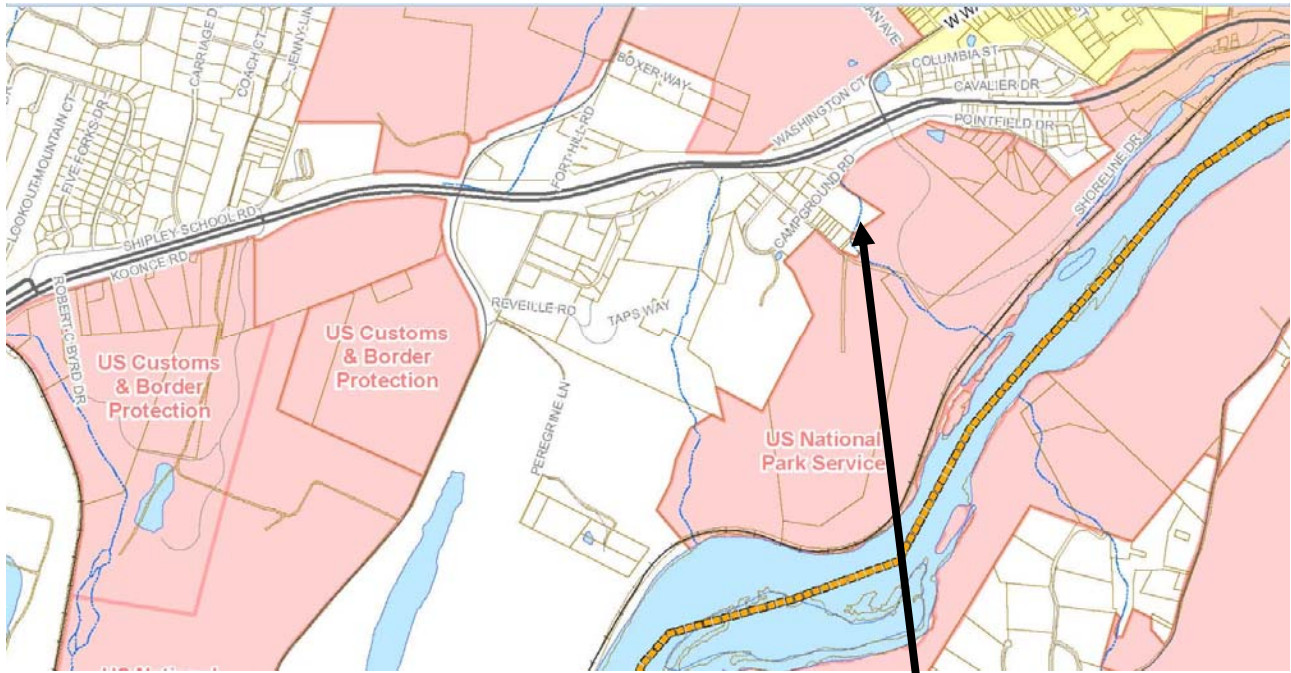
While this area of the County contains significant historic and scenic resources and serves as an important gateway to the state, Staff finds the proposed rezoning to be consistent with the 2004 Comprehensive Plan. With suburban level development directly to the north and west, urban level water and sewer services are potentially available for the property and a signalized intersection, the requested rezoning is reasonable. The subject parcel is 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 also be carefully considered during the review of any development that occurs on this lot. Further, there has been significant support of the following elements for future development in this area.

“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 existing zoning, 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 existing zoning, as noted on page 5, does clearly permit urban level density development on this property. The historical, natural and cultural resources are discussed on pages 8-10 of this report.

Staff Report
Jefferson County Planning Commission Meeting
December 11, 2012

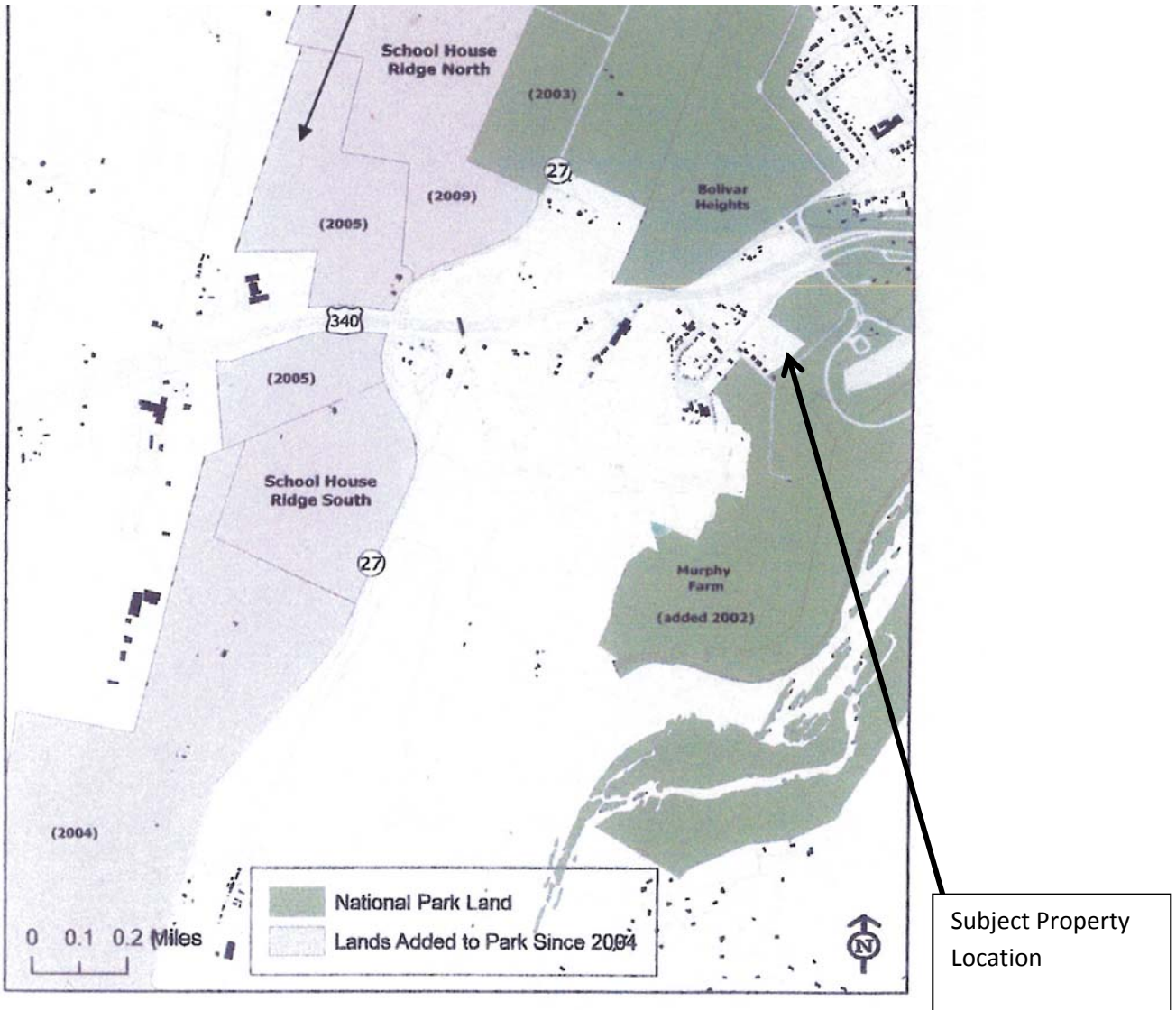
Image 4



Subject Property

Image 5

Growth of Harpers Ferry NHP



**A Motion Recommending Approval of a
Rezoning for Perry, Aitcheson and Adkinson Property
December 11, 2012**

Whereas, Perry, Aitcheson, and Adkinson has requested rezoning; and

Whereas, The property is identified as Parcel 18 as shown on Tax Map 7 of the Harpers Ferry District, cumulatively consisting of 3.94 acres; and

Whereas, The applicant is requesting the parcel to be rezoned from Residential Growth to Residential-Light Industrial-Commercial; and

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

Whereas, The Planning Commission finds that the requested rezoning is in conformance with the adopted 2004 Comprehensive Plan;

Now therefore be it moved, that the Jefferson County Planning Commission recommends approval of the request for rezoning from Residential Growth to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Parcel 18 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 approval this ____ day of December 2012

By vote of the Jefferson County Planning Commission

By a vote of __ Yes __ No

Planning Commission President

#12-05



JEFFERSON COUNTY, WEST VIRGINIA

Application Number: _____

Departments of Planning and Zoning

Date Application Received: _____

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

Staff Initials: _____

Charles Town, WV 25414

Application Fee: _____

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

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

Property Owner Information

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

Applicant Contact Information

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

Applicant Representative

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

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Physical property details

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

City: Harpers Ferry State: WV Zip Code: 25425

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

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

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

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

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

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

See Attached Petition.

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

See Attached Petition

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

See Attached Petition

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

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

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

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

Is Plat or Sketch Plan attached?

- Yes
- No

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

Dredrea Adkison 8.10.12
Signature of Property Owner Date

Received By Date

Roger Perry Wade Perry 8/12
Signature of Property Owner Date

Received By Date

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

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

- Recommended
- Not Recommended

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

- Approved
- Disapproved

Final Determination/Other Comments

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

Owners:

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

Applicants:

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

Ordinance Citation:

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

Definition of a Map Amendment:

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

Substantiation for the Request:

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

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

Tax District, Map and Parcel Number:

Harpers Ferry Tax District, Map 7, Parcel 18

Deed Book References:

Deed Book 763 at Page 324

Deed Book 1105 at Page 93

Deed Book 763 at Page 318

Sketch Plat:

Attached

Tract Size:

3.94 Acres

Discussion on:

Comprehensive Plan compatibility of the proposed change: Included.

