

AGENDA  
JEFFERSON COUNTY PLANNING COMMISSION  
**DECEMBER 21, 2010**

**PUBLIC MEETING PROCEDURE:**

The President shall identify the matter before the Planning Commission (PC) and ask for a presentation by the applicant or the applicant's representative followed by staff's presentation and recommendation.

Once the applicant has finished speaking, the President shall ask for public comments. As a member of the public, once you are recognized by the President, please come to the podium, state your name, provide any credentials that you believe are appropriate, and make a brief presentation. If you agree with a previous speaker, you may simply say so.

The President may limit the presentation time of speakers.

Once the public comments are completed, the applicant may respond to the public comments.

PC members may ask questions at any time.

A copy of any document or exhibit used by a speaker in his or her address to the PC must be left with the PC and will become part of the official public file on the matter at hand. The applicant or a representative of the applicant may have the opportunity to view the document or material.

Once all speakers have finished, the PC will discuss and then vote on a motion to approve, disapprove, or impose conditions on the application .

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

1. Minutes from the December 14, 2010 Planning Commission meeting. (to be approved at the January 11<sup>th</sup>, 2011 Meeting)
2. Citizen Communications.
3. A call for postponements.
4. Request by W.H. Gordon for a variance from Sections 21.202B, 21.204A, 22.208A, Appendix B 2.2.C.2c, Appendix B Section 9.6 of the Subdivision Ordinance to waive the requirement for sidewalks along any public or private street in regards to the William H. Scott Inter Vivos Trust property. This 420 acre property is located along the south side of Hardesty Road and Summit Point Road west of Summit Point, WV and is designated as Tax District: 6, Map: 17, Parcel: 2.
5. Continued from December 14, 2010 Planning Commission Meeting: Draft Zoning Map and Zoning Map Policy.
6. Reports from Legal Counsel and legal advice to PC.
7. Director's Report.
8. President's Report.
9. Actionable Correspondence.
10. 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,

