



**AGENDA**  
**Jefferson County Planning Commission**  
**Tuesday, January 13, 2015, 7:00 PM**

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

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**All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.**

1. Election of Officers.
2. Approval of the minutes from the following Planning Commission Meetings:
  - December 09, 2014
3. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
4. Request for postponement.
5. Fellowship Bible Church (File# S14-03). This is a continuation of the Public Workshop that was held on December 9, 2104 to review and process a Concept Plan. The Planning Commission provided direction on Phase 1 at the December 9, 2014 Workshop. This Public Workshop will focus on Phases 2 and 3. Phase 2 includes the construction of an additional driveway onto Daniel Road for an additional exit and entrance for the church; construction of a 27,308 sq. ft. Multi-Purpose Worship Building which can seat 700 people; and relocation of Playground Area. Phase 3 is a long-term planning tool and includes a new education addition to the Church; a 1,000 person capacity, 41,390 sq. ft. Worship Center; to remove all modular units; pave gravel parking lot (93 spaces), add parking (350 paved spaces) and vehicular access; and construction Creation Center, Educational Learning Center, and Missionary Housing. Phase 3 includes a total additional square footage of approximately 94,000 sq. ft. Phases 2 and Phase 3 will be required to process as a Major Site Plan, requiring an additional Public Hearing in the future. The property is located at 160 Daniel Road, in Shenandoah Junction and is designated as Tax District: Charles Town (02); Tax Map: 03; Parcel: 4.5; Zoned: Rural; Size: 50.79 ac.
6. Petition by David Slusher (File# Z14-02). Request for a zoning map amendment. This property is currently zoned Rural and the applicant is requesting General Commercial zoning. Commercial use of this property dates back to 1930's and the current use of auto sales began in 1986. This property is located on the southwest corner of the Route 340 (Berryville Pike)/Straithmore Farm Lane/Wheatland Road intersection. District: Kabletown (06) Tax Map 11, Parcel 3.2.

**There is no public comment for the remaining items.**

7. Petition by Standard Land Company, LLC for a Zoning Map Amendment to the Planning Commission for the purpose of scheduling a public hearing within 60 days (File # Z14-13). This property is currently zoned Rural and the applicant is requesting Residential-Light Commercial/Industrial. The property is located on the east side of Millville Road (Route 27), south of the intersection with Route 340.
8. Follow Up to December 12, 2014 Stakeholder Meeting
  - Distribution and discussion of Summary Memo
  - Review and Action to hold a Public Hearing to recommend amending the definition of “days” from business days to calendar days in Section 26.200 of the Jefferson County Subdivision and Land Development Regulations (suggested date: February 10, 2015). Such amendment will require final approval of the County Commission.
  - Review and Action to hold a Public Hearing to recommend amending Section 20.104, “Exceptions”, of the Jefferson County Subdivision and Land Development Regulations, subsection “C”, to “exempt” public utilities and private utility firms processing easements from these Regulations (suggested date: February 10, 2015). Such amendment will require final approval of the County Commission.
  - Review and Action to hold a Public Hearing to recommend amending Section 24.300, “Waivers”, of the Jefferson County Subdivision and Land Development Regulations to change the last sentence of the introductory paragraph stating “No process or procedural waivers shall be granted” to “Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval” (suggested date: February 10, 2015). Such amendment will require final approval of the County Commission.
  - Review and Action to authorize the President of the Planning Commission to advertise the need for a new citizen-based committee to review the Major Subdivision Process of the Jefferson County Subdivision and Land Development Regulations. Said committee will review the current Subdivision Regulations and recommend a draft amendment to the Planning Commission to more closely reflect the requirements of Chapter 8A of the WV State Code but to include a Concept Plan Public Workshop, a Preliminary Plat Public Hearing, and an administrative approval of the Final Plat. Any amendments to the Subdivision Regulations shall be referred to the Planning Commission for a Public Hearing and subsequently to the County Commission for approval.
  - Review and Action to authorize the President of the Planning Commission to advertise the need for a second citizen-based committee to develop proposed language regarding rural campground facility standards and processes in both the Jefferson County Zoning and Land Development Ordinance and Jefferson County Subdivision and Land Development Regulations. Any amendments to the Zoning Ordinance and Subdivision Regulations shall be referred to the Planning Commission for a Public Hearing and subsequently to the County Commission for approval.
9. Reports from Legal Counsel and legal advice to the Planning Commission.
  - a) Active Litigation:
    - Far Away Farms
  - b) Envision Jefferson 2035 Comprehensive Plan Next Steps per WV Code 8A
10. Director’s Report.

11. Planning Commission Exchange and Liaison Reports:

- County Commission
- Health Department
- Public Service District
- Parks and Recreation
- Jefferson County Development Authority
- Water Advisory Committee
- Planning Commission Exchange

12. President's Report.

13. Actionable Correspondence.

14. Non-Actionable Correspondence.

15. Signing of approved Motions from previous Planning Commission meetings.

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record.

Feel free to submit your comments to any of the addresses below:

Physical Address: 116 E. Washington St., Charles Town, West Virginia 25414

Mailing Address: P.O. Box 338, Charles Town, West Virginia 25414

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

Fax Number: 304-728-8126

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.



This information is  
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## Draft Minutes

### Jefferson County Planning Commission

December 9, 2014

The Jefferson County Planning Commission met on December 9, 2014, with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Mike Chapman, Donnie Fisher, Peter Fricke, and Dick Childs. Staff members present included Jennie Brockman, Director of Planning and Zoning; Jonathon Saunders, County Engineer; Steven Groh; Legal Counsel, and Rhonda Greenholtz; Planning Clerk

Mr. Stolipher called the meeting to order at 7:00 PM.

1. Approval of October 14, 2014 meeting minutes. Mr. Dale Manuel made a motion to approve. Mr. Gary Phalen seconded the motion which carried unanimously.
2. Citizens Communications: None
3. Request for postponements: None
4. Review and approval of the 2015 Planning Commission schedule. A motion was made by Mr. Mike Chapman to approve. Mr. Gene Taylor seconded the motion which carried unanimously.
5. A discussion was held to review and adopt "Roberts Rules of Order for Small Boards". Mr. Donnie Fisher motioned to adopt the Roberts Rules of Order for Small boards starting with this meeting. Mr. Dale Manuel seconded the motion which carried unanimously.
6. Public workshop for the approval of a Concept Plan for the Fellowship Bible Church (File #S14-03).

Ms. Jennifer Brockman first wanted to address 2 errors with the advertisement of this project. 1) The property address was incorrect. This was corrected on Friday, December 5, 2014 in the packets and on the agenda. However, all advertisements and postings said the name of the Church and the correct road name. 2) The original ad that was placed described Phase 1 improvements only. The letters sent to the adjoining property owners, the staff report and the agenda described all 3 phases. Phase 1 is primarily recreational and will process as a Minor Site Plan because the square footage of the proposed and existing buildings combined will not exceeding 50,000 square feet total. Phases 2 and 3 will process as a Major Site Plan and a Public Hearing will be required before the Planning Commission. The workshop for Phase 1 can be held at this meeting. It is the Commission's decision whether to proceed with the workshop for Phases 2 and 3 at this meeting, or if it should be continued and re-advertised. It is believed that the same people would be present for all meetings for all 3 phases. Adequate notice for all 3 phases has been given to the adjoining property owners.

The purpose of this meeting is to allow for general public input before significant engineering is completed. The result of this meeting is not to approve or deny this project but to obtain any recommendations the Planning Commission may have based on public comment.

Mr. Stephen Stolipher was open to discuss all 3 phases.

Mr. Gary Phalen questioned the implication of discussing Phases 2 and 3 at this workshop so as to not jeopardize the developer in any way.

Mr. Stephen Groh believed it should be re-advertised to ensure no risk to the developer with respect to the "Open Meetings Act" ensuring the public is aware of what each phase of the plan entails. Phases 2 and 3 are for future planning.

The applicant was allowed to present all 3 Phases. Phase 2 and 3 will be heard at the January 13, 2015 meeting. If no member of the public attends the January 13, 2015 meeting for the purpose of commenting on Phases 2 and 3, no additional presentation will be required. In that circumstance, the

Planning Commission will be able to provide direction based on the presentation at the December meeting.

Mr. Gary Frey, Licensed surveyor with Carl Bert & Associates and an Elder of the Fellowship Bible Church presented the project. Mr. Gary Frey was accompanied by Scott Bert, engineer for Carl Bert & Associates; Fellow Elders of the Church and the property supervisor. The Fellowship Bible Church's Phase 1 Plan reflects the additional modulars that were approved by the Board of Zoning Appeals provided they were subsequently reflected on the Concept and Site Plan. Phase 1 reflects the placement of four (4) additional modulars on site. The three (3) modulars dedicated to a children's wing are fenced in for security purposes. The 4<sup>th</sup> modular has been added closer to the existing detention pond. Phase 1 proposes 93 additional parking spaces; which is more than required by Ordinance. These parking spaces will be in place for the start of Phase 2. Parking will be added near the pavilion area and the existing gravel driveway will be increased to meet standard widths as required by the Subdivision Regulations. This Phase includes enlargement of the ball and soccer fields, basketball court, addition to the pavilion, addition of a maintenance shed and restrooms. The storm water management pond will be increased, if necessary, to accommodate those facilities. The existing storm water detention pond was designed for the anticipated build out condition in 2005. The numbers have been rechecked and it appears they are holding true with the current site design.

There is some flexibility as to whether the entrance should be installed with Phase 1 or Phase 2. A new entrance may be installed in Phase 1 connecting to the new 93 parking spaces. This entrance has been approved by WVDOH. Bonding is required by DOH.

Phase 2 will include a 200' turn lane with a 150' taper. A new DOH Highway Entrance Permit is required. This phase includes the construction of the new multi-purpose worship center which will hold 700 people. This is double the capacity of the existing church. Phase 2 will start in approximately 3 to 5 years.

Phase 3 is a long-range planning tool. The roadway for the dedicated worship area is designed so no stacking will occur on Daniel Road. Vehicle stacking would be on site. The dedicated worship area will seat approximately one thousand people. The use of the Christian Learning Center may be a school or higher learning center for training missionaries, or as an evening bible institute. An additional education wing would connect the multi-purpose center to the existing building. A sidewalk is planned along Daniel and Flowing Springs Roads. Improvements will be made to this intersection.

Ms. Jennifer Brockman indicated that outside agencies were contacted for approval. Response was received from The Public Service District (PSD), WVDOH and the Historic Landmark Commission. The letters are included in the packet.

Mr. Stephen Stolipher opened the floor for public comment.

No public comment was made.

Public comment was closed.

Mr. Stolipher indicated the Planning Commission's duties are to make recommendations based on public comment. Mr. Stolipher opened the floor back up for discussion.

Mr. Dale Manuel asked if Phase 1 was dependent on the PSD for any new lines.

Mr. Frey stated Phase 1 would not be dependent on these lines. An existing septic system was activated on site in 2007. It was designed for 750 gallons a day with an additional replacement area.

A meter was installed to check usage. The existing well yields 35 gallons per minute. Underground storage is a consideration for fire suppression in the future. A pond for a dry hydrant is also a consideration. There is a separate septic system near the pavilion.

A motion was made by Mr. Gary Phalen to recommend that the applicant proceed to the Minor Site Plan for Phase 1. A vote was taken to proceed which carried unanimously.

Ms. Jennifer Brockman stated that a re-advertisement will be placed for Phases 2 and 3.

Mr. Stephen Stolipher and Ms. Jennifer Brockman apologized to the applicant for the advertising mistake.

7. Public Hearing for the Harpers Ferry Holding, LLC and River Riders, Inc. (File #PCW14-04).

Ms. Jennifer Brockman requested that the applicant present their request first and staff to give their comments afterwards.

Mr. Mike Shepp, Alleghany Surveys, presented the request for the applicant. He provided an overview of the previously approved Concept Plan for reference purposes. As the applicant's engineer has moved forward with the engineering design, it has become apparent that it is difficult to meet the original intent of the Concept Plan and to meet all of the regulation requirements; therefore, two waivers are being requested. Waiver Request 1 is to allow the grade to exceed 8% or 9 % (depending on which section of the Ordinance will apply) in limited areas as shown on an exhibit plat so as to leave the area designated as a grassy area for overflow parking. The engineer determined during the design of the internal roads that in order to meet the required grades, a 24' wide cut would need to be made. Therefore, the property would not be able to remain in its existing condition which was the goal of the Concept Plan and previous waiver to allow grass overflow parking. This would completely change the landscape. The request is to allow the applicant to exceed the grade.

The second waiver request is for Reveille Road, an existing gravel road which traverses a 10 acre parcel owned by Gene Capriotti and serves a single family residential property that is a part of the original Bolivar Heights subdivision as well as the River Riders facility. River Riders has a 50' right of way across the 10 acre property and is requesting that the right-of-way be permitted to remain "as is" for the existing purpose and for limited non-public access. Access is intended to be limited to use by the property owners and for the River Riders buses to access a proposed bus garage. One concern is that if this road is significantly upgraded it will become a short cut for the public.

Mr. Dick Childs asked for clarification of the "intent" of the road to not allow public access.

Mr. Mike Shepp clarified that is Mr. Knott's desire that Reveille Road not become public but it could be an unrealistic expectation as Mr. Knott is not the property owner.

Mr. Jonathon Saunders asked for clarification on the proposed entrance location as it relates to the intersection with Allstadts Road.

Mr. Mike Shepp stated the current entrance will be brought up to County standards with the exception of the requested waiver area. The applicant is aware that a WVDOH entrance permit is required and changes will be made to the current road entrance in accordance with their requirements.

Mr. Stephen Stolipher requested staff comments with public comments to follow.

Grading Waiver request:

Ms. Jennifer Brockman noted that the previously reviewed concept plan and the grassed seasonal parking area waiver were both approved by Planning Commission and both reflected the Planning Commission's desire to retain as much natural topography and vegetation as possible. Designing the internal roads to conform to the Subdivision Regulations will defeat some of intent of the previous approvals. The Planning staff is recommending approval of the first waiver request to exceed the 8% grading. Mr. Jonathon Saunders read his conclusion regarding the first waiver request which was included in the agenda packet and recommended approval of the 8% slope waiver.

Reveille Road request:

Ms. Jennifer Brockman stated that the Planning staff defers to the Engineering staff regarding the Reveille Road waiver request. She also noted that a condition could be put on the approval of the Reveille Road request that at such time that the property is developed the road will be required to be brought up to commercial standard. The approval of this waiver would be only for this circumstance. This should be made clear in a motion.

Mr. Jonathon Saunders noted some possible drainage issues on Reveille Road as shown in the photos found in the staff report and power point presentation. The Engineering Department recommended denial based on the conclusion found in the staff packet for this meeting.

Mr. Stephen Stolipher opened the floor up to Public Comment.

No Public comment was made.

Mr. Stephen Stolipher closed the floor to Public Comment.

Mr. Mike Shepp rebutted stating they still believe that the road should not be improved to the County standard as it is not for public use. A berm was built during the construction of the road to channel drainage. The berm was never taken out and it is believed to be the cause of the drainage issue. Ditches are located along the road but not seen due to high grass. They will be reflected on the Site Plan. If the road is upgraded to an 18' wide entrance it will make it more desirable for public to use as a shortcut.

Mr. Stephen Groh suggested putting up a "Not a through road" or "Private Road" sign. He also asked if the road is not used for access to a subdivision, are improvements needed, and is it necessary for the buses to use this access.

Mr. Mike Shepp pointed out that if the buses used the other roads within the site plan area, there would be more wear and tear on those paved roads and that it would create a conflict between passenger cars and buses.

A motion was made by Mr. Dick Childs to approve Waiver Request #1 to allow the grade to exceed 8% or 9 % (depending on which section of the Ordinance will apply) in limited areas as shown on the Exhibit Plat in the application. A vote was taken and passed unanimously.

Mr. Jonathon Saunders stated that a valid point was made in regards to Waiver Request 2 in that there are other means of public access other than Reveille Road.

A motion was made by Mr. Gary Phalen to approve Waiver Request #2 for Reveille Road to remain in its current condition. A vote was taken and passed unanimously.

8. Petition by David Slusher for a Zoning Map Amendment. (File # Z14-02)

Mr. Stephen Stolipher recused himself from this item citing a conflict of interest. The meeting was handed over to Vice President Mr. Wade Louthan.

Ms. Jennifer Brockman stated that State law and, therefore, the Jefferson County Zoning Ordinance requires the Planning Commission to schedule a Public Hearing on a Rezoning request. This item is not on the agenda to consider merits or to make recommendations. It is only to schedule the Public Hearing. It is required to be scheduled within 60 days. This item can be placed on the January 13, 2015 meeting or a special meeting could be called.

Mr. Gary Phalen made a motion to place this item on the January 13, 2015 Agenda. A vote was taken and passed unanimously.

Mr. Stephen Stolipher returned to the room and the meeting was then handed back over to him.

9. Comprehensive Plan Review/Discussion/Action

Ms. Jennifer Brockman stated the County Commissioners had scheduled a few additional workshops to review and discuss the draft Envision Jefferson 2035 Plan. The meeting scheduled for December 3, 2014 had been cancelled. A meeting is now scheduled for Thursday, December 11, 2014 at 9:30 a.m. This meeting will go over public comments received at their Public Hearing and the County Commissioners will begin to give some direction to staff as to whether or not they would like to incorporate revisions based on those comments. A meeting will be held to discuss the Land Use Map on the same date at a meeting scheduled for 7:00 p.m. These meetings are open to the public; however, no public comment will be taken. The County Commission is required to take action on the Comprehensive Plan to approve, disapprove or make revisions before January 14, 2015. If revisions are made they will be brought before the Planning Commission. If agreed upon, the Comprehensive Plan will take effect. The Planning Commission will have the opportunity to respond to any concerns. Mr. Steven Groh suggested placing this item on the next scheduled meeting agenda. Planning Commission will have 45 days to respond.

10. Reports from Legal Counsel:

- Mr. Stephen Groh informed the Planning Commission that the most recent Far Away Farms case has been appealed from Circuit Court and a notice has been received that the Supreme Court wants to have an argument on this item. No date has been given at this time.

11. Directors Report:

- Ms. Jennifer Brockman updated the staff in regards to the current open Zoning Administrator position.
- The County Commissioners voted to wait until January, 2015 to draft the Mass Event Ordinance.
- An overview of the accomplishments made by the Planning and Zoning Departments over the past 5 years was presented. A memo was included in the Agenda Packet for this meeting. These items will be discussed at the roundtable Stakeholders meeting scheduled for December 12, 2015 at 3:00 p.m.