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

Background:

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

A. Comprehensive Plan Compatibility

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

Recommendation 3.18 on Page 64:

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

Comment:

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

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JEFFERSON COUNTY
PLANNING AND ENGINEERING

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

Recommendation 3.25 on Page 73:

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

Comment:

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

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

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

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

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

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

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

Recommendation 4.01 on Page 78:

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

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JEFFERSON COUNTY
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Comment:

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

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

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

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

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

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

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

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

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

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

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

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

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

B. Change of Neighborhood

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

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

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

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

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

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

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

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

1. **Availability of Public Services:**

Public Water and Wastewater facilities are now more readily available in this neighborhood. Harpers Ferry Public Water is available within 500 feet of the subject property and Harpers Ferry Sewer is available at the Route 340 intersection with Shenandoah Street and Campground Road. One of the major goals of the Comprehensive Plan states that the Plan should:

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

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

2. Growth in the Corridor:

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

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

C. Change of Transportation Characteristics:

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

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

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

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

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

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

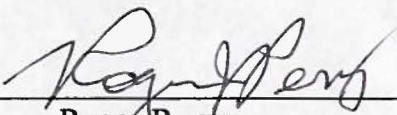
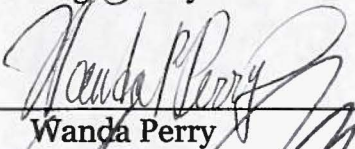
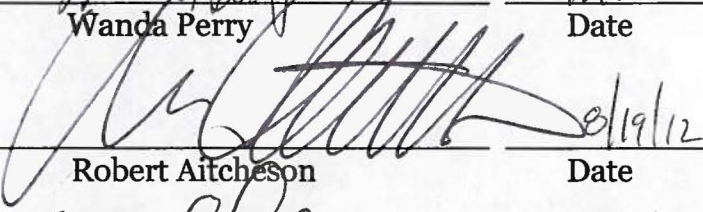
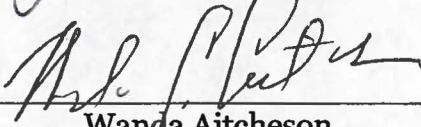
These improvements to the transportation network have had a positive effect on the traffic flow in the Route 340 Corridor. All of these changes have taken place since the ordinance was adopted in 1988; though a number of them have taken place since the Comprehensive Plan was adopted in 2004. More needs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

Finally, please remember that this property is already zoned Residential Growth. As such, there should be little significant difference in traffic from this property if it is rezoned to mixed-use. A mixed-use development would actually have a positive effect on traffic in the area, since existing tourist and residents in the area could use any commercial services on the property if it is rezoned.

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

D. Conclusion:

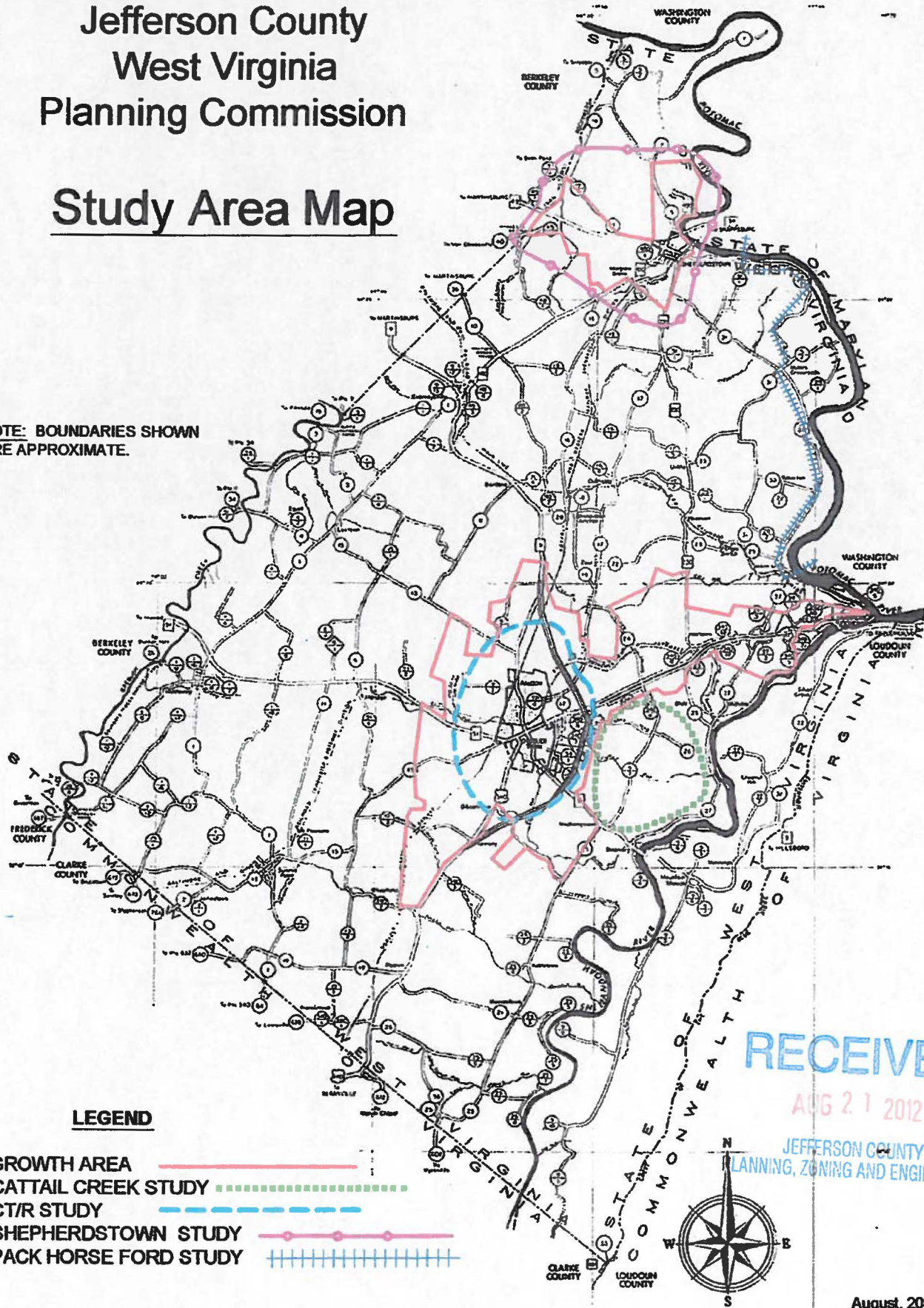
The Applicants are respectfully requesting that the County Commission approve a map amendment to the Jefferson County Zoning Map that would change this property's classification from the Residential Growth District to the Residential/Light Industrial/Commercial District. The Applicants believe that this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

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

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Jefferson County West Virginia Planning Commission Study Area Map

NOTE: BOUNDARIES SHOWN
ARE APPROXIMATE.



LEGEND

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

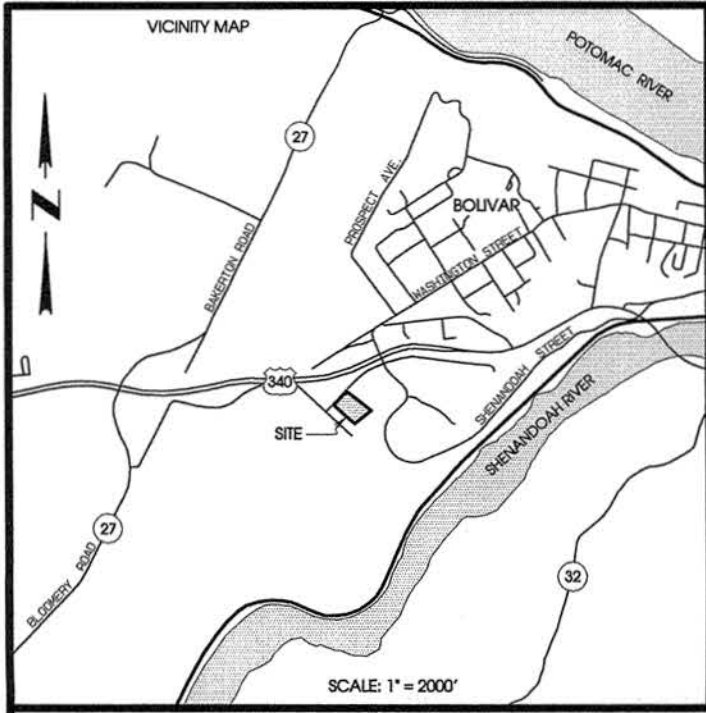
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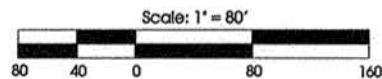
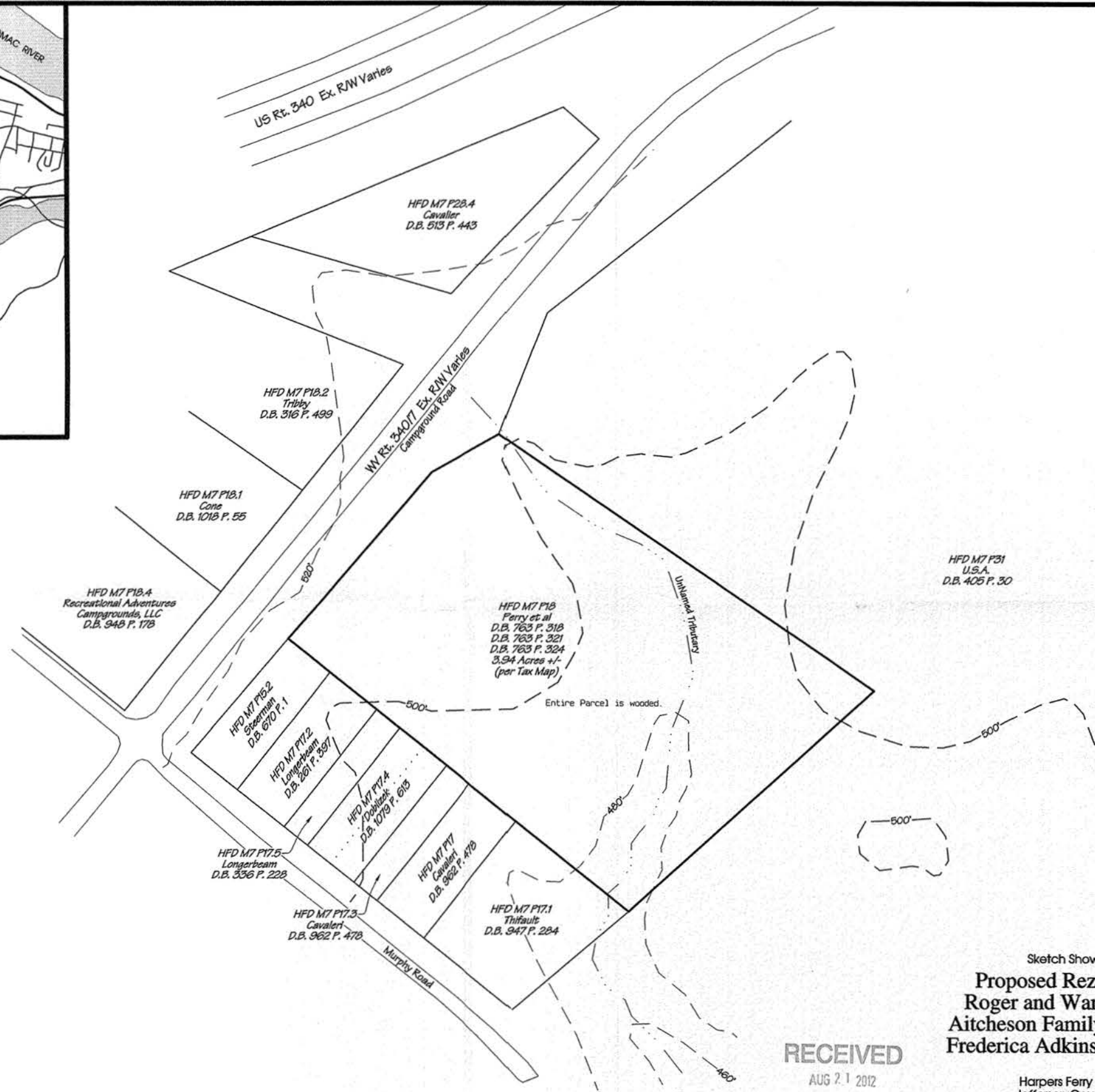
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

August, 2003
NOT TO SCALE

MJ



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



RECEIVED
AUG 21 2012
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

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

Harpers Ferry District
Jefferson County, WV
25 July 2012
Scale: 1" = 80'

Appalachian Surveys, PLLC

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

#2012044

This information is
Tab #5 in your binder.

