



AGENDA
Jefferson County Planning Commission
Tuesday, June 9, 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.

1. Approval of the minutes from the following Planning Commission Meetings:
 - May 12, 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. **Action on a Public Hearing that was held on May 12, 2015 on the proposed Bolivar Urban Growth Boundary. The Public Hearing was closed and no additional public testimony will be taken.**

Proposed Urban Growth Boundary for the corporation of Bolivar which shall be placed on the adopted County Zoning Map, once approved by the County Commission. WV State Code 8-6-4a establishes the authority under which a municipality may request such a boundary and requires that the boundary be established by the County Commission in agreement with the municipality. Bolivar's requested boundary is based on the Bolivar Growth Boundary delineated in Part 13, Article 1324 of the Town's Planning and Zoning Code, enacted December 18, 2003. Approval of this Boundary by the County Commission does not change the zoning classification of any property.

Motion postponed from May 12, 2015 to be considered by the Planning Commission after receiving input from legal in response to their questions reads as follows:

Peter Fricke: "I move that the Planning Commission advise the County Commission that the proposed Urban Growth Boundary is consistent with the Envision Jefferson 2035 Plan".

4. **Final Plat Public Hearing:** Aspen Greens Phase IIA, Lots 21-46 (File #PC 14-01). The project is to consist of 26 Single Family Lots and two meadows on 16.235 acres. The property is located northeast of the intersection and along Old Country Club Road and Flowing Springs Roads. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19; Owner/Developer: Roderick Planes, LLC, Maurice Gladhill.
5. **Public Workshop:** Concept Plan Review for 637842 Delaware Corporation, D/B/A Kent Cartridge Manufacturing Facility (File S15-02). The Concept Plan includes a 20,000 square foot expansion for warehousing and storage of an existing ammunition manufacturing facility. The property located on a 173.58 acre parcel. The property is located at 795 Hite Road in Kearneysville and is designated as Tax District: Middleway (07); Tax Map: 8; Parcel 4; Zoned: Rural; Size: 173.58 Ac.
6. **Public Hearing:** Request by applicant Delaware Corporation 637842 D/B/A Kent Cartridge (File #PCW15-01), for a waiver from the requirements of Section 20.203 (1), and Division 26.200 the Jefferson County Subdivision and Land Development Regulations which would require this project to process as a Major Site Plan, to process as a Minor Site Plan. The property is located at 795 Hite

Road in Kearneysville and is designated as Tax District: Middleway (07); Tax Map: 8; Parcel 4;
Zoned: Rural; Size: 173.58 Ac.

7. **Public Hearing:** Request by applicant Mark-Colonial Hills, LLC (PCV#15-03) for a variance from the requirements of Article 8, Section 8.2.e.3 of the 1979 Jefferson County Subdivision Ordinance. Applicant is requesting a reduction in the requirement for the minimum road frontage from 80' to 70' to permit two additional single family lots. The property is located on the east side of Potomac Farms Drive (Jefferson County Route 245) in Shepherdstown and is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcel 10; Zoned: Residential Growth; Size: 27.15 Ac.

There is no public comment for the remaining items.

8. Discussion and review of red-lined edits for the Proposed amendments created by an appointed citizen based committee for the purpose of scheduling a public hearing:
 - Proposed Amendment to the Jefferson County Land Development and Subdivision Regulations, Appendix B, Division 7 “Mobile/Manufactured Homes Parks and Campgrounds” to remove all reference to campgrounds;
 - Proposed Amendment to the Jefferson County Land Development and Subdivision Regulations, Appendix B, to create a new Division 8 “Campgrounds” (note this requires relabeling the existing Division 8); and
 - Proposed Amendments to the Jefferson County Zoning and Land Development Ordinance, to create a new Section 8.16 “Campgrounds” under Article 8, “Supplemental Use Regulations”
9. Request for postponement.
10. Reports from Legal Counsel and legal advice to the Planning Commission.
 - a) Active Litigation:
 - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session
 - JCBE Bus Maintenance and Storage Facility: Report on legal action in Jefferson County Circuit Court, Case # 13-1243 – Possible Executive Session.
11. Director’s Report.
12. 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
 - Historic Landmark Commission

13. President's Report.
14. Actionable Correspondence.
15. Non-Actionable Correspondence.

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.