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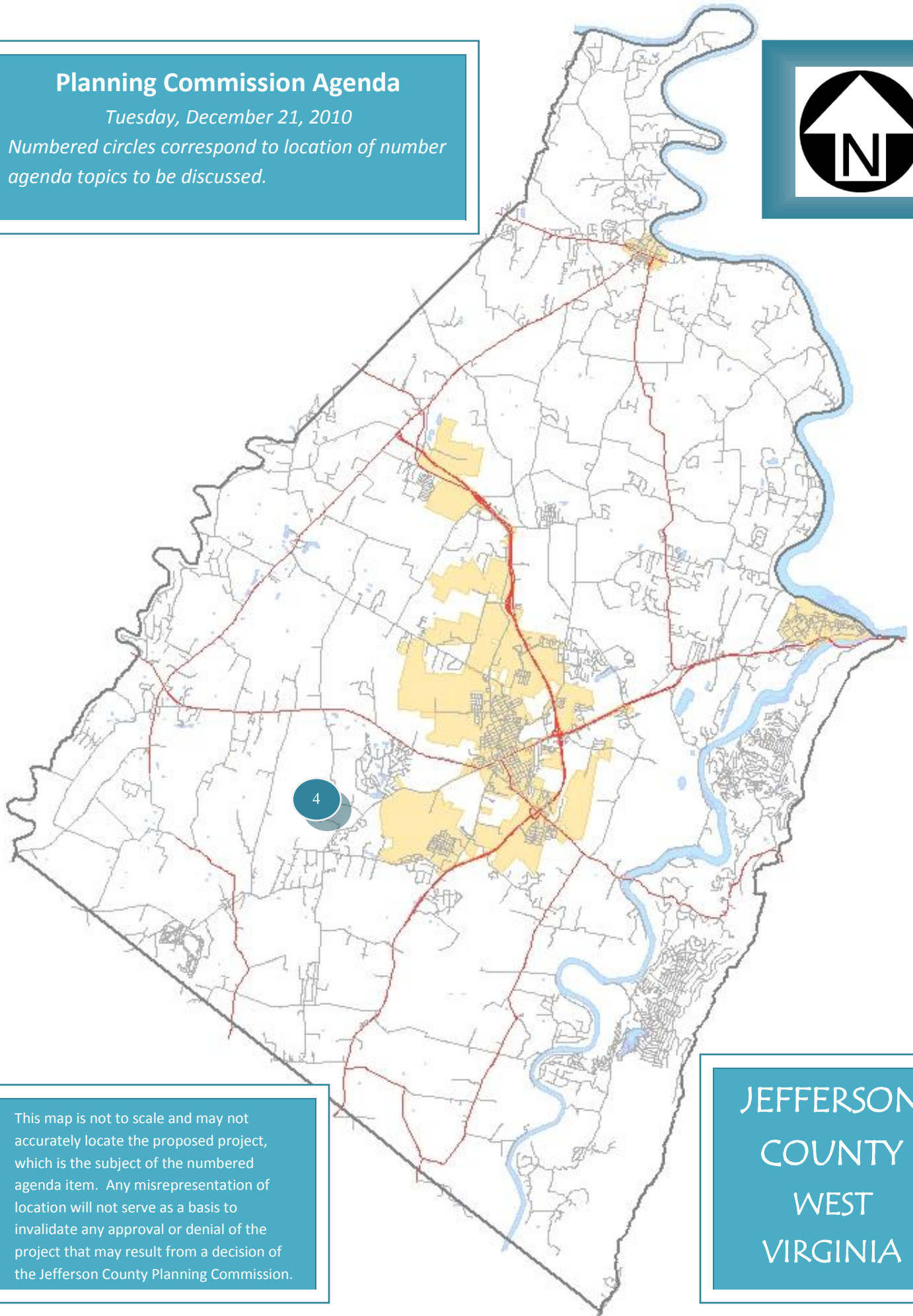
P.O. Box 338, Charles Town, WV 25414. Our phone number is (304) 728-3228; our fax number is (304) 728-8126; our email address is [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) and our website is [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

Minutes and video recordings of past meetings and the Comprehensive Plan can be found on our website. The office has a file on each project as well as aerial photos of the county. Minutes and audio recordings of past meetings, Subdivision Regulations, Zoning Ordinance and the Comprehensive Plan are available for review in our office.

# Planning Commission Agenda

Tuesday, December 21, 2010

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

**The William H. Scott Inter Vivos Trust (STASIS) Waiver Request**

Item #4: Request by The William H. Scott Inter Vivos Trust for a waiver from Sections 21.202B, 21.204A, 22.208A, Appendix B 2.2.C.2.c and Appendix B, Section 9.6 to be granted relief from the requirements to install sidewalks.

APPLICANT:	The William H. Scott Inter Vivos Trust (STASIS)
OWNER:	The William H. Scott Inter Vivos Trust (STASIS)
DEVELOPER:	The William H. Scott Inter Vivos Trust (STASIS)
SURVEYOR/ENGINEER:	William H. Gordon Associates, Inc. (Jason Gerhart)
PROPERTY LOCATION:	Front entrance at the Summit Point Race Track off of Summit Point Road.
LEGAL DESCRIPTION:	District: Kabletown; Map: 17; Parcel(s): 2 
ZONING DISTRICT:	2002 Zoning Map: Rural
SURROUNDING PROPERTIES:	2002 Zoning Map North: Rural South: Rural East: Rural West: Rural
LOT AREA:	420.6681 acres
PROPOSED ACTIVITY:	STASIS research and development facility

### **Planning & Zoning Department Report**

The applicant is requesting a waiver from the requirement to install sidewalks for the STASIS project and for the remaining 421 acres of the site that could potentially be developed sometime in the future. Regarding the STASIS project, the applicant is proposing to build a 16,500 sq. ft. automotive research facility. Per the requirements of the amended 2008 Subdivision Regulations, sidewalks are required to be installed in non-residential projects.

