



AGENDA
Jefferson County Planning Commission
Tuesday, February 10, 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.

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

NOTE: The meeting will start promptly at 7:00 p.m. and will be recorded and streamed live via our website at www.jeffersoncountywv.org. The meeting room will hold approximately 50 people. Everyone must be seated. No standing around the room is permitted. The hallway is allowed to hold one single file line between the meeting room door and the outside door. An audio box speaker in the hallway will allow those in line to hear what is being conveyed in the meeting room. Under no circumstances will exceptions be made to seating and standing guidelines as we must adhere to the Fire Marshall's code. Since it is being recorded, anyone unable to attend will be able to view the broadcast in its entirety on the website at any time after 12:00 noon the following morning.

1. Approval of the minutes from the following Planning Commission Meetings:
 - January 13, 2015
 - January 27, 2015
2. 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.
3. Request for postponement.
4. **Public Hearing:** Zoning Map Amendment Petition by property owner Standard Land Company, LLC (File # Z14-13) for a 404.69 acre property located on the east side of Millville Road (Route 27), south of the intersection with Route 340, to change the current Rural (R) and Residential Growth (RG) zoning designation to Residential-Light Commercial-Industrial (RLIC).
5. **Public Hearing:** Proposed amendment to the definition of "days" from business days to calendar days in Section 26.200 of the Jefferson County Subdivision and Land Development Regulations.
6. **Public Hearing:** Proposed amendment to 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.
7. **Public Hearing:** Proposed amendment to 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".

There is no public comment for the remaining items.

8. Discussion and possible action on the County Commission's recommended redlined version of the draft Envision Jefferson 2035 Comprehensive Plan (returned to the Planning Commission 01-14-15).
9. Discussion and possible action to form a citizen-based committee to review the Major Subdivision Process of the Jefferson County Subdivision and Land Development Regulations and recommend a draft amendment to the Planning Commission to more closely reflect the requirements of Chapter 8A

of the WV State Code, including a Concept Plan Public Workshop, a Preliminary Plat Public Hearing, and an administrative approval of the Final Plat. Note that any amendments to the Subdivision Regulations shall require the Planning Commission to hold a Public Hearing and subsequently to refer the amendment to the County Commission for approval.

10. Discussion and possible action to form 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 and recommend a draft amendment to the Planning Commission. Note that any amendments to the Zoning Ordinance and Subdivision Regulations shall require the Planning Commission to hold Public Hearings and subsequently to refer the amendments to the County Commission for approval.
11. Reports from Legal Counsel and legal advice to the Planning Commission.
 - a) Active Litigation:
 - Far Away Farms
12. Director's Report.
13. 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
14. President's Report.
15. Actionable Correspondence.
16. Non-Actionable Correspondence.
17. 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
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. 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
Tab # 1 of your binder

Draft Minutes

Jefferson County Planning Commission January 13, 2015

The Jefferson County Planning Commission met on January 13, 2015 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. Dick Childs was absent without prior notification. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Steven Groh; Legal Counsel, and Rhonda Greenholtz; Planning Clerk

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

1. Election of Officers

A nomination of Officers was held. Mr. Gene Taylor made a motion for the current Planning Commission members to remain in current positions held. A vote was taken and the motion carried unanimously.

2. Approval of the minutes from the December 9, 2014 Planning Commission Meeting

Mr. Stephen Stolipher made a motion to approve. No objections to the approval of minutes.

3. Citizens Communications: None

4. Request for postponements: None

5. Public Workshop: Concept Plan Review Fellowship Bible Church (File# S14-03). This was a continuation of the Public Workshop that was held on December 9, 2014 to review and process a Concept Plan. 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. The Planning Commission provided direction on Phase 1 at the December 9, 2014 Workshop. This Public Workshop focused 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.

Staff reminded the Planning Commission of their decision to not require the applicant to provide a complete overview presentation if no members of the public were present at the January meeting.

Mr. Gary Frey spoke to clarify some items in the December 9, 2014 meeting minutes. They were as follows:

- 1) Mr. Frey had heard reference that the modulares on site were to be “removed” as part of Phase 3. The Concept Plan states the modulares would be “removed” and/or “relocated”.
- 2) Regarding the statement that a sidewalk would be constructed along Daniel Road and Flowing Springs Road, in the Pre-Proposal Conference meeting staff stated that an easement could be placed at that location in lieu of a sidewalk.

3) Regarding the statement that improvements would be made to the intersection of Daniels Road and Flowing Springs Road, the WVDOH's stated that during the site plan process either a traffic study or mutually agreed upon road improvements would occur at the intersection of Daniel Road and Flowing Springs Road.

No public comment was made.

Public comment was closed.

A motion was made by Mr. Dale Manual to move forward with the project, recommending cooperation with the WVDOH.

A vote was called for, which carried unanimously.

6. Public Hearing: Zoning Map Amendment Petition by property owner David Slusher (File# Z14-02) for a 0.98 acre property located on the southwest corner of the Route 340 (Berryville Pike)/Straithmore Farm Lane, to change the current Rural (R) zoning designation to General Commercial (GC) zoning. (District: Kabletown (06) Tax Map 11, Parcel 3)

Mr. Stephen Stolipher recused himself from this application citing conflict of interest.

The meeting was handed over to Mr. Wade Louthan, Vice President.

Ms. Brockman stated the responsibility of the Planning Commission is to make a recommendation to the County Commission to determine if this request is in conformance with the *2004 Comprehensive Plan*. This is the first request to use one of the new zoning categories.

Ms. Brockman stated the following reasons why the staff's perspective is that this request is not in conformance with the *2004 Comprehensive Plan*.

- This property is outside of both the *2004 Comprehensive Plan* Growth Area and the Charles Town Urban Growth Boundary (as approved in 2009) as well as outside of the *2035 Comprehensive Plan* Preferred Growth Areas.
- Water and Sewer service is not in this vicinity.
- Route 340 at this area is a 2 lane road and has been identified as needing improvements.
- Most of the property is located within the 100-year floodplain.

Mr. Chad Wallen of Gordon & Associates presented the application. Mr. Chad Wallen stated reasons the applicant believes the proposed request is in conformance with the *2004 Comprehensive Plan*.

- Surrounding properties are currently zoned and used as commercial.
- This property is and has been used as commercial use for many years.
- The existence of a 100 year floodplain limits the use of this property.
- The size of the property creates an inability to build a bigger building.
- There would be no impact to neighboring properties in relation to water and sewer as it is served by well and septic.
- Route 340 is considered a primary road and is not considered a hazardous road.
- Water and sewer are not necessary for the current use of the building.

Mr. Wallen also stated that the purpose of this request is for future marketing and to protect the interest of the business.

No public comment was made.

Public comment was closed.

The Planning Commission discussed the issues raised by the staff and whether the application could be considered to be in conformance with the Comprehensive Plan

A motion was made by Mr. Donnie Fisher to recommend to the County Commission that this request is in conformance with the 2004 Comprehensive Plan.

A vote was taken and approved 7-1. (Mr. Peter Fricke opposed.)

7. Petition by Standard Land Company, LLC (File # Z14-13) presented to the Planning Commission for the purpose of scheduling a public hearing within 60 days. This property is currently zoned Rural (R) and Residential Growth (RG) and the applicant is requesting Residential/Light Commercial/Industrial (RLIC). The property is located on the east side of Millville Road (Route 27), south of the intersection with Route 340.

Mr. Stephen Stolipher recused himself from this portion of the meeting citing conflict of interest.

The meeting was handed over to Mr. Wade Louthan, Vice President.

A motion was made by Mr. Dale Manual to schedule a public hearing February 10, 2015. A vote was taken, which carried unanimously.

8. Discussion and distribution of a summary memo as a follow up to the December 12, 2014 Stakeholders meeting.

Among the items discussed at the Stakeholders Meeting, the following items were identified for potential action by the Planning Commission:

- Potential Public Hearing to consider amending the definition of “days” from business days to calendar days in Section 26.200 of the Jefferson County Subdivision and Land Development Regulations. Such amendment will require final approval of the County Commission.
- Potential Public Hearing to consider 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. Such amendment will require final approval of the County Commission.
- Potential Public Hearing to consider 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”. Such amendment will require final approval of the County Commission.

A motion was made by Mr. Donnie Fisher to schedule 3 public hearings for the above amendments to be heard at the February 10, 2015 meeting. A vote was taken which carried unanimously.

Additionally, the President of the Planning Commission suggested the recruitment of two (2) citizen based committees to propose potential amendments to the Zoning Ordinance and Subdivision Regulations generated by comments received at the December 2014 Stakeholders Meeting.

- One committee will be asked to review the Major Subdivision Process found in the Jefferson County Subdivision and Land Development Regulations and to recommend a draft amendment to the Planning Commission to more closely reflect the requirements of Chapter 8A of the WV State Code, including 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.
- The second committee will review and recommend proposed amendments to both the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations to develop and propose language regarding rural campground facilities standards and processes. 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.

Discussion occurred regarding the concept of placing an ad to potential committee members.

A motion was made by Mr. Dale Manuel to have each Planning Commission member appoint one (1) citizen per committee (total of 2 citizens per Planning Commission member) and to ask Planning Commission member(s) to volunteer as well at the February 10, 2015 Planning Commission meeting. A vote was taken, which carried unanimously.

10. Reports from Legal Counsel and legal advice to the Planning Commission :

- Mr. Steve Groh will be in Charleston, WV regarding a court case relating to Far Away Farms later this month.
- A County Commissioners meeting will be held on January 14, 2015 at 10:00 a.m. to review and make recommendations on the *2035 Envision Jefferson Comprehensive Plan*.
- A special Planning Commission meeting has been scheduled for January 27, 2015 at 7:00 p.m. to discuss any edits received from the County Commission on the *2035 Envision Jefferson Comprehensive Plan*.

11. Directors Report:

- Ms. Brockman updated the staff in regards to the current open Zoning Administrator position.
- It was noted that the County Commission intends to take further action on the proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) once the 2035 Comp Plan and the FY 2016 Budget processes are complete.