Jefferson County Planning Commission
May 12, 2015

The Jefferson County Planning Commission met on May 12, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Donnie Fisher, Peter Fricke, and Dick Childs . Staff members present included Jennifer Brockman, Director of Planning and Zoning; David Simon, Zoning Administrator; Rhonda Greenholtz, Planning Clerk; Jonathan Saunders, County Engineer; Lydia Lehman, Legal Counsel; and Nathan Cochran, Legal Counsel. Mike Chapman was absent with prior notification.

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

Mr. Stephen Stolipher introduced Ms. Lydia Lehman as Legal Counsel for the County Commission. Mr. David Simon also was introduced as the new Zoning Administrator for Jefferson County.

1. Approval of the minutes from the following Planning Commission Meetings:

- March 10, 2015

Mr. Stephen Stolipher asked if there were any objections to the approval of the meeting minutes. No objections were made. Minutes were approved.

2. Citizens Communications: Jessica Getman, General Manager Harpers Ferry KOA Campground. Mr. Stolipher stated that the proposed Amendments to the Campground Ordinance were not open for public comment at this time. Ms. Getman understands that and may be able to offer some suggestions. There is a lot of industry information and background that is available to assist the Commission in its consideration of the proposed amendments. Ms. Getman has offered her assistance in regards to the Amendments.

Mr. Dale Manuel informed Ms. Getman that she may submit any suggestions/comments in writing to the Planning Clerk who would then distribute them to the Planning Commission members for review.

3. Public Hearing: Proposed Urban Growth Boundary (UGB) for the corporation of Bolivar which shall be placed on the adopted County Zoning Map, once approved by the County Commission. WV State Code 8-6-4a establishes the authority under which a municipality may request such a boundary and requires that the boundary be established by the County Commission in agreement with the municipality. Bolivar's requested boundary is based on the Bolivar Growth Boundary delineated in Part 13, Article 1324 of the Town's Planning and Zoning Code, enacted December 18, 2003. Approval of this Boundary by the County Commission does not change the zoning classification of any property.

Mrs. Jennifer Brockman stated that the State law requires that the County and the requesting Municipality agree upon a proposed Urban Growth Boundary. The boundary will then be shown on the County Zoning Map. The Planning Commission's role is to advise the County Commission whether this request is consistent with the Envision Jefferson 2035 Comprehensive Plan. The proposed UGB was referred to in the Comprehensive Plan. Ms. Brockman identified the proposed boundary shown on the graphic provided in the staff report. The area was referenced in the Town Code of Bolivar adopted in December 18, 2003. The map was created from the Town of Bolivar's Growth Boundary that was included in the Town Code.

The Envision Jefferson 2035 Comprehensive Plan discusses UGBs as a planning tool and refers particularly to the Charles Town and Ranson areas where future urban development is desired. Bolivar representatives were present at the meeting.

Representative and Bolivar Town Council member Ms. Helen Dettmer spoke. Mayor Robert Hardy, Town Council members John Paul Hafer and Donna Callar, were also present. An information packet had previously been submitted to the County Commission by the Town of Bolivar. Seven (7) letters of support by residents living within the proposed UGB were submitted to the Planning Clerk for inclusion into the record. Roughly 212-220 citizens reside within the current Bolivar Town boundary.