As supplemental history, regarding variances of sidewalks on major projects in the County, variances have previously been granted to Burr Industrial Park and the SPARC Training Campus.

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

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

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

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

The waiver will not impact the public health, safety or welfare of the public or affect adjacent owners and residents. Since the facility is closed to the public by a fence and public use is therefore limited, there is no impact to the public or neighbors. This area is not designated as a growth area and given the fact that an adjoining development has been granted the same variance, there does not appear to be adverse impact on adjacent property owners or residents.

While sidewalks often provide a safe means of travel for pedestrians and increase public health, in this instance, the potential benefit is highly ambiguous. Based on the closed nature of the site as described above, little of the sidewalk would be open to community and therefore be of minimal benefit to the public.

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

While the intent of the Subdivision Regulations is to require sidewalks, there are extenuating circumstances where it may not be practical to do so. The intent of the Regulations is to have useable sidewalks that provide value to the community. As previously indicated, this site is not open to the public, except during special events.

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

The effect of the waiver would be neutral, as it relates to quality and character. It is arguable that having a fence traversing over the sidewalks is not a project of good character for the community. While sidewalks are nearly always a universal good attribute to a community, there are times when sidewalks

are not beneficial. Based on the information presented, it is apparent that the value of the sidewalks as pertains to this specific project is limited.

**Planning and Zoning Recommendation**

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

The request for the waiver of sidewalks in this instance requires some additional consideration because of the type of development and where it is located. In this particular location, nearly the entire site is fenced and is not open to the public, except during special events. In other business parks, where there is open access, it makes sense to require that sidewalks be installed. While the village of Summit Point is located nearby, this area is not considered a “growth” area for the County. As such, requiring that sidewalks be installed in this area would serve no public benefit because there is no anticipated residential and pedestrian activity. This is a highly auto-oriented area, as is the site. Consequently, it seems impractical to require sidewalks at this facility. A variance for sidewalks was requested for SPARC Training Campus next to this facility and that request was granted by the Planning Commission in 2007. Because the SPARC Training Campus facility received a variance for sidewalks, there is no foreseeable interconnection of sidewalks from the tract of land in consideration to other locations.

As a condition of approval, staff recommends that a five (5) sidewalk easement shall be required along Summit Point Road (Route 13) and Hardesty Road (Route 2) that abuts the William H. Scott Inter Vivos Trust property. An easement will be shown on the STASIS site plan. As future developments ensue, the easement shall be shown on the plans or plats for those projects as well.

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

**A Motion Recommending Approval of a  
Waiver for The William H. Scott Inter Vivos Trust  
December 21, 2010**

**Whereas**, the following facts relate to the processing of The William H. Scott Inter Vivos Trust application known as Stasis Site Plan:

**Whereas**, The William H. Scott Inter Vivos Trust has requested a waiver from Sections 21.202B, 21.204A, 22.208A, Appendix B 2.2.C.2.c and Appendix B, Section 9.6 to be granted relief from the requirements to install sidewalks;

**Whereas**, The William H. Scott Inter Vivos Trust is requesting a waiver for all 421 acres of the property commonly referred to Summit Point Raceway;

**Whereas**, As a condition of approval, a five (5) sidewalk easement shall be required along Summit Point Road (Route 13) and Hardesty Road (Route 2) that abuts the William H. Scott Inter Vivos Trust Property;

**Whereas**, the following findings shall have been made in regards to the request in accordance with the provisions of Sections 21.202B, 21.204A, 22.208A, Appendix B 2.2.C.2.c and Appendix B, Section 9.6 of the 2008 Subdivision Ordinance:

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

**Now therefore be it moved**, that the Jefferson County Planning Commission \_\_\_\_\_ the requested waiver for The William H. Scott Inter Vivos Trust with a condition that a sidewalk easement shall be required along Summit Point Road (Route 13) and Hardesty Road (Route 2) that abuts the William H. Scott Inter Vivos Trust Property.