12. Planning Commission and Liaison reports:

- None

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 8:35 p.m. A vote was taken and passed unanimously.

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Jefferson County Planning Commission
January 27, 2015

The Jefferson County Planning Commission met on January 27, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Dale Manuel, Gary Phalen, Mike Chapman, Donnie Fisher, and Peter Fricke. Staff members present included Jennifer Brockman, Director of Planning and Zoning; and Alexandra Beaulieu, Office/Project Manager.

Mr. Dick Childs and Mr. Gene Taylor were absent without notice.

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

1. Review and discussion of the County Commission's redlined version of the draft Envision Jefferson 2035 Comprehensive Plan.

Ms. Brockman reviewed the prepared memo to the Planning Commission which included a summary of substantive edits made by the County Commission.

Mr. Fricke requested that staff follow up with legal counsel to determine whether changing the title from Future Land Use Map to Future Land Use Guide would create any sort of conflict with State Code. Ms. Brockman read West Virginia State Code §8-A-3-4 and stated that per this section of code, she did not believe there would be any conflict with referencing the map as a guide. Ms. Brockman stated that staff would follow up with legal and report back to the Planning Commission at their next regularly scheduled meeting on February 10, 2015.

Mr. Stolipher requested that staff include the Plan's recommendation to allow transfers of land between family members in addition parent to child (e.g. sibling to sibling) in the upcoming proposed set of amendments. Ms. Brockman agreed and stated that she would also like to include an amendment to clarify the language in Section 5.7D.3 of the Zoning Ordinance regarding the creation of two lots and residue every five years for lots of record prior to October 5, 1988.

Mr. Manuel motioned to include on the February 10 meeting agenda, "Possible Action on or Amendment to the draft Comprehensive Plan". A vote was taken and passed unanimously.

Mr. Stolipher motioned to adjourn the meeting at 8:12 p.m. A vote was taken and passed unanimously.

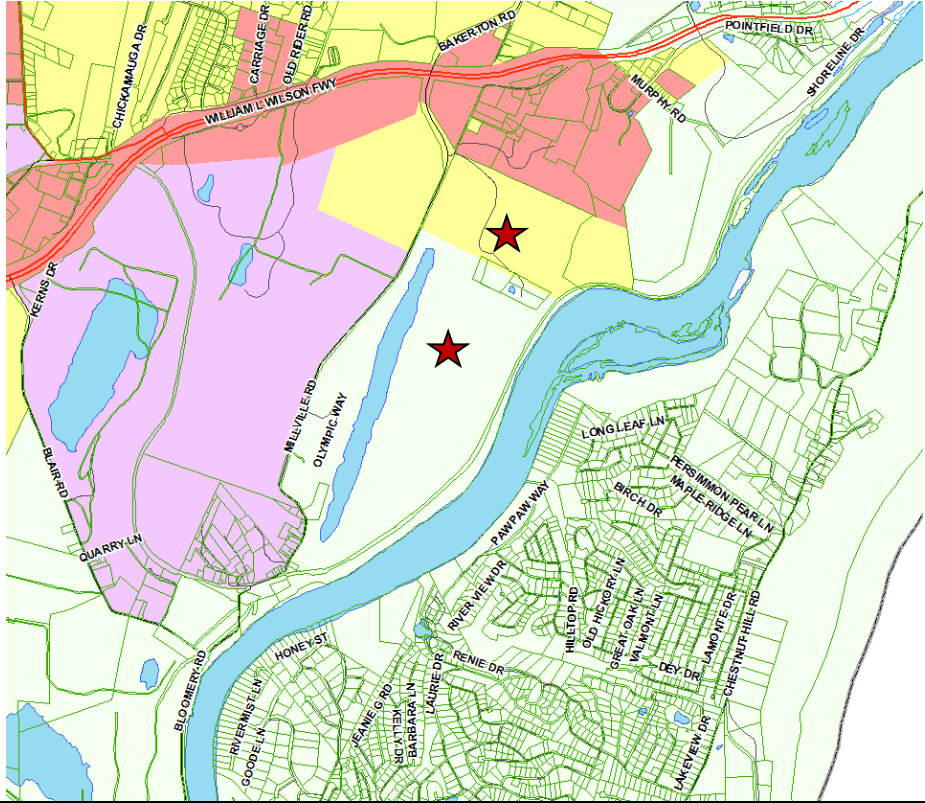
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STAFF REPORT

Jefferson County Planning Commission Meeting

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Item # 6 Public Hearing regarding a Zoning Map Amendment request by Standard Land Company, LLC. for a 404.69 acre property located on the east side of Millville Road (Route 27), ½ mile south of the intersection with Route 340 in Harpers Ferry. This property is currently zoned Rural (R) and Residential Growth (RG). The applicant is requesting Residential/Light-Industrial/Commercial (R-LI-C) zoning.

APPLICANT/OWNER:	Standard Land Company, LLC.
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Gordon Associates
PROPERTY LOCATION:	This property is located on the east side of Millville Road (Route 27), ½ mile south of the intersection with Route 340 in Harpers Ferry
LEGAL DESCRIPTION:	<p>District: Harpers Ferry (04), Map: 11 Parcel: 24.1</p> 
ZONING DISTRICT:	Zoning Map Designation: Rural and Residential Growth
SURROUNDING PROPERTIES:	<p>Zoning Map Designation:</p> <p><i>North:</i> R-LI-C <i>South:</i> Rural</p> <p><i>East:</i> Rural <i>West:</i> Industrial-Commercial</p>
LOT AREA:	Total Development 404.69 +/- acres
DEVELOPMENT HISTORY:	<p>This property is the site of a former quarry which ceased operation prior to the establishment of zoning in the County.</p> <p>In 2007 a Zoning Map Amendment request for this property to Industrial-Commercial was denied.</p>

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PROPOSED REQUEST	To rezone from Rural (R) and Residential Growth (RG) to Residential-Light Industrial-Commercial (R-LI-C)
PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the <i>2004 Comprehensive Plan</i> and/or <i>Envision Jefferson 2035 Plan</i> .
STAFF FINDING:	In this report, Staff presents the various factors related to this property based on both the <i>2004 Comprehensive Plan</i> and <i>Envision Jefferson 2035</i> . Staff finds that the request is not consistent with the <i>2004 Comprehensive Plan</i> , and that while the <i>Envision Jefferson 2035 Plan</i> supports redevelopment of the quarry property, the R-LI-C zoning category is not supported.

Applicant's Request

The applicant is requesting that the 404.69 acre Old Standard Quarry property be rezoned from Rural (R) and Residential Growth (RG) to Residential-Light Industrial-Commercial (R-LI-C). The applicant states that the Residential-Light Industrial-Commercial zone would allow for uses that are consistent with the site location near other Residential-Light Industrial-Commercial uses and is in close proximity to a four lane highway and existing public utilities. The applicant further states that the property has a legacy of heavy industrial use as a former quarry and the applicant believes that 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.

Background

A. Property Information

The property is located east of Millville Road (Route 27), ½ mile south of the intersection with Route 340, near Harpers Ferry, WV. It is a vacant parcel which is the site of the former Old Standard Quarry. The northern 108 acres +/- is zoned Residential Growth (RG) and the balance of the property is zoned Rural (R). The property is comprised of 404.69 acres and contains a deep lake from the quarry days that is nearly one mile in length and averages 300 feet wide. The property has over a mile of road frontage on Millville Road, a narrow two-lane rural route, and nearly 1.5 miles of frontage on the Shenandoah River. It is traversed by the CSX railroad which parallels the Shenandoah River.

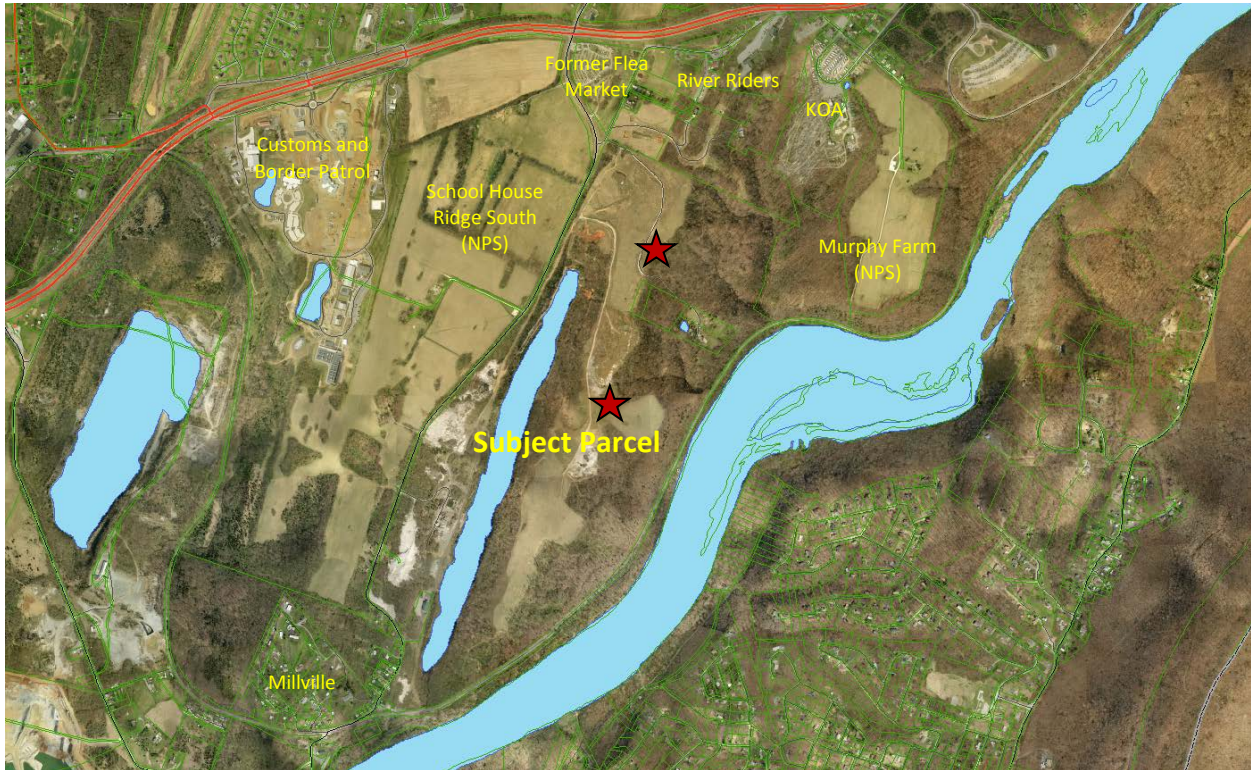
Image 1 is a location map showing the parcel requested for rezoning and neighboring properties.