Mr. Dick Childs asked if the proposed UGB included the Old Standard Quarry property. He also asked if the Old Standard Quarry property could be excluded from being included in the boundary if requested. Ms. Helen Dettmer responded that the request before the Planning Commission is to determine if the boundary can be granted as shown. The area in the Charter allows the Town of Bolivar to buffer the town within one mile of the Town limits. The UGB in the Bolivar Town Charter extends past the boundary the Town is currently requesting in some areas.

Ms. Dettmer explained that any annexations would be a future issue that would entail Public Meetings and elections. This request is to just set the Urban Growth Boundary.

Ms. Jennifer Brockman reiterated that the role of the Planning Commission is to determine if the proposed UGB is consistent with the Envision Jefferson 2035 Comprehensive Plan, not to discuss potential annexation.

Planning Commission members had numerous question for Legal Counsel regarding Annexation, such as if the properties within the boundary area could be forcibly annexed.

Discussion with Legal Counsel ensued regarding annexation and various directions that could be taken.

Mr. Gary Phalen asked if this request is in line with what was proposed in the Envision Jefferson 2035 Comprehensive Plan.

Mr. Nathan Cochran stated that the role of the Planning Commission is to determine if the request before them is consistent with the Envision Jefferson 2035 Comprehensive Plan. The forum is not to discuss annexations.

Mr. Robert Hardy, Mayor of Bolivar spoke and stated that there is no mention or plan in the near future for any annexations. The request is for establishment of an Urban Growth Boundary only.

Mr. Stephen Stolipher opened the floor to public comment.

Mr. Matt Knott (Owner/Operator, River Riders) and Ms. Jessica Getman (Manager, KOA Campground) spoke in opposition to the Proposed UGB citing concerns of possible future mandatory annexation.

Mr. Stephen Stolipher closed the floor to public comment.

Mr. Steven Stolipher stated that a letter from the Old Standard Quarry property owner was received by the Planning Commission requesting exclusion from the UGB.

Mr. Peter Fricke made a motion to advise the County Commission that the request is consistent with the Envision Jefferson 2035 Comprehensive Plan.

Mr. Dale Manuel made a subsidiary motion to postpone this request until the next scheduled Planning Commission meeting pending further legal investigation into the implications of an urban growth boundary on future annexations.

A vote was taken to postpone this action on Peter Fricke's motion until the June 9, 2015 Planning Commission meeting and the motion carried a vote of 6-2. (Mr. Peter Fricke and Mr. Gene Taylor opposed.)

4. Request for postponements: None
5. Discussion and action of the previously adopted Roberts Rules of Order for Small Boards. Staff supports keeping the Roberts Rules of Order of Small Boards with the exception of reinstating the "seconding" of motions. All other rules apply.

Mr. Steven Stolipher made a motion to reinstate the "seconding". Dale Manuel spoke in opposition to this change providing some background on the purpose for this provision. A vote was taken and passed with a vote of 6-2 (Mr. Peter Fricke and Mr. Dale Manuel opposed)

6. Discussion and possible action on the Historic Landmark Commission's proposed amendment to the Jefferson County Land Development and Zoning Ordinance to improve historic and cultural resource protections based on the recommendations of the Envision Jefferson 2035 Comprehensive Plan.

Mr. Martin Burke, Chairman of the Jefferson County Historic Landmarks Commission (JCHLC) presented the request. Mr. Burke stated that in the County's 2004 Comprehensive Plan, one of the duties recommended to the JCHLC was to conduct an inventory of structures older than 50 years. He gave an overview of the number and types of historic resources meeting the four established classifications and categories of historic sites. The inventory encompasses all resources older than 50 years and therefore goes back to 1957. The inventory enumerated 1,085 historic resources in the unincorporated areas of Jefferson County.