STAFF REPORT

Jefferson County Planning Commission Meeting

December 11, 2012

1. Summary of Request

In this Concept Plan request, Morgan's Grove Market proposes to have a full build out of up to 60,000 square feet in multiple buildings. The first phase of the site plan is proposed to include two buildings, labeled Violet and Indigo, proposed to be approximately 10,000 and 8,000 square feet in area respectively. It is not anticipated that both buildings will be built at the same time. The existing restaurant pad and house along Kearneysville Pike will be removed at the time the Violet and/or Indigo buildings are constructed. The only existing structure to remain is the single-family home and greenhouses on the property in the rear of the site, known as Map 13 Parcel 26.4

1. Site Plan Category

This site plan associated with this Concept Plan is governed by the newly amended Subdivision Regulations, which amended the square foot threshold that defines a Minor Site Plan or Major Site Plan. The newly amended definition allows all site plans with building area of less than 5,000 square feet to process administratively; requires site plans with building area between 5,000 and 50,000 square feet are required to submit a Concept Plan and then process as a Minor Site Plan; and requires all site plans with building area above 50,000 square feet to process as a Major Site Plan.

Additionally, the Subdivision and Land Development Regulations further defines Minor Site Developments as "those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure." Since this site plan is greater than 5,000 square feet, a Concept Plan is required. Additionally, since the project does require development of off-tract infrastructure, the site plan will proceed as a Major Site Plan, which includes a Concept Plan, public workshop and site plan public hearing.

2. Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the recently amended Subdivision Regulations, the Concept Plan process is now a single step versus the previous two step process. Previously, a Concept Plan application was required to be determined "sufficient" before the Completeness Review could commence. Those steps are now combined, resulting in time savings for applicants.

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

Required Item from Section 24.116(B)	Description	Status
1. General location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> .	Provided
3. Zoning Information	This shall include: a) Determination of the zoning district in which the proposed subdivision or development project is situated. b) Density calculations.	Provided

STAFF REPORT

Jefferson County Planning Commission Meeting

December 11, 2012

	c) Site resource map.	
4. Proposal Description	This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided
5. Traffic Impact Data	This shall include: <ul style="list-style-type: none"> a) Average Daily Trip figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project. 	Provided
6. Trip Generation	In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.	Provided
7. Agency Reviews	The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the schedule public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after the review. Reviewing agencies are found in Section 23.203 and 23.204. Applicant shall provide copy of letters sent to outside agencies to the Departments of Planning and Zoning within 7 days of submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.	See below
8. Other Data	Any other data or information the applicant believes will assist in the review.	Provided
9. Other Reviews	Any other staff or agency reviews of the plans.	Provided
C. Review Content	The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.	See below
D. Department	The Department review shall include the following: <ol style="list-style-type: none"> 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues 	Staff has determined that the requirements of the Zoning Ordinance and Subdivision and Land Development Regulations are met in the proposed

STAFF REPORT

Jefferson County Planning Commission Meeting

December 11, 2012

	<p>the developer shall address in a preliminary plat submittal.</p> <p>2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.</p>	<p>Concept Plan. (or can be met with approval of a Board of Zoning Appeals variance or Planning Commission Waiver) With the site designed around 4 property lines variances and waivers may be required.</p>
E. WVDOH	<p>When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.</p>	<p>No letter has been received from the WVDOH to date.</p>
F. Traffic Impact	<p>The review shall indicate whether the traffic impact study follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact</p>	<p>See below</p>
G. Public Service	<p>The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.</p>	<p>The Corporation of Shepherdstown has submitted a letter (attached).</p>
H. Recommended Conditions	<p>All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.</p>	<p>See below</p>
I. Approval	<p>Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.</p>	<p>Planning Staff accepts the Concept Plan as complete. However, at the site plan stage, approval will require a permit number on the site plan by the water and sewer agencies and possible waivers and variances for the</p>

STAFF REPORT

Jefferson County Planning Commission Meeting

December 11, 2012

		project to receive site plan approval.
J. Effect	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop at least fourteen (14) days in advance of the meeting and the applicant shall post notice on the property.	The Concept Plan was scheduled for a public hearing consistent with this requirement.

3. External Agency Reviews

The Corporation of Shepherdstown Public Works Director has provided a letter (included in the Planning Commission packet) noting where connections to the Shepherdstown water and sewer lines exist.

No other external agencies have responded.

4. Staff Recommendation related to Concept Plan

The Planning and Zoning Department Staff finds the Morgan’s Grove Market Concept Plan complete based on the information provided related to the criteria above. Since this project has a Conditional Use Permit (CUP), some of the CUP requirements have been shown on the Concept Plan and the CUP conditions will be addressed as the project progresses.

Based on the projected traffic counts, Morgan’s Grove Market will require a traffic study. Since the applicant is proposing right and left hand turn lanes on this project, Staff would be willing to support a waiver of the traffic study provided the transportation improvements shown on the site plan are implemented and that the proposed improvements satisfy the DOH. A waiver is part of this request, as a waiver has not been submitted.

Based on the Subdivision Regulations, noted above, the site plan will process as a Major Site Plan. As mentioned in other correspondence, Staff is providing an early courtesy of the site plan.

2. Staff Recommendation on the Concept Plan

The Planning and Zoning Department Staff finds the Morgan’s Grove Market Concept Plan complete based on the information provided related to the criteria above. Since this project has a Conditional Use Permit (CUP), some of the CUP requirements have been shown on the Concept Plan and the CUP conditions will be addressed as the project progresses.

Based on the projected traffic counts, Morgan’s Grove Market will require a traffic study. Since the applicant is proposing right and left hand turn lanes on this project, Staff would be willing to support a waiver of the traffic study requirement, provided that the transportation improvements shown on the site plan are implemented. Approval of a waiver by the Planning Commission would be necessary in order to bypass this requirement, and it is noted that a waiver application has not been submitted to date. However, if the applicant were to submit a waiver it is possible that Staff could support the waiver.

STAFF REPORT

Jefferson County Planning Commission Meeting

December 11, 2012

Based on the Subdivision Regulations, noted above, the site plan will process as a Major Site Plan. As mentioned in other correspondence, Staff is providing an early courtesy review of the site plan. Staff has conducted a first review of the site plan and is awaiting resubmittal and payment of applicable fees.

3. Planning Commission Direction

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

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

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

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

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

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

**A Motion Recommending Direction regarding a
Concept Plan for Morgan's Grove Market
December 11, 2012**

Whereas, Morgan's Grove Market is proposing an agricultural-based market. Intended uses are to consist of, but are not limited to, a Food Hub, General Merchandise (retail), Professional/Business Offices, Community Amenities, and other associated uses and various structures with a total square footage of 60,000 square feet; and

Whereas, A Conditional Use Permit was issued on April 19, 2012; and

Whereas, The property is located on Kearneysville Road, Shepherdstown and is identified as Parcels 26.1, 26.2, 26.3 and 26.4 as shown on Tax Map 13 of the Shepherdstown Tax District, cumulatively consisting of 13.7 acres; and

Whereas, The Planning Commission is required to hold a public workshop regarding the concept plan as outlined in Section 24.116 of the Subdivision and Land Development Regulations; and

Whereas, The Planning and Zoning Department Staff finds the Morgan's concept plan complete and in conformance with the Subdivision and Land Development Regulations.

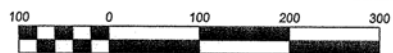
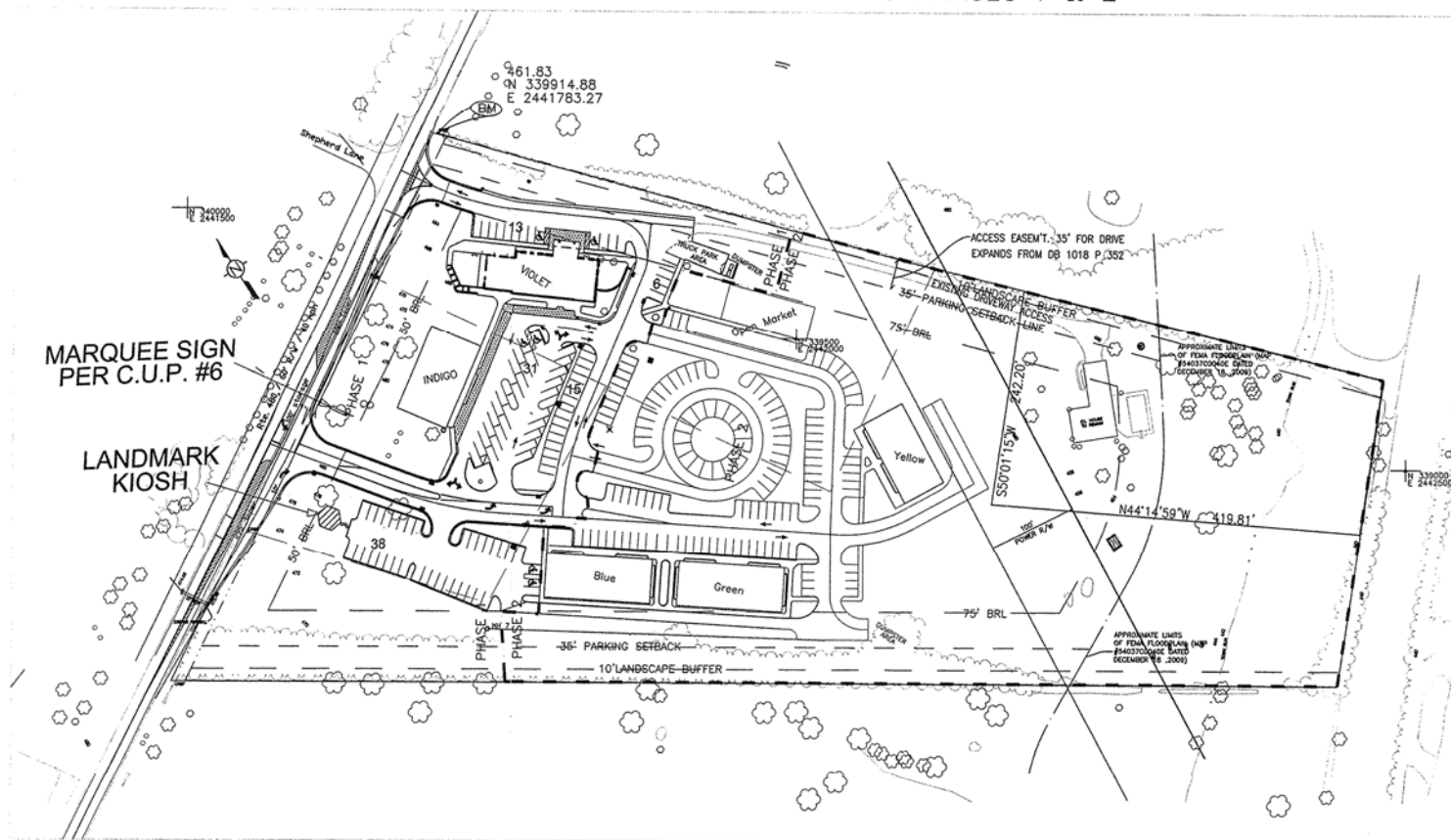
Now therefore be it moved, that the Jefferson County Planning Commission gives the above mentioned project direction related to the preparation of the concept plan for the property identified in the Jefferson County Tax Map as Parcels 26.1, 26.2, 26.3 and 26.4 as shown on Tax Map 13 of the Shepherdstown Tax District based on public input and the requirements of the Regulations.