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Image 1



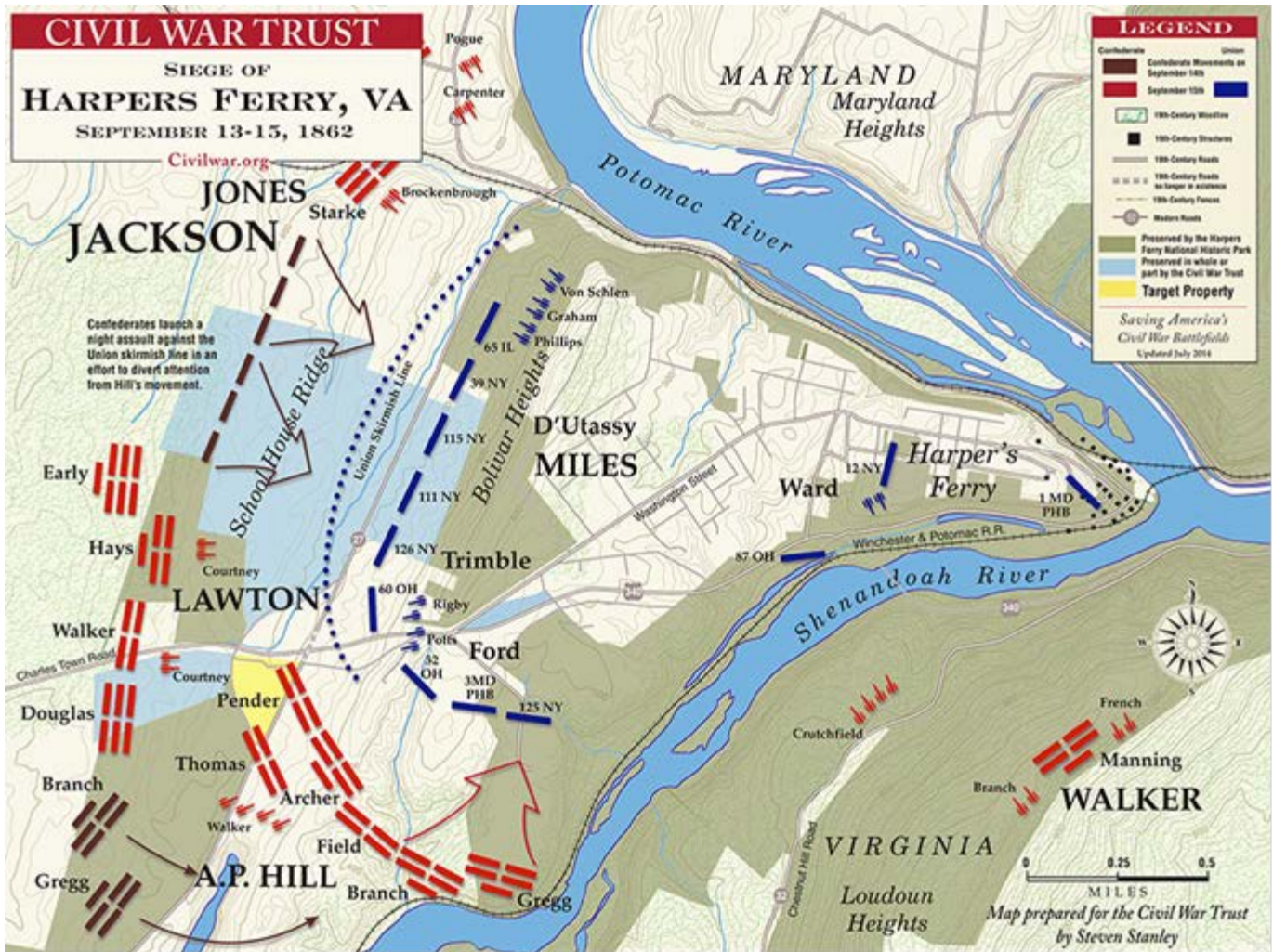
B. Property Vicinity

The property is bordered on the east and west by properties owned and managed by the National Park Service and Customs and Border Patrol. The small unincorporated village of Millville is located to the southwest and contains numerous single family houses. There are also three small rural properties that are surrounded by the Old Standard Quarry property. To the north of the Quarry property is River Riders, Inc. and a vacant lot zoned Residential-Light Industrial-Commercial. Northeast is the 13 acre site of the former Flea Market which has recently been purchased by the Civil War Trust. This site contains the historic Allstadt's Ordinary, which played a role in John Brown's raid, and was at the heart of the battlefield in 1862. The quarry property itself also played a role in the Siege of Harpers Ferry in September 1862 as can be seen in Image 2 below.

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Image 2



Source: <http://www.civilwar.org/battlefields/harpersferry/maps/siege-of-harpers-ferry.html>

C. Property Characteristics

In addition to the significant historic importance of this site and its vicinity, the Old Standard Quarry property has natural resource significance. The Harpers Ferry area serves as a gateway to West Virginia and Jefferson County from Virginia, Maryland, and the greater Washington D.C. area. It sits at the confluence of the Potomac and Shenandoah Rivers and is bounded by mountainous terrain, which is part of why it was a critical battle site during the Civil War. To date, the areas known as Maryland Heights, Loudoun Heights, and Bolivar Heights have been preserved as significant viewsheds because they have been incorporated into the National Historical Park. Murphy Farm has also recently been made a part of the National Historical Park and offers a significant view of the Shenandoah River and the river edge of the Old Standard Quarry property (Image 3). The quarry property is the largest undeveloped property south of US 340 abutting the Shenandoah River and in

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proximity to National Historical Park properties. Its continuity to the river and the park battlefield sites as well as its topography make it a significant natural resource.

Image 3



In addition to this viewshed, the topography of the Old Standard Quarry property lends itself to areas that could be developed without impact on the vistas from US 340 as well as areas that would have significant impact on this viewshed (Image 4). The property varies from a low point of a 300 foot contour along the Shenandoah River and 320 foot contour along the quarry itself to high spots of 540, 520, and 480 foot contours. Development on these high spots could negatively impact the viewsheds as seen from US 340, the NPS sites, and across the River, which would be contrary to both the *2004 Comprehensive Plan* and *Envision Jefferson 2035 Plan* recommendations. Image 5 provides information regarding the topography of the Old Standard Quarry site and the surrounding properties.

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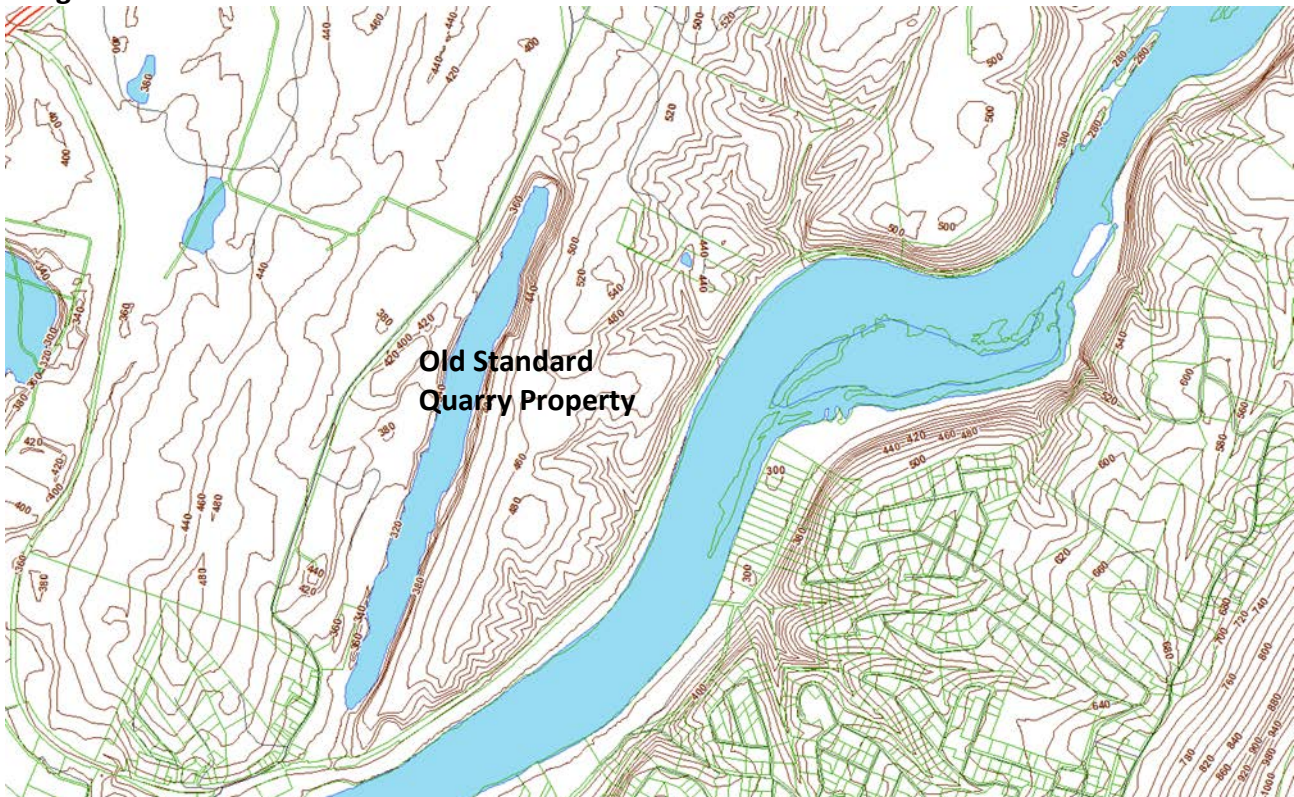
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Image 4



Source: Google Maps view from US 340 headed East

Image 5



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Statutory Authority and Requirements

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

The role of the Planning Commission in considering a Zoning Map Amendment request is to review the relevant portions of the Comprehensive Plan and receive public testimony related to the request to enable the Planning Commission to advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the relevant Comprehensive Plan. It is important for the Planning Commission and County Commission to be aware and consider that while the applicant may have an overall development plan that is presented as a part of this request, if the Zoning Map Amendment is approved, any use within the Residential-Light Industrial-Commercial zone will become a permitted use. It is therefore important to consider consistency of the zoning district itself, not the potential development, with the Comprehensive Plan.