The second duty recommended to the JCHLC was to develop an ordinance to protect the resources in the four categories. Such provisions were drafted as a part of the new Zoning Ordinance that was approved by the County Commission in 2008 and subsequently rescinded due to a voter referendum. The 2035 Envision Jefferson 2035 Comprehensive Plan includes recommendations that these zoning ordinance provisions should be reviewed and reconsidered at this time so the JCHLC wanted to provide the Planning Commission an overview of the provisions of the proposed ordinance language. The main concern of the JCHLC at this time is the issuance of demolition permits on potentially historic buildings. Mr. Burke believes that there should be a longer investigation period

before a Demolition permit can be issued in order to provide options for alternative uses and/or to more thoroughly document the historic resource before it is demolished..

Mr. Dale Manuel made a motion to proceed with a draft amendment to the sections of the Ordinance relative to the demolition of and adaptive reuse of historic resource sites.

Mr. Steven Stolipher seconded the motion.

A vote was taken which carried unanimously.

Ms. Jennifer Brockman recommended including a representative from the building department as they will be more familiar with the requirements of State law pertaining to this issue. Ms. Brockman suggested setting up a work session and encouraged the Planning Commission members to participate. Ms. Brockman will begin a draft of the Ordinance.

7. A discussion was held on the following proposed amendments related to provisions for campgrounds created by an appointed citizen based committee for the purpose of scheduling a public hearing:
 - Proposed Amendment to the Jefferson County Land Development and Subdivision Regulations, Appendix B, Division 7 “Mobile/Manufactured Homes Parks and Campgrounds” to remove all reference to campgrounds;
 - Proposed Amendment to the Jefferson County Land Development and Subdivision Regulations, Appendix B, to create a new Division 8 “Campgrounds” (note this requires relabeling the existing Division 8); and
 - Proposed Amendments to the Jefferson County Zoning and Land Development Ordinance, to create a new Section 8.16 “Campgrounds” under Article 8, “Supplemental Use Regulations”

Ms. Jennifer Brockman stated the staff has not yet thoroughly reviewed the draft Zoning Ordinances and Subdivision Regulations, as they were awaiting direction from the Planning Commission. The drafts will require amendments to both the Subdivision Regulations and the Zoning Ordinance. Red line edits will be prepared and reviewed at the June 9, 2015 Planning Commission meeting. Public Hearings will be required separately on both of these items and can be held at the same Planning Commission meeting.

Mr. Donnie Fisher thanked the committee for producing a good start to the amendments. Mr. Steven Stolipher also wanted to thank the committee.

Mr. Stephen Stolipher stated the red line edits will be reviewed and voted on at the June 9, 2015 Planning Commission meeting. A Public Hearing will be tentatively scheduled for the July 14, 2015 Planning Commission meeting.

8. A discussion was held on Envision Jefferson 2035 Comprehensive Plan recommendations regarding modifications to the LESA/Conditional Use provisions of the Jefferson County Land Development and Zoning Ordinance as well as modifications to the Cluster Subdivision provisions of the Rural Zoning District.

Ms. Jennifer Brockman pointed out that any changes to the LESA must be tied to the Cluster Subdivision provisions. Ms. Brockman also pointed out recommendations to the LESA system

within the Envision Jefferson 2035 Comprehensive Plan. (shown on pages 38-40 of 256 of the Envision Jefferson 2035 Comprehensive Plan.) It was determined that it would be advisable for staff to meet with Legal Counsel to determine how to proceed with the recommended changes.

9. Review of Stakeholders meeting memo. The meeting was held on April 29, 2015. The memo will be distributed at the June 9, 2015 Planning Commission meeting.

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

Mr. Nathan recused himself from the following agenda item citing conflict of interest.

- Far Away Farms

Mr. Gary Phalen made a motion to enter into executive session at 8:50 PM. Mr. Dale Manuel seconded the motion. A vote was taken, which carried unanimously.

Mr. Dale Manuel made a motion to come out of executive session at 9:10 PM. Mr. Donnie Fisher seconded the motion. A vote was taken, which carried unanimously.