12. Planning Commission and Liaison reports:

- Parks & Recreation: A Land and Water conservation grant has been received to make the Leetown Park playground ADA accessible.
- Mr. Dale Manuel stated that all parks have had playground equipment improvements.

13. President Report:

- None

14. Actionable Correspondence:

- None

15. Non Actionable Correspondence:

- None

16. Signing of approved Motions from previous meetings:

- None

Mr. Stephen Stolipher motioned to adjourn the meeting at 8:10 p.m. A vote was taken and passed unanimously.

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# STAFF REPORT

## Jefferson County Planning Commission Meeting

January 13, 2015

	<p>Phase II expansion project is complete (File ZV#14-07).</p> <ul style="list-style-type: none"> <li>• April 19, 2012 – Variance granted to allow set up of one additional 30 x 60 modular classroom (File #ZV12-13).</li> <li>• August 18, 2011 – Variance granted to allow for the installation of one additional modular classroom without the requirement of a Site Plan (ZV11-22).</li> <li>• September 16, 2010 – Variance granted to allow for the installation of two temporary modular classrooms for use until construction of Phase II expansion is complete (File # ZV10-18).</li> </ul>
<p>PRIOR PLANNING COMMISSION CASES</p>	<ul style="list-style-type: none"> <li>• 05/23/00: PC approval Final Plat (#00-10)</li> <li>• 06/30/05: PC Community Impact Statement approval (#05-20)</li> <li>• 09/25/01: PC approval (#S01-08)</li> <li>• 09/27/05: PC approval (#S04-20)</li> <li>• 12/09/14: PC recommendation related to Phase 1</li> </ul>

### 1. Summary of Request

Public Workshop: Concept Plan Review for Fellowship Bible Church (File# S14-03). The 50.79 acre property is zoned Rural. The Concept Plan includes multiple phases. Phase 1 was the subject of a Public Workshop on December 9, 2014 and the Planning Commission provided direction at that time.

- Phase 2 includes the construction of an additional driveway onto Daniel Road for an additional exit and entrance for the church; construction of a 27,308 square foot Multi-Purpose Worship Building which can seat 700 people; and relocation of Playground Area.
- Phase 3 is a long-term planning tool and includes building an Educational Wing on to the Church; Building a 1,000 person capacity, 41,390 square foot Worship Center; removing and/or relocating all modular units; paving gravel parking lot (93 spaces) and adding parking (350 paved spaces) and vehicular access; construction of Creation Center, Educational Learning Center, and Missionary Housing. Phase 3 includes a total additional square footage of approximately 94,000 sq. ft.
- The applicant seeks review and comments on the Concept Plan which reflects all improvements shown in these two phases. Each will require the further processing of a Site Plan. Phase 2 on Sheet 4 will process as a major site plan, requiring an additional Public Hearing at that time. Phase 3 on Sheet 5 is for long term future planning purposes and will also process as a major site plan, requiring an additional Public Hearing in the future.

### 2. Site Plan Category

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

# STAFF REPORT

## Jefferson County Planning Commission Meeting

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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.” Because this Site currently contains structures totaling 23,368 square feet, all new construction results in a property with structures totaling greater than 5,000 square feet. Therefore, this Concept Plan is required. The first Phase resulted in existing and new structures totaling less than 50,000 square feet and will therefore be able to process as a Minor Site Plan after the Concept Plan Public Workshop. All future phases will include structures totaling greater than 50,000 square feet and will therefore be required to process as a Major Site Plan, which includes a Concept Plan, public workshop, and site plan public hearing.

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

In accordance with the amended Subdivision Regulations, the Concept Plan process incorporates a sufficiency and completeness review in a single step. 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 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the Fellowship Bible Church application, are provided below:

Required Item from Section 24.116 (A-J)	Description	Status
<b>B. Submission Contents.</b>	The submission shall contain the following elements:	
<b>1. General location</b>	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2. Concept Plan</b>	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, <u>Plan &amp; Plat Standards</u> .	Provided
<b>3. Zoning Information</b>	This shall include: <ul style="list-style-type: none"> <li>a) Determination of the zoning district in which the proposed subdivision or development project is situated.</li> <li>b) Density calculations.</li> <li>c) Site resource map.</li> </ul>	Provided
<b>4. Proposal Description</b>	This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided on the Concept Plan sheets by Phase

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<p><b>5. Traffic Impact Data</b></p>	<p>This shall include:</p> <ul style="list-style-type: none"> <li>a) Average Daily Trip figures for the adjoining or accessible State road.</li> <li>b) Trip generation figures</li> <li>c) Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.</li> <li>d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.</li> </ul>	<p>10/1/14 Letter to WV DOH with relevant data provided; 10/27/14 e-mail from Larry Alt stating no work is required for Phase 1 and detailing what WV DOH requires for Phase 2 (attached)</p>
<p><b>6. Trip Generation</b></p>	<p>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.</p>	<p>See 10/27/14 e-mail from Larry Alt referenced above.</p>
<p><b>7. Agency Reviews</b></p>	<p>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.</p>	<p>Letters to required agencies provided; responses received from JC PSD, JC HLC, WV DOH – see comments below</p>
<p><b>8. Other Data</b></p>	<p>Any other data or information the applicant believes will assist in the review.</p>	<p>Provided</p>
<p><b>9. Other Reviews</b></p>	<p>Any other staff or agency reviews of the plans.</p>	<p>Provided</p>
<p><b>C. Review Content</b></p>	<p>The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.</p>	<p>See below</p>
<p><b>D. Department</b></p>	<p>The Department review shall include the following:</p> <ol style="list-style-type: none"> <li>1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning</li> </ol>	<p>Staff has determined that the requirements of the Zoning and Land Development Ordinance and Subdivision and Land Development</p>

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	<p>issues 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>	Regulations are met in the proposed Concept Plan.
<b>E. WVDOH</b>	When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.	See 10/27/14 e-mail from Larry Alt referenced above.
<b>5F. Traffic Impact</b>	The review shall indicate whether the traffic impact study follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact	See 10/27/14 e-mail from Larry Alt referenced above.
<b>G. Public Service</b>	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.	The Jefferson County Public Service District has submitted a letter (attached).
<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	
<b>I. Approval</b>	Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete.
<b>J. Effect</b>	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop at least fourteen (14) days in advance of the meeting and the applicant shall post notice on the property.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

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### 4. External Agency Reviews

The Jefferson County Public Service District has provided a letter (included in the Planning Commission packet) noting the District does not have wastewater sewer lines close to the Fellowship Bible Church.

The WV DOH has provided an e-mail (included in the Planning Commission packet) from Larry Alt stating no work is required for Phase 1 and detailing what is required for Phase 2.

The Historic Landmark Commission has provided a letter (included in the Planning Commission Packet) stating that there are no listed County Historic Resources on the development parcel and the proposed development does not extend beyond the current parcel boundaries

No other external agencies have responded.

### 5. Staff Recommendation related to Concept Plan

The Planning and Zoning Department Staff finds the Fellowship Bible Church Concept Plan to be “complete” based on the information provided related to the criteria above.

Based on the Subdivision Regulations, noted above, Phases 2 and 3 will process as Major Site Plans.

### 6. 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

# **STAFF REPORT**

Jefferson County Planning Commission Meeting

January 13, 2015

Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.





# Concept Planning

JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

Charles Town, West Virginia 25414

File Number: **514-03**

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

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

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

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

## Concept Plan

The Concept Plan submittal shall be on white paper and shall show in simple form the proposed project. Further details can be found in the checklist below. The Concept Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules, and regulations.

In order to determine sufficiency, this application and a copy of the Concept Plan must be submitted to the Jefferson County Departments of Planning and Zoning 45 days prior to the next regularly scheduled Planning Commission meeting (see attached list for meeting dates). Please refer to Article 24 of the Subdivision Regulations for Concept Plan Requirements.

**Return to Jefferson County  
Office of Planning  
Zoning & Engineering**

### Property Owner Information

Name: Trustees of Fellowship Bible Church  
Mailing Address: 160 Daniel Road  
City: Shenandoah Junction State: WV Zip Code: 25442  
Phone Number: 304-728-3700 Email: fbcmail@fellowshipwv.org

### Applicant's Registered Engineer, Registered Surveyor, or Consultant Information

Name: Carl Bert & Associates, c/o Gary A. Frey, P.S.  
Mailing Address: Newberry Executive Center 142 North Queen Street  
City: Martinsburg State: WV Zip Code: 25401  
Phone Number: 304-596-2430 Email: gfrey@carlbertassociates.com

### Physical Property Details

Physical Address: 160 Daniel Road  
City: Shenandoah Junction State: WV Zip Code: 25422  
Tax District: Charles Town Map No: 3 Parcel No: 4.5  
Parcel Size: 50.79 acres Deed Book: 922 Page No: 338 (less DB 938/

### Zoning District (please check one)

RECEIVED

SEP 30 2014

RETURNED TO  
Carl Bert Assoc.

DATE 10/16/2014

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Rural  
(R-A)

Residential  
Growth  
(R-G)

Industrial  
Commercial  
(I-C)

Residential-  
Light Industrial-  
Commercial  
(R-L-C)

Village  
(V)

Original Signature is Required. "The information provided is correct to the best of my knowledge."

Paul Bull

9/30/14

Signature of Property Owner

Date

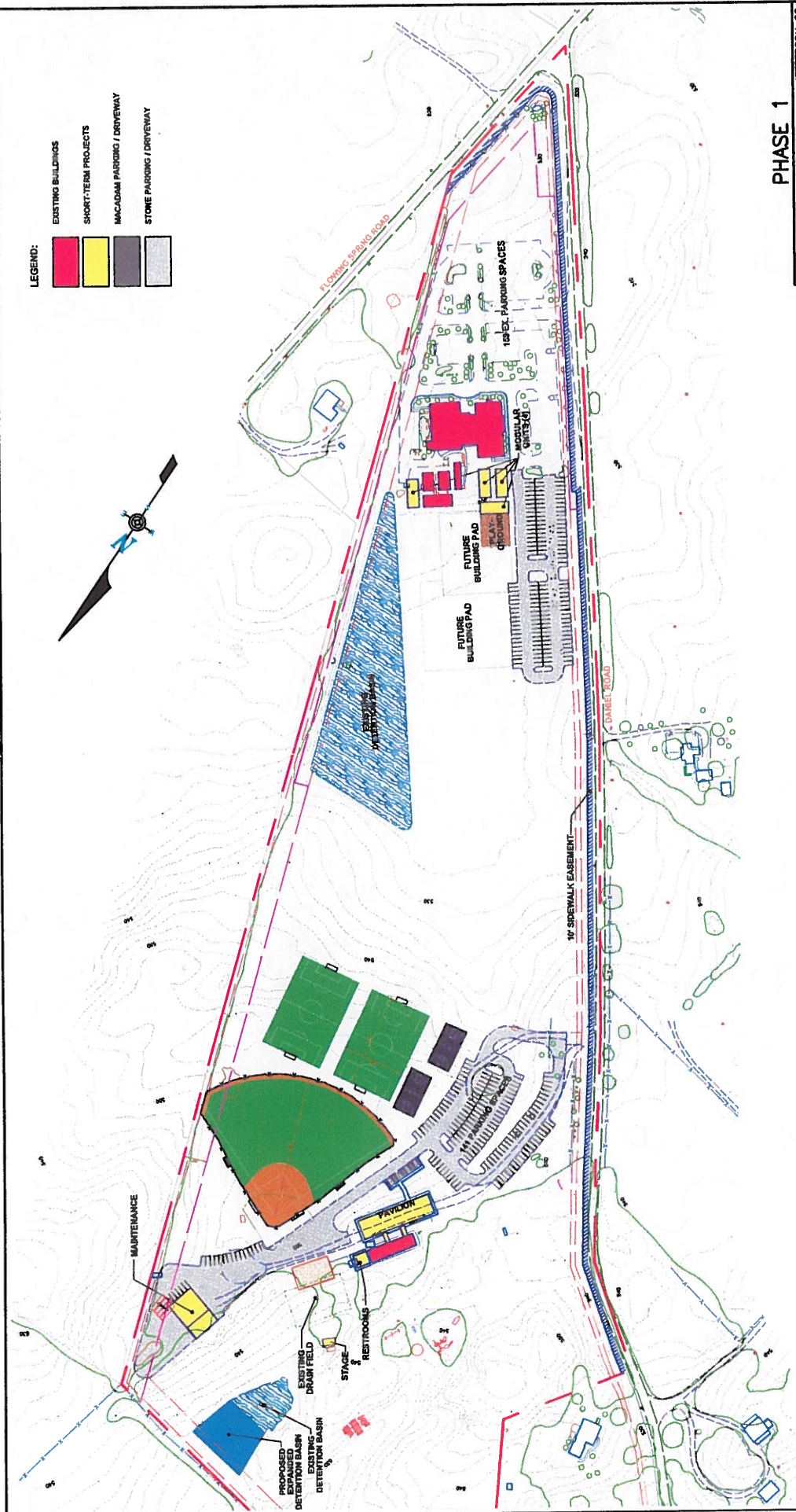
Signature of Property Owner

Date

	1st Review	2nd Review	3rd Review	4th Review
Submittal Date	<u>9-30-14</u>			
County Engineer	<u>10/10/14</u>			
Zoning Administrator	<u>mb 10/15/14</u>			
County Planner	<u>mb 10/15/14</u>			
Return Date				

County Engineer Approval Stamp

- LEGEND:**
- EXISTING BUILDINGS
  - SHORT-TERM PROJECTS
  - MACADAM PARKING / DRIVEWAY
  - STONE PARKING / DRIVEWAY



**PHASE 1**  
CONCEPTUAL PLAN

FOR  
**FELLOWSHIP BIBLE CHURCH**

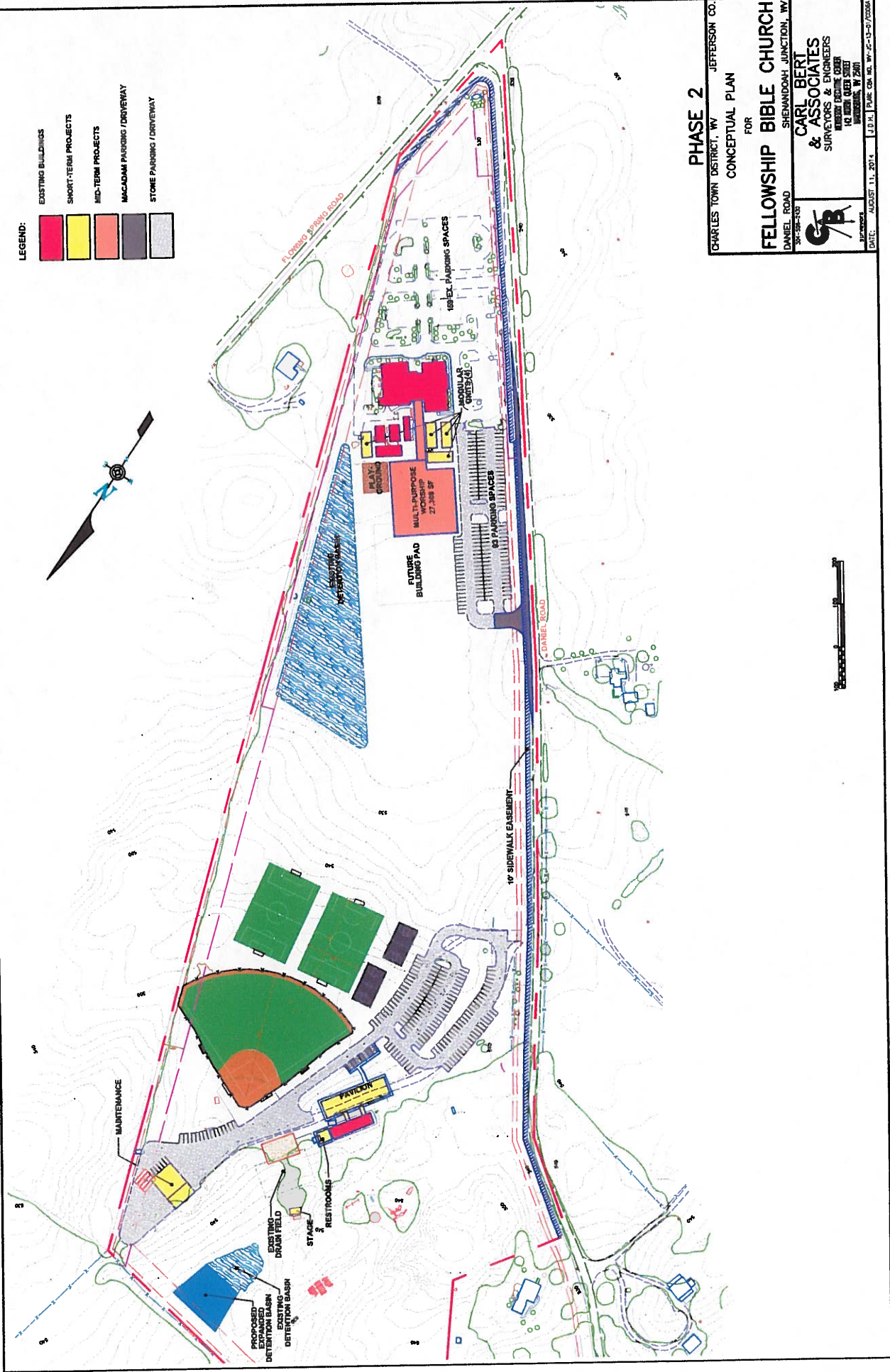
DANIEL ROAD  
SHEMANDOAH JUNCTION, WV

**CARL BERT & ASSOCIATES**  
SURVEYORS & ENGINEERS  
ROBERT DEBBIE OBER  
10 NORTH QUINCY STREET  
SHEMANDOAH, WV 26161

DATE: AUGUST 11, 2014

PROJECT: FLOOR SPRING RD. WVA-13-01-0000A

- LEGEND:**
- EXISTING BUILDINGS
  - SHORT-TERM PROJECTS
  - MID-TERM PROJECTS
  - MACADAM PARKING DRIVEWAY
  - STONE PARKING / DRIVEWAY



**PHASE 2**  
 FOR  
**FELLOWSHIP BIBLE CHURCH**  
 DANIEL ROAD  
 SHERMANSBURG, WY  
 30-288-7000

CHARLES TOWN DISTRICT, WY    JEFFERSON CO.