Recommended \_\_\_\_\_ this \_\_\_ day of \_\_\_\_\_ 2010  
By vote of the Jefferson County Planning Commission  
By a vote of \_ Yes \_ No

\_\_\_\_\_  
John Maxey, Commission President

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

**SUBDIVISION & LAND DEVELOPMENT REGULATION WAIVER FORM**

I/We request a waiver from the provisions of the Jefferson County Subdivision and Land Development Regulations.

Property Owner (s): William H Scott Inter Vivos Trust

RECEIVED

Mailing Address: PO Box 190

NOV 30 2010

Summit Point, WV 25446

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Phone Number: 304-725-8444

Location of Property: South Side of Hardesty Road and Summit Point Road West of Summit Point, WV. Site entrance is located approx. 1,300' east of the intersection of Hardesty and Summit Point Roads.

Lot Size: +/- 420 Acres

Deed Book Reference: Deed Book #: 1071

Page #: 743

Tax Map Reference: District: Kabletown

Map: 17

Parcel: 2

Zoning District:  Rural  R-G  R-LI-C  I/C  VLG

Section of Regulation: Subdivision Sections: 21.202B, 21.204A, 22.208A, App. B 2.2.C.6, App. B Section 9.6.

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

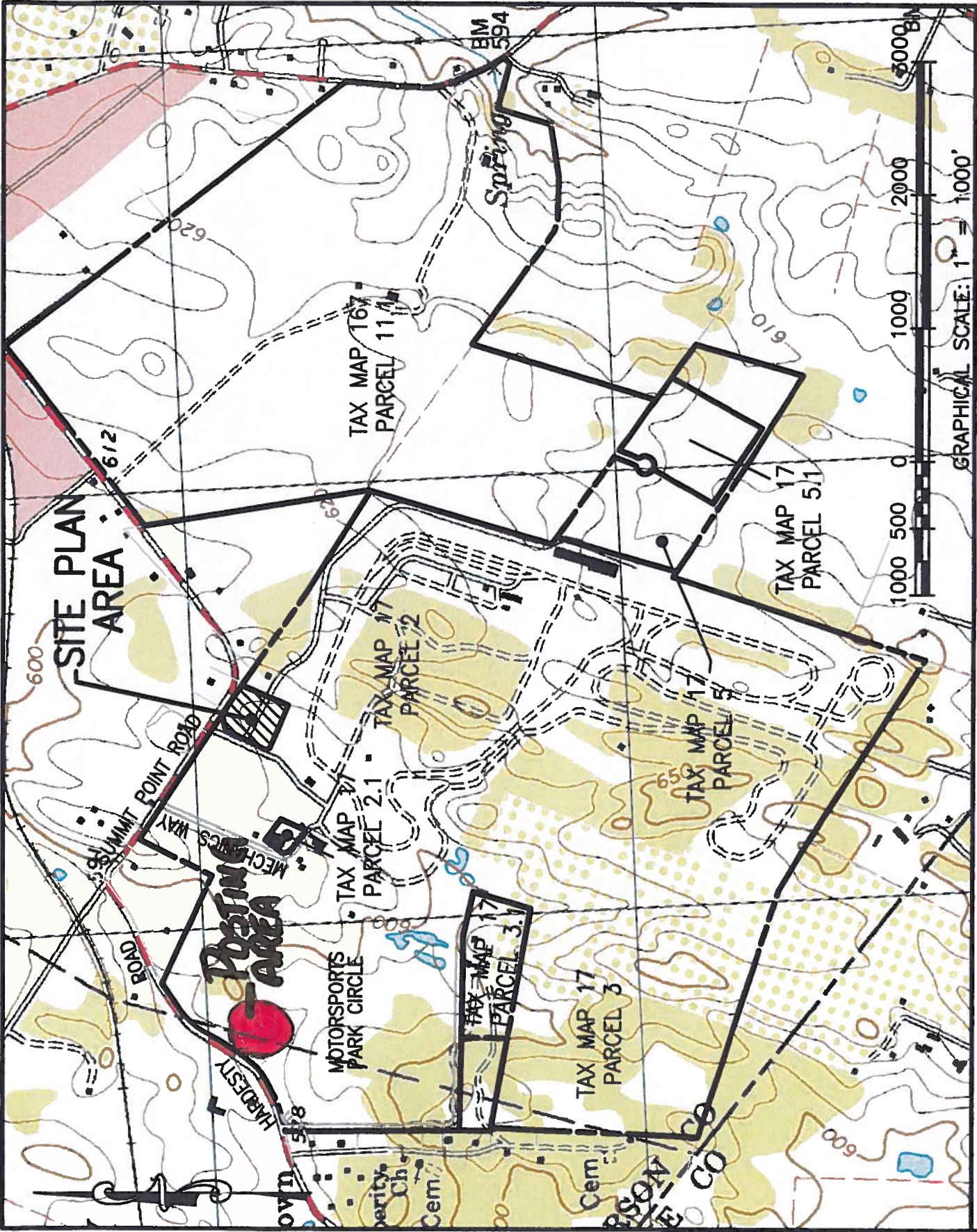
This request is for a waiver of the requirement for sidewalks along any public or private street. As shown on the attached sketch sidewalks have been provided to allow for pedestrian circulation from the parking areas to the proposed buildings.