The timing of this request also makes it difficult to know which Plan this request should be evaluated against due to the imminence of the approval of the *Envision Jefferson 2035 Plan*. This report will note some relevant portions of both Plans for consideration in this recommendation.

Issues with the Residential-Light Industrial-Commercial Zoning Category

In 2014, the County Commission, upon recommendation of the Planning Commission, adopted seven (7) new non-residential zoning categories because the breadth and inclusiveness of the Residential-Light Industrial-Commercial (R-LI-C) zone typically caused many concerns for neighbors during rezoning application hearings. While the R-LI-C zone does allow for a large amount of flexibility for the potential development of property, the flexibility also provides uncertainty. The breadth of the marketing options for R-LI-C properties can also create issues with compatibility between the various potential user groups in these areas based on traffic, lighting, and design issues between the light industrial or commercial uses and residential neighborhoods that would also be allowed within this zoning category. It would appear that the option of requesting one or more than one of the new non-residential zoning categories on this 404.69 acre parcel configured in a manner that would reflect the applicant’s intent would help to prevent opening the property to such a wide variety of uses that the R-LI-C zoning category allows. This was discussed with the applicant and he chose to continue with the R-LI-C request and that is the focus of this staff report.

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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)* and also provides a review of the *Envision Jefferson 2035 Plan*. Staff finds that the request is not consistent with the *2004 Comprehensive Plan* and that while the *Envision Jefferson 2035 Plan* supports redevelopment of the quarry property, the R-LI-C zoning category is not supported.

The format for this assessment is split into two sections, the first of which includes references to specific provisions of the *2004 Comprehensive Plan* and the second of which includes references to specific sections of the *Envision Jefferson 2035 Plan*. Citations generally include relevant page numbers where these provisions can be found in the relevant Plan allowing 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."* Therefore, 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 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 of both plans. The recommendation should be considered the professional opinion of staff. As the Planning and Zoning staff has no statutory authority to make decisions in this regard, the final recommendation is deferred to the Planning Commission, and subsequently the County Commission, with respect to the subject application.

Relevant 2004 Comprehensive Plan Elements and Commentary

A. Proposed Zoning District – Residential-Light Industrial-Commercial (R-LI-C)

The *2004 Plan* Comprehensive Plan provides the following comments on the Residential-Light Industrial-Commercial zoning district, which the applicant is requesting:

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

There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use"

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zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof." (p.71)

The 2004 Plan details some of the potential benefits of the Residential-Light Industrial-Commercial District as well as a number of concerns with the district. While this district is defined as mixed used, it does not require any mixing of uses, it merely allows for the possibility. The district allows all densities of residential uses and a large variety of commercial uses, including office, retail and personal services, as well as light industrial uses, which are essentially defined by uses that are not heavy industrial or commercial uses. The breadth of the variety of uses in this zoning category causes some concern when requested for such a large property on a narrow two lane road in a historically and environmentally sensitive area. With the variety of uses that could be proposed on the subject property, each of which could have very different impacts, it is hard to analyze the potential impact of the proposed zoning. It is the very broadness of this zoning category that generated the interest in developing the new commercial zoning categories adopted in 2014.

B. Natural Resources:

The 2004 Plan includes a section entitled "Jefferson County – A Vision", excerpts of which are noted below:

"Ironically, the natural beauty and rural setting of Jefferson County, the qualities that are so attractive to new residents, are the very qualities that are most threatened by a rapid pace of growth. . . . With houses coming at a far faster pace than jobs, Jefferson County is facing a future as just another bedroom community in the larger metropolitan area.

The intent of this plan is not to recreate or recapture the past but to shape future growth in a manner that preserves the most important features of Jefferson County: the rural landscape, the natural beauty of the rivers, the rolling terrain and the strong sense of community (pg. 8)."

This Vision for the 2004 Plan illustrates that the historic and scenic viewsheds of Jefferson County were being threatened by the rate of growth occurring within the County in the early 2000's. The intent of this Vision is to shape growth in a manner that preserves these important features, while allowing for growth where appropriate.

The 2004 Plan discusses the need to acknowledge and protect the critical Natural Resources in the County and along the US 340 Corridor. It states:

"In terms of environmental resources, Jefferson County suffers from an embarrassment of riches. . . . If we are not careful, we could squander these resources. Effective planning is essential to preserving these resources for use and enjoyment of future generations (pg. 48)."

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The *2004 Plan* discusses the rivers, streams, and drainage divides of the County as well as the impact of sinkholes and other natural resources. Additionally the plan discusses unique natural features in the County and the need to protect the resources as well as the scenic vistas.

“Caves, scenic vistas, wildlife corridors and cliff areas are just several examples of additional forms of natural resources that contribute to the environmental and cultural mix that is Jefferson County. The topography, geology, hydrology, and biological diversity of the environment is one of the hallmarks that makes Jefferson County the beautiful environment that it is. Unfortunately, not every form of natural resource can be discussed in detail within the context of a Comprehensive Plan. . . .

The protection of scenic vistas has been the subject of public comment during this process. . . . The County should identify the protection of scenic vistas as an issue to address, this is best done through the adoption of standards within the ordinances, so that all parties are aware of their rights and responsibilities in this regard (pg. 52).”

C. Historic Resources:

In addition to the Natural Resources of the community, the *2004 Plan* discusses the County's Historic Resources in depth. As noted above, the property that is the subject of this rezoning request, and its environs, were a critical part of the Siege of Harpers Ferry in September 1862. The *2004 Plan* discusses the history of the County and states that Jefferson County “has arguably been referred to as the most historic rural county in America” (p. 55). The County was a part of our country's first western frontier, settled by Europeans before 1720, and inhabited by Native Americans for several thousand years before. Its history includes properties which were surveyed by a young George Washington, seven Washington family homes, the site of the John Brown Insurrection, and being one of the crossroads of a number of Civil War battles.

The *2004 Plan* includes discussion of the importance of these historic resources to the economic viability of the County through the following excerpts from the Historic Preservation section (p. 55-56):

Given its size and population, Jefferson County has been fortunate in the amount of historic preservation projects that have been implemented around the County. . . . From Harpers Ferry National Historical Park to the historic districts of Shepherdstown and Middleway, Jefferson Countians can be proud of the number of historic resources that have been preserved here. . . .

History tourism is a significant element of Jefferson County's economy. Harpers Ferry, the Appalachian Trail, Shepherdstown, Antietam and the C&O Canal all serve to draw visitors to the County and surrounding area. . . .

Regardless of the successes of the past, as an increasing number of tracts are developed for residential, commercial or industrial uses, existing unprotected

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historic resources become endangered. Existing processes should be evaluated for their ability to address this growing issue.”

Historic and natural features are given a significant priority in the *2004 Plan*. These sections of the *Plan* underscore the importance of heritage tourism to the economy and notes the cultural and scenic features that drive locally based tourism’s economic engine. The text substantially supports the need to protect the “scenic vistas” both in this plan and in the 1994 Comprehensive Plan.

It is important to note that recreational tourism, heritage tourism, scenic tourism, and eco-tourism are part of Jefferson County’s pro-business and pro-economic development ventures. Potentially impacting that significant, valuable and irreplaceable part of the county and the affected economic generators is unsystematic. Staff notes that care should be taken when reviewing rezonings that might jeopardize the efforts to nurture the tourism economy or reduce interest in visitation to tourist offerings.

D. Transportation Impacts:

The *2004 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).”

“During the Comprehensive Plan process, citizens have expressed concerns with some of the roads in the County. The County has reached a critical turning point as undeveloped land is becoming committed to new subdivision and development. As more and more land is developed future transportation improvements may become more difficult and more costly. Therefore, it is prudent for the State and County to plan for the future needs now, while the land is available and the improvements can be more easily made, or at least the land can be reserved during the development process for future improvements (pg. 27).”

Continued inadequate transportation funding and increased transportation demands are conditions the County is likely to continue to face. A key issue, particularly in recent years, is an existing bottleneck along US 340 as it enters Virginia between the Shenandoah and Potomac bridges, which impacts this major transportation route through the County.

Rezoning this 400+ acre parcel of land, located in close proximity to the US 340 bottleneck, to Residential-Light Industrial-Commercial zoning may aggravate this condition. While this development by itself may or may not generate a lot of traffic, without a coordinated transportation planning analysis for this property and surrounding parcels, it is difficult to anticipate the cumulative effect on US 340. The intersection of Bakerton/Millville and US 340, which has recently been signalized, would also see an increase in traffic pressure from this

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rezoning, other rezonings in the area, and accumulated development pressures. Millville Road is a narrow two-lane that will also need to handle the increased traffic to the new signalized intersection with US 340. Any development in this area needs a thorough transportation analysis and implementation of required improvements to prevent negative impact to safe and convenient access at this intersection.

E. Water and Sewer Proximity:

The *2004 Plan* 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.”

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

The principal sanitary sewer provider in the US 340 Corridor is the Jefferson County Public Service District (JCPSD), which is authorized to service all unincorporated areas of Jefferson County. Jefferson Utilities is the primary water provider for properties not served by private wells in this area. A wastewater plant owned by Old Standard, LLC is located near the south end of the Old Standard Quarry Lake. It currently serves the Sheridan Estates subdivision and has capacity to serve additional customers. Water service is in the vicinity of this property as well. The *2004 Plan* encourages proposed urban level developments, which the requested zoning would allow, to be on a central water and sewer system, whether public or privately owned.