11. Directors Report:

- Mr. David Simon took the opportunity to introduce himself and give a brief description of his background.
- Landowner-initiated rezoning for a 404.69 +/- acre property owned by Standard Land Company, LLC from Rural and Residential Growth to Residential-Light Industrial-Commercial was approved by the County Commission on 4/2/15
- The following Planning Commission initiated text amendments to the Subdivision and Land Development Regulations were approved by the County Commission on 4/16/15
 - Amend definition of “days” from business days to calendar days in Section 26.200 (STA 15-01)
 - Amend Section 20.104 C, to “exempt” public utilities and private utility firms processing easements (STA 15-02)
 - Amend Section 24.300, “Waivers”, to allow process and procedural waivers (STA15-03)
- County Commission held a workshop regarding the proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) and referred the draft and the comments they received at their October 31, 2015 Public Hearing back to the Planning Commission for potential edits
- A Public Meeting on the Parks Master Plan will be held on May 13, 2015 at Sam Michaels Park from 7:00 PM to 8:30 PM. Attendance is encouraged.

12. Planning Commission and Liaison reports:

- Mr. Dale Manuel stated the Parks and Recreation Department received the necessary funding to construct an approximately 3 mile trail around the James Hite Park facility.
- Mr. Peter Fricke attended the last 2 meetings of the Historical Landmark Commission.

13. President Report:

- None

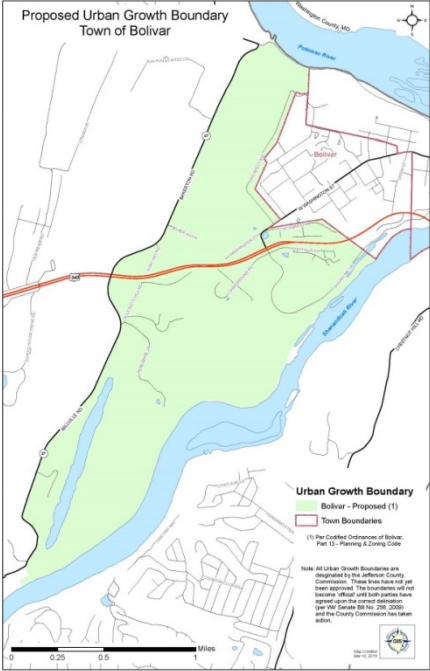
14. Actionable Correspondence:
 - None
15. Non Actionable Correspondence:
 - None
16. Signing of approved Motions from previous meetings:
 - None

Mr. Stephen Stolipher motioned to adjourn the meeting at 9:25 p.m.
A vote was taken and passed unanimously.

STAFF REPORT

Jefferson County Planning Commission Meeting
May 12, 2015

Item # 3 Public Hearing regarding the proposed Urban Growth Boundary for the Corporation of Bolivar which shall be placed on the adopted County Zoning Map, once approved by the County Commission. Bolivar’s requested boundary is based on the Bolivar Growth Boundary delineated in Part 13, Article 1324 of the Town’s Planning and Zoning Code, enacted December 18, 2003. Approval of this Boundary by the County Commission does not change the zoning classification of any property.

APPLICANT:	Corporation of Bolivar
LOCATION:	Excerpt from Bolivar Planning and Zoning code Article 1324: “. . .The Bolivar Growth boundary at the Western edge shall be considered to be the East side of Route 27 (Bakerton/Bloomery Road) to the Potomac River on the North, the Shenandoah River on the East (including, but not limited to, Cavalier Heights, Harpers Ferry National Park visitor center, Murphy’s Landing, KOA) and to the Millville unincorporated boundary on the South. . . .”
LEGAL DESCRIPTION:	
PROPOSED REQUEST	To establish an Urban Growth Boundary in accordance with the requirements of WV State Code 8-6-4a which requires that the boundary be established by the County Commission in agreement with the municipality
PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the proposed Bolivar Urban Growth Boundary is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
STAFF FINDING:	In this report, Staff presents relevant sections of the <i>Envision Jefferson 2035 Comprehensive Plan</i> and finds that a potential UGB for Bolivar was anticipated and supported by the <i>2035 Plan</i> .