PC MEETING DATE: 12-21-10

PCW10-05

2 PLACARDS

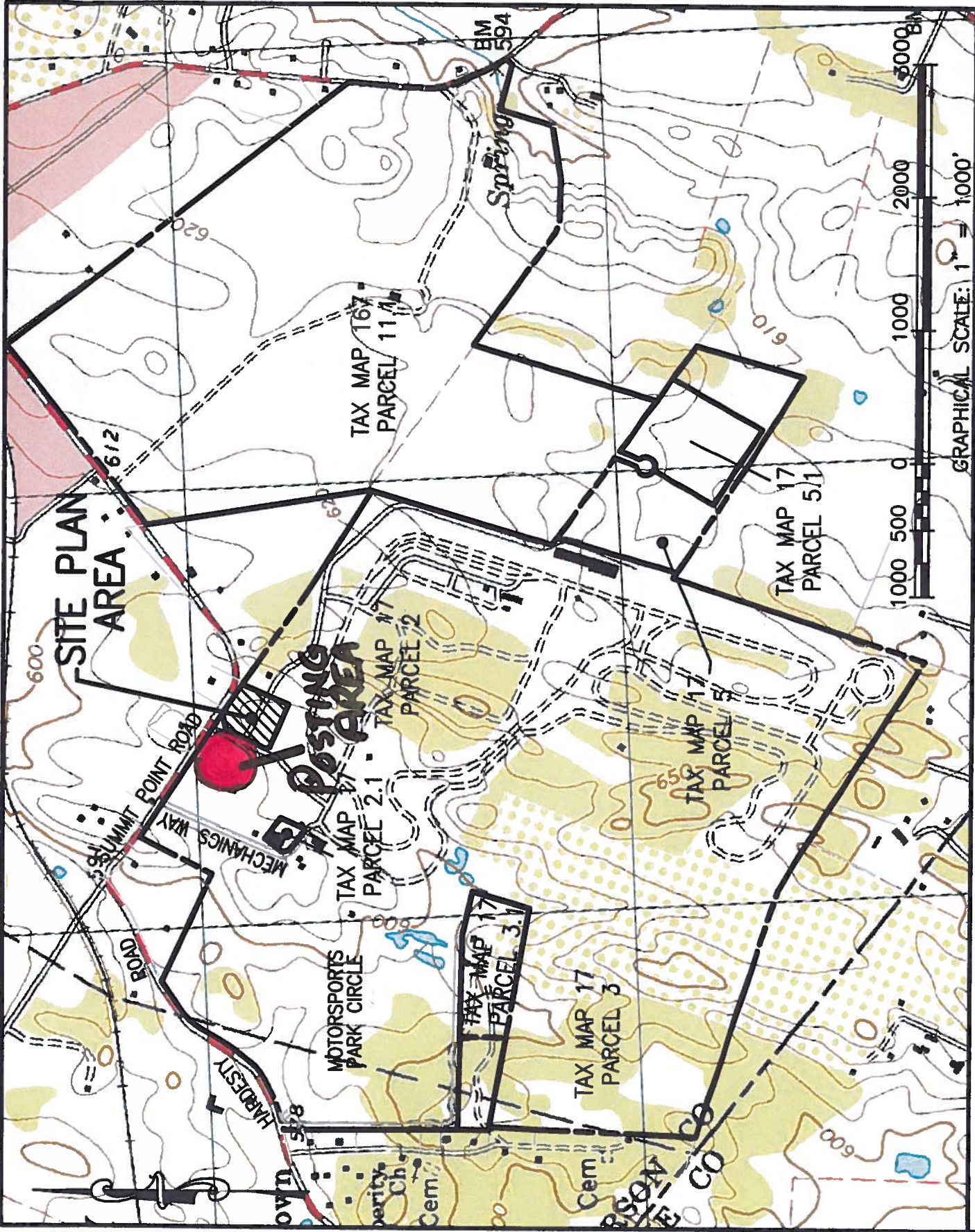
Sketch on a separate 8 1/2" x 11" sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date the sketch. Please provide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