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.

Direction given this ____ day of December 2012
By vote of the Jefferson County Planning Commission
By a vote of __ Yes __ No

Planning Commission President

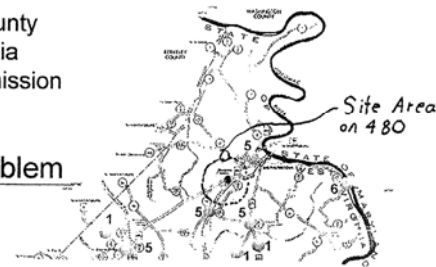
SITE PLAN SHOWING PHASES 1 & 2



Scale 1" = 100'

Jefferson County
West Virginia
Planning Commission

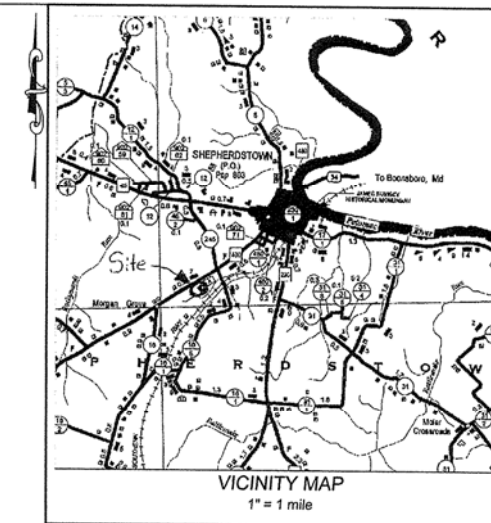
Map 3
Highway Problem
Areas



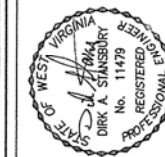
- LEGEND
1. SHARP CURVE
 2. POOR SIGHT DISTANCE
 3. UNMARKED CURVE
 4. ONE LANE BRIDGE
 5. BAD INTERSECTION
 6. SUBJECT TO PERIODIC FLOODING
- HIGH ACCIDENT RATE

Developer

TWIN OAKS SUBDIVISION, LLC
PO Box 536
Shepherdstown, WV 25443
304-283-2446



TWIN OAKS SUBDIVISION, LLC
PO Box 536
Shepherdstown, WV 25443
304-283-2446



D.A. STANSBURY-ENGINEERING
3 SUE COURT SUITE B
Martinsburg, WV 25405
304-671-4766

DRAWN BY: DAS
DATE: 9/19/12
CHECKED BY:
DATE:
THIS DRAWING IS PROTECTED BY FEDERAL COPYRIGHT LAW AND IS NOT TO BE REPRODUCED OR USED FOR CONSTRUCTION WITHOUT WRITTEN AUTHORIZATION BY D.A. STANSBURY, P.E.

SITE TABULATIONS

1. TOTAL PARCEL LAND AREA = 14.69 ACRES
TOTAL PHASE 1 AREA = 4.84 ACRES
2. AREA DISTURBED Ph1:
4.6 ACRES
0.24 ACRES OF PERIMETER BUFFER
3. PROJECTED IMPERVIOUS AREA= 2.78 ACRES
(A) BUILDING FOOT PRINT= 0.27 +/- ACRES
(B) PARKING LOT AND OTHER= 2.51 ACRES
4. NON-IMPERVIOUS AREAS= 2.06 ACRES
(A) SWM BASIN AREA = 0.55 ACRES
(B) LAWN AND BUFFER SPACE = 1.51 ACRES
5. MAXIMUM GROSS FLOOR AREA IS RESTRICTED TO 60,000 SF; THE MAXIMUM BUILDING FOOTPRINT AREA IS 30,000 SF. NO MORE THAN 20% OF THE GROSS FLOOR AREA CAN BE DESIGNATED FOR ANY ONE USE. (I.E. 12,000 SF). PER C.U.P. #CP12-01.

TRIP GENERATION & PARKING Ph1

△ Rte. 480 ADT per WV DoH Count 2011 = 5756 trips/day

- FOR NORTH ENTRANCE AND BUILDING VIOLET ONLY
- >SPECIALTY- STRIP COMMERCIAL 40T/1000sf @ 8000 sf = 320 T/D
PEAK HOUR AM@ 4%= 13 TRIPS, PM@ 9%= 39 TRIPS
 - >OFFICE SPACE* 39/1000sf @ 3000 sf = 117 T/D
PEAK HOUR AM@ 13%= 16 TRIPS, PM@ 14%= 17 TRIPS
 - >ELEM. SCHOOL 25 STUDENTS(2000sf) @ 2.9T/STD. = 73 T/D
PEAK HOUR AM@ 31%= 23 TRIPS, PM@ 19%= 14 TRIPS
- NORTH ENTRANCE TOTALS= 510 ADT / AM 52T & PM 70 T
- FOR BUILD-OUT** & BOTH ENTRANCES (60K MAX. FLOOR SPACE)
- >SPECIALTY- STRIP COMMERCIAL 40T/1000sf @ 30,000 sf = 1200 T/D
PEAK HOUR AM@ 4%= 48 TRIPS, PM@ 9%= 108TRIPS
 - >OFFICE SPACE 23/1000sf @ 30000 sf = 680 T/D
PEAK HOUR AM@ 13%= 89 TRIPS, PM@ 14%= 95 TRIPS
 - >ELEM. SCHOOL 50 STUDENTS(2000sf) @ 2.9T/STD. = 145 T/D
PEAK HOUR AM@ 31%= 30 TRIPS, PM@ 19%= 28 TRIPS
- BUILD-OUT TOTALS= 2025 ADT / AM 167T & PM 231 T

* = $Ln(t) = 0.756 Ln(x) + 3.95$
t = TRIPS
x = GROSS SQ-FT IN 1000s

** ASSUMED MIX OF SPACE USE

- NOTES: 1) MAXIMUM BUILD-OUT REQUIRES TWO STORY BUILDINGS. IT IS NOT LIKELY THAT ALL BUILDINGS WILL BE 2-STORY. THEREFORE NUMBERS ARE CONSERVATIVE
2) ONCE ESTIMATED PEAK DEMAND REACHES 100 TRIPS (LATER PHASES) BY ORDINANCE, A NEW TRAFFIC STUDY WILL BE CONDUCTED.

PARKING:

- 1) FOR BUILDING VIOLET & INDIGO ONLY
OFFICE- 15/300 SF ASSUME 6000 SF = 20 SPACES
RETAIL SPACE- 5.5S/1000 SF ASSUME 8800 SF = 49 SPACES
RESTAURANT SPACE- 1S/50 SF ASSUME 1200 SF = 24 SPACES
SCHOOL SPACE- 1S/EMPTY. + 5 ASSUME 3 EMPTY. = 8 SPACES
TOTAL NEEDED = 101 SPACES
TOTAL PROVIDED = 103 SPACES
a) GREEN PARKING PROVIDED = 15
b) HC SPACES PROVIDED = 6