**CARL BERT & ASSOCIATES**  
 SURVEYORS & ENGINEERS  
 100 WEST QUART STREET  
 WASHINGTON, WY 82401

**DATE:** AUGUST 11, 2014    **J.D.H.** PLAN: CHA. NO. WY-22-13-07/0006





# Conceptual Sketch Option 1 Fellowship Bible Church

## Legend

- Property Location
- Building
- Gravel Parking
- Athletic Field

### NOTE:

The information on this Sketch listed below were taken from a plan by Gates Associated, Inc. entitled "Limited Site Plan for a Pavilion Improvement Location Permit Review The Fellowship Bible Church Lands" as dated July 12, 2001:

- 1) Existing Septic Reserve Area
- 2) Existing Storm Water Management Area & Earthen Dam
- 3) Limit of the Watershed
- 4) Existing Well



**CARL BERT & ASSOCIATES**  
 Surveyors and Engineers  
 Newberry Executive Center  
 142 North Queen Street  
 Martinsburg, WV 25401  
 (304) 586-2430

OCT 07, 2013 DMS WV-J-C-13-01 / W01 / GIS001



# Overall Property

Fellowship  
Bible Church

## Legend

- Property Location
- Extent of Sketch



**CARL BERT  
& ASSOCIATES**

Surveyors and Engineers  
Newberry Executive Center  
142 North Queen Street  
Martinsburg, WV 25401  
(304) 596-2430

OCT 07, 2013 DMS WV-J-C-13-01 / W01 / GIS002

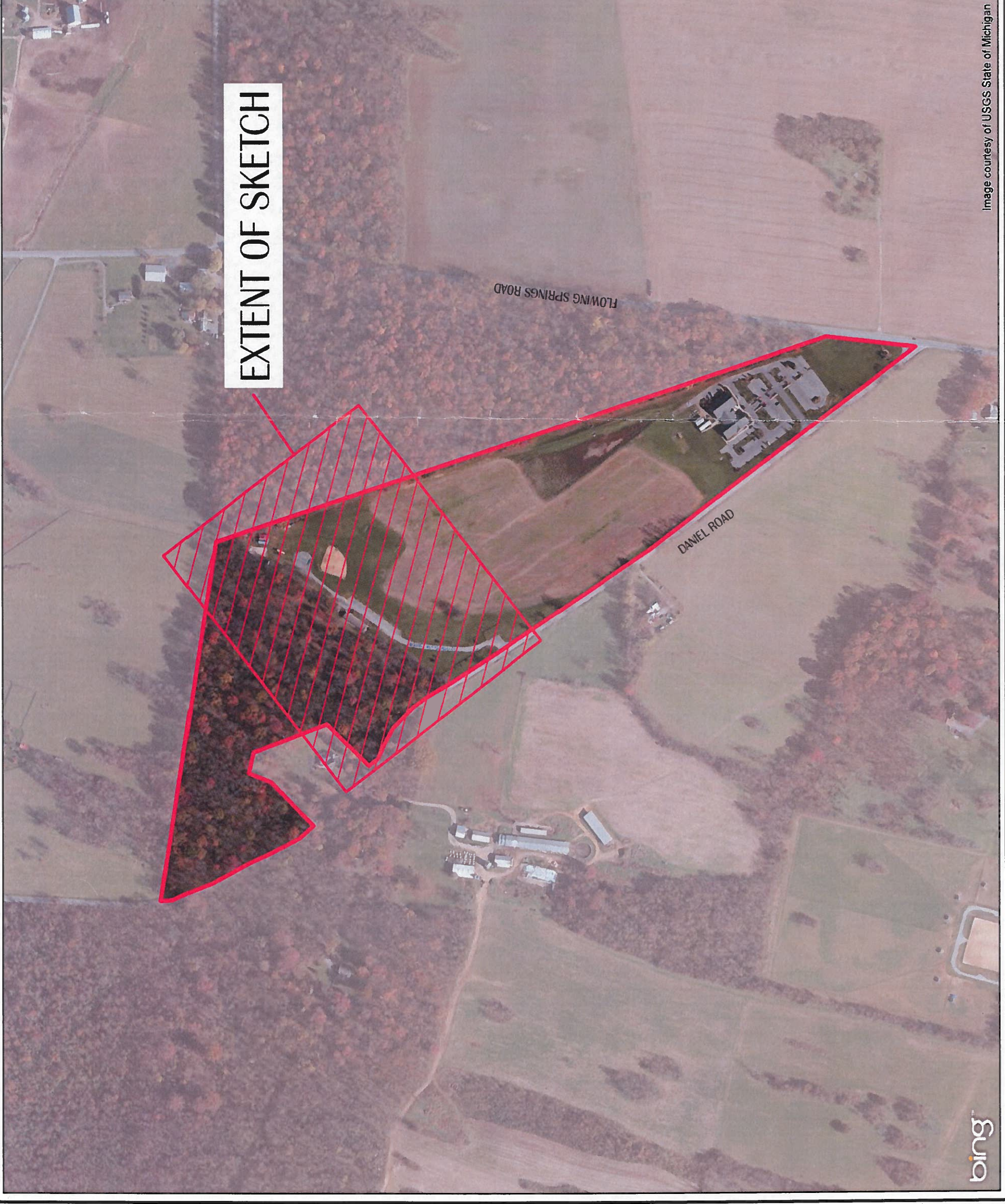


Image courtesy of USGS State of Michigan



**From:** [Alt, Larry A](#)  
**To:** [jhaque@carlbertassociates.com](mailto:jhaque@carlbertassociates.com)  
**Cc:** [gfrey@carlbertassociates.com](mailto:gfrey@carlbertassociates.com)  
**Subject:** FW: Fellowship Bible Church  
**Date:** Monday, October 27, 2014 2:27:24 PM

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Gentlemen, based on the information submitted to me, this is what I can do or will need, depending on the phase you would like to pursue.

Phase 1, I can issue you a letter stating that no work is needed and all permits are in good standing at this time.

Phase 2, I would need to issue a permit for the new entrance. The following would be needed to issue the permit.

- A) I would need plans in 20 scale showing details of the entrance such as radii, paving typical, profile and cross sections of the right turn taper.
- B) Need a 25,000 bond
- C) Entrance would need to be constructed within 2 years without further review.

Phase 3, would need to be looked at when you come closer to construction. Would most likely require a Traffic Impact study, unless a mutual agreement was reached on road improvements necessary.

Please let me know what you would like to do. Larry

Larry A. Alt  
WVDOH (regular mail)  
District 5 Permit Reviewer  
PO Box 99 Burlington WV 26710  
304-289-2284  
Fax 304-289-5085

**FEDEX/UPS New Address for shipping only!!**

**WVDOH  
C/O Larry Alt  
2120 N.W T.P.K.E  
Burlington WV 26710**



October 1, 2014

West Virginia Department of Division of Highways  
 Larry A. Alt, District 5 Permit Reviewer  
 P.O. Box 99 (Route 50)  
 Burlington, WV 26710-0099  
 Phone:(304) 289-3521  
 Fax:(304) 289-5085

**Project: Fellowship Bible Church**  
 CBA # WV-JC-13-01

**Re: Jefferson County Concept Plan Submittal and WVDOT recommendations/approval**

Dear Larry:

Thank you for meeting at the proposed site entrance for Fellowship Bible Church on August 19, 2014. Thank you also for confirming with us the ADT for Daniel Road (Co 18) and Flowing Spring Road, (Co 17). Based on our field meeting with you and others from WVDOT, it sounds like the proposed impact of an additional driveway for the church would not necessitate a TIS or additional Daniel Road work until Phase 3. Please see the attached concept plan and notice the changes to the entrance based on the field comments from you and your fellow colleagues.

For your convenience I have included trip generation numbers in the tables below so you can give us formal recommendations and approval that we can include in the correspondence with the Jefferson County Planning and Engineering Department as a part of the Concept Plan submittal process.

Church Traffic Impact					
	*Trip Generation Rate/1,000sf	Existing	Phase 1	Phase 2	Phase 3
Weekday ADT	9.11	175	227	299	464
Weekday AM Peak	0.56	11	14	18	29
Weekday PM Peak	0.55	11	14	18	28
Saturday ADT	10.37	199	259	340	528
Saturday Peak	3.54	68	88	116	180
Sunday ADT	36.63	703	914	1202	1864
Sunday Peak	12.04	231	301	395	613

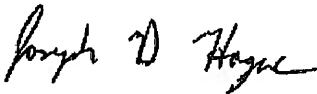
\*Based on ITE Land Use Code of 560 for Church from Institute of Transportation Engineers (ITE) Trip Generation, 9th edition

Church Recreation Traffic Impact			
	*Trip Generation Rate/field	Existing (1 field)	Phase 1-3 (3 Fields)
Weekday ADT	71.33	71	214
Weekday AM Peak	1.12	1	3
Weekday PM Peak	17.7	18	53

\*Based on ITE Land Use Code of 488 for Soccer Complex from Institute of Transportation Engineers (ITE) Trip Generation, 9th edition, which includes seating, activity shelter, picnic grounds, basketball courts playground and other accessory features.

Let me know if you need any additional information to understand any impact to your services.

Very Truly Yours,



Joseph D. Hague, PE  
**CARL BERT & ASSOCIATES**  
Professional Land Surveyors & Engineers

Enclosures: Concept Plan

CC:



October 21, 2014

Mr. Joseph D. Hague  
Carl Bert and Associates  
142 North Queen Street  
Martinsburg, West Virginia 25401

Re: Jefferson County Concept Plan Submittal  
Fellowship Bible Church

Dear Mr. Hague,

I have reviewed the Concept Plan for the Fellowship Bible Church, dated September 12, 2014, and submitted to the JCHLC October 2014 by Carl Bert and Associates of Martinsburg, West Virginia. The submittal documents outline three development phases of the proposed expansion of the existing church at 160 Daniel Road, Shenandoah Junction.

A Category IV County Historic Resource is in proximity to the project site, across Daniel Road from the proposed development. There are no cataloged County Historic Resources from the 2007 JCHLC survey located on the development parcel described in these submittal documents.

The Jefferson County Historic Landmarks Commission has no objections or comments on the proposed Fellowship Bible Church Concept Plan since there are no listed County Historic Resources on the development parcel and the proposed development does not extend beyond the current parcel boundaries.

If you have any questions or need additional information, please feel free to contact me.

A handwritten signature in blue ink, appearing to read 'S. Lambert'.

Sara Lambert  
Commissioner, JCHLC  
P.O. Box 23  
Charles Town, West Virginia 25414  
707-326-6443

cc: Ms. Jennifer Brockman, Jefferson County Planning Department (via email)  
Mr. Martin Burke, JCHLC Chair (via email)

# Jefferson County Public Service District

---

Joseph D. Hague, PE  
Carl Bert & Associates  
Newberry Executive Center  
142 North Queen Street  
Martinsburg, WV 25401



Project: Fellowship Bible Church  
Carl Bert & Assoc. File # WV-JC-13-01

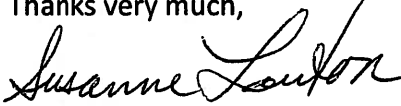
Re: Jefferson County Concept Plan Submittal

Dear Mr. Hague:

Jefferson County Public Service District (the District) has received your request for feedback on the above mentioned plan. At the current time, the District does not have wastewater sewer lines close to Fellowship Bible Church. It is my understanding that the Church is currently being served by a septic system. If, in the future when your client constructs the next phases, they wish to connect to public sewer, we may have completed a project which will increase our capacity which will enable such a connection. I have enclosed a copy of an overhead view with our currently under construction lines in the area.

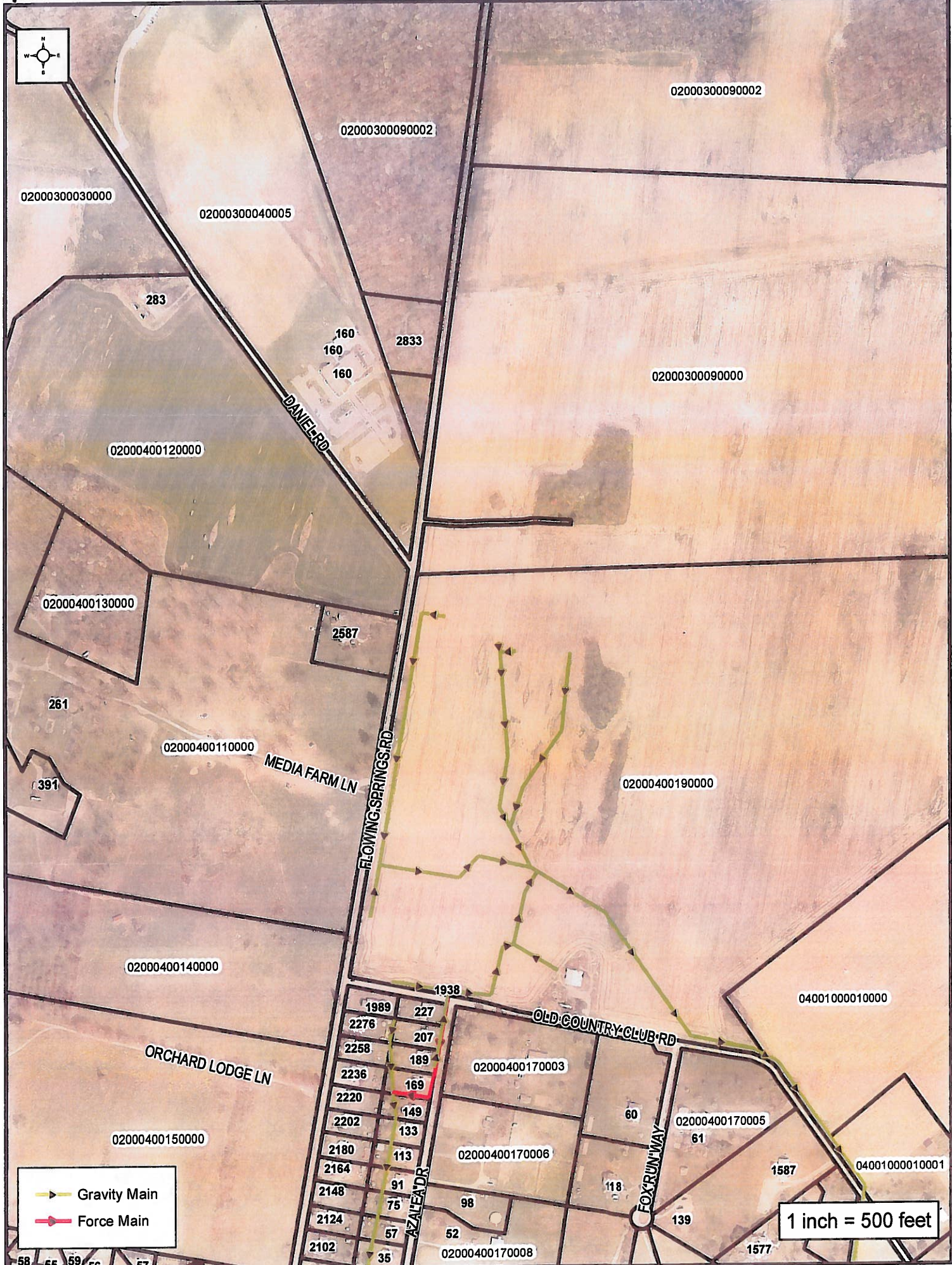
Should you have any questions please feel free to contact me.


Thanks very much,

  
Susanne Lawton  
General Manager

Enclosure

cc: Roger Goodwin, Jefferson County Engineering Department



 Gravity Main  
 Force Main

1 inch = 500 feet

58 55 59 56 57

02000300030000

02000300040005

02000300090002

02000300090002

283

160  
160  
160

2833

02000300090000

02000400120000

DANIEL RD

02000400130000

2587

261

02000400110000

MEDIA FARM LN

391

02000400190000

02000400140000

FLOWING SPRINGS RD

04001000010000

ORCHARD LODGE LN

1989 227  
2276 207  
2258 189  
2236 169  
2220 149  
2202 133  
2180 113  
2164 91  
2148 75  
2124 57  
2102 35