MEETING DATE: 12.21.10

VICINITY MAP  
SCALE: 1" = 1000'

# PCW10-05



VICINITY MAP  
SCALE: 1"=1000'

MEETING DATE: 12-21-10

# PCW10-05

JEFFERSON COUNTY, WEST VIRGINIA  
Department of Planning & Zoning  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 338  
Charles Town, West Virginia 25414

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

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

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MEMO

**TO:** Jefferson County Commission  
**FROM:** Jefferson County Planning Commission  
**DATE:** December 21, 2010  
**RE:** Final Draft Policy: Zoning Map Update Process

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On December 21, 2010, the Jefferson County Planning Commission voted to recommend to the Jefferson County Commission the adoption of the following policy:

*"The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.*

*On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively."*

Approved by vote \_\_\_\_\_ For, \_\_\_\_\_ Against on December 21, 2010.

X

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John Maxey  
Planning Commission President

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Planning & Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 338  
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[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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**Director's Report**  
**December 14, 2010**  
**Planning Commission meeting**

- 1) Activity Report (attached)
- 2) Follow up on status of Bardane Famer's Market
- 3) Upcoming CC agenda items:
  - a) Request to Schedule Evening Meetings in 2011 (1/6/11?)
  - b) Zoning Map Update and Zoning Map Policy (pending PC recommendation)
  - c) Wireless Telecommunications Ordinance Amendment Public Hearing (1/20/11, 7 pm)
  - d) Public Hearing to Amend the County Zoning Map to consider Urban Growth Boundaries for Harper's Ferry and Bolivar (1/27/11, 7 pm)
- 4) Upcoming PC meetings:
  - a) Work Plan/Budget Subcommittee Meeting: 1/5/11 4 pm (JM, TT, DH, KB)
  - b) Regular PC Meeting: 1/11/11
    - Election of Officers
    - Draft Policy: Planning Commission initiated Zoning Text Amendments and Zoning Map amendments
    - Draft Policy: Submittal of Applications & Supporting Information
    - Review of Revised Land Development Fees
  - c) PC Workshop: 1/18/11
    - Distribution and Review of Policy Neutral Zoning Ordinance Amendments
  - d) Regular PC Meeting: 1/25/11
    - Discussion of Next Steps and comments on Blue Ridge Mountain Final Common Vision Document and Engineering Report