F. Implications of National Park Service Property

Since 2004, there have substantial acquisitions by the National Park Service (NPS) surrounding this property that were not anticipated in 2004. If the Commission determines the proposed rezoning is not consistent with the *2004 Plan*, it 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”* in order to recommend approval of the request. One of the significant major changes to the US Route 340 Corridor area that were not anticipated when the *2004 Plan* was written is these NPS acquisitions. The acquisitions by the NPS have had major economic, physical or social change in this specific corridor. The amount of property purchased by the NPS has limited the size and scope of private physical development in the area and by extension the amount of traditional economic activity at this intersection. The social change is from development to preservation and a community expectation of historic and open space preservation in this area.

As the Planning Commission determines the merits of this rezoning, the amount of land protected by the NPS in this area, which was not anticipated in the Plan when it was written in 2004 is a factor for consideration, but does not support the rezoning request.

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G. Importance of US 340 in 2004 Plan:

The *2004 Plan* (page 72) includes specific discussion and a recommendation regarding the importance of the US 340 corridor between the Shenandoah River and Charles Town which it refers to as a “historic gateway special study area”. This stretch of US 340 is located approximately ½ mile north of the Old Standard Quarry site which is the subject of this rezoning request. The labeling of this stretch of road as a “historic gateway special study area” is in part due to the panoramic view of the rest of the County from Allstadt's Hill as you enter from the east and in part it is because this is a major transportation spine that is experiencing significant development pressures impacting the flow of traffic and the viewsheds. The 2004 Plan states that:

“Without effective study and management, this corridor (US 340) could deteriorate into strip of housing developments indistinguishable in character, and commercial development rivaling "strips" in nearby larger cities. . . .

. . . the purpose of this study is not to turn US 340 into an undeveloped parkway. Rather, it is stated here that the purpose of this study is to identify ways to ensure that the residential and commercial development that occurs along this corridor is designed and constructed in such a way where the development does not cause visual blight and major traffic problems along the eastern entrance corridor to the State. Buffers, landscaping requirements, traffic and access design, sign regulation and aesthetic highway improvements are all examples of issues that could be discussed as part of this study (pg. 73).”

The *2004 Plan* includes data on this heavily travelled route that reflects the growth in traffic volumes along the Route 340 Corridor from 1996 to 2002. The 2008 West Virginia Department of Transportation traffic counts show 38,000 average daily trips (ADT) at WV 26 (Keys Ferry Road) and 29,400 near Bakerton Road.

Based on this *2004 Plan* recommendation, in 2011-12, the County’s Departments of Planning and Zoning undertook a detailed land use and transportation study of the US 340 East Gateway corridor in collaboration with the West Virginia Department of Highways (DOH) and Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO). DOH and HEPMPPO both have the jurisdiction to address transportation issues and funding mechanisms and have incorporated recommendations from this study into their planning efforts. While the 340 East Gateway Plan was never adopted by the County Commission, the data and input received during those public outreach meetings have impacted recommendations and the development of the *Envision Jefferson 2035 Plan* and should be considered when reviewing rezonings in this corridor.

Additionally, the state of West Virginia has initiated a collaborative effort with the states of Virginia and Maryland to study and address the traffic movements along the corridor from Charles Town, WV to Frederick, MD. While road improvements may not happen quickly, a study of the traffic and plan for improvements is a positive move in the right direction and will begin a priority for future funding.

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It is often pointed out that considerable development has occurred along the 340 East corridor over the last few decades and that this development should be considered an unanticipated change when considering rezonings. However, any development that has occurred along the US 340 corridor between Charles Town and the Shenandoah River was a result of the zoning that was in place when Zoning was established in Jefferson County. Until 2011, there were no rezonings along this corridor. As the current zoning existed for these properties, the *2004 Plan* recognized the potential development in those locations and made no recommendations for change in the corridor, so this development was clearly anticipated. On the other hand, the *2004 Plan* also discussed the area surrounding the battlefields near Harpers Ferry as an important County and State resource worthy of protection and recommended the development of a US 340 corridor study that provided a balance between development and preservation pressures.

It is, therefore, important to carefully consider this wide variety of issues when considering a rezoning request in the 340 East corridor. While a single more intense non-residential development may not have a significant negative impact on US 340, setting a precedent for allowing this type of development without a comprehensive corridor management plan in this area, sets the stage for an accumulation of minor negative effects that could result in a major problem. The goal of the *2004 Plan* and the 340 East Gateway planning effort was not to predetermine what is going to occur along the corridor, but to plan how components of corridor mesh as a unit.

H. Development Implications:

While the *2004 Plan* does not include a land use component or map, it does provide some guidance as to where future growth should occur (p. 79):

“Two goals of this Plan are to have an appropriate balance of land uses, and an appropriate balance between private property rights and growth management. As that balance is found, it then becomes important to assure that community services are available to serve the needs of the population. One of the primary indicators of the quality of life of residents of an area is the sufficiency of essential public services in the community. Schools, roads, recreational facilities, and fire and police protection are some of the more obvious examples of these services. Communities with poor schools, inadequate police protection and failing infrastructure do not draw investment.”

RECOMMENDATION 4.01: It is the vision of this Comprehensive Plan that development will be concentrated within the designated growth areas.”

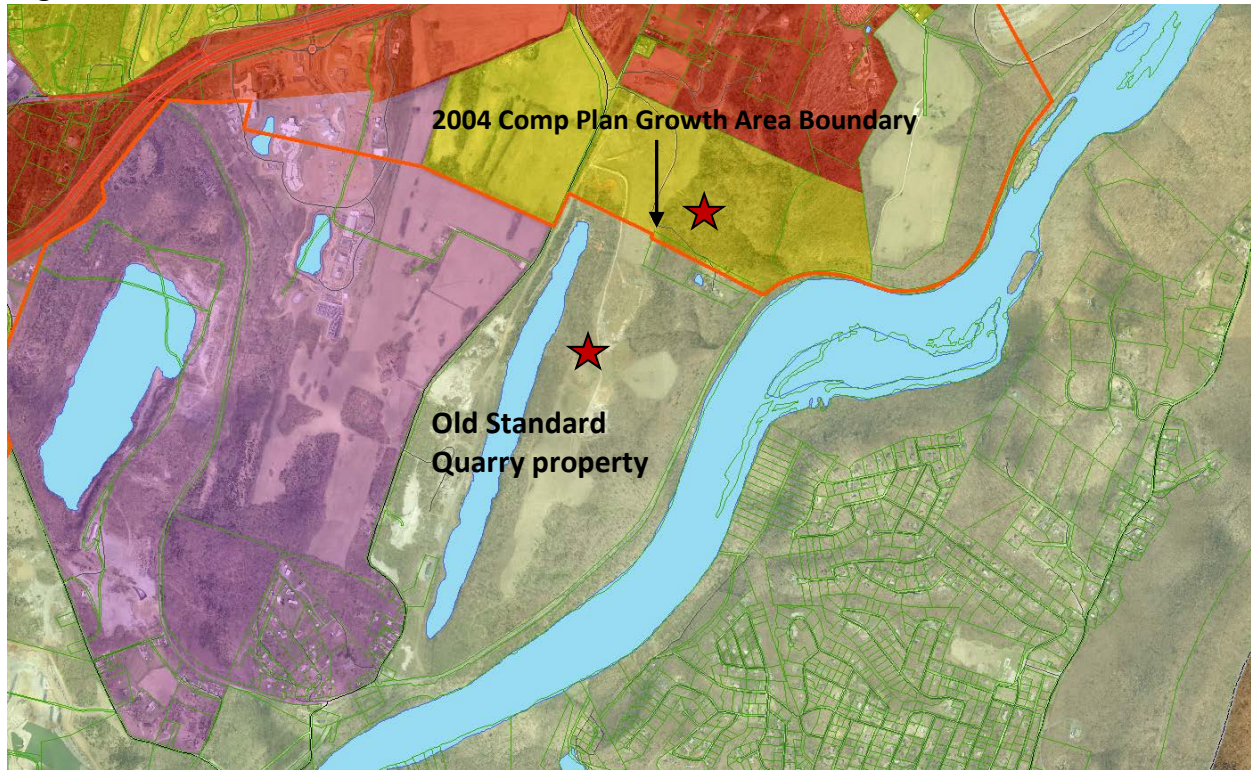
Image 6 depicts an aerial of the Old Standard property with the existing zoning indicated as well as the *2004 Plan* designated growth area boundary. While the northern portion of the Old Standard property, zoned Residential Growth, is within the growth area boundary, most of the Old Standard property is not included within this growth area.

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Image 6



The *2004 Plan* emphasizes that employment centers can be provided in a number of alternative County locations, where it is appropriate for more intense uses. While providing economic opportunities, the Plan also recognizes the importance of protecting natural and historic resources. There are a variety of permitted uses in the proposed R-LI-C zoning category which allow for more intense uses. The need to balance economic growth and key natural and historic features, including scenic vistas needs to be carefully considered when analyzing this rezoning request.

Below is a partial “...list of general goals [that were] adopted as guidelines for the preparation of the 1986 Comprehensive Plan. These goals were readopted, unchanged and incorporated into the 1994 Comprehensive Plan (pg. 19).” These goals were also adopted in the *2004 Plan*:

- *Promote growth and development that are both economically and environmentally sound.*
- *Encourage and support commercial, industrial, and agriculture activities to provide a diversified and sound local economy.*
- *Promote the conservation of the natural, cultural, and historical resources and the preservation of its scenic beauty.*
- *Advocate the maintenance and improvements of transportation systems so that people and goods can move safely and efficiently throughout the County.*
- *Promote pedestrian friendly, livable communities.*

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One of the goals mentioned above is to “*Encourage and support commercial, industrial, and agriculture activities to provide a diversified and sound local economy.*” Tourism is a vital component of Jefferson County’s economy and brings in considerable revenues to the County. Jefferson County is number one in tourism dollars captured by any county in the state of West Virginia, capturing \$729,000,000 in 2008. The proposed rezoning is within the area that visitors to the State and County experience their first impression of the scenic views. Visitors to Jefferson County expect to see open vistas that welcome vacationers to the County and the State of West Virginia. Protecting our resources is pro-economic development that provides “*...a diversified and sound local economy.*”

When considering any rezoning in this corridor it is critical to consider the potential impact on traffic and the potential visual impact of potential development for the Corridor as a whole. It is imperative that the activity on this Corridor be reviewed very closely as it is the “most identifiable and visible artery in the County.”