1938

OLD COUNTRY CLUB RD

02000400170003

02000400150000

60

02000400170005

61

02000400170006

118

1587

04001000010001

98

FOX RUN WAY

52

139

02000400170008

1577

58

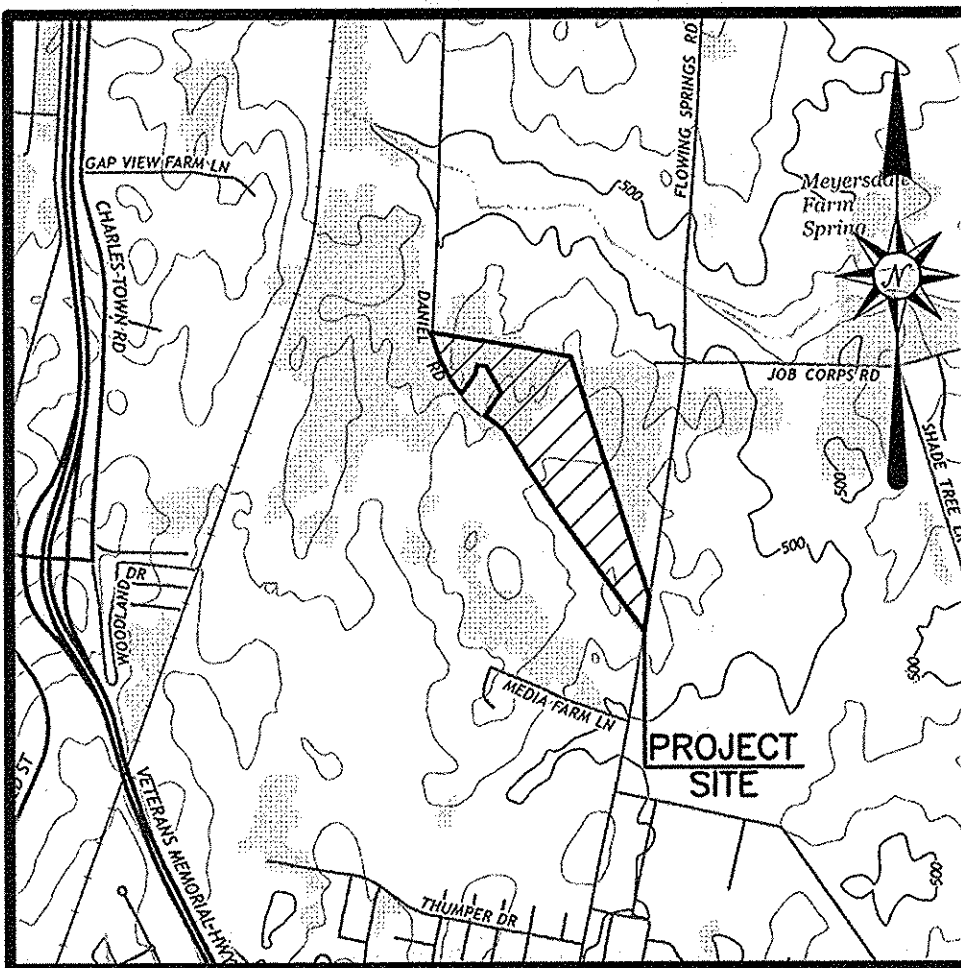
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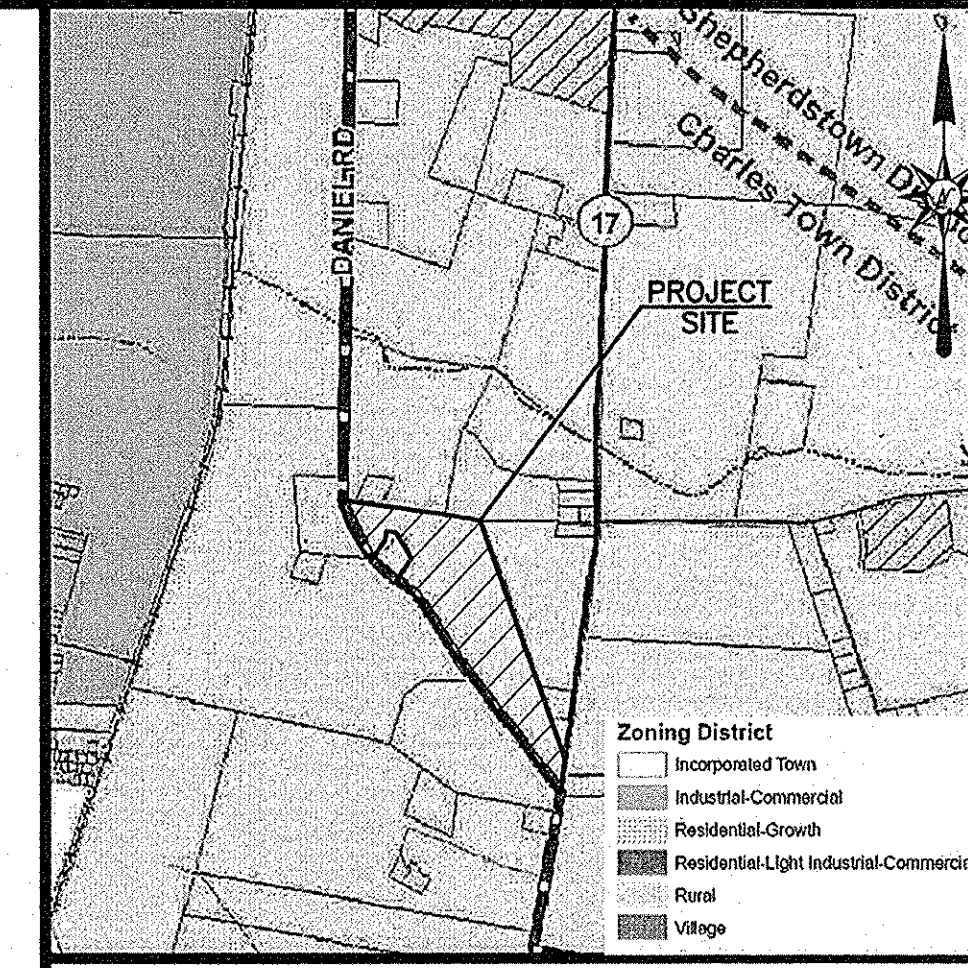
56

57

# CONCEPT PLAN FOR FELLOWSHIP BIBLE CHURCH



QUAD MAP LOCATION  
SCALE: 1" = 2,000'

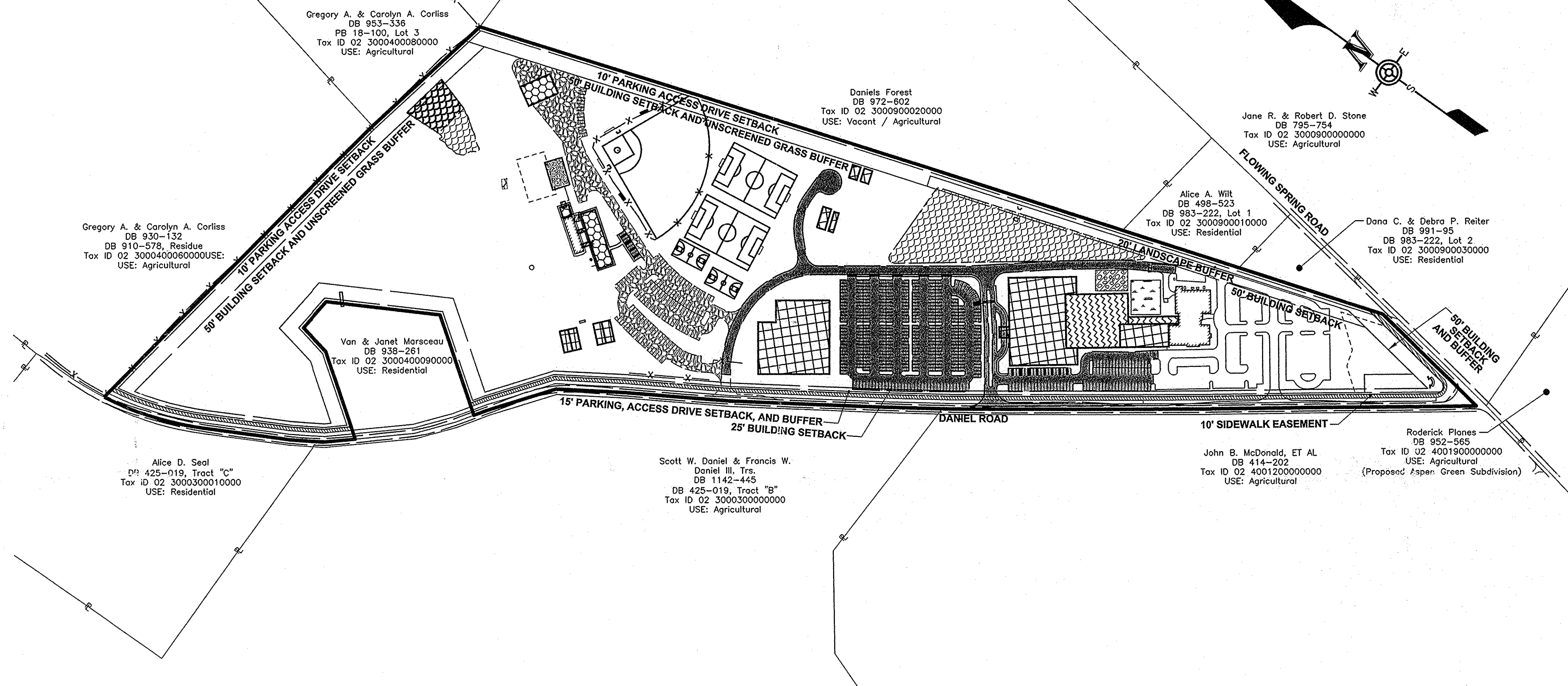


ZONING MAP  
SCALE: 1" = 2,000'

LEGEND:

- PHASE 1
- PHASE 2
- PHASE 3
- MACADAM PARKING / DRIVEWAY
- STONE PARKING / DRIVEWAY
- PROPOSED DETENTION BASIN
- EXISTING DETENTION BASIN
- EXISTING BUILDING

SYMBOLS  
R = Property Line



**OWNER**  
Trustees of Fellowship Bible Church  
160 Daniel Road  
Shenandoah Junction, WV 25442  
Phone: 304-728-3700

**CONTACT PERSON**  
Rich Beddow  
160 Daniel Road  
Shenandoah Junction, WV 25442  
Phone: 304-728-3700

**PURPOSE OF PLAN / PROPOSAL DESCRIPTION**  
The purpose of this plan is to receive Concept Plan approval in accordance with the requirements of the Jefferson County Subdivision and Land Development Regulations of January 1, 2014 and the Jefferson County Zoning and Land Development Ordinance of January 2, 2014 to:

1. Expand facilities and parking area.
2. Construct a driveway onto Daniel Road (Co-18).
3. See Phasing Schedule per phase for more specific detail.

**SITE DATA**  
Total site area: 50.7684 acres (from deed)  
Existing Land Use: Agricultural/Church/Recreational  
Zoning: Rural District  
Water Supply: Private with wells on-site for church and pavilion  
Sewage Disposal: Private with septic on-site for church and pavilion  
Deed Reference: Deed Book 922, Page 338  
Less & Except 938, Page 261  
Tax Parcel Reference: CTD Tax Map 3 Parcel 4.5

**PROPOSED LOT REQUIREMENTS**

Zoning:	
Rural / Agricultural District	Church
Land Use	2 Acres
Minimum Lot Size	200 feet
Min. Width	35 feet
Max Building Height	
<b>Building Setbacks:</b>	
Front Yard	25 feet
Side Yard	50 feet
Rear Yard	50 feet
<b>Parking and Access Drive Setbacks:</b>	
Front Yard	15 feet
Side Yard	10 feet
Rear Yard	10 feet
<b>Buffers Unscreened/Screened: (N/A with Commercial or Industrial Adjacent Use)</b>	
Front Yard	50 feet/15 feet
Side Yard	50 feet/15 feet
Rear Yard	50 feet/15 feet

REVISIONS		
NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

JEFFERSON COUNTY, WEST VIRGINIA

PRELIMINARY PLAT APPROVAL

SITE PLAN APPROVAL

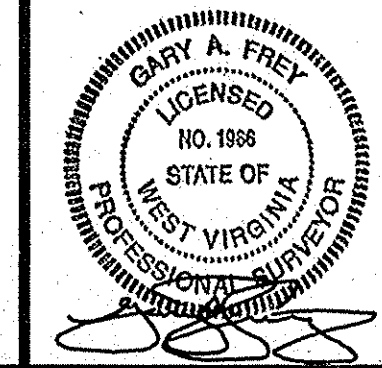
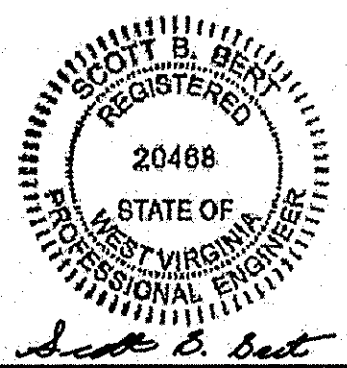
BY \_\_\_\_\_ COUNTY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

BY \_\_\_\_\_ COUNTY PLANNER \_\_\_\_\_ DATE \_\_\_\_\_

- INDEX OF SHEETS**
1. Cover Sheet
  2. Existing Topography Plan
  3. Phase 1 Conceptual Plan
  4. Phase 2 Conceptual Plan
  5. Phase 3 Conceptual Plan
  6. Traffic Plan

PRELIMINARY PLAN  
COVER SHEET  
SHEET 1 OF 6

I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000



CHARLES TOWN DISTRICT JEFFERSON CO.  
CONCEPT PLAN  
FOR  
**FELLOWSHIP BIBLE CHURCH**  
DANIEL ROAD SHENANDOAH JUNCTION, WV  
304-596-2430

**CARL BERT & ASSOCIATES**  
SURVEYORS & ENGINEERS  
NEWBERRY EXECUTIVE CENTER  
142 NORTH QUEEN STREET  
MARTINSBURG, WV 25401

DATE: SEPTEMBER 12, 2014 T.L.B. PLAN: CBA NO. WV-JC-13-01

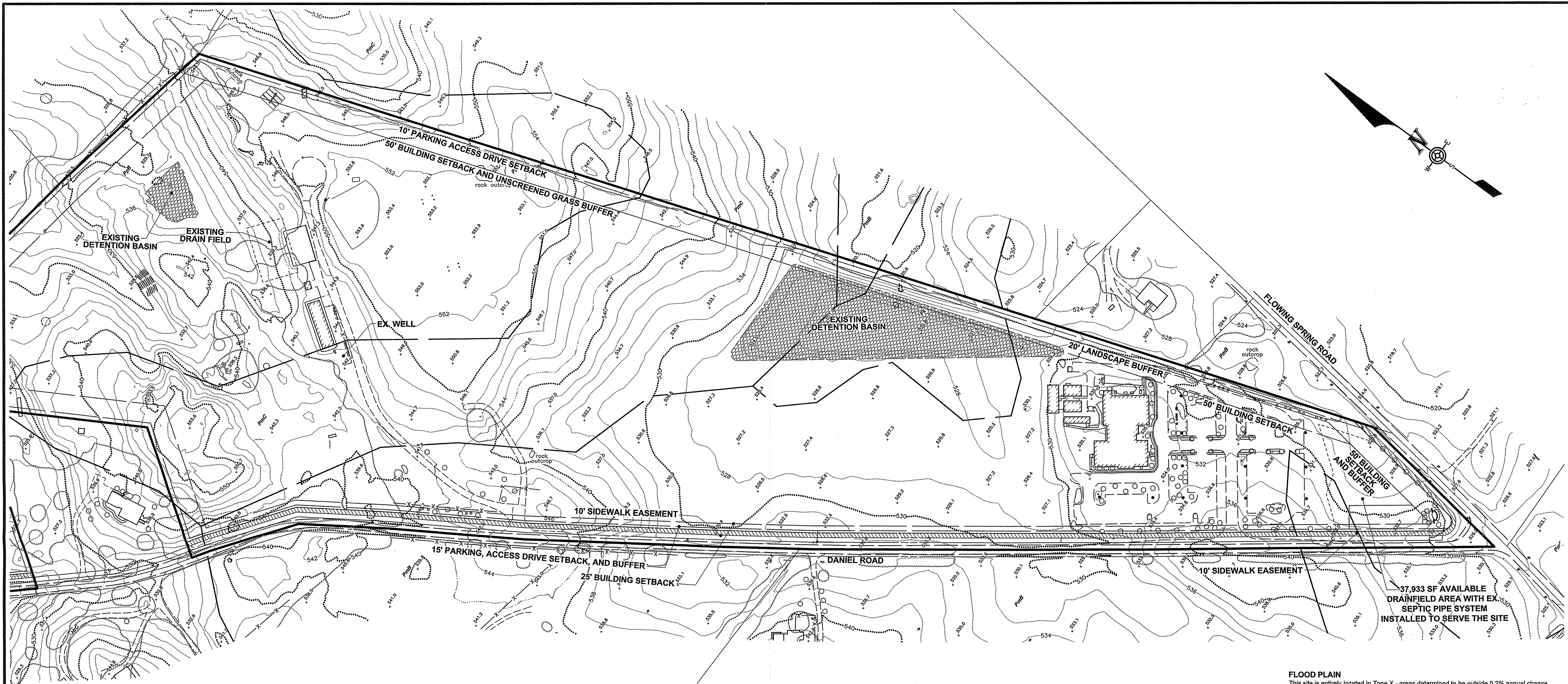
RECEIVED  
OCT 31 2014  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING



#2 For Revised Print

# S14-03





37,933 SF AVAILABLE DRAINFIELD AREA WITH EX. SEPTIC PIPE SYSTEM INSTALLED TO SERVE THE SITE

**FLOOD PLAIN**  
 This site is entirely located in Zone X - areas determined to be outside 0.2% annual chance floodplain, as delineated on the National Flood Insurance Program Flood Insurance Rate Map Community Panel Number 54037C0130E dated December 18, 2009 for Jefferson County, West Virginia by the Federal Emergency Management Agency.

**SLOPE DELINEATION**  
 This site is not within Hillside development as specified under Jefferson County Subdivision and Land Development Regulations Sec. 22.504 of January 1, 2014. The slopes on site are tabulated and include in "Tabulation of Existing Slope Areas."

**LEGEND:**

- EXISTING DETENTION BASIN
- EXISTING BUILDING

**SYMBOLS**

- = Property Line
- Existing contours
- Soils type division line as taken from NRCS Web Soils Survey
- = Soils type mapping symbol
- Brush / Tree Line
- Existing Fence
- Spot Elevation
- Existing Utility Pole
- Lamp Post
- Outcrop

**SOILS DATA**

Mapping Symbol	Soil Series	Hydrologic Soil Group	Limitations							Hydric Rating	Farmland Classification
			Lawns & Landscape	Top Soil	Embankments	Dwellings w/ Basements	Dwellings w/o Basements	Roads and Streets	Shallow Excavations		
Fk	Funkstown silt loam	B/D	Very limited	Poor	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited	Predominantly NonHydric	Prime
HrC	Hagerstown-Rock outcrop complex, 8-15% slopes	B	Somewhat Limited	Fair	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Somewhat Limited	Not Hydric	Not Prime
PmB	Poplimento silt loam, 3-8% slopes	B	Somewhat Limited	Poor	Somewhat Limited	Very Limited	Very Limited	Very Limited	Somewhat Limited	Not Hydric	Prime
PmC	Poplimento silt loam, 8-15% slopes	B	Somewhat Limited	Poor	Somewhat Limited	Very Limited	Very Limited	Very Limited	Somewhat Limited	Not Hydric	Statewide Importance
PpB	Poplimento silt loam, 3-8% slopes, very rocky	B	Somewhat Limited	Poor	Somewhat Limited	Very Limited	Very Limited	Very Limited	Somewhat Limited	Not Hydric	Statewide Importance

Information taken from NRCS Web Soil Survey; Jefferson County, WV accessed June 2014.