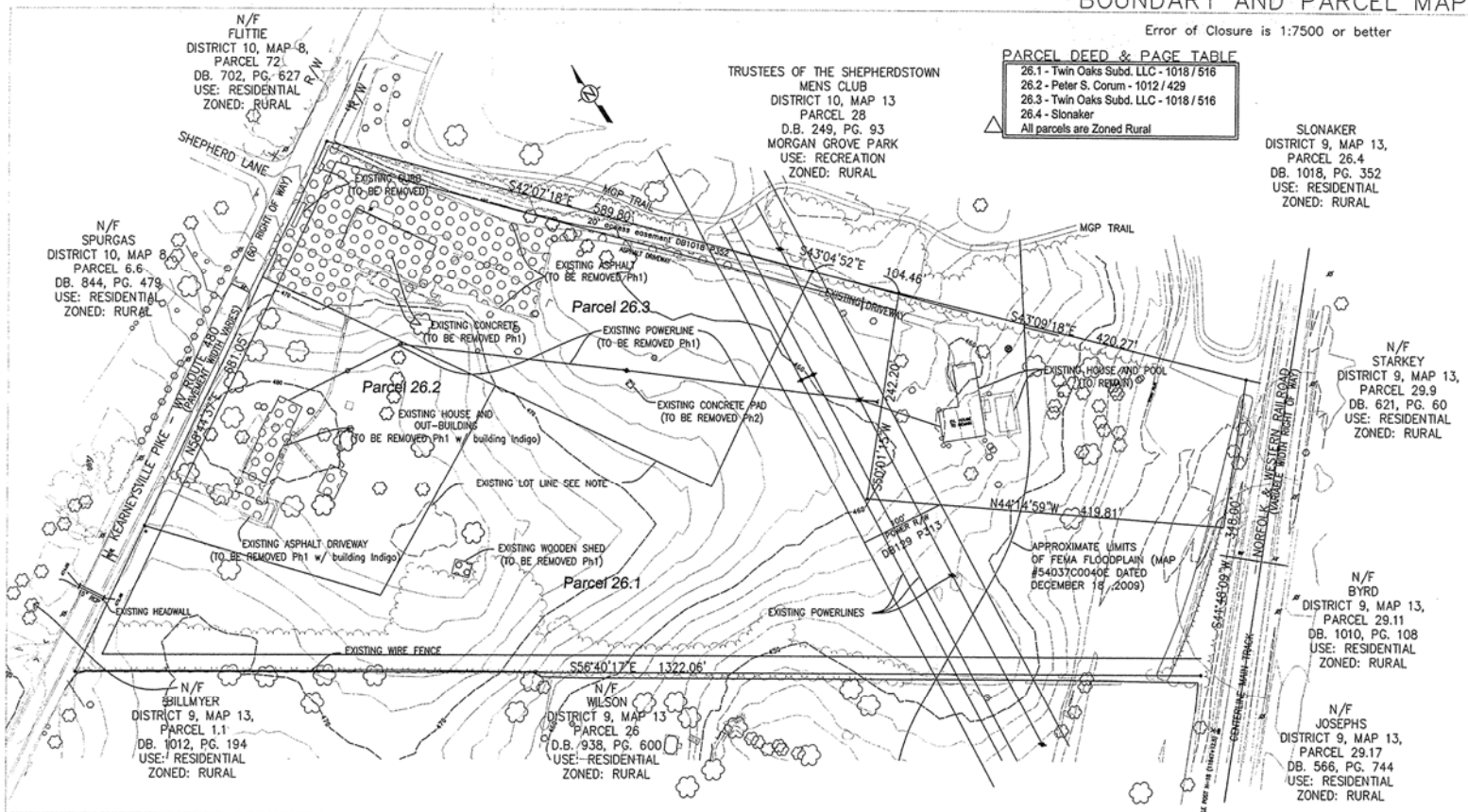
- 2) LARGE TRUCKS ARE NOT IN THE EXPECTED TRAFFIC AT THIS SITE.
- 3) PARKING DRIVE GREEN SPACE: PROVIDED 9605 SF
PARKING LOT & DRIVE = 78880 SF
% GREEN = 12%

WATER AND WASTE ESTIMATE:

- FOR BUILDING VIOLET & INDIGO ONLY
- a) WATER USED: 20 G/100SF X 18000 SF = 3600 GPD.
 - b) WASTEWATER PRODUCED: 15 G/100SF X 18000 SF = 2700 GPD.
 - △ c) CORPORATION OF SHEPHERDSTOWN PROVIDING WATER AND SEWER.

BOUNDARY AND PARCEL MAP

Error of Closure is 1:7500 or better



PARCEL DEED & PAGE TABLE

26.1 - Twin Oaks Subd. LLC - 1018 / 516
26.2 - Peter S. Corum - 1012 / 429
26.3 - Twin Oaks Subd. LLC - 1018 / 516
26.4 - Slonaker
All parcels are Zoned Rural

Morgan's Grove Market
CONCEPT PLAN
Kearneysville Pike (Rte 480)
Shepherdstown Dist., Jefferson County, West Virginia
Map 13, Parcels 26.1, 26.2, 26.3, & 26.4

REVISIONS

1	PER JCP&E & P-26.417 OCT., 2012	September 2012
2	PER JCP&E & P-26.417 OCT., 2012	
3	PER JCP&E & P-26.417 OCT., 2012	

REVISIONS
jcp&e #
SHEET
CP-1

RECEIVED

NOV 19 2012





CORPORATION OF SHEPHERDSTOWN

104 NORTH KING STREET
P.O. BOX 248
SHEPHERDSTOWN, WEST VIRGINIA 25443-0248
TEL: (304)876-2312
FAX: (304) 876-1473

October 1, 2012

Re: Water/Sewer Capacity for "Morgan Grove Market"

Dear Mr. Corum:

This is to inform you that capacity exists at the Shepherdstown Water Plant and the Shepherdstown Wastewater Plant for the above project.

In regards to the water distribution system, there are several connection points where capacity exists. An 8" water main could be connected at Colonial Hills subdivision infrastructure. An 8" main could be connected with the "Ledgelowe" subdivision. Both of these connections would probably require easements across private property in order to connect. A third connection point would be at the Clarion Hotel entrance. All of the above connections would require WV Department of Highway permits.

In regards to the sewage collection system, capacity exists at Colonial Hills and at the Clarion Hotel entrance. These connections would require WV Department of Highway permits.

The WV Public Service Rules and Regulations, the Corporation of Shepherdstown Alternate Mainline Extension Rule, the Corporation of Shepherdstown Specifications for the Extension of Mains and the WV Bureau of Health regulations will govern this extension. This capacity letter is in effect for a period of one (1) year and does not represent any reservation for hook-ups.

If you have any questions, please feel free to call Frank Welch at 304-876-3322.

Respectfully,

Frank Welch

Frank Welch
Public Works Director



JEFFERSON COUNTY GIS / ADDRESSING OFFICE



Todd Fagan, GISP • Director
116 East Washington Street • Suite 201
Charles Town, WV 25414
Telephone: (304) 724-6759 • FAX: (304) 724-8992
gis@jeffersoncountywv.org

October 31, 2012

Twin Oaks Subdivision, LLC
PO Box 536
Shepherdstown, WV 25443

TO WHOM IT MAY CONCERN:

Our office has received a copy of the Concept Plan for 'Morgan's Grove Market'. Upon first review, your development will require at least one road name. Please fill out the attached "Road Name Request" form and return it to our office. You will need to choose three different possible road names for our office to review, in case your first choice is not approved. **Please note our office requires two-thirds of the property owners to agree on all road name submissions.** Please speak with all affected parties and obtain the needed signatures on the "Road Name Request" form prior to returning it to our office.

Please be aware of the Road Name Index (RNI) when requesting names for the new road shared by you and your neighbors. Please preview the RNI online for potential duplicate or confusingly similar names that may prevent approval of your request. The RNI web-link can be located on our county website at:

http://www.jeffersoncountywv.org/uploads/addressing/RoadNameIndex_Apr2011_sec.pdf

If you are unsure if a suggested name is too similar to an existing name, please call our office and we will be glad to assist you. Suffixes available for your road configuration are Circle, Lane, Drive, or Way.

Once the new road is built, our office will install the road name sign. The applicant is responsible for the installation costs. Please let us know if the above address is correct for all future communication and invoicing. Also, please note that once the new road is built, all structures accessing this right-of-way will be readdressed to the newly named road.

Also, please be aware that all signage for 'Morgan's Grove Market' must be in compliance with the Jefferson County Department of Engineering's standards. If you are planning to alter the name of your site from 'Morgan's Grove Market', please send us a letter with your intended new name for review. This will prevent duplication of existing site names in order to avoid confusion for emergency responders and future customers.

Should you have any questions, please contact the Jefferson County GIS/Addressing Office at (304) 724-6759 or via email at gis@jeffersoncountywv.org.

Sincerely,

Jessica Gormont, GIS Technician
Jefferson County GIS/Addressing Office

This information is
Tab #6 in your binder.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning & Zoning

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

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

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

MEMORANDUM

TO: Planning Commission
FROM: Seth Rivard, County Planner and Steve Barney, Zoning Administrator
DATE: November 30, 2012
RE: Overview of Morgan's Grove Market Site Plan

At the November 13, 2012 Planning Commission meeting, Fred Blackmer (representing the proposed Morgan's Grove Market development) provided comments regarding the review process for the project. Members of the Planning Commission asked staff to respond to Mr. Blackmer's comments.

Responses are provided below. Staff continues to be available to identify options to facilitate the development of this innovative project, and is happy to discuss any issues with the applicant or his civil engineer.

1. Rezoning of application of Twin Oaks Subdivision. The applicant has stated that Staff presented County Commission with reasons to deny the rezoning request after the Planning Commission recommended approval.

Staff was asked by the County Commission to present the Staff rezoning report. Staff provided the County Commission with the details of the Staff report as requested. Staff also informed the County Commission of the Planning Commission's findings that the rezoning is consistent with the Comprehensive Plan.

2. Because the BZA held its own hearing for the Conditional Use Permit which included a sketch plan, the applicant was not anticipating the Concept Plan process, and this process adds a number of months to the approval of the project.

Per the Subdivision and Land Development Regulations, a Concept Plan is an element of any site plan requiring Planning Commission review. This requirement has been in place since the adoption of the Subdivision Regulations on October 9, 2008.

The April 19, 2012 staff report for the Morgan's Grove Market Conditional Use Permit included a description of the required process for establishing the development and clearly stated that the next step was the requirement of a Concept Plan.

3. The applicant expressed concern regarding a memo and matrix sent to the applicant's engineer on Nov. 1, 2012.

The Board of Zoning Appeals approved the Conditional Use Permit for Morgan's Grove Market with a number of conditions on April 19, 2012. Accordingly, staff provided a memo to the applicant to identify the stages of the development review process at which the conditions are to be met.

This memo was intended to be a helpful resource to the applicant in determining how to fulfill the CUP conditions, to provide information at the beginning of the site plan process, and thereby to encourage a faster approval timeline for all aspects of the project.

Specific points raised by the applicant at the Nov. 13th Planning Commission meeting include:

- Pre-blast survey and blasting contractor (Conditions 1, 2, 3).
 - o Staff notes that the applicant agreed to these conditions at the Compatibility Assessment Meeting conducted on March 2, 2012. If no blasting will be necessary for this development, these conditions will not be applicable. An email or letter from the applicant to staff would be sufficient to document that there will be no blasting.
- Identification of location of trash receptacles.
 - o Staff notes that this requirement addresses CUP condition #24, "The site plan shall show an adequate number and location of trash receptacles."
- Provide information on the manufacturer and model number of lights that will be used.
 - o This requirement addresses CUP condition #24, regarding lighting meeting IESNA standards. The applicant agreed to this condition at the Compatibility Assessment Meeting conducted on March 2, 2012. Information regarding the manufacturer and model will be necessary in order to determine compliance with the condition.

Aside from the comments made at the Nov. 13th Planning Commission meeting, the applicant has not communicated any concerns to staff regarding this matrix. Staff is ready and willing to work with the applicant to address any issues.

4. Sewer and water. Applicant does not believe that Staff should approve the engineering design of the water and sewer lines.