Relevant *Envision Jefferson 2035 Plan* Elements and Commentary

The *Envision Jefferson 2035 Plan* has a Vision statement that provides broad direction for all components of the Plan and should help guide land development decisions in Jefferson County for the next 20 years:

“We envision Jefferson County in the year 2035 as a place of natural beauty and historic value. It is an active, vibrant place to live, work, and play. The county has economic growth potential as a result of its location in the Washington, D.C. and Baltimore, MD Metropolitan Areas, as well as its skilled workforce. There is a well-diversified economic base of manufacturing, services, government, tourism, and agriculture that is not reliant on any single business type. The County’s rich historic, cultural and natural resources are preserved and are an integral part of its economy. Excellent infrastructure, public facilities and services are available to all residents and employers. It is a community with well-defined rural, village, and urban areas. Residents enjoy a countywide system of well-programmed parks, as well as recreational opportunities serving all ages. Safe, congestion free, and convenient transportation access is available throughout the County.”(p. 3)

This broad vision statement supports the development of a well-diversified economy while protecting the County’s historic, cultural, and natural resources. It guides future development to occur in areas where the infrastructure, public facilities and services, and transportation facilities can support the development in a safe and efficient manner.

A. Proposed Zoning District – Residential-Light Industrial-Commercial (R-LI-C)

The *Envision Jefferson 2035 Plan (2035 Plan)* includes a recommendation that states all future commercial/industrial zoning map amendment requests should be required to utilize the new zoning categories and should be discouraged from using the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests. Additionally, it recommends that any development in a zone that permits mixed use should be encouraged to be developed according to the Mixed Residential/Commercial or

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Mixed Office/Commercial ratios found in the land use category recommended by this Plan, unless otherwise provided in the Zoning Ordinance. (p. 36)

Based on these recommendations, the *2035 Plan* does not support the use of the R-LI-C zoning category for future Zoning Map Amendment requests. A variety of the new zoning categories could be utilized to identify various proposed uses where the topography and natural resources complement the proposed uses.

B. *Envision Jefferson 2035 Plan Policies:*

The *2035 Plan* is the first Jefferson County plan to include a future land use element with accompanying maps and recommendations to help guide the location of new development within the County. The Future Land Use Element identifies four broad land use activity types which are intended to guide where different intensities of land use will occur. These include two designated Urban Growth Boundaries (UGB) and seven Preferred Growth Areas (PGA) for urban level development; eight identified Villages; and the Rural/Agricultural areas for non-urban development. The Future Land Use Guide and recommendations will be utilized by the Planning Commission and County Commission to guide the decision making related to changes to the Zoning Map, such as this land-owner initiated petition.

One of the seven PGAs is the US 340 East PGA, which includes Quarry Redevelopment Areas described below. The *2035 Plan* specifically identifies the two old quarries along US 340 as areas appropriate for unique redevelopment opportunities. Old Standard Quarry, which is the subject of this rezoning request, is identified as appropriate for tourist friendly recreational or commercial redevelopment, provided that any proposed site development be designed in a manner that reflects and protects the topography, hillsides, steep slopes, and other natural features. The *2035 Plan* reflects the concept that, while the quarry property is appropriate for redevelopment, it is also a resource worthy of protection and that development and preservation pressures need to be carefully balanced. Specifically, the *2035 Plan* states the following:

“Quarry Redevelopment Areas (QRA) within the US 340 Corridor

There are two QRAs along US 340 and they consist of Old Standard Quarry (Millville Road) and Shenandoah Quarry (US 340 and Blair Road). These quarries have unique site features that provide for different redevelopment opportunities. Both sites have a large reservoir of water from quarries that are no longer actively used (please note that while there is an active quarry on Blair Road, the Shenandoah Quarry is inactive). Both quarries could be used for mixed used developments, office and commercial uses, technology companies that have a need for water, and recreational activities. Since each of these potential uses has a different future land use classification, it was determined to show the existing areas as “Quarry Redevelopment Areas”. Old Standard Quarry, which is zoned Rural, would be appropriate for tourist friendly recreational or commercial redevelopment under the QRA. Redevelopment should consider site development that incorporates the design

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of the structures with the topography and other natural features. Redevelopment of Old Standard Quarry should occur in a manner that protects the hillside and steep slopes while allowing recreational development near the quarry. . . .”(p. 24)

Staff Recommendations

Staff finds the proposed Zoning Map Amendment request for the 404.69 acre parcel is not consistent with the 2004 Comprehensive Plan. The majority of the property is not located within the identified Growth Area in the 2004 Comprehensive Plan. The property is in an area identified as an important County and State natural and historic resource worthy of protection, where development and preservation pressures need to be carefully balanced. While the property does have access to water and sewer, it is located on a two lane road that has no improvements planned.

Staff finds that while the *Envision Jefferson 2035 Plan* does support redevelopment of the quarry property for a tourist friendly recreational or commercial redevelopment, it does not support a rezoning to the R-LI-C zoning category. It further requires that such development be designed in a manner that reflects and protects the topography, hillsides, steep slopes and other natural features. Staff recommends that in order to find the proposed Zoning Map Amendment fully consistent with the *2035 Plan*, alternative zoning categories and development plans that reflect the recommendations of the *2035 Plan* should be considered.



JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning

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

File Number: #Z14-03
 Staff Initials: C/C
 Application Fee: \$ _____

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

Email: planningdepartment@jeffersoncountywv.org
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"/>

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 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 checked="" 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 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

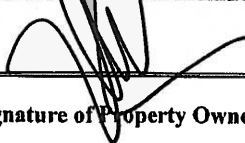
Plat or Sketch Plan (provide as an attachment to this application)

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).



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

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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DEC 30 2014
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.

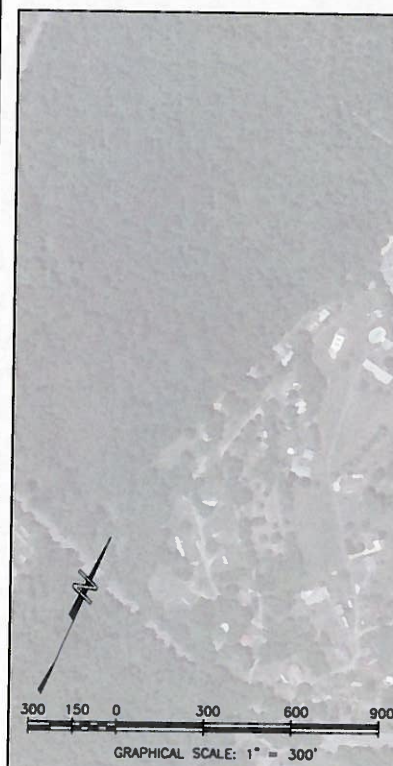
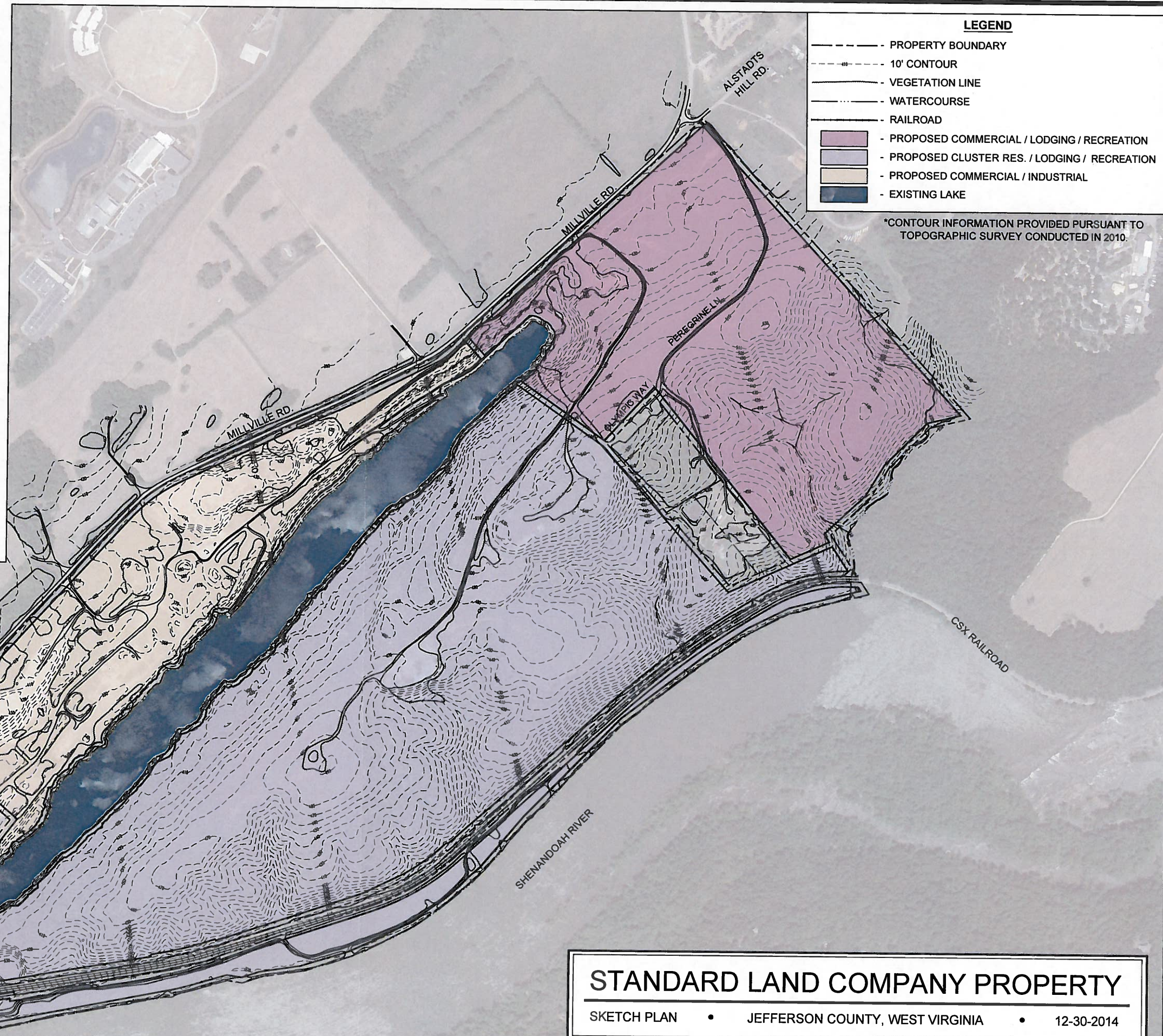
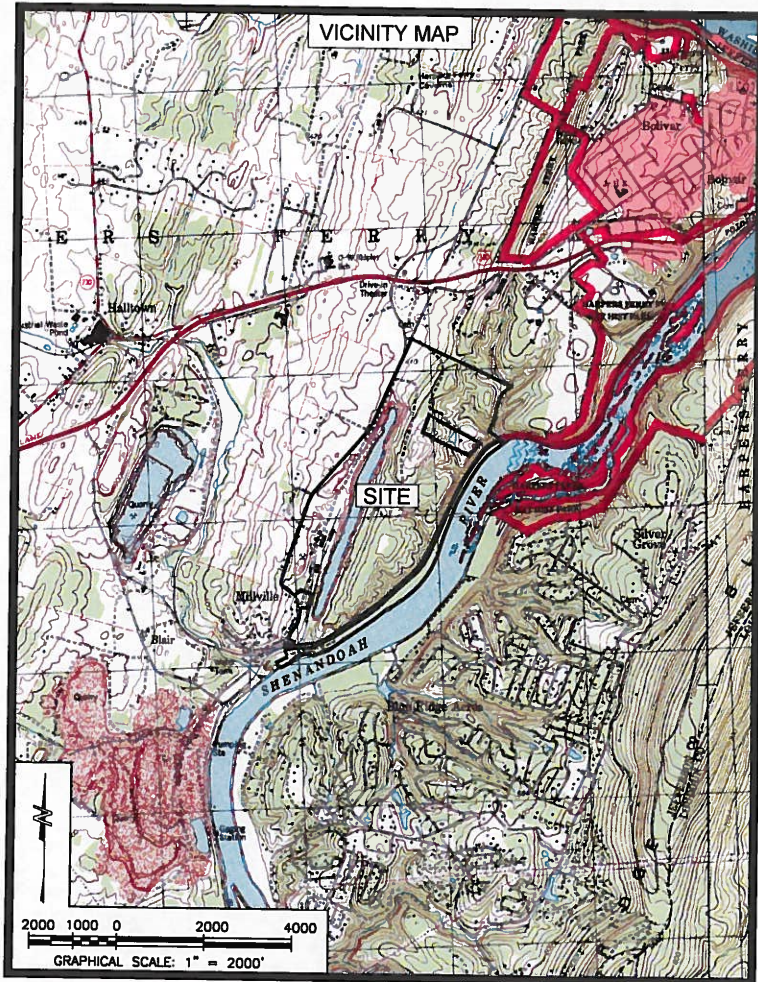
- **Existing Zoning Map**
 - **Surrounding properties are zoned for similar uses to the Residential/Light Industrial/Commercial District.** Land immediately north and adjacent to this property is currently zoned Residential/Light Industrial/Commercial. The adjacent uses are primarily commercial, residential, 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
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Public Comment
Received
For
Standard Land Company, LLC
Re-Zoning Petition