**TABULATION OF EXISTING SLOPE AREAS**

Range (%)	Area (Acres)	% of Total
<10	41.3	81.3
10-14.9	5.5	10.9
15-19.9	2.0	3.9
20-24.9	0.9	1.7
25-29.9	0.6	1.1
30-34.9	0.3	0.6
>35	0.2	0.4
Total	50.8	100.0

**TABULATION OF EXISTING AREAS**

Item	Area (Acres)	% of Total
Buildings	0.5	1.0
Concrete walks / pads	0.2	0.5
Roads, Driveway, Parking Lot	3.4	6.8
Open Space / Grass	28.8	56.7
Woods	17.9	35.1
Total	50.8	100.0

**TABULATION OF EXISTING BUILDINGS**

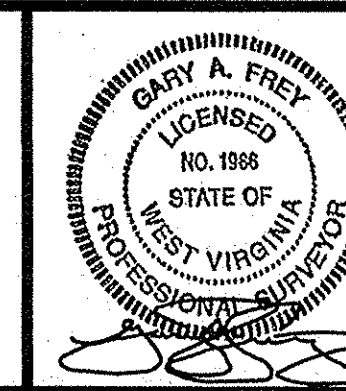
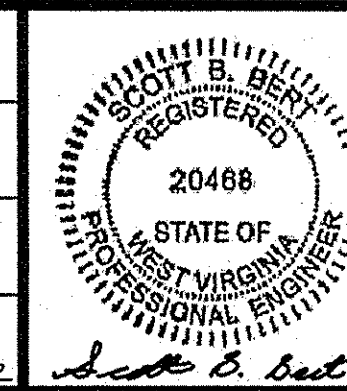
Building	Area (sq. ft.)
Classrooms/Sanctuary	15,211
Modulars	
A	770
B	891
C	890
D	1,434
Pavilion	2,936
C-Containers	1,236
Total	23,388



REVISIONS		
NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

PRELIMINARY PLAN  
 ENVIRONMENTAL PLAN  
 SHEET 2 OF 6

I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000

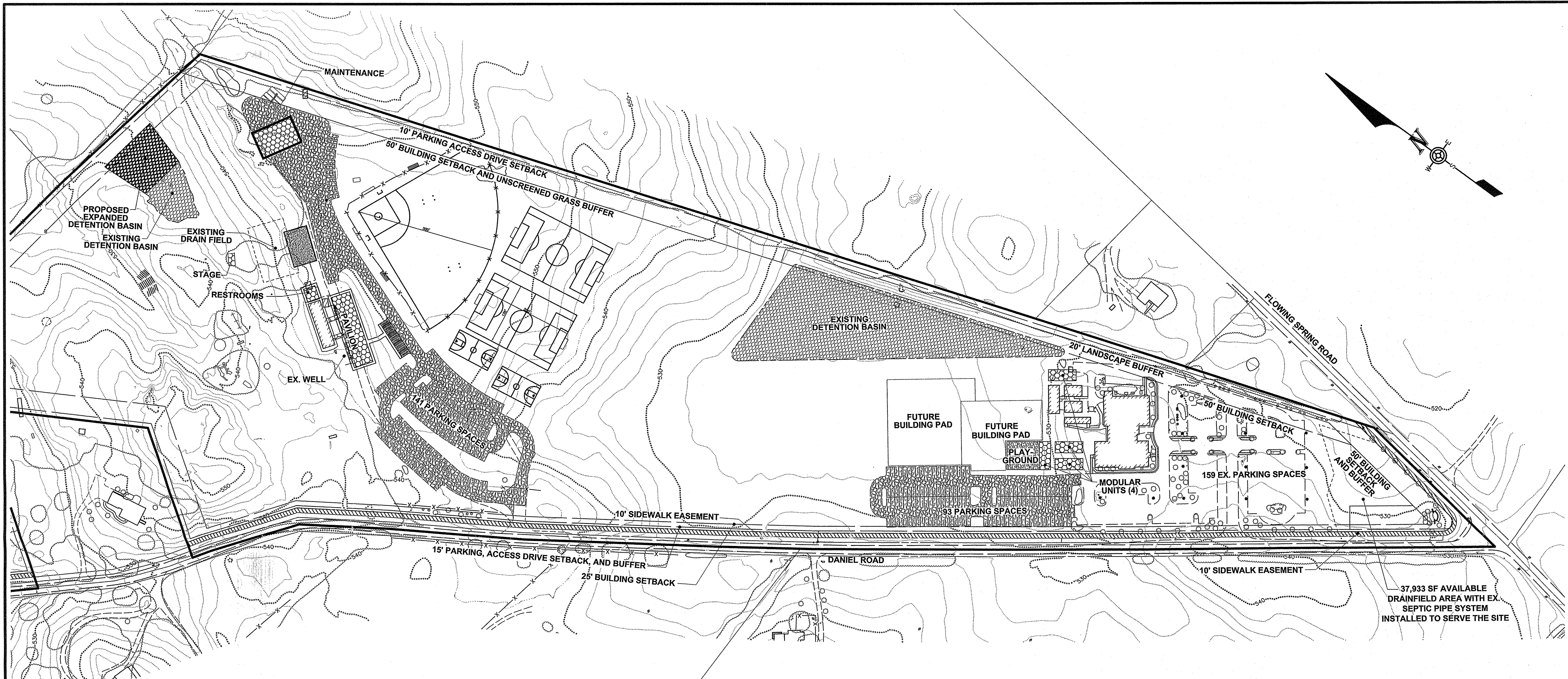


CHARLES TOWN DISTRICT JEFFERSON CO.  
 CONCEPT PLAN  
 FOR  
**FELLOWSHIP BIBLE CHURCH**  
 DANIEL ROAD SHENANDOAH JUNCTION, WV  
 304-596-2430

**CARL BERT & ASSOCIATES**  
 SURVEYORS & ENGINEERS  
 NEWBERRY EXECUTIVE CENTER  
 142 NORTH QUEEN STREET  
 MARTINSBURG, WV 25401

DATE: SEPTEMBER 12, 2014 T.L.B. PLAN: CBA NO. WV-JC-13-01





37,933 SF AVAILABLE  
DRAINFIELD AREA WITH EX.  
SEPTIC PIPE SYSTEM  
INSTALLED TO SERVE THE SITE

**TABULATION OF PROPOSED PHASE 1 BUILDINGS**

Building	Area (sq. ft.)
Maintenance	5,423
Modulars	
A	1,440
B	1,440
C	1,440
D	1,440
Pavilion	7,951
Stage	378
Total	19,512

- PHASE 1 SCHEDULE / DESCRIPTION**  
Phase 1 / 2014-2016
- Place 4 modular units for classrooms near church (Use: Educational)
  - Grade future building pads near church
  - Construct additional gravel parking for church building
  - Construct Outdoor Stage near pavilion (Use: Recreational/Educational)
  - Construct larger outdoor pavilion and additional restrooms
  - Construct Maintenance Building (Use: Storage)
  - Remove C-Containers
  - Construct additional gravel parking area and vehicular access to facilities near pavilion
  - Construct berm to expand the stormwater facility
  - Construct recreational facilities including: softball field, soccer fields, and basketball courts. (Use Recreational)

- SYMBOLS**
- = Property Line
  - ~ ~ ~ Existing contours
  - Soil type division line as taken from NRCS Web Soils Survey
  - A-B-C = Soil type mapping symbol
  - Brush / Tree Line
  - - - Existing Fence
  - x Spot Elevation
  - o Existing Utility Pole
  - \* Lamp Post

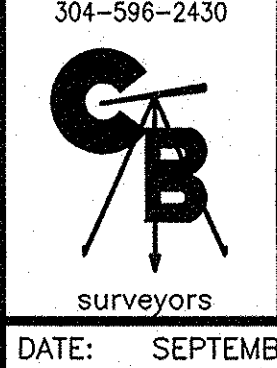
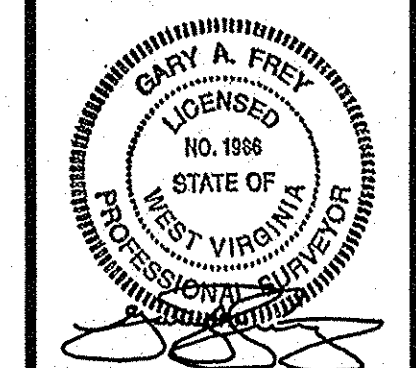
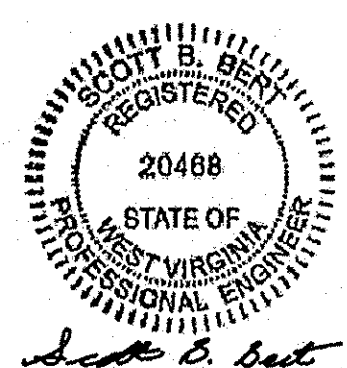
- LEGEND:**
- PHASE 1
  - MACADAM PARKING / DRIVEWAY
  - STONE PARKING / DRIVEWAY
  - PROPOSED DETENTION BASIN
  - EXISTING DETENTION BASIN
  - EXISTING BUILDING



**REVISIONS**

NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

PRELIMINARY PLAN  
PHASE 1 CONCEPTUAL PLAN  
SHEET 3 OF 6



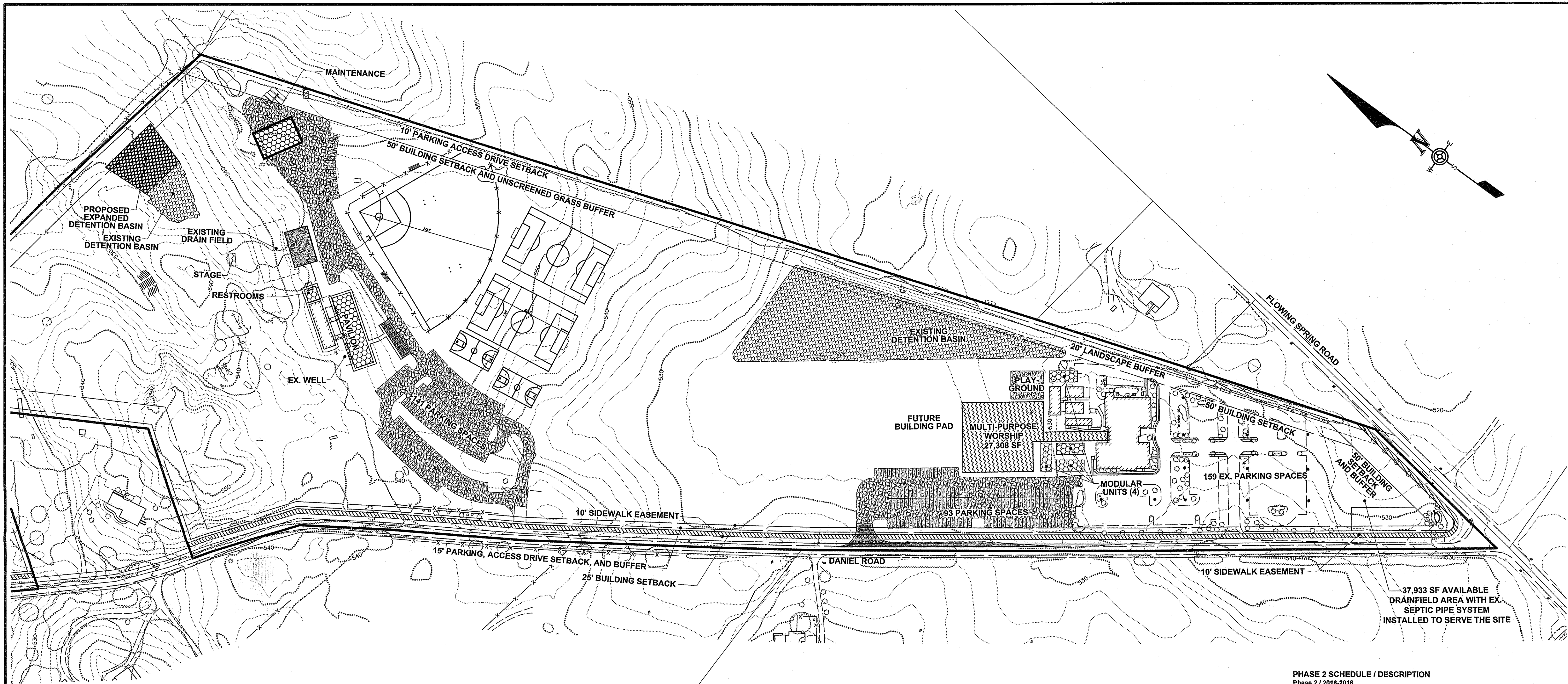
304-596-2430  
**CARL BERT & ASSOCIATES**  
SURVEYORS & ENGINEERS  
NEWBERRY EXECUTIVE CENTER  
142 NORTH QUEEN STREET  
MARTINSBURG, WV 25401

CHARLES TOWN DISTRICT      JEFFERSON CO.  
CONCEPT PLAN  
FOR  
**FELLOWSHIP BIBLE CHURCH**  
DANIEL ROAD      SHENANDOAH JUNCTION, WV

HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000

DATE: SEPTEMBER 12, 2014      T.L.B.      PLAN: CBA NO. WV-JC-13-01





**PHASE 2 SCHEDULE / DESCRIPTION**  
 Phase 2 / 2016-2018  
 • Construct additional driveway onto Daniels Road for additional exit and entrance to church.  
 • Construct Multi-Purpose Worship building - 700 person capacity (Use: Church)  
 • Move Playground Area

TABULATION OF PROPOSED PHASE 2 BUILDINGS	
Building	Area (sq. ft.)
Multi-Purpose/Worship Center	27,308
Total	27,308

**SYMBOLS**  
 — = Property Line  
 --- Existing contours  
 --- Soils type division line as taken from NRCS Web Soils Survey  
 AbC = Soils type mapping symbol  
 --- Brush / Tree Line  
 --- Existing Fence  
 x 654 Spot Elevation  
 o Existing Utility Pole  
 \* Lamp Post

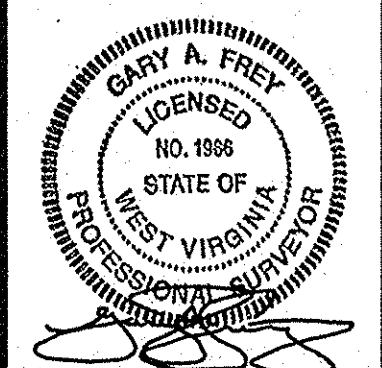
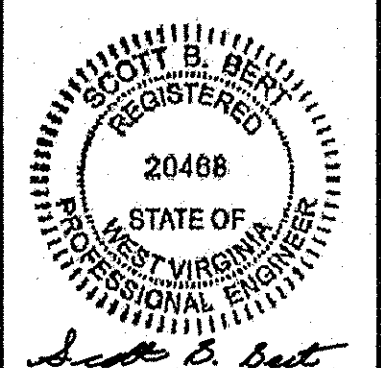
**LEGEND:**

	PHASE 1
	PHASE 2
	MACADAM PARKING / DRIVEWAY
	STONE PARKING / DRIVEWAY
	PROPOSED DETENTION BASIN
	EXISTING DETENTION BASIN
	EXISTING BUILDING



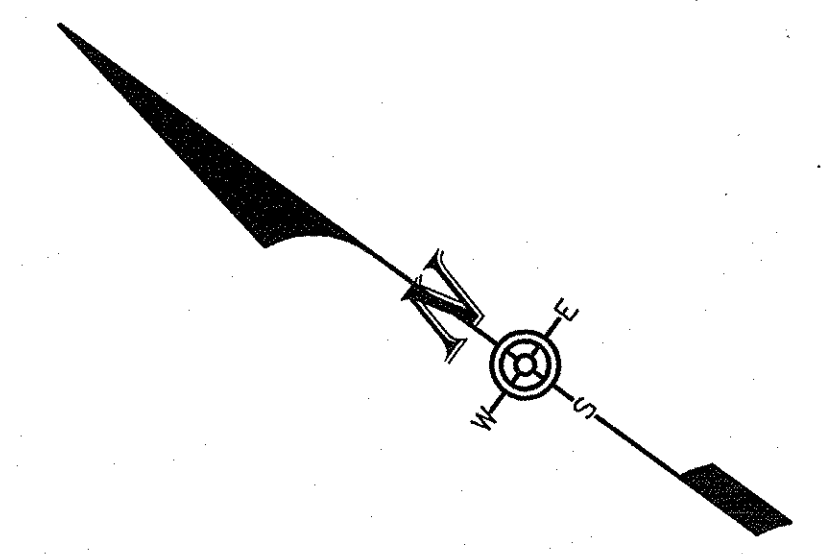
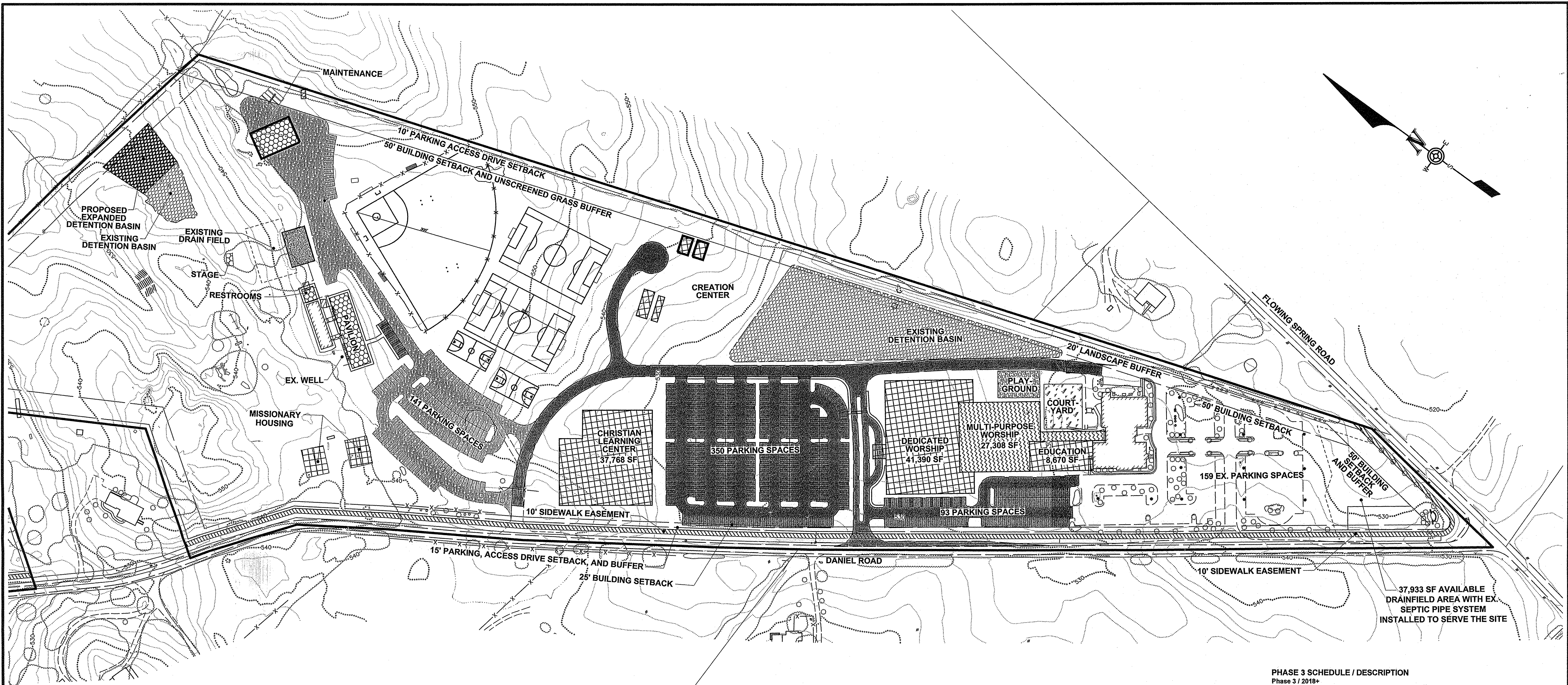
REVISIONS		
NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