## Christine Chalmers

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To: PLANNING COMMISSION  
Subject: WEEKLY CALENDAR

### MONDAY, DECEMBER 13, 2010

10:00 am JENNIE, STEVE & SETH – NRCS MEETING IN RANSON (w/ BOB SCHNABLY)  
2:30 pm MEETING WITH STEPHEN GROH  
3:30 pm SETH – MEETING WITH DIRK STANSBERRY  
4:00 pm JENNIE, SETH, JULIE – MEETING / RE: FEES

### TUESDAY, DECEMBER 14, 2010

10:30 am - JENNIE & ROGER – MEETING WITH WALT PELLISH  
2:00 pm JENNIE – MEETING WITH TROY TRUAX  
7:00 pm JENNIE, SETH, STEVE & JULIE – PLANNING COMMISSION MEETING

GRANT INTERN: DOUGLAS GRIFFITH – AVAILABLE 9:00 am – 2:00 pm / WORK

### WEDNESDAY, DECEMBER 15, 2010

10:00 am STEVE, SETH & JONATHAN – MINOR SUBDIVISION PPC / RE: COLLIS  
1:30 pm – 2:45 pm JENNIE & SETH – WEEKLY PLANNING MEETING  
3:00 pm – 4:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING

GRANT INTERN: DOUGLAS GRIFFITH – AVAILABLE FULL DAY / WORK

### THURSDAY, DECEMBER 16, 2010

9:00 am COUNTY COMMISSION MEETING  
2:00 pm – 3:30 pm SETH - SMARTCODE MEETING IN RANSON  
3:00 pm JENNIE, STEVE & JENNILEE – BOARD OF ZONING APPEALS MEETING

GRANT INTERN: DOUGLAS GRIFFITH – AVAILABLE FULL DAY / WORK

### FRIDAY, DECEMBER 17, 2010

10:00 am STEVE, JENNILEE & MASON – SITE VISIT TO JOY BRIDY POTTERY  
12:15 pm JENNIE, STEVE & SETH – PLANNERS PLOYPHONE IN RANSON

**Christine Chalmers**

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To: PLANNING COMMISSION  
Subject: FW: WEEKLY CALENDAR

**MONDAY, DECEMBER 20, 2010**

**TUESDAY, DECEMBER 21, 2010**

2:30 pm – 5:00 pm JENNIE – “EDA” BOARD MEETING  
7:00 pm JENNIE, SETH, STEVE & JULIE – PLANNING COMMISSION MEETING

**WEDNESDAY, DECEMBER 22, 2010**

10:00 am – 11:30 am STAFF MEETING  
1:30 pm – 3:00 pm JENNIE & STEVE – WEEKLY ZONING MEETING

**THURSDAY, DECEMBER 23, 2010**

NO COUNTY COMMISSION MEETING

**FRIDAY, DECEMBER 24, 2010** **CHRISTMAS HOLIDAY – OFFICE CLOSED**

## Jennifer Brockman

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**From:** Thomas Bayuzik [Tom@jcda.net]  
**Sent:** Wednesday, December 15, 2010 9:12 AM  
**To:** jbrockman@jeffersoncountywv.org  
**Subject:** RE: Farmers mkt

I am working with the Year Round Market Board in conjunction w/ the newly formed Agriculture Committee of the JCDA. We uncovered many issues after Kellie resigned. We are re-working most aspects of the market and expect that it will happen this coming Spring. Conflicting reports are rule of thumb around here.  
Tom

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

**From:** [jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org) [<mailto:jbrockman@jeffersoncountywv.org>]  
**Sent:** Wed 12/15/2010 8:00 AM  
**To:** Thomas Bayuzik  
**Subject:** Farmers mkt

Tom

The farmers market came up at the PC mtg last night with conflicting reports regarding whether it was still going to happen. Can you update me on the status of this?

Jennie

Sent on the Sprint® Now Network from my BlackBerry®