All site plans for developments served by central water or sewer systems are required include on the site plan cover sheet information about the utility plans, including an approved permit number, identification of the designer of the plans, and the sheet numbers related to the plans. The permit number is obtained from the Health Department following approval of the local utility company, in this case the Corporation of Shepherdstown Public Works, and the Health Department. Additionally, Jefferson County requires an approved copy of the plans to be submitted to our offices so that the County will have a record of the approved design which may impact building layout and/or in case completion of the design is required by the County. If the utility company does not hold a bond related to the improvements, a bond will be required by

the County prior to Site Plan approval. The county will review the plan and profile design of all on-site laterals and connections for conformance with County regulations.

If the County were to allow the site to be developed and there is no ability to serve the site with utilities, the County could be held liable as a result of having knowingly approved a project that could not be serviced by central utilities.

5. Major/Minor Site Plan – the requirement of off-site infrastructure has the result of classifying this development as a Major Site Plan.

The requirement of off-site infrastructure was a condition of the CUP that was established by the Board of Zoning Appeals. A development project which requires the development of new (or the extension of existing) off-tract infrastructure is classified as a Major Site Plan per West Virginia Code 8A.

6. The applicant stated that he was given a list of agencies to contact for the Concept Plan, and later given a list of additional agencies.

The applicant was notified in August, 2012 during an informal meeting of some of the agencies that are necessary to contact for a Concept Plan. When the applicant submitted a Concept Plan, they were made aware of all external agencies to contact. The applicant was again reminded after the submission of the Concept Plan that they needed to send letters to those external agencies. Contacting the additional required agencies did not affect the review schedule for the Concept Plan.

7. The applicant expressed concern regarding a requirement for setbacks on internal lot lines within the development.

The site for the proposed Morgan's Grove Market is composed of four separate parcels described as Parcel(s): 26.1, 26.2, 26.3 and 26.4 on Map 13 in the Shepherdstown district. They are recognized by the Jefferson County Assessor's office as separate lots, and their deeds are recorded in separate documents.

The proposed development would overlap several internal lot lines. If the lot lines remain as they currently configured, zoning setbacks apply to each lot as required by Section 5.7 of the Zoning Ordinance. Staff has advised the applicant that merging the lots would eliminate the need for setbacks; however, the applicant has indicated a desire to maintain separate lots. Staff has advised the applicant that if they intend to not merge the lots, there is an option of seeking a Board of Zoning Appeals variance from setback requirements. This variance would be required before the Site Plan can be deemed complete. Additionally, if separate lots are maintained, cross access easements for all utilities and parking lots and drive aisles would be required. Significant issues may arise if jointly-developed lots are sold separately (whether by choice or by result of an involuntary action such as a foreclosure) if buildings or other improvements cross lot lines.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
April 19, 2012

Morgan's Grove Market Conditional Use Permit File (#CP12-01)

- a. *Consistency with approved Conditional Use Permit.* All subsequent development applications must be consistent with the approved development as described in the Conditional Use Permit, and must address any conditions of approval associated with the CUP.
- b. *Site plan.* Any non-residential development of the property exceeding 250 square feet (or 3,000 square feet of disturbed area) will require a site plan, reviewed and approved by the Planning and Zoning Department. The site plan review process will include the following elements:
 - a. *Consistency with ordinances.* The Planning, Zoning, and Engineering Departments will review the site plan for consistency with the Subdivision and Land Development Regulations, the Zoning Ordinance, the Floodplain Ordinance, and other requirements.
 - b. *Setbacks and buffers.* The following setbacks and buffers will apply to non-residential development of the property:

	Front	Side	Rear
Distance requirements¹ (applies to buildings or any portion of land use but not parking or drive aisles)	75'	75'	75'
Building setbacks	25'	50'	50'
Parking setbacks	15'	10'	10'
Buffers² (Screened/unscreened)	15'/50'	15'/50'	15'/50'

- c. *Stormwater management.* A licensed civil engineer must prepare stormwater management plans, to be reviewed by the Engineering Department.
- d. *West Virginia Division of Highways.* The WVDOH must review a request for an entrance permit for the proposed land use, and will review any required roadway improvements such as turn lanes or shoulder widening.
- e. *Bonding.* All improvements must be bonded.
- f. *Water and wastewater.* The Jefferson County Health Department (or a utility provider) must approve water supply and wastewater disposal.
- g. *Concept Plan.* For a site plan exceeding 5,000 square feet of development, a Concept Plan must be submitted and approved by the Planning Commission at a public hearing. Adjacent property owners would receive notice of this hearing.
- c. *Impact fees.* Payment of any required impact fees must occur prior to initiation of the land use.
- d. *Building permits.* All construction, unless of an agricultural type, will require permits and inspections.

¹ Distance requirements are due to. Uses or buildings must be located at least 75' from adjacent residential uses and property listed on the National Register of Historic Places (i.e. Morgan's Grove Park), in addition to any lot in the Residential Growth district, schools, churches, or institutions for human care.

² Applies if adjacent to a dwelling, school, church or institution for human care not located on the same lot as the said use or buildings. Buffers may be either screened (15') or unscreened (50'). In addition to this requirement, a landscape buffer with a minimum width of 10' is required on side and rear lot lines.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning & Zoning

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

November 1, 2012

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

RE: Morgan's Grove Market


Dear Mr. Stansbury:

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

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

Please let me know if you need additional information.

Sincerely,


Steve Barney
Zoning Administrator

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

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

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

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

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

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

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

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

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

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

This information is
Tab #7 in your binder.



JEFFERSON COUNTY, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Memorandum

To: Planning Commission
From: Jennifer M. Brockman, AICP
Date: December 11, 2012
Re: Request by Applicant for an Administrative Decision by the Planning Commission to Initiate Site Grading for Morgan's Grove Market Prior to Approval of the Site Plan

As noted in the attached letter to Peter Corum, dated October 1, 2012, the appropriate procedure to request a variation from the Subdivision Regulations to allow Site Grading to be designed and approved separately from the full Site Plan is to request a waiver. In the current Ordinance and Regulations, all applicants are required to have an approved site plan before any site grading can occur. The Planning Commission has only heard one such request under the current Subdivision Regulations and that request was processed as a waiver.

The staff report for the previously approved waiver noted that the waiver request was unique from other waiver requests because the applicant was not requesting a waiver from any standards or procedures. At that time, the applicant clearly stated that they planned to meet all standards and processes as required in the Zoning Ordinance and Subdivision Regulations. The waiver was required to permit the applicant to split the approval and bonding of the grading from the approval and bonding of the full site plan in order to complete the project by a deadline which was not self-imposed.

A number of Staff members have had prior professional experiences at jurisdictions that allow for rough site grading before issuance of a final site plan or issuance of a building permit. In these communities, early grading was a separate permitting and bonding process in the regulations or ordinances. Because Jefferson County's ordinances do not permit this, a formal waiver of the process is needed to follow legal requirements of the Subdivision and Land Development Regulations. The waiver process will also provide an opportunity for public notice and comment prior to any action by the Planning Commission. If the Planning Commission was inclined to approve the waiver after a public hearing, the Commission would need to be clear that the applicant would assume the risk that during Site Plan review a change might occur which would affect the grading that was previously completed and that a separate bond would be required for any work related to the rough grading. The bond would be for the site grading improvements approved to be constructed

under the waiver, and the cost of restoring the lot to its original condition should they fail to obtain final site plan approval.

An application for a waiver for the 12/11/12 meeting would have needed to be submitted by 11/20/12, in order to meet the notification requirements of Division 24.300 of the Subdivision and Land Development Regulations. An application for a waiver for the 1/8/13 meeting would need to be submitted by 12/18/12. The application fee for a waiver is \$100.

Attachment:

- October 1, 2012 letter to Peter Corum

S12-06



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning & Zoning

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

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

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

October 1, 2012

Peter Corum
Po Box 536
Shepherdstown, WV 25443

Peter,

This letter is to confirm the discussion from the September 17, 2012 meeting which included you, Jennie Brockman, Steve Barney and Seth Rivard, and the September 25, 2012 meeting which included you, Fred Blackmer, Jennie Brockman, Steve Barney and Seth Rivard. The following addresses the topics we discussed for the process to achieve site plan approval in order to obtain a construction permit for Morgan's Grove Market.

Concurrent Review of the Site Plan and Concept Plan and Accelerated Timeline

As noted during our discussion, staff has previously (upon request) conducted a concurrent courtesy review of a site plan during the Concept Plan review phase of a development. The site plan and Concept Plan are two separate processes that can partially overlap if such a courtesy review is conducted. In past instances where this overlapping review has occurred, the applicant typically has submitted the site plan and Concept Plan at the same time. While the Concept Plan is proceeding as required per Section 24.116 of the amended 2008 Subdivision Regulations, staff will conduct a courtesy review of the submitted site plan and the applicant can work with Staff to address site plan requirements. However, the applicant assumes all risk with the submission of the site plan if the Concept Plan is not approved or changes to the Concept Plan requires a change(s) in the site plan under review. In that circumstance, the site plan would need to be changed to match the approved Concept Plan. The proposed timeline below is a very aggressive schedule.

Concept Plan

A Concept Plan shall be submitted by October 2, 2012 and determined sufficient by Staff by October 26, in order to be on the agenda for the December 11, 2012 Planning Commission meeting. The process and requirements for a Concept Plan can be found in Section 24.116 of the amended 2008 Subdivision Regulations. Since the Conditional Use Permit required a sketch of the proposed site, the site layout shown in the Concept Plan should generally follow the intent shown in the CUP, and the Concept Plan would have to reflect the conditions (setbacks, size limits, etc.) required by the Board of Zoning Appeals. It is advisable that the Concept Plan show the complete future build out of the site or another Concept Plan may need to be submitted at a

future time showing additional buildings. Since the Concept Plan was submitted on September 20, 2012, this process is on track. Staff has provided the first review and returned the Concept Plan for revisions.

Major Site Plan Process

The site plan for this project shall follow the Major Site Plan Process per Section 24.119 of the amended 2008 Subdivision Regulations. Typically, the site plan process begins following Planning Commission approval of the Concept Plan. However, upon request, staff will conduct a courtesy review of the site plan prior to Concept Plan approval, as described above.

Section 24.119 establishes that the Department shall have working 45 working days to complete the sufficiency and completeness review of a site plan. It is not unusual for a process of this nature to go through 3-5 reviews until the site plan is found "Complete." The 45-day timeframe shall begin following Planning Commission approval of the Concept Plan and the applicant's subsequent formal submittal of the site plan; however, the duration of the review period may be substantially reduced as a result of a courtesy review of the site plan during the Concept Plan phase. Ultimately, the actual length of the review process depends on the completeness of plans submitted by the applicant's engineer.

Once Staff has found the site plan "Complete", the Subdivision Regulations state that "...staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete." The site plan shall have been found determined by staff to be "Complete" 14 days prior to the scheduled Planning Commission meeting. At the meeting, if the Planning Commission finds the application is found to be complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.120.