PRELIMINARY PLAN  
 PHASE 2 CONCEPTUAL PLAN  
 SHEET 4 OF 6  
 I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000



CHARLES TOWN DISTRICT      JEFFERSON CO.  
 CONCEPT PLAN  
 FOR  
**FELLOWSHIP BIBLE CHURCH**  
 DANIEL ROAD      SHENANDOAH JUNCTION, WV  
 304-596-2430  
**CARL BERT & ASSOCIATES**  
 SURVEYORS & ENGINEERS  
 NEWBERRY EXECUTIVE CENTER  
 142 NORTH QUEEN STREET  
 MARTINSBURG, WV 25401  
 DATE: SEPTEMBER 12, 2014      T.L.B.      PLAN: CBA NO. WV-JC-13-01





- SYMBOLS**
- R = Property Line
  - Existing contours
  - Soils type division line as taken from NRCS Web Soils Survey
  - abc = Soils type mapping symbol
  - Brush / Tree Line
  - Existing Fence
  - Spot Elevation
  - Existing Utility Pole
  - Lamp Post

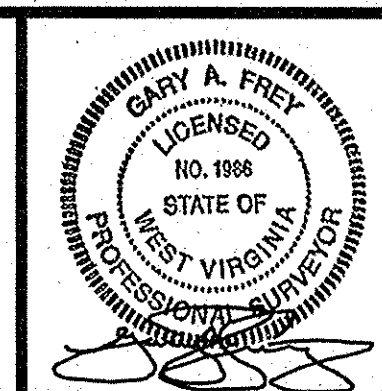
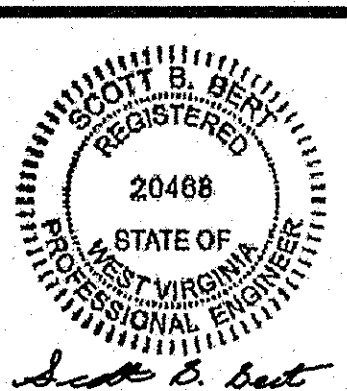
- LEGEND:**
- PHASE 1
  - PHASE 2
  - PHASE 3
  - MACADAM PARKING / DRIVEWAY
  - STONE PARKING / DRIVEWAY
  - PROPOSED DETENTION BASIN
  - EXISTING DETENTION BASIN
  - EXISTING BUILDING

- PHASE 3 SCHEDULE / DESCRIPTION**  
Phase 3 / 2018+
- Build Education Wing onto Church (Use: Educational)
  - Build Worship Center - 1,000 person capacity (Use: Church)
  - Remove / Relocate Modular Units
  - Improve parking area with Asphalt and add parking and vehicular access for Worship Center.
  - Construct Creation Center (Use: Educational)
  - Construct Education Learning Center (Use: Educational)
  - Construct Missionary Housing (Use: Hospitality)

REVISIONS		
NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS



PRELIMINARY PLAN  
PHASE 3 CONCEPTUAL PLAN  
SHEET 5 OF 6



CHARLES TOWN DISTRICT      JEFFERSON CO.  
CONCEPT PLAN  
FOR  
**FELLOWSHIP BIBLE CHURCH**  
DANIEL ROAD      SHENANDOAH JUNCTION, WV

304-596-2430  
**CARL BERT & ASSOCIATES**  
SURVEYORS & ENGINEERS  
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142 NORTH QUEEN STREET  
MARTINSBURG, WV 25401

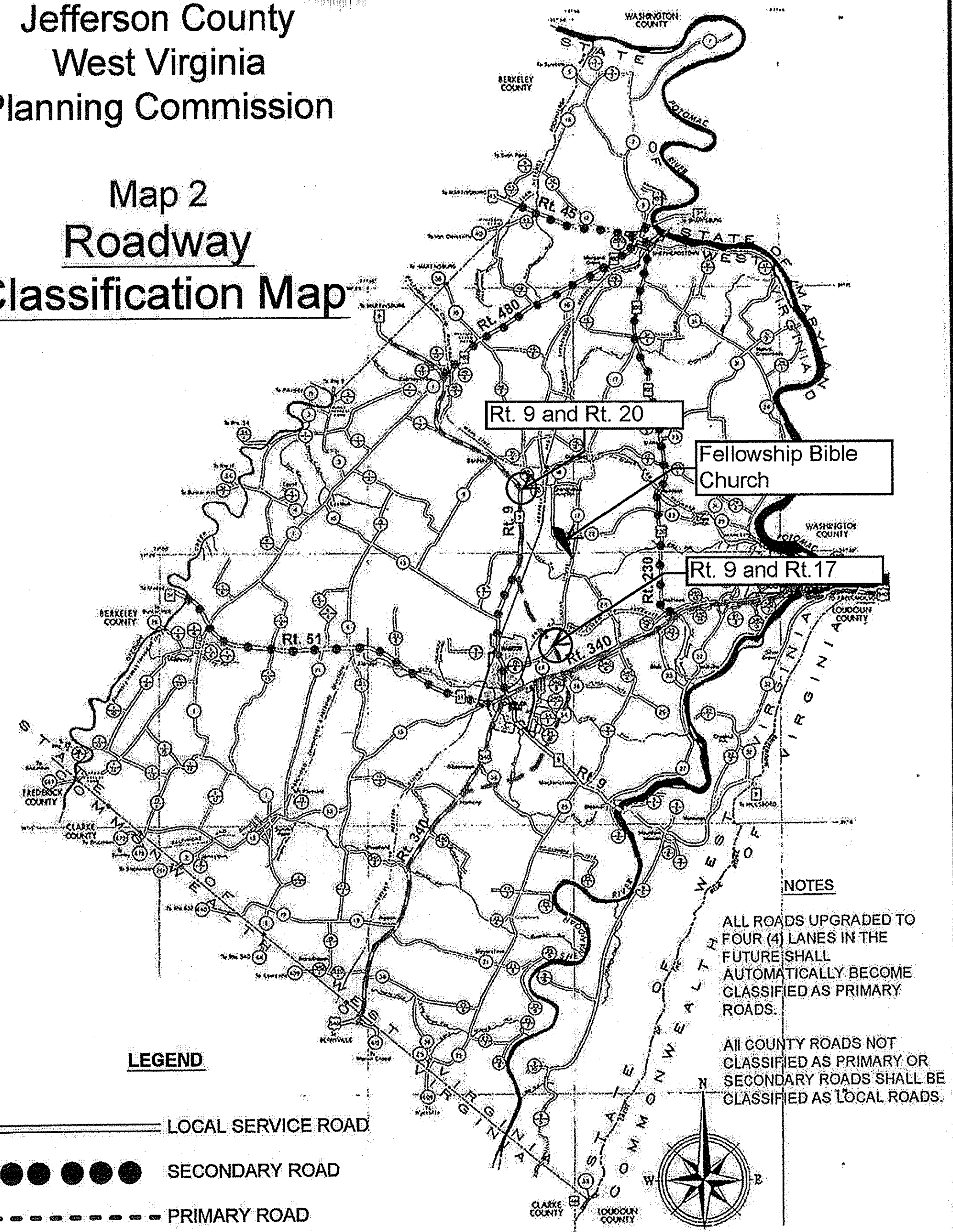
DATE: SEPTEMBER 12, 2014      T.L.B. PLAN: CBA NO. WV-JC-13-01

I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000.



Jefferson County  
West Virginia  
Planning Commission

Map 2  
Roadway  
Classification Map



July, 2003

Church Traffic Impact					
	*Trip Generation Rate/1,000sf	Existing	Phase 1	Phase 2	Phase 3
Weekday ADT	9.11	175	227	299	464
Weekday AM Peak	0.56	11	14	18	29
Weekday PM Peak	0.55	11	14	18	28
Saturday ADT	10.37	199	259	340	528
Saturday Peak	3.54	68	88	116	180
Sunday ADT	36.63	703	914	1202	1864
Sunday Peak	12.04	231	301	395	613

\*Based on ITE Land Use Code of 560 for Church from Institute of Transportation Engineers (ITE) Trip Generation, 9th edition

Church Recreation Traffic Impact			
	*Trip Generation Rate/field	Existing (1 field)	Phase 1-3 (3 Fields)
Weekday ADT	71.33	71	214
Weekday AM Peak	1.12	1	3
Weekday PM Peak	17.7	18	53

\*Based on ITE Land Use Code of 488 for Soccer Complex from Institute of Transportation Engineers (ITE) Trip Generation, 9th edition, which includes seating, activity shelter, picnic grounds, basketball courts play ground and other accessory features.

Tabulation of Existing Traffic (ADT)	
Route	ADT
17 (Flowing Spring Road) North of 18 (Daniel Road)	4,200
17 (Flowing Spring Road) South of 18 (Daniel Road)	5,500
18 (Daniel Road)	1,400

Based on existing Traffic Inventory Logs provided by WV DOT

Highway Problem Areas				
Route Number	Road Class	Location	Problem	
18	L	Intersection with Rt. 17 North of Rt. 24	Poor intersection angle causing poor visibility.	
22	L	Intersection with Rt. 17 North of Rt. 24	Poor Visibility.	

Road Classification: P = Primary, S = Secondary, L = Local Service Road

**NEAREST KEY INTERSECTION**

The nearest key intersection is Route 9 with Route 20. The second nearest key intersection is Route 9 with Route 17.

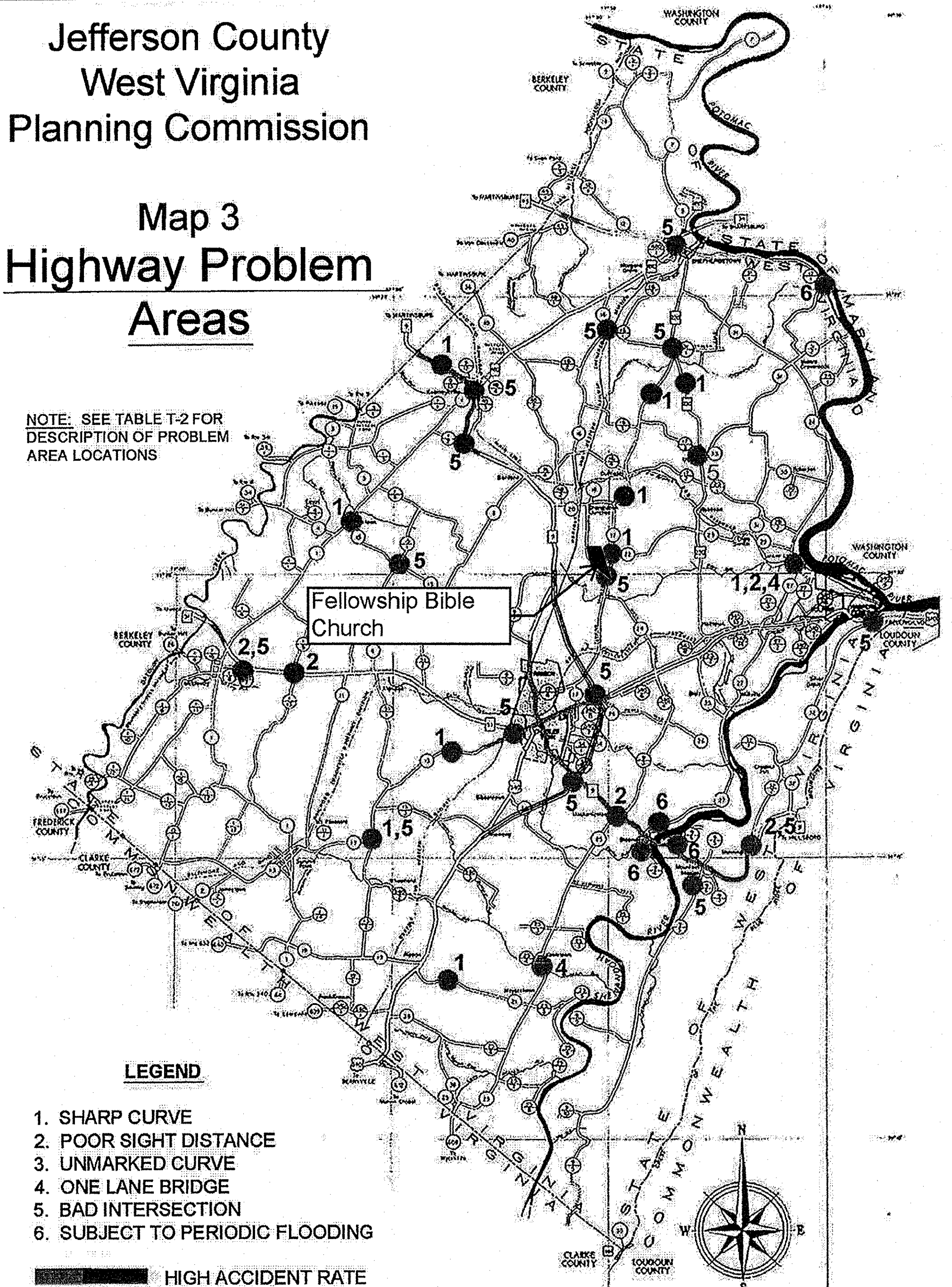
**HIGHWAY PROBLEM AREAS**

- Route 18 intersection with Route 17 north of Route 24 - poor intersection angle causing poor visibility
- Route 22 intersection with Route 17 north of Route 24 - poor visibility

Jefferson County  
West Virginia  
Planning Commission

Map 3  
Highway Problem  
Areas

NOTE: SEE TABLE T-2 FOR DESCRIPTION OF PROBLEM AREA LOCATIONS



July, 2003

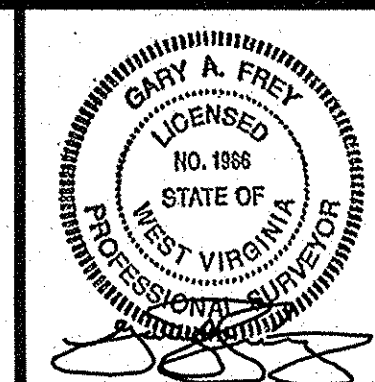
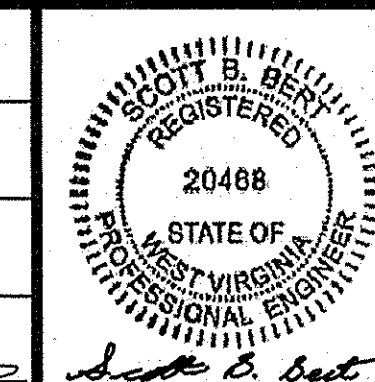
CHARLES TOWN DISTRICT JEFFERSON CO.  
CONCEPT PLAN  
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DANIEL ROAD SHENANDOAH JUNCTION, WV

304-596-2430  
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142 NORTH QUEEN STREET  
MARTINSBURG, WV 25401

REVISIONS		
NO.	DATE	DESCRIPTION
1	30 OCT 14	REVISED AS PER COUNTY COMMENTS

PRELIMINARY PLAN  
TRAFFIC IMPACT PLAN  
SHEET 6 OF 6

HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/10,000



DATE: SEPTEMBER 12, 2014 T.L.B. PLAN: CBA NO. WV-JC-13-01



This information is  
Tab # 6 of your binder





# STAFF REPORT

## Jefferson County Planning Commission Meeting

January 13, 2015

### Applicants Request/Background

The property is located on the southwest corner of the Route 340/Straithmore Farm Lane/Wheatland Road intersection. It is currently occupied by Dave's Auto Sales and Service. Commercial use of this property dates back to 1930's and the current use of auto sales began in 1986.

The applicant states that there are no immediate intentions to change the current use of the property; however, the applicant desires to maintain flexibility going forward to ensure the property is marketable and does not become a structure with no feasible permitted use. The buildable area of the property contains parking, a building and storage shed. The applicant states that the conversion of this property to a residential, agricultural or other permitted uses in the Rural District is not fiscally viable.

Image 1 is a location map showing the parcel that is the subject of the rezoning request on an aerial map with the 100 year floodplain depicted. A large percentage of the property falls within the 100-year floodplain.

### Image 1



### Introduction and Purpose

The applicant's request is to rezone the 0.98 acre parcel from Rural (R) to General Commercial (GC). The property has access from US 340 and Straithmore Lane. The property abuts Bullskin Run and a large percentage of the property falls within the 100-year floodplain. The zoning to the north, south, east, and west of the subject properties is Rural. Properties to the northwest of this property, across US 340 and north of Wheatland Road, are zoned Residential-Light Industrial-Commercial and are occupied by a variety of commercial and industrial uses.

### Statutory Authority and Requirements

The West Virginia State Code, Section 8A-7-9, and Section 12.2 (b) of the Jefferson County Zoning and Land Development Ordinance detail the process by which boundaries of zoning districts may be

# STAFF REPORT

## Jefferson County Planning Commission Meeting

January 13, 2015

amended in response to a petition of 50% or more of the property owners. Both state that before amending the Zoning Ordinance text or map, “the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan”, or if it 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[See WVC 8A-7-9(c)].”

The Zoning Ordinance further states that the applicant should include discussion of any change of transportation characteristics and neighborhood from when the original zoning was established for the Planning Commission to take into consideration.

### **Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *2004 Comprehensive Plan (2004 Plan)*. It concludes that the request is not consistent with the *2004 Comprehensive Plan*. It should be noted that the County Commission is currently considering a draft version of the *Envision Jefferson 2035 Comprehensive Plan* which may be adopted prior to approval of this Zoning Map Amendment request and may need to be considered by the County Commission at that time.

The format for this assessment includes references to specific provisions of the *2004 Comprehensive Plan*, which are identified by page number citation. Staff has used these notations and quotations in order to address sections of the *2004 Plan* as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the *2004 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.

It should also be noted that the *2004 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 *2004 Comprehensive Plan*. In the final analysis, each member of the Planning Commission and the County Commission will need to weigh the degree to which various plan provisions are of greater or less importance, in establishing their respective findings regarding the application.