From: Al & Allison [<mailto:hfg@comcast.net>]

Sent: Monday, February 02, 2015 2:06 PM

To: 'Karan Townsend'; Betsy Bainbridge; Charlotte Thompson; 'Dan Riss'; Greg Vaughn; Hap Becker (Home); Jerry Hutton; Kevin Carden

Cc: 'Barbara Humes'

Subject: RE: Re-Zoning of Quarry site

Greg, Karen, and Town Council

Here is my input on the inappropriate attempt to rezone the old standard quarry property.

I no longer know who best to forward this to.

You are welcome to forward this to whomever you wish.

Throughout Jefferson County, there are already many areas that are zoned for, and should be used for residential and commercial development. However, in the *entire United States of America*, there are but a handful of undeveloped landmark battlefields that have not already been destroyed or greatly diminished by sprawl. The few that are left are still valuable resources for heritage tourism which according to the US Chamber of Commerce, is one of the current growth industries in the US.

To get a true understanding of what is being proposed, please see the [attached battle map](#) of the Siege of Harpers Ferry. You will notice that the map shows that AP Hills troop fought right through the quarry area that is being proposed for rezoning.

The National Park Service has installed wayside exhibits and worm fences on School House Ridge and is well on its way to conducting interpretive tours of this battlefield.

Please remember, this fight was no minor skirmish. General Lee assigned Stonewall Jackson, arguably his most able commander and fully two thirds of his army, six divisions (24,000 men) to attack the 14,000 union soldiers that were garrisoned at Harpers Ferry. After this battle,

these same confederates immediately marched to Antietam where thousands of them became the dead and wounded of the subsequent Battle of Antietam.

In West Virginia Code, Chapter 8 titled Land Use Planning,

A subset of Section 8A-1-1 contains the following legislative findings.

(3) A plan and **a vision for the future** is important

(4) That **sprawl is not advantageous** to a community;

(8) Promoting growth **that is economically sound**, environmentally friendly and supportive of community livability to enhance quality of life is a good objective ...

Promoting development at this location is contrary to, and ignores these legislative findings. Allowing increased building in the middle of a developing national heritage tourist destination **does not look to the future** . Encouraging development that is not contiguous to existing towns and villages only **increases sprawl**. Devaluing this view shed and thus the ability of guides to perform accurate interpretation of a national battlefield for thousands of yearly visitors is definitely **not economically sound**.

Tourism dollars are a very efficient source of income that causes relatively little stress on our infrastructure. Given that the financial value of this battlefield as a cultural tourist destination is just now starting to materialize, if Jefferson County is truly trying to plan for and create a broad based economy, encouraging expanded development in the midst of a major historical battlefield is short sighted. It would be better to protect this area and allow it to continue to develop as a long term heritage tourism resource.

Respectfully,

Al Alsdorf

Harpers Ferry

From: Karan Townsend [<mailto:karantownsend@gmail.com>]
Sent: Monday, February 02, 2015 12:39 PM
To: Greg Vaughn - Mayor of Harpers Ferry (hfmayor@frontier.com); Greg & Lynn Vaughn
Cc: Barbara Humes; Al & Allison Alsdorf
Subject: Re-Zoning of Quarry site

Greetings...

I'm so sad that i wasn't able to attend the January meeting of the JCDA but so glad that you were able to attend!

As mentioned in my email to you, my understanding is that the JCDA plans to send a letter of support regarding re-zoning of the Quarry — which i don't think is a good idea.

Could you please let me know what action the Board took in regard to the proposed letter of support for re-zoning the Quarry?

Have you talked with Barbara Humes, Al Alsdorf, or others about this re-zoning request?

I understand that a hearing before the Planning Commission has been scheduled for 10 February — and we Harpers Ferry residents should probably make our opinions known since this is our "back yard."

My initial thought is that the zoning should remain as it is and that the current or future owners should request a specific waiver if they want to develop a specific business on this site because with a general re-zoning, any developer would have a huge “green flag” to develop any kind of business on the property, in spite of the concerns and opposition of the citizens about the nature of the business

Waiver work! For example, i understand that the Morgan Grove business complex was developed on property that is zoned rural because they were granted a waiver for their specific development.

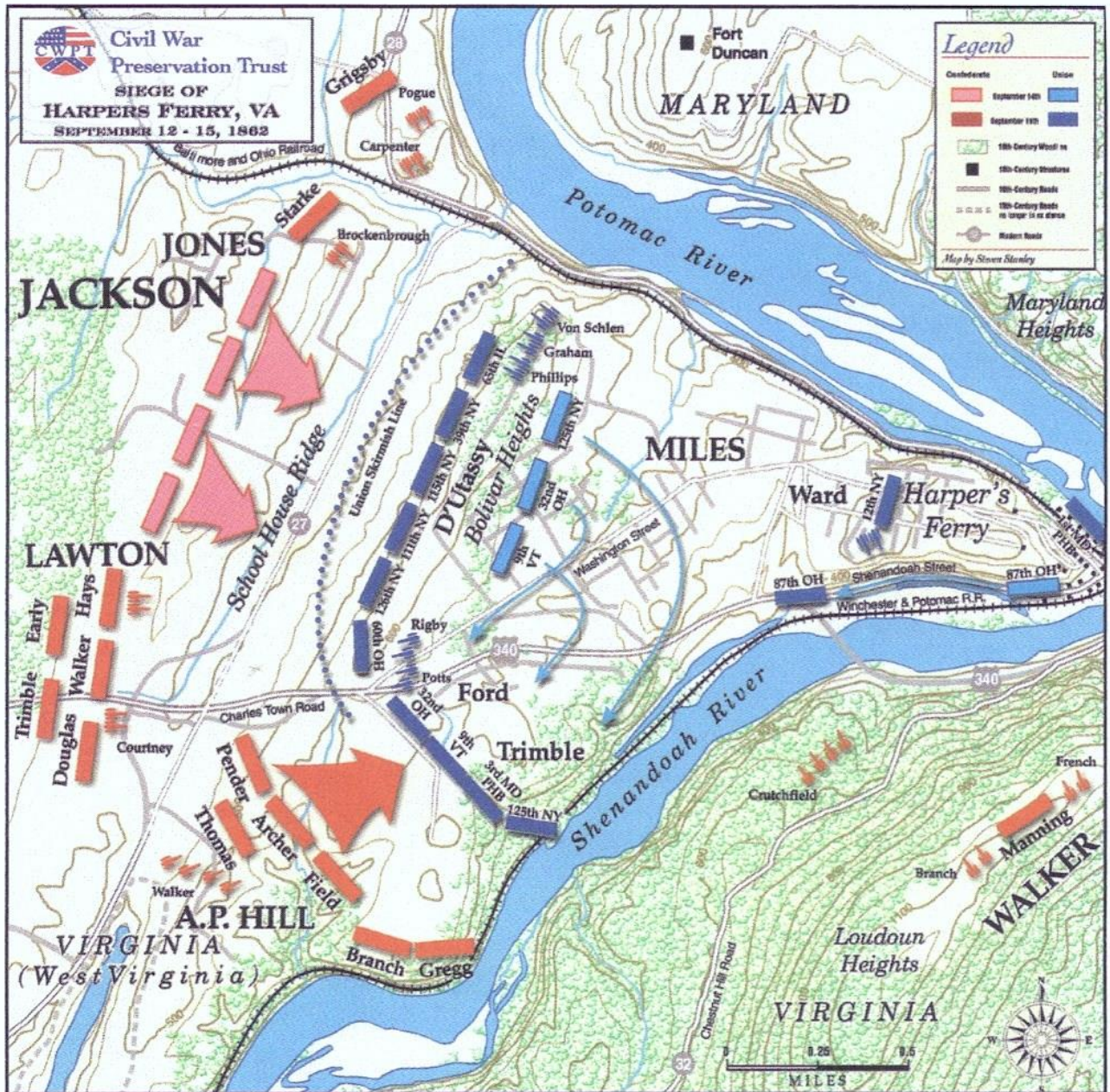
Your answers to my questions would be very much appreciated.