The Planning Commission shall then "...conduct a public hearing to receive public comments, concerns, and inputs on the proposed site plan. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing." The subjects covered at the "...public hearing shall be limited to whether the site plan application meets the requirements of these Regulations and the Zoning Ordinance."

Based on the timeframes referenced above, if the site plan was determined "Complete" by Staff on December 25, 2012, the site plan could be scheduled for the January 8, 2013 Planning Commission meeting. At the January meeting, if the Planning Commission votes to accept the application as complete, then the Planning Commission could schedule a public hearing at the February 12, 2013 Planning Commission meeting. The Planning Commission would have 14 days from the February 12, 2013 meeting to act on the site plan. Please note that in order to be scheduled on a Planning Commission agenda for a given date, the applicant must submit, on a timely basis, plans that staff determines to have met the requirements of the Subdivision and Land Development Regulations, the Zoning Ordinance, and the approved Conditional Use Permit.

In review of the dates and approval times, the Concept Plan "Direction" and the site plan "Completeness" could not be on the same meeting. This would require the site plan to be

determined "Complete" by Staff before the Concept Plan workshop happened at the Planning Commission meeting. Staff couldn't find the Concept Plan "Complete" when it is unknown if any changes may happen at Planning Commission in review of the Concept Plan.

Applicant's Engineer and Staff Review Meeting

In order to assure a level of understanding and cooperation during the review process, Staff proposes that one week after the applicant's engineer picks up first review site plan comments generated by Staff, that staff meet with the applicant and the applicant's engineer in order to discuss review comments. This would allow the applicant's engineer to ask questions of the Staff and this would allow Staff to clarify any uncertainty and answer any questions. This could help in expediting the review of the site plan.

Water and Sewer

As discussed at the August 22 and September 17, 2012 meetings, water and sewer connections to the Shepherdstown system will be required to be shown on the site plan. This means that the size of pipe, details of construction, elevation, etc., as required by the Department of Engineering must be shown, and approval from the City of Shepherdstown will be required. Simply showing a pipe running off-site with no connection to the Shepherdstown system, or without details of the connection, will not be sufficient to achieve a determination that the site plan is complete.

Grading waiver

Per the current Subdivision and Land Development Regulations, an applicant is required to have an approved site plan before any site grading can occur. Jefferson County does not have an early grading permit process. Section 20.102(B) of the amended 2008 Subdivision Regulations, provides the following:

"Before development of the land is commenced, subdivision plats and site plans must be approved by the Planning Commission, recorded, and surety posted for required improvements, in accordance with these Regulations and the Comprehensive Plan."

In order to start grading without an approved site plan, a waiver is necessary. Waivers from the Subdivision Regulations cannot be granted administratively and require Planning Commission approval. If the waiver was approved by the Planning Commission, grading, erosion and sediment control design documents would need to be reviewed and approved and a bond would be required for any work related to the rough grading. The applicant would also assume the risk that during site plan review a change could occur which would affect the grading that was completed prior to site plan approval. Any request for a waiver shall be accompanied with a NPDES permit and will have to show overall grading and limits of grading.

The Department has only processed one such waiver request to permit the start of grading before the site plan is approved. In that instance, the applicant was under a state mandated deadline to complete the project. Further, a Concept Plan had been approved and the site plan associated with that request had been submitted for the first review to Staff by the applicant's engineer.

A Concept Plan shall be submitted and approved before a waiver application is submitted. It is possible to request a waiver at the same time that the Concept Plan is processing; however, this

waiver would need to be a separate submission from the Concept Plan. Review of the Concept Plan and submission of the grading waiver could run concurrently and both requests could be considered on the December 11, 2012 Planning Commission meeting, if the Concept Plan submittal meets required timelines in order to appear on this agenda. Any conditions of the Conditional Use Permit applicable to grading must be addressed prior to initiation of grading, if a waiver is approved.

Lot Merger

Site development, including parking, stormwater, water and sewer lines, and required site improvements shall not cross lot lines. It is possible that the parking could be extended across the property line if a waiver was granted by the Planning Commission, a setback variance was granted by the Board of Zoning Appeals and an easement was recorded. As each lot is a legally separate lot, each lot could be sold individually with site improvements that depend on the other lot. This could cause significant hardship for any future owner in the event that the lots had to be sold individually. While all lots have been approved for the *uses* permitted in zoning entitlements granted in the CUP, all lots are legally individual units by law and as such all site plan development is required to be within the lot and setback lines of each lot. Merging of the separate lots is advised to lessen the impact of the setback issues. Merging of the lots can be done by either a deed with an exhibit plat or Final Plat merging the lots. This is an administrative process requiring only Staff review

Zoning Ordinance Variances and Subdivision Regulations Waivers

As noted above, if the required site plan elements found in the Zoning Ordinance cannot be located within the lot lines of the lot where the improvements are being constructed, variance(s) may be required to allow for the uses to occur off-site of the lot being developed. Zoning Ordinance Variances are reviewed by the Board of Zoning Appeals.

Similarly, if the required site plan elements found in the Subdivision Regulations cannot be located within the lot lines of the lot where the improvements are being constructed, waivers(s) may be required to allow for the uses to occur off-site of the lot being developed. Waivers are reviewed by the Planning Commission.

Both variances and waivers require posting of the property, adjoining letters and a public hearing. The need for any need for waivers and variances would be greatly diminished, if they are needed at all, if the lots were merged as noted above. All waivers and variances shall be approved before the site plan can be approved.

In order for the project to meet the January 8, 2013 Planning Commission meeting, any variances or waivers shall process prior to the site plan to be found "Complete" by Staff. The following dates are listed for the Planning Commission and Board of Zoning Appeals.

Waiver – Planning Commission Process	
Submission Deadline – October 23, 2012	PC Meeting – November 13, 2012
Submission Deadline – November 20, 2012	PC Meeting – December 11, 2012

Variance – Board of Zoning Appeals Process

Submission Deadline – October 19, 2012

BZA Meeting – November 15, 2012

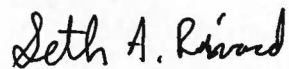
Submission Deadline – November 21, 2012

BZA Meeting – December 20, 2012

In conclusion, Staff regrets any confusion that the applicant may have experienced in the past month. While the schedule noted above is very aggressive, we are willing to try to meet the expectations of the applicant and hope that quick turnaround times can be achieved on the applicant's side of the process as well.

If you have any questions, please feel to contact me. We look forward to working with you in your future endeavor.

Sincerely,



Seth A. Rivard
Planner

Cc:
Dirk Stansbury
3 Sue Court
Martinsburg, WV 25401

Dept. of Engineering

FB solutions residential construction management and design

9628 Moncove Lake Road Gap Mills, WV 24941 304.536.3743 fred@fredblackmer.com

November 29, 2012

Subject: December Agenda Item

Commissioners,

I am requesting to be placed on the December 11, 2012 Planning Commission agenda. The purpose of this item is to request an administrative decision by the Planning Commission regarding preliminary site grading for Morgan's Grove Market (applicant).

The body of this discussion is not a request for relief or "waiver" from current subdivision standards. It is simply to allow surface site grading in anticipation of subsequent procedural and document approvals.

All conditions and standards identified in our Concept Plan submission and final Site Plan approval will be met. An on site grading work will be done in accordance with Jefferson County Subdivision Ordinance Sec 22.503 and subject to Jefferson County Engineering Department Site Plan review.

The applicant assumes all responsibility for any and all work authorized prior to final site plan approval. Any required changes to comply with the final site plan approval will be at the owner's expense.

This administrative action is required to coordinate initial site work with weather and time considerations. Our site plan is ready for engineering department technical review with a Planning Commission anticipated action at or subsequent to February 2013.

This request is made in good faith as substantially compliant with the intent of Jefferson County Land Use Ordinances. There will be no negative impact on surrounding property owners or the community at large.

In anticipation of this positive administrative action, the applicant has bid site work in two parts. The first is general grading for storm water management and slope requirements. The second part is for the actual construction of roads, on site infrastructure and buildings. That second part will be subsequent to approval of the site plan and approved building permit review.

Requested Action: I move to authorize Morgan's Grove Market to begin preliminary site grading subsequent to Jefferson County Engineering technical review and approval of work to be performed. This work will be done at the applicant's risk of any future

changes required in final site plan approval. No roads, infrastructure or buildings will be started without further Planning Commission review and approval.

I appreciate the commission's interest in addressing issues involved with Morgan's Grove Market. I believe we all understand the extended period of time this application has taken in this attempt to get "a good project" up and running.

Sincerely,

Signed

Fred Blackmer
Morgan's Grove Market, Government Affairs

304.536.3743

This information is
Tab #9 in your binder.



JEFFERSON COUNTY, West Virginia

Departments of Planning and Zoning

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

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Director's Report December 11, 2012 Planning Commission Meeting

1) Transition of Clerical Staff

We are sad to notify you that Amy Puetz has accepted a new job and will have left the County prior to the December meeting. In light of this, it is critical that all PC members communicate with the staff through the Department's main email account (planningdepartment@jeffersoncountywv.org) and through our main number 304-728-3228, so that all communication will be received.

During the transition, Jennilee Hartman will be attending most meetings until the new Planning Clerk is hired and sufficiently trained.