Finally, this report provides a 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. As the Planning and Zoning staff have 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.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

January 13, 2015

### **Relevant 2004 Comprehensive Plan Elements and Commentary**

#### A. Proposed Zoning District – General Commercial (GC):

The General Commercial zoning category is not addressed in the *2004 Plan* as it was adopted as a part of a larger Zoning Ordinance text amendment in 2014. The *2004 Plan* discussed a number of issues with the existing Land Evaluation Site Assessment (LESA) form of zoning as well as issues with the existing commercial zoning categories and recommended that the County review different zoning methods to see if LESA is still the zoning of choice for the County. In 2011 and 2012, the Jefferson County Commission considered a large number of landowner initiated rezoning requests, which were becoming preferred over the LESA system by the development community. The limitations of the broad zoning categories that existed at the time resulted in the initiation of a Zoning Ordinance text amendment in which created seven new commercial/industrial zoning categories. After considerable public input and discussion between 2012 and 2014, these new categories were approved by the County Commission. This request to rezone to General Commercial is the first request to utilize the new categories created.

The Jefferson County Zoning and Land Development Ordinance has a statement of purpose for each of its Zoning District categories and states that the purpose of the General Commercial (GC) District is “to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the Neighborhood Commercial (NC) District.” While the size of this property might indicate that a request to rezone to Neighborhood Commercial might be more appropriate, it should be noted that Automobile Sales is not permitted in the NC zone.

The Ordinance further states that the GC zoning category is intended for use on properties located in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

Image 2 shows the *2004 Plan* Growth Area and the Charles Town UGB. This property is outside the Growth Area in the *2004 Comprehensive Plan*. It is also outside Charles Town’s Urban Growth Boundary. This property is also outside of any Urban Growth Boundary or Preferred Growth Area in the draft *Envision Jefferson 2035 Plan*.

# STAFF REPORT

Jefferson County Planning Commission Meeting  
January 13, 2015

**Image 2**



## B. Transportation Impacts:

The *2004 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).”

The property proposed to be rezoned is located on the southwest corner of the Route 340/Straithmore Farm Lane/Wheatland Road intersection. The property has access from US 340 and Straithmore Lane. In this area, US 340 is a two lane road. The four-lane section ends 0.5 miles north of Straithmore Farm Lane. The WV DOH is conducting an updated Environmental Impact Statement examining alternative routes for the future four-laning of US 340 from Charles Town to the Clarke County VA line.

Straithmore Farm Lane is a narrow rural road serving three homes and ending in an agricultural property to the east of this property.

## C. Water and Sewer Proximity:

The Statement of Goals (p. 19) outlines the following:

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

# STAFF REPORT

## Jefferson County Planning Commission Meeting

January 13, 2015

“Promote growth and development that are both economically and environmentally sound.”

No public water and/or sewer service is available in this area of the County. The *2004 Plan* encourages urban level development to be on a central water and sewer system, whether public or privately owned. Therefore, the requested rezoning does not conform to this aspect of the *2004 Plan*.

### D. *2004 Plan* Policies:

The Plan Policies (p. 8) relevant to this proposed Zoning Map Amendment include the following:

- “This Plan 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.”
- “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.”
- “This Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.”

Economic development strategies are key elements of the *2004 Plan*; however the Plan encourages such development to occur where the infrastructure and population are located; however, this property is fairly remote from Charles Town and on a two-lane section of US 340 with no water or sewer services available. It is important to consider that an existing non-conforming use can continue to exist and can change to a similar or less intense use through application to the staff of Board of Zoning Appeals. Rezoning of a property opens it up to numerous Principal Permitted Uses that this site could not accommodate due to its size, shape, and lack of infrastructure.

As outlined in multiple sections of this report, proper location of new development and activity needs to occur so as to not create an unreasonable burden to the proposed location. Just as important, the essential services that will be required to support the proposed activity are available. The proposed rezoning is located in an area that does not meet the intent of the above mentioned criteria. The purpose of good planning is to build upon the assets in a particular location, instead of promoting inappropriate areas prematurely.

### **Staff Recommendation**

Staff finds the proposed rezoning is **not consistent** with the *2004 Comprehensive Plan*. It is **not** located with the identified Growth Area in the *2004 Comprehensive Plan* or a proposed growth area in the draft *Envision Jefferson 2035 Plan*. It is located on a two lane road that has been identified as needing widening by the WV DOH. It is not on public or private water and sewer. Most of the property is locate within the 100-year floodplain.



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning and Zoning**

116 East Washington Street, P.O. Box 338  
 Charles Town, WV 25414

File Number: # 714-02  
 Staff Initials: clc  
 Application Fee: \$ 1050.00

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

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

Phone: (304) 728-3228

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: David N. Slusher  
 Mailing Address: P.O. Box 197; Rippon, WV 25441  
 Phone Number: (304)728-8350 Email: davessales@frontiernet.net

**Applicant contact information**

Name: David N. Slusher  
 Mailing Address: P.O. Box 197; Rippon, WV 25441  
 Phone Number: (304)728-8350 Email: davessales@frontiernet.net

**Applicant representative**

Name: Gordon Associates; Chad Wallen  
 Mailing Address: 301 North Mildred Street, Suite 1; Charles Town, WV 25414  
 Phone Number: (304)725-8456 Email: cwallen@gordon.us.com

**Physical property details**

Physical Address: Southeast corner of the Route 340 / Straithmore Farm Lane / Wheatland Road Intersection  
 City: Wheatland State: WV Zip Code: \_\_\_\_\_  
 Tax District: Kabletown (6) Map No: 11 Parcel No: 3.2  
 Parcel Size: 0.98+/- Acres Deed Book: 819 Page No: 754

**Current Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/ Commercial Mixed-Use (O/C)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RECEIVED**  
 NOV 9 7 2014  
 JEFFERSON COUNTY  
 PLANNING, ZONING AND ENGINEERING  
 Place Received Date Stamp Here

**Proposed Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Commercial (GC)	Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/ Commercial Mixed-Use (O/C)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

See Attached

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

See Attached

**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

**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

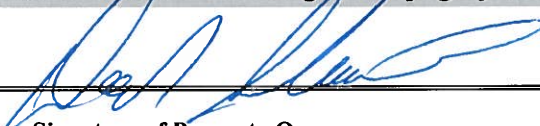
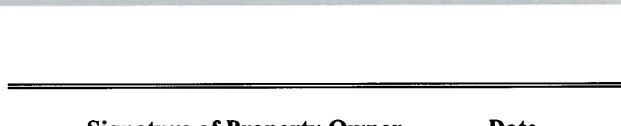
**Plat or Sketch Plan (provide as an attachment to this application)**

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).**

	11-10-14	
<b>Signature of Property Owner</b>	<b>Date</b>	<b>Signature of Property Owner</b>

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 \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

**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 \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

**Approved**       **Disapproved**

**Final Determination/Other Comments**

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# Zoning Map Amendment Application Addendum

## Slusher Property

November 7, 2014

### Owner / Applicant:

David Slusher  
P.O. Box 197  
Rippon, WV 25441

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JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

### Substantiation for Request:

1. **Allowed use for the property under the Rural Zoning District.** Due to the property's location and current use there is not a fiscally viable alternative to the current commercial use. The area of the property is less than one acre which limits its use as an agricultural property. Proximity to Route 340 and required setbacks would preclude the development of the property as residential use.
2. **The designation as General Commercial will reflect the property's historic use.** Commercial use of the property dates back to the 1930's and the current use for auto sales existed prior to the adoption of zoning in Jefferson County. The continued successful use of the property demonstrates the value of the property as a commercial use.
3. **The adoption of zoning in Jefferson County failed to recognize the property owner's investment in a commercial property.** The property was purchased by a small business owner with plans on maintaining a business while building equity in the property. The adoption of zoning in 1988 removed part of the potential equity and left a property which is a non-conforming use. The requirement for future zoning certificates or LESA evaluations will place an unnecessary burden in the future marketing for the commercial structure.
4. **Current and planned uses in the vicinity of the property recognize the Route 340 corridor as an appropriate area for development.** The property across Route 340 and northwest of the intersection is zoned Commercial-Industrial, the subject property abuts

the Charles Town Urban Growth Boundary to the north and the draft 2014 Comprehensive Plan identifies a Preferred Growth Boundary 0.3+/- miles to the south. This recognizes this segment of the Route 340 corridor as a preferred area for development and commercial uses.

5. **No burden would be placed on existing public infrastructure with this rezoning.** The property will not require the extension of utilities and will not create additional needs on the school system or other County facilities. The continued use as a commercial property will help maintain the tax base in Jefferson County.

**Property Tax Identification:**

Kabletown District (6), Map Number 11, Parcel 3.2

**Deed information:**

Deed Book 819, Page Number 754

**Property Characteristics:**

Location: Southeast corner of the Route 340 / Straithmore Farm Lane / Wheatland Road intersection.

Current Zoning: Rural

Current / Historic Use: Commercial

Tract Size: 0.98+/- Acres

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

The subject property is an existing non-conforming use which predates the implementation of zoning in Jefferson County. The applicant is requesting that the General Commercial Zone be granted to correct the non-conforming status of the property. The first commercial use of the property dates back to the 1930's and the current use of auto sales began in 1986. The commercial history of the property includes tractor repair shop, auto sales / service, machine shop and numerous other commercial uses.

The property was purchased as a commercial enterprise and has since been devalued with the inaccurate Rural Zoning designation being placed on the property in 1988. The Applicant wishes to maintain the value of the property going forward. While there are no immediate intentions to change

the current use of auto sales, the Applicant needs to maintain flexibility going forward to ensure that the property is marketable and does not become a structure with no feasible permitted use. A structure which does not have a permitted use will inevitably become abandoned and deteriorate over time.

The existing structure is not suitable for residential use. The buildable area of the property contains parking, a building and storage shed. The conversion of this property to a residential, agricultural or other permitted use in the Rural District is not fiscally viable. The continued use as commercial is the only option for maintaining this property.

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

- ***Chapter 2, Statement of Goals: Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable cost to the community.***
  - **The property will not require the extension of utilities.** Sanitary sewer and water is provided through private well and drainfield. This service will be maintained at the burden of the property owner and will be of no cost to the community.
  - **The proposed use of the property will not require the use of any public facilities.** The property is self-contained and does not depend on public facilities to continue as a permitted use under the General Commercial district. The property would require the use of schools and other public facilities if converted to a residential use as is permitted under the current Rural zoning district.
  
- ***Chapter 2, Statement of Goals: Encourage and support commercial, industrial, and agricultural activities to provide a diversified and sound local economy.***
  - **The historic backbone of Jefferson County is built on small business.** The property owner has contributed to this backbone through his investment in an existing commercial property in Jefferson County. Denying the future commercial use of the property denies the property owner a return on his investment in the County.
  - **The granting of the General Commercial zone will support the continued use of the property as a local business.** As discussed previously, the property and existing building have been a commercial use for approximately 80 years. Allowing the property to be properly zoned will help maintain its historic use, encourage local business and support the local economy.
  
- ***Chapter 2, Statement of Goals: Support and protect private property rights while supporting and protecting overall public health, safety and general welfare.***

- **The property was purchased as a commercial property prior to the adoption of zoning.** The adoption of zoning by Jefferson County in 1988 did not account for the historic use of the property and devalued a property which was a known commercial establishment. The implementation of zoning immediately made the commercial structure a non-conforming use. Any future efforts to sell the property will be impaired by requiring a zoning certificate or LESA evaluation for every potential use of the property. If zoned properly as General Commercial, the property will maintain its current and historic commercial use.
- **The overall public health, safety and general welfare will not be impacted.** The change in the zoning designation of the property will not alter its existing function as a commercial use and will not alter the character of the community.
- ***Recommendation 3.18: 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.***
  - **Supporting existing business will help maintain the current economy and diversified tax base.** It is equally important to retain commercial uses as it is to attract new business. While the recommendation is to attract new business, it should be implied that retention is part of that effort.
- ***Existing Zoning Map***
  - **Surrounding properties are zoned for more intensive uses than the proposed General Commercial District.** Land across Route 340 and northwest of the property is zoned Industrial-Commercial. The Industrial-Commercial Zone allows for the most intense land use in the County and is currently abutting and across from land which is designated as Rural, which allows only the least intense uses permitted in the Zoning Ordinance. There is a lack of a transitional zone between these industrial zoned properties and the subject property. The location of this industrial zone also supports the reasoning that the subject property is in a suitable location for commercial development.
  - **The subject property abuts the City of Charles Town Urban Growth Boundary.** The Urban Growth Boundary identifies land in which Jefferson County believes is more appropriate for urbanized development when considering future development within the County. The location of the subject property in relation to the Urban Growth Boundary reinforces that this area is appropriate for the General Commercial Zone.
  - **The 2014 draft Comprehensive Plan identifies a preferred growth boundary 0.3 miles south of the property.** While still in draft form, the location of this boundary continues to identify that this segment of Route 340 is suitable for growth and development.

**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.**

- **Increasing traffic flow on Route 340 has enabled the subject property to remain viable as a commercial use.** Route 340 has historically been a primary transportation route in Jefferson County. Traffic on Route 340 has continued to grow with population and the expanding road system in adjacent Frederick / Loudoun Counties. As a major traffic corridor in Jefferson County, commercial and industrial uses gravitate to Route 340. The planned commercially zoned land along this corridor demonstrates the appropriateness of this zoning request. The longevity of the property as a commercial use over approximately 80 years has been accomplished by the continuing traffic increase on Route 340.
- **The future expansion of Route 340 will increase the viability for commercial uses along this corridor.** This segment of Route 340 has had multiple studies and it is generally agreed that it will be expanded from a two lane road to a four lane divided road. Segments of Route 340 to the north and the south are currently a four lane divided road. It is of sound planning practice to locate commercial uses near the areas of major traffic corridors opposed to local roadways. The expansion of Route 340 demonstrates the changing value for the use of land along this corridor.

This information is  
Tab # 7 of your binder







**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning and Zoning**

116 East Washington Street, P.O. Box 338  
 Charles Town, WV 25414

File Number: #214-03  
 Staff Initials: C/C  
 Application Fee: \$ \_\_\_\_\_

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

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

Phone: (304) 728-3228  
 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: Standard Land Company, LLC  
 Mailing Address: PO Box 25523 Washington, DC 20027  
 Phone Number: 202-441-6156 Email: noah@arc.land

**Applicant contact information**

Name: See above  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant representative**

Name: Gordon/Mark Dyck  
 Mailing Address: 301 N. Mildred Street, Suite 1, Charles Town, WV 25414  
 Phone Number: 304-725-8456 Email: mdyck@gordon.us.com

**Physical property details**

Physical Address: East side of Millville Road (Route 27), south of the intersection with Route 340.  
 City: Harpers Ferry State: WV Zip Code: 25425  
 Tax District: Harpers Ferry Map No: 11 Parcel No: 24.1  
 Parcel Size: 404.69 +/- acres Deed Book: \_\_\_\_\_ Page No: \_\_\_\_\_

**Current Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/ Commercial Mixed-Use (O/C)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RECEIVED**  
 DEC 30 2014  
 JEFFERSON COUNTY  
 PLANNING, ZONING AND ENGINEERING  
 Place Received Date Stamp Here

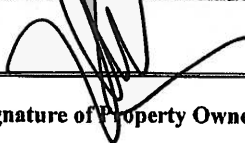
**Plat or Sketch Plan (provide as an attachment to this application)**

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).**



12/30/14

Signature of Property Owner

Date

Signature of Property Owner

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 \_\_\_\_\_

**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 \_\_\_\_\_

**Approved**       **Disapproved**

**Final Determination/Other Comments**

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# 714-03

## Zoning Map Amendment Application Addendum

### Old Standard Quarry

December 30, 2014

#### Owner / Applicant:

Standard Land Company, LLC.  
P.O. Box 25523  
Washington, D.C. 20027

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JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

#### Substantiation for Request:

1. **Consistent with the Jefferson County Comprehensive Plan Vision: Promotes new growth including a balance of jobs and housing while being respectful of the rural landscape, the natural beauty and the pleasing character of our towns and villages (Page 9 of the Comprehensive Plan).** The conceptual plan for the development of this property will promote Residential/Light Industrial/Commercial uses in close proximity to a four (4) lane highway adjacent to other commercial and residential uses. The proposed concept plan will be respectful of the adjacent National Park Service properties and will be developed in a manner that integrates with the character of the adjacent commercial and residential land uses.
2. **Consistent with the Jefferson County Comprehensive Plan Policies: Encourages economic development so that residents can live and work in the County (Page 9 of the Comprehensive Plan).** The conceptual plan for the development of this property will promote Residential/Light Industrial/Commercial uses that will encourage economic development and places for residents to live.
3. **Consistent with the Basis for a Comprehensive Plan: A well-planned and developed community is more attractive to potential investors and employers (Page 16 of the Comprehensive Plan).** A rezoning of this property from rural/Residential Growth to Residential/Light Industrial/Commercial will provide 405 +/- acres of property along a major thoroughfare into Jefferson County with a creative, master plan for employers and homeowners in Jefferson County.

4. **Current and planned uses in the vicinity of the property recognize the Route 340 corridor as an appropriate area for development.** The properties north of this property are zoned the same as what the subject is requesting. There are numerous adjacent properties that are currently being operated as commercial and residential uses. Additionally, there are properties adjacent to this parcel that have been planned for future development as commercial, residential and recreational uses.
5. **Availability of Public Utilities.** This property currently has access to public water and sewer with unused capacity therefore there would be no additional burden on existing Utilities.

**Property Tax Identification:**

Map 11 Parcel 24.1

**Deed information:**

Deed Book 984, Page Number 501

**Property Characteristics:**

Location: Located on the east side of Millville Road (Route 27), ¼ mile south of the intersection of Route 340 and Millville Road.

Current Zoning: Rural/Residential Growth

Current / Historic Use: Industrial/Residential/Recreational

Tract Size: 405+/- Acres

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

The requested zoning map amendment is a unique opportunity to realize the potential of the subject property, which has unique economic development potential including significant preservation/recreation opportunities. The existing zoning is not consistent with the adjoining zoning or uses to the north of the property, which is zoned Residential/Light Industrial/Commercial and supports a variety of activities. Further, under existing zoning, approximately 320 homes could be developed on the most visible 80 acres on the northern portion of the subject, while the remaining acreage, which arguably has the most development potential, can only be developed for very low density residential. Yet this larger portion of the property includes an area that could be redeveloped without impacting the

adjoining National Park viewsheds. A previous development proposal of this nature was supported by the National Park Service, however would have been inconsistent with the existing zoning.

The applicant's goal is to obtain the Zoning Map Amendment in order to maintain flexibility in the master plan (placement and type of uses) while maintaining the economic potential of the overall property. The applicant believes that the Zoning Map Amendment will result in a unique and creative master plan for the property that will be implemented over time in a manner consistent with the surrounding area including respecting the historic viewsheds.