Sincerely,

Karan

Development of the Old Standard Property will cause the loss of another portion of the 1862 Battle Field which is a West Virginia Historical Treasure.

Below is a battle map showing the positions and flow of the attacking Confederate forces of Generals Jackson, Lawton and AP Hill during the battle of Harpers Ferry. General Hill's path of attack was through fields currently owned by Harpers Ferry National Park and across what is now the old standard property. Continued development on or near this battlefield defiles a national historical treasure and ignores its great potential as a West Virginia heritage tourist destination. Development of the quarry area would be shameful for Jefferson County and another piece of West Virginia's Civil War history will be lost forever.



This information is
Tab # 5 of your binder



**Jefferson County, West Virginia
Departments of Planning & Zoning**

116 East Washington Street
P.O. Box 338
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zoning@jeffersoncountywv.org

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

MEMORANDUM

TO: Planning Commission
FROM: Jennifer M. Brockman, Director, Planning and Zoning
DATE: February 10, 2015
RE: Public Hearing: Proposed Subdivision and Land Development Regulations Text Amendment (Section 26.200) to change the definition of "Days" (File #STA15-01).

Currently, Section 26.200 of the Jefferson County Subdivision and Land Development Regulations, "Definitions of Terms", includes the following definition:

"Days: Monday through Friday, excluding holidays and any days on which the County offices are closed."

The Jefferson County Prosecuting Attorney's Office has informed the Jefferson County Planning Commission that the term "day" in state law is more typically interpreted as "calendar days", unless otherwise specified, and therefore the following amendment is proposed:

"Days: ~~Monday through Friday, excluding holidays and any days on which the County offices are closed.~~ Refers to calendar days and, therefore, includes all days in a month, including weekends and holidays."

This change in definition will only impact the amount of time staff or the Planning Commission has to review or act on plats and plans submitted for approval. In 2010, staff adopted a policy, which was accepted by the Planning Commission, which clarified that the use of the term "days" in the Subdivision Regulations when determining deadlines in regards to posting, adjoining notification, and advertising requirements is interpreted to mean calendar days. Therefore, if this amendment is approved, it would nullify the need for this policy.

Note: Upon completion of this Public Hearing, the Planning Commission shall make a recommendation to the County Commission regarding this amendment. In accordance with Section 8A-4-5 of the WV Code, all amendments to the Subdivision and Land Development Regulations shall require final approval of the County Commission after holding a public hearing with public notice.

This information is
Tab # 6 of your binder



**Jefferson County, West Virginia
Departments of Planning & Zoning**

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

MEMORANDUM

TO: Planning Commission
FROM: Jennifer M. Brockman, Director, Planning and Zoning
DATE: February 10, 2015
RE: Public Hearing: Proposed Subdivision and Land Development Regulations Text Amendment, Section 20.104C regarding the processing of utility easements (File #STA15-02)

Currently Section 20.104, "Exceptions", of the Jefferson County Subdivision and Land Development Regulations, reads as follows:

"Sec. 20.104 Exceptions

A. General. There shall be no exception from these Regulations for activities that involve the creation of lots, revision of lot lines that affect other properties other than the otherwise exempted uses, the creation or abandonment of roads, the provision of access to exterior roads, the vacating of public road right-of-ways, or the creation or abandonment of other easements, unless provided for in Section 20.107, Conservation Easements.

B. Public Schools. By Statute, public schools are exempt from these Regulations, but are encouraged to voluntarily conform.

C. Public Utilities. Public utilities and private utility firms, including wastewater treatment and water supply facilities, regulated by the West Virginia Public Services Commission, shall also be required to conform to the standards of these Regulations.

D. Land Owned by Government Entities. Land owned by the Federal Government, State Government, or Municipal Government is exempt from the provisions of these Regulations. The County government has placed its own uses under the jurisdiction of these Regulations."

Subsection "C" above is somewhat confusing because although it is under the section entitled "Exceptions", it does not appear to exempt utilities from this requirement. The proposed amendment to Section 20.104 is to read as follows:

"Sec. 20.104 Exceptions

A. General. There shall be no exception from these Regulations for activities that involve the creation of lots, revision of lot lines that affect other properties other than the otherwise exempted uses, the creation or

abandonment of roads, the provision of access to exterior roads, the vacating of public road right-of-ways, or the creation or abandonment of other easements, unless provided for in Section 20.107, Conservation Easements, or in subsection "C" below.

B. Public Schools. By Statute, public schools are exempt from these Regulations, but are encouraged to voluntarily conform.

C. Public Utilities. Public utilities and private utility firms, including wastewater treatment and water supply facilities, regulated by the West Virginia Public Services Commission, shall also be required to conform to the standards of these Regulations; however, easements for public utilities and private utility firms, including wastewater treatment and water supply facilities, shall be exempted from this requirement, unless otherwise required as a part of a subdivision plat and/or site plan.

D. Land Owned by Government Entities. Land owned by the Federal Government, State Government, or Municipal Government is exempt from the provisions of these Regulations. The County government has placed its own uses under the jurisdiction of these Regulations."

This exception will allow utility companies processing changes or improvements to their utility lines, separate from a subdivision or site plan development, to record easements without requiring the approval of the Departments of Planning and Zoning.

Note: Upon completion of this Public Hearing, the Planning Commission shall make a recommendation to the County Commission regarding this amendment. In accordance with Section 8A-4-5 of the WV Code, all amendments to the Subdivision and Land Development Regulations shall require final approval of the County Commission after holding a public hearing with public notice.

This information is
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**Jefferson County, West Virginia
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MEMORANDUM

TO: Planning Commission
FROM: Jennifer M. Brockman, Director, Planning and Zoning
DATE: February 10, 2015
RE: Public Hearing: Proposed Subdivision and Land Development Regulations Text Amendment, Section 24.300 "Waivers" regarding waivers of process or procedure (STA15-03).

Division 24.300, "Waivers", of the Jefferson County Subdivision and Land Development Regulations currently includes provisions and the processes for requesting waivers from the various standards found throughout the Subdivision and Land Development Regulations. This Section further restricts such waivers to waivers of standards and specifically states that no process or procedural waivers shall be granted. The existing language is as follows:

"Division 24.300 Waivers

Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria: (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature; (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents; (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and (4) that the waiver if granted will result in a project of better quality and/or character. No process or procedural waivers shall be granted."

Occasionally it may be appropriate for the Planning Commission to consider waivers of process, on a case by case basis and a process needs to be in place to allow this to occur. Therefore, the following amendment is proposed to that last sentence of the introductory paragraph of Division 24.300:

~~"No process or procedural waivers shall be granted.~~ Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval."

This requires the Planning Commission to consider each waiver request on its own merits and to determine the impact that such a waiver may have on the County. Note that if this

amendment is approved, the numbered criteria will be revised into an outline format for ease of use by applicants.

Note: Upon completion of this Public Hearing, the Planning Commission shall make a recommendation to the County Commission regarding this amendment. In accordance with Section 8A-4-5 of the WV Code, all amendments to the Subdivision and Land Development Regulations shall require final approval of the County Commission after holding a public hearing with public notice.

This information is
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Jefferson County, West Virginia

Departments of Planning and Zoning

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Director's Report Planning Commission Meeting February 10, 2015

- 1) Status of Zoning Administrator Search
- 2) Recent/Upcoming CC Actions relevant to Planning:
 - a) County Commission Action on proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) – staff briefed the County Commission on the status of this amendment at their 1/29/15 meeting; this will be on a future CC agenda in March or April to proceed with this amendment
 - b) Zoning Map Amendment request by David N. Slusher to rezone property designated as Tax District: Kabletown (06), Map: 11, Parcel: 3.2, located on the southwest corner of the Route 340/Straithmore Farm Lane/Wheatland Road intersection from Rural to General Commercial zoning (*CC Public Hearing set PH 02/19/15, 1:30 pm*)
- 3) Planning Commission Training – **PROPOSED DATE:** February 24, 2015 7 p.m.
 - County Commission requires 2 hour training every year
 - Proposed Topic: Aging in Place: Planning's Role and Responsibilities (power point and audio from 2012 AICP Symposium held at the National Building Museum) – to be open to the public as well
- 4) Upcoming PC meetings
 - a) Planning Commission Training Session – **February 24, 2015** (Tentative)
 - b) Next Regular Meeting: **March 10, 2015**