2) Activity Report (attached)

3) Envision Jefferson 2035 (2014 Comprehensive Plan) Update

a) Website/Public Outreach Efforts:

- Reminder to "follow" website: "Envision Jefferson 2035"

b) Chris Whittaker hired as 2 - Year Comprehensive Planner; start date December 10, 2012

c) Steering Committee:

- Kick-off organizational meeting with staff held 11/27/12

d) Facilitator:

- Proposed contract for County Commission under review

4) Recent CC Meetings relevant to Planning:

a) **Public Hearing Scheduled for 11/29/12 7:00 pm RESCHEDULED upon request of applicant until early 2013**

Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map Public Hearing for a 2.39 acre property owned by the **Bank of Charles Town**, designated as Tax District: Harpers Ferry, Map: 7, Parcels: 24 and 26 for the purpose of setting a public hearing to be held by the County Commission (11/15/12 CC meeting)

b) Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 34.27 acre

property owned by **Jefferson Asphalt Products, Inc.**, designated as Tax District: Charles Town, Map: 13, Parcel: 7, located on the south side of Route 51 near the Tuscowilla Hills entrance approximately 2 miles west of Charles Town, for the purpose of setting a public hearing to be held by the County Commission (11/15/12; **Public Hearing Scheduled for 01/10/13; 7:00 pm**)

- c) Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 8.07 acre property owned by **John D. Lowe, III**, designated as Tax District: Shepherdstown, Map: 8, Parcel: part of 5, located on the south side of Route 45 and the east side of Potomac Farms Road, for the purpose of setting a public hearing to be held by the County Commission (11/8/12; **Public Hearing Scheduled for 01/10/13**)
- d) Request for County Commission Approval of the **US 340 Corridor East Gateway Plan**, Incorporating Staff Recommended Changes Based on Public Comment (11/15/12; **no action taken on the Plan** – informally recommended to be forwarded to Steering Committee for their reference)
- e) Request to advertise vacant budgeted **Project/Office Manager position** (11/15/12; approved request to advertise as well as to advertise for vacant budgeted **Planning Clerk position**)
- f) Approval of Job Offer for two-year temporary **Comp Plan Planner Position** to Chris Whittaker (11/15/12)
- g) Approval of Contract with a **Facilitator for the Envision Jefferson 2035** Public Input Meetings (11/15/12; approved contingent on reference check and legal approval of contract)

5) **Upcoming CC Actions**

- a) None at this time

6) **Upcoming PC meetings**

- a) January 8, 2013
 - Election of Officers
 - Approval of the 2013 Planning Commission meeting schedule
 - Agenda item to schedule Public Hearing for Morgan's Grove Market Site Plan on February 12, 2013 meeting
- b) Late January/Early February
 - First series of public meetings for Envision Jefferson 2035

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 11.12.12- 11.16.12

MONDAY, NOVEMBER 12, 2012

VETERAN'S DAY HOLIDAY- OFFICE CLOSED

TUESDAY, NOVEMBER 13, 2012

10:00 am	JENNIE & SETH – MEETING W/ MIKE RUDDY (540) 665-6383 RE: DEPUTY DIRECTOR, FREDERICK COUNTY VIRGINIA/LOCATION: 107 NORTH KENT ST, #202; WINCHESTER, VIRGINIA
1:00 pm – 2:30 pm	JENNIE & DAWN – TRANSFER OF RESPONSIBILITY MEETING
2:30 pm – 4:00 pm	JENNIE & STEVE – WEEKLY ZONING MEETING
4:00 pm – 5:00 pm	JENNIE, SETH & AMY – WEEKLY PLANNING MEETING
7:00 pm	JENNIE, STEVE, SETH & AMY – PLANNING COMMISSION MEETING

WEDNESDAY, NOVEMBER 14, 2012

10:30 am– 2:30 am	JENNIE – BUDGET TRAINING CLASS 101 W/PAUL SHROYER
3:00 pm – 4:00 pm	JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN UPDATE MEETING
4:00 pm	JENNIE & DAWN – MEETING WITH CHARLOTTE / RE: CARBONITE

THURSDAY, NOVEMBER 15, 2012

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

FRIDAY, NOVEMBER 16, 2012

10:00 am	JENNIE, STEVE, SETH & DAWN – MEETING W/ BRANDON STIDHAM RE: DIRECTOR, CLARK COUNTY VIRGINIA / (540) 955-5130 LOCATION: 101 CHALMERS COURT, STE B; BERRYVILLE, VA
2:30 pm	JENNIE – MTG WITH MICHELLE HORST, REPORTER W/ “THE JOURNAL”

Christine Chalmers

To: PLANNING DEPARTMENT
Subject: RE: WEEKLY CALENDAR / 11.19.12- 11.23.12

MONDAY, NOVEMBER 19, 2012

10:00 am – 11:00 am	STAFF MTG TO INCLUDE AUDIO/VIDEO TRAINING IN LIBRARY (BY DAWN)
11:00 am – 12:00 pm	JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN UPDATE MEETING
1:00 pm – 2:00 pm	JENNIE, AMY, JENNILEE & CHRISTINE – RE: DISCUSS UPCOMING PC MTG
2:00 pm – 3:00 pm	JENNIE & SETH – WEEKLY PLANNING MEETING
3:00 pm – 4:30 pm	JENNIE & STEVE – WEEKLY ZONING MEETING
4:30 pm – 5:00 pm	JENNIE & DAWN – “TRANSITION” MEETING IN DAWN’S OFFICE

TUESDAY, NOVEMBER 20, 2012

9:15 am	JENNIE & DAWN – MEETING / RE: TIMESHEETS & FINANCIALS
10:00 am	JENNIE & DAWN – MEETING / RE: E-DRAW SOFTWARE
11:00 am	JENNIE, STEVE & SETH – MONTHLY JOINT MEETING W/ ENGINEERING

WEDNESDAY, NOVEMBER 21, 2012

10:00 am -11:00 am	STEVE, SETH & JONATHAN – SITE PLAN PPC w/JASON GERHART (WHGA) RE: SUMMIT POINT JEFFERSON CIRCUIT EXPANSION
11:00 am – 12:00 pm SHEPP	STEVE, SETH & JONATHAN – WILSON MSD PPC w/MIKE

THURSDAY, NOVEMBER 22, 2012

THANKSGIVING HOLIDAY – OFFICE CLOSED

FRIDAY, NOVEMBER 23, 2012

THANKSGIVING HOLIDAY – OFFICE CLOSED

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 11.26.12- 11.30.12

MONDAY, NOVEMBER 26, 2012

11:00 pm – 12:00 pm JENNIE, STEVE, SETH & DAWN – 2014 COMP PLAN UPDATE MEETING
1:00 pm – 2:00 pm JENNIE & CHRISTINE – TRANSITION TRAINING WITH DAWN /
RE: DELL LAPTOP ORDER, XEROX, ADOBE, TIGER DIRECT, ACROBATX PRO,
STEERING COMMITTEE CONTACTS
2:00 pm – 3:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING
3:30 pm – 4:30 pm JENNIE & SETH – WEEKLY PLANNING MEETING

TUESDAY, NOVEMBER 27, 2012

9:30 am – 10:30 am STAFF MEETING
11:00 am JENNIE, STEVE & SETH – TELEPHONE CONFERENCE WITH JUDY ROGERS
11:00 am - 2:30 pm JENNIE – EASTERN PANHANDLE ECONOMIC OUTLOOK CONFERENCE /
LOCATION: MARTINSBURG / HOLIDAY INN
1:00 pm CHRIS WHITTAKER ARRIVES TO ATTEND STEERING COMMITTEE MTG
2:00 pm – 4:00 pm JENNIE – RISK MANAGEMENT & MITIGATION PLAN MEETING
4:30 pm JUDY ROGERS TO ARRIVE
7:00 pm – 9:00 pm JENNIE, STEVE & SETH - STEERING COMMITTEE MEETING

WEDNESDAY, NOVEMBER 28, 2012

DAWN CHILD'S LAST DAY

10:00 am JENNIE, STEVE & SETH – MEETING WITH MIKE WILEY / RE: BEALLAIR
1:30 pm STEVE – MEETING WITH PAUL RACO / RE: HOME OCCUPATIONS
3:00 pm STEVE & SETH – MSD PPC WITH ED JOHNSON /
RE: HENDRICKS ESTATE
3:30 pm JENNIE, STEVE & SETH – CONFERENCE CALL WITH JUDY ROGERS

THURSDAY, NOVEMBER 29, 2012

9:00 am COUNTY COMMISSION MEETING
1:00 pm STEVE & JENNILEE – BZA APPLICATION REVIEW MTG
TBD STEVE & SETH – RESUME REVIEW
3:00 pm AMY, JENNILEE & CHRISTINE
RE: TRANSITION MEETING / WEB TRAINING
6:00 pm JENNIE – PARKS & REC MEETING

FRIDAY, NOVEMBER 30, 2012

AMY'S PUETZ'S LAST DAY – PLANNING COMMISSION PACKET DAY

TBD STEVE & SETH – RESUME REVIEW
2:00 pm JENNIE – MEETING WITH JANE TABB

Christine Chalmers

To: PLANNING COMMISSION
Subject: RE: WEEKLY CALENDAR / 12.03.12- 12.07.12

MONDAY, DECEMBER 03, 2012

10:00 am – 11:00 am STAFF MEETING
2:30 pm – 3:30 pm JENNIE & SETH – WEEKLY PLANNING MEETING
3:30 pm – 5:00 pm JENNIE & STEVE – WEEKLY ZONING MEETING

TUESDAY, DECEMBER 04, 2012

8:30 am – 9:30 am STEVE – WV DOT STUDY DISCUSSION / RE: US 340 (CHARLES TOWN)
10:00 am – 12:00 pm SETH – KICK-OFF MTG WITH ROGER / RE: STORMWATER MANAGEMENT
10:00 am – 12:00 pm JENNIE – HEPMPO MTG / RE: 340 LOCATION: REGION 9 OFFICES
1:30 pm – 2:30 pm STEVE – MEETING WITH CLARENCE HAYMAKER /
RE: WASHINGTON STREET PROPERTY
3:00 pm – 4:00 pm SETH – TELEPHONE CONF WITH DEBBIE TOLLET (717-441-9053)
RE: PRIORITY GROWTH AREAS (DELTA DEVELOPMENT)

WEDNESDAY, DECEMBER 05, 2012

8:00 am – 12:00 pm JENNIE – DEPARTMENT HEAD MEETING /OSHA TRAINING
9:00 am – 4:30 pm SETH – STORMWATER WORKSHOP
12:30 pm – 3:00 pm JENNIE – JEFF CNTY DEVELOPMENT AUTH SPECIAL PRESENTATION /
RE: ECONOMIC DEVELOPMENT AND SITE SELECTION PROCESS
(LOCATION: JEFF CNTY PUBLIC SERVICE BUILDING)

THURSDAY, DECEMBER 06, 2012

9:30 am COUNTY COMMISSION MEETING

FRIDAY, DECEMBER 07, 2012

PLANNING COMMISSION PACKET DAY

11:00 am – 1:00 pm JENNIE - SPECIAL NEEDS POPULATION LUNCH MEETING
1:00 pm JENNIE – BOH MEETING

This information is
Tab #10 in your
binder.



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: December 7, 2012
SUBJECT: November Monthly Report of Minor Subdivision and Site Plan Review and Approval

MINOR SUBDIVISIONS

Approved Subdivisions

12-09 **Ellen Smith Tchakirides MSD**

Approved Date: November 16, 2012
Number of Reviews: 2
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 Subdivisions in Review

12-09 **Kilroy Resubdivision – Notting Hill**

Returned Date: November 5th and November 28th
Review Number: 2nd and 3rd reviews
Proposed Activity: To subdivide three lots between the sizes of 1.259 acres and 2.092 acres from residue parcel.
Physical Location: On the east side of Shepherd Grade Road near its intersection with Scrabble Road
District/Map/Parcel: Shepherdstown/Map: 5/Parcel: 8.14
Zone: Rural

MINOR SITE PLANS

Approved Site Plans

None

Minor Site Plans in Review

None