The applicant is requesting that the Residential/Light Industrial/Commercial Zone be granted to allow for uses that are consistent with the site location near other Residential/Light Industrial/Commercial uses and in close proximity to a four lane highway and existing public utilities. The property has a legacy heavy industrial use and the requested zoning is required if the property is to be viably redeveloped to provide employment and tax base opportunities more consistent with the information economy and recreation/tourism potential in the eastern part of the County.

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

- ***Chapter 2, Statement of Goals: Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable cost to the community.***
  - **Public Utilities.** Sanitary sewer and water are provided through public utilities immediately available to the property therefore there should be no unreasonable cost to the community. The western portion of the property has a sewer main through it to an existing sewage treatment plant owned by East Jefferson Sewer Service, LLC. on a tract immediately adjacent to the subject property. Public water is on the northwest corner of the property, which is owned by Jefferson Utilities, Inc.
  - **Schools.** There are numerous schools (C.W. Shipley, Harpers Ferry Middle School) within a close proximity to this site, therefore should the property be developed with residential uses they can be provided without unreasonable cost to the community. Additionally, as with all development in Jefferson County impact fees will be collected as part of the development of the site to provide financial contributions to the County for services.
  
- ***Chapter 2, Statement of Goals: Encourage and support commercial, industrial, and agricultural activities to provide a diversified and sound local economy.***
  - **The historic backbone of Jefferson County is built on Industry, Commerce and Residential uses.** The property owner envisions this property being developed in a manner that will

encourage these uses in a way that will benefit Jefferson County economically and structurally. The property has previously supported industrial, commercial, and residential uses and if the Zoning Map Amendment is granted, it can be redeveloped to accommodate updated uses appropriate for the information age, as well as agricultural and recreational uses. All of these uses are consistent with the surrounding area.

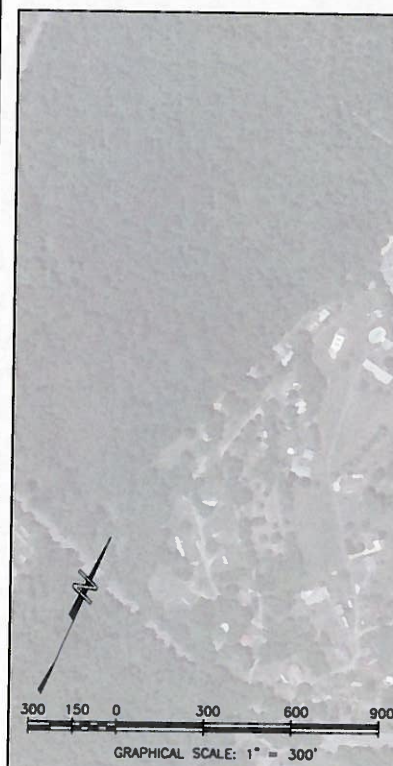
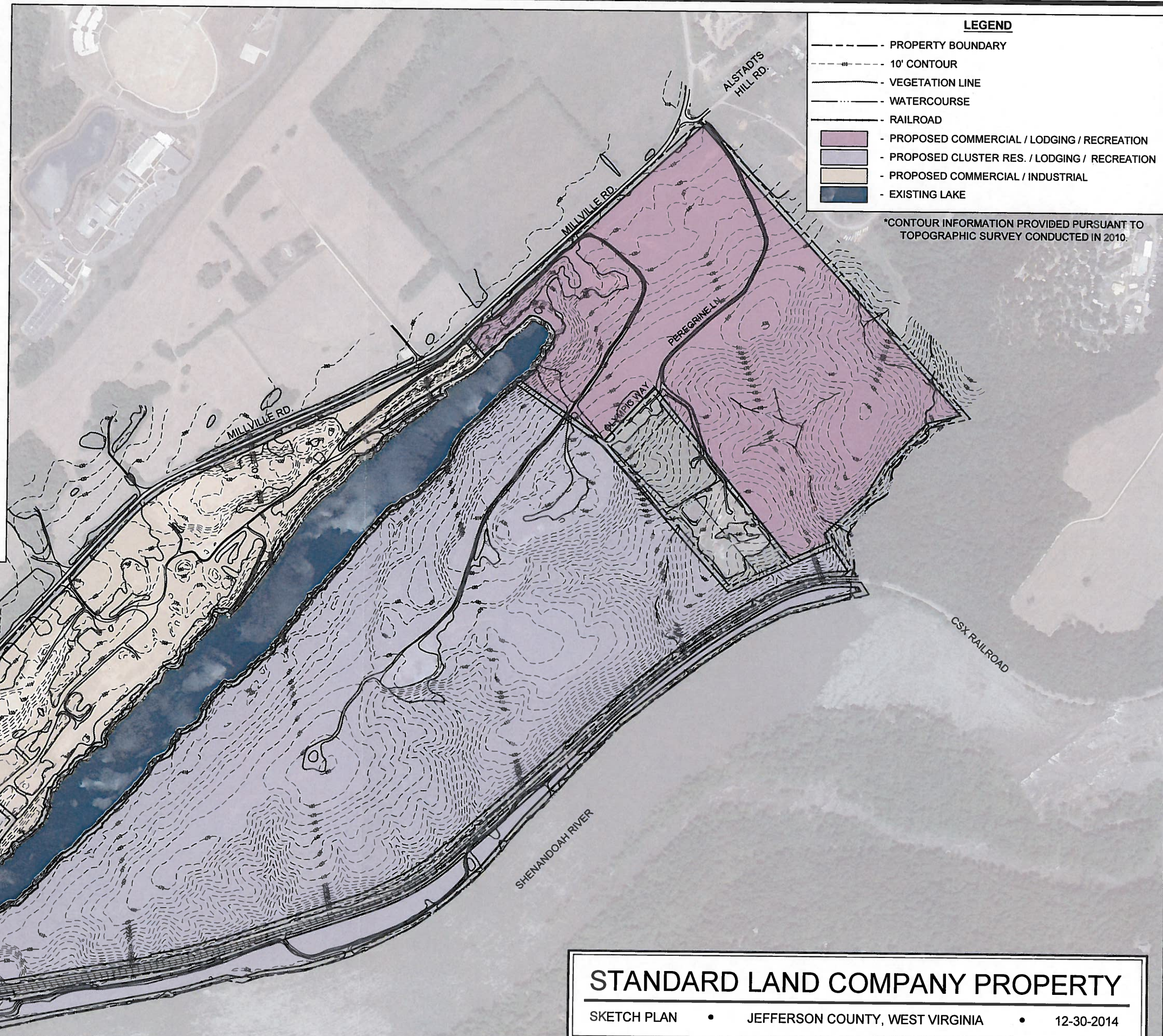
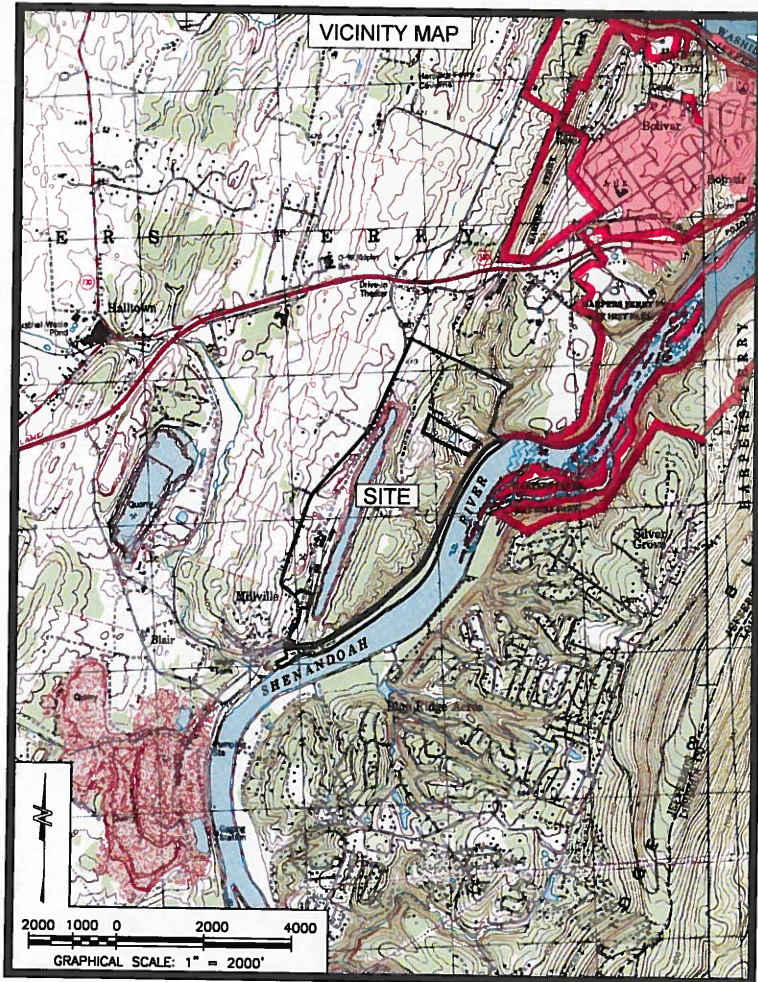
- **Chapter 2, Statement of Goals: Support and protect private property rights while supporting and protecting overall public health, safety and general welfare.**
  - **The overall public health, safety and general welfare will not be impacted.** The change in the zoning designation of the property will not alter its historical function as a Residential/Commercial/Industrial use and will not alter the character of the community. Granting the requested zoning designation would likely enhance public health and general welfare through the development of public recreational opportunities given the master plan would likely include trail systems that connect to surrounding parkland.
  
- **Recommendation 3.18: 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.**
  - **Supporting this rezoning request will help maintain the current economy and diversified tax base.** It is extremely important to promote and attract residential/industrial and commercial uses in this County. This rezoning request will provide a master-planned development that will provide these uses (excluding heavy industrial) in an area that has existing services and compatible uses adjacent to this property. Uses will likely include those that are compatible with job creation and the tourism and recreation potential existing in the eastern part of the County.
  
- **Existing Zoning Map**
  - **Surrounding properties are zoned for similar uses to the Residential/Light Industrial/Commercial District.** Land immediately north and adjacent to this property is currently zoned Residential/Light Industrial/Commercial. The adjacent uses are primarily commercial, residential, recreational, and hospitality-oriented. It should be noted that the subject property has historically had heavy industrial type uses on it, which uses still exist nearby to the south. However, the requested designation only supports light industrial uses. The applicant believes this is more consistent with the approach to balance a number of uses on the property and cater to information and recreation/tourism-oriented opportunities.
  - **The subject is in close proximity to Bolivar and Harpers Ferry Growth Areas.** Redevelopment of the subject property will be a natural extension of the growth areas surrounding Bolivar and Harpers Ferry, if not an extension of the Towns' boundaries. The applicant appreciates

the historic characteristics of these communities and the need to develop the property in a context sensitive fashion. The requested zone will offer more flexibility to respond to these varied demands and meet the needs of the surrounding communities.

- **The 2014 draft Comprehensive Plan identifies a preferred growth boundary immediately adjacent to this property.** While still in draft form, the location of this boundary continues to identify that this property is suitable for growth and development. Additionally, the subject property has the special designation of Quarry Redevelopment Area. Granting the requested zoning will allow for maximum flexibility in land use and the broadest possibility of creative development solutions on a portion of the property that can help pay for the costs of preserving unique features on other portions that are worthy of protection.

**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.**

- **Increasing traffic flow on Route 340 has enabled the subject property to remain viable as a commercial use.** Route 340 has historically been a primary transportation route in Jefferson County. Traffic on Route 340 has continued to grow with population and the expanding road system in adjacent Frederick County, Maryland. As a major traffic corridor in Jefferson County, commercial and industrial uses gravitate to Route 340. This requested designation to Residential/Light Industrial/Commercial is consistent with properties with development potential being sited very close to major transportation corridors and underscores the appropriateness of this zoning request.
- **Recent installation of a traffic signal at the nearest intersection of Route 340 and Millville Road will increase the viability for commercial uses along this corridor.** Within the past year, a traffic signal was installed at the intersection of Route 340 and Millville Road, which is 1/4 mile from this property. Route 340 is a four (4) lane divided roadway. It is of sound planning practice to locate commercial uses near the areas of major traffic corridors as opposed to local roadways.
- **Neighborhood characteristics have changed since the original ordinance was adopted.** A very successful active recreation-based tourism business has flourished to the immediate north of the subject. The properties supporting this use, including planned expansion of the tourism opportunities, are zoned Residential/Light Industrial/Commercial. Granting this zoning designation on the subject would enable compatible or supporting uses on the subject. Additionally, the adjoining park land, while still being used for agriculture, is now used for passive recreation opportunities. The changes in the surrounding neighborhood and resulting demand from recreation and tourism support the requested zoning designation.



**Gordon**  
 PROGRAMMING & PLANNING - CIVIL ENGINEERING -  
 LANDSCAPE ARCHITECTURE - SURVEY & MAPPING  
 SECURITY CONSULTING  
 gordon.us.com



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## **12-12-14 Roundtable Stakeholders Discussion Meeting Discussion Summary**

**Staff:** Becky Burns, Engineering Department; Jennie Brockman, Planning and Zoning;  
Alexandra Beaulieu, Planning and Zoning;

**Planning Commission:** Steve Stolipher; Gary Phalen, and Peter Fricke;

**Public:** Dave Hartley, Eastern Panhandle Homebuilders Association; Carla Coffey, Arcadia Development; Lee Snyder, Snyder Environmental and Jefferson Utilities, Inc.; Paul Raco, consultant, PJ Raco Consulting; Mike Shepp, Allegheny Surveys, Inc.; Karen Brill, Allegheny Surveys, Ins.; Lisa McCauley, Allegheny Surveys, Inc.; Matt Powell, Dan Ryan Builders; Matt Knott, River Riders, Inc.; Danny Lutz, County resident.

- Concern for length of processing time for building permits for new homes and requested a streamlined process or mechanism for improved communication with builders (e.g.: 7 weeks for a project in 2013; BB confirmed that during that time frame the office was particularly busy and they were informing applicants that it would take 14-21 working days to process).
- Request for clarification on fire protection of floors – sprinklers or drywall under floors vs dimensional lumber.
  - Recommends providing additional options to meet requirements. Alternatives may include pre-treated I-joists or fire retardant paint, or 1 ½ x 11 7/8 LBL that meet requirements.
- Impact fees – concern about new land costs for schools (BB said this will be addressed within the first quarter of 2015).
- Request to consider shortening the Major Subdivision process. Recommended considering the following options:
  - Eliminate public hearing at preliminary plat stage.
  - Simplify the Concept Plan phase; cut down on public hearing advertising time; Concept Plan stage is too detailed.
- Economy is improving and activity may pick up – staff should be prepared to handle processing quickly.
- Consider amending Subdivision Regulations which require Planning Commission review of utility easements for water and sewer as these requirements are cumbersome and unnecessary (multiple comments).
  - Public utilities are not exempt from review as per the Subdivision Regulations.
  - Other easements are not required (Frontier or cable, etc.) to process through Planning and Zoning
  - What is the benefit to the public with water and sewer easement being reviewed by P&Z staff? Cost burden to landowner – lawyer, surveyor, consultant, etc.

- Timing: County defines “day” as work day; state defines “day” as calendar day. (Staff will review state code to confirm)
- State Code 8-A(5) mentions one step with two 45 day periods for major subdivision review – completeness review and final review. The Subdivision Regulations require 45 days for Concept Plan; 90 days for preliminary plat and 90 days for Final Plat.
  - Review state code and amend Subdivision Regulations to more closely align to the required process.
  - Consider eliminating the Public Hearing for Final Plats – it is possible that state code would allow without legislative amendment.
- Section 24.300 (page 75) of Subdivision Regulations:
  - “No process or procedural waivers shall be granted.” This requirement is only in the Subdivision Regulations and is not in State Code.
  - Previously, a small project could request to advance to final stages.
  - Staff will review/discuss with Legal staff.
- Noted that there have been positive changes related to merger/boundary line adjustments
- Recommends that municipal and County agencies work together to create a central database to include a GIS layer with zoning, tax map, floodplain data and topography, water and sewer line locations and providers, etc. (e.g.: Loudoun County website).
  - Digitize documents for ease of access.
  - Parcel clickability with all parcel data accessible to the public.
- Recommends including recreational use along the river as a principal permitted use.
  - Recommended looking into Virginia and Maryland rural categories that allow recreational uses to see what language is used.
  - Amend current Zoning Ordinance to allow recreational uses in non-commercial zones (i.e.: Rural).
- Recommends that campgrounds should be permitted in rural zones because a campground in a commercial zone is not conducive to type of business. County should amend Campground regulations.
- Reduce residential impact fees (Engineering is working on drafting a recommendation to reduce and hopeful to have accomplished in the first quarter of 2015).
- Amend required setbacks next to unusable property or easements. BZA always approves this type of variance request. In the interest of time and simplicity, modify the Zoning Ordinance to allow a reduced setback for structures abutting an easement or greenspace lot.
- Consider expediting approval process for historic preservation sites and eliminating other barriers to historic preservation efforts, including eliminating overhead utility lines.
  - Consider provisions to allow historic and accurate camping scenarios in addition to the proposed recreational camping in non-commercial areas
- Questioned the change in the depth of gravel for parking lots (now 6” vs 9”) – what bearing capacity is required

- Facilitate estate transfers
- Review County Regulations to ensure someone with High School education can understand them and eliminate conflicts within the regulations.
- Review Agriculture Technology policies and make changes to ensure that activities such as “controlled environmental production” are considered agricultural (not commercial) and therefore permitted in the Rural zone.



This information is  
Tab # 10 of your binder





# Jefferson County, West Virginia

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

Charles Town, WV 25414

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## Director's Report Planning Commission Meeting January 13, 2015

### 1) Status of Zoning Administrator Search

### 2) Recent/Upcoming CC Actions relevant to Planning:

a) Envision Jefferson 2035 Comprehensive Plan – status update of 2014 Comp Plan effort and discussion of next steps:

- CC Workshops regarding the Envision Jefferson 2035 Comprehensive Plan – *Tuesday, January 6, 2015 and Friday, January 9, 2015*
- CC Special Called Meeting for recommended action on draft Envision Jefferson 2035 Comprehensive Plan – *10:00 am January 13, 2015*

b) County Commission Public Hearing on proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) was held on Wednesday, October 1, 2014 (*County Commission workshop TBD in January 2015*)

### 2) Planning Commission Training – date and time TBD

- Required 2 hour training every year
- Orientation for New Members

### 3) Upcoming PC meetings

- a) Tentative Special Called PC Meeting regarding response to CC Action on Envision Jefferson 2035 Comprehensive Plan – **January 27, 2015** (requires action by PC or PC President to set date)
- b) Next Regular Meeting: **February 10, 2015**