STAFF REPORT

Jefferson County Planning Commission Meeting

May 12, 2015

Applicant's Request

The Corporation of Bolivar has made a request to the Jefferson County Commission to adopt and approve a proposed Urban Growth Boundary in accordance with WV Code 8-6-4a, which establishes the authority under which a municipality may request such a boundary and requires that the boundary be established by the County Commission in agreement with the municipality. It further states that such Boundary shall be placed on the adopted County Zoning Map once approved by the County Commission. Bolivar's requested boundary is based on the Bolivar Growth boundary delineated in Part 13, Article 1324 of the Town's Planning and Zoning Code, enacted December 18, 2003. Approval of this Boundary by the County Commission does not change the zoning classification of any property.

Because the delineation of the UGB on the County Zoning Map in effect amends the County Zoning Map, the County Commission has sent this request to the Planning Commission for the purpose of holding a Public Hearing to receive public input and determine whether the request is consistent with the newly adopted *Envision Jefferson 2035 Comprehensive Plan*.

Envision Jefferson 2035 Comprehensive Plan

The Urban Growth Boundary (UGB) concept is an important component of the *Envision Jefferson 2035 Comprehensive Plan's* recommendations. This *Plan* is the County's first to have a Future Land Use Guide to assist in providing direction for where urban level growth should occur in the unincorporated areas of the County. One of the key concepts that a Comprehensive Plan addresses through its future land use recommendations is the location of new development within a community. One reason for this is that as the cost of maintaining and providing services and utilities increases, there is a need to target infrastructure and community service investments in these areas that will support new growth. In Jefferson County, there are four broad types of land use activity which are identified and discussed in the *Plan*, one of which is Urban Growth Boundaries. The UGBs identified on the *Envision Jefferson 2035 Future Land Use Guide* indicate locations within Jefferson County where urban scale development is anticipated over the planning horizon of *Envision Jefferson 2035*. In the *2035 Plan*, Charles Town and Ranson UGBs are the focus of future urban scale growth. The *Plan* also includes Shepherdstown's adopted Growth Management Boundary (GMB); however, this area is not anticipated to have urban scale development if it remains in the unincorporated area. Therefore, the use of the term UGB throughout the *Envision Jefferson 2035 Plan* refers to the Charles Town and Ranson UGBs only.

The *Plan* does not preclude Harpers Ferry and Bolivar from pursuing their own UGBs in the future. The following excerpt from the *Plan* details the fact that the *Plan* anticipates that additional urban growth boundaries may be designated in the future.

Page 18: "While all municipalities have the ability to create UGBs with the approval of the County Commission, at present, only three of the five municipalities in Jefferson County have planning boundaries that meet the definition of §8-6-4a of the West Virginia Code. In 2009, Charles Town and Ranson had their UGBs formally approved by the County Commission. In 2014, Shepherdstown created a boundary called the Growth Management Boundary (GMB) which falls under the state definition of a UGB

STAFF REPORT

Jefferson County Planning Commission Meeting

May 12, 2015

and was formally approved by the County Commission. Shepherdstown's adopted GMB allows the Corporation to plan for future growth and annexations, but is not anticipated to have urban scale development if it remains in the unincorporated area. **If Bolivar or Harpers Ferry chooses to create a UGB in the future that is different than the Preferred Growth Areas (PGAs) depicted, the recommendations in this Plan related to UGBs may be extended to the newly created UGBs based on the town's planning goals. The use of the term UGB throughout this document refers to the Charles Town and Ranson UGBs only."**

The following excerpt from the Future Land Use Guide for Jefferson County includes recommended future land uses in the vicinity of Bolivar (Exhibit 1), as well as outlining the portion of the US 340 East Preferred Growth Area (PGA) located near the Town of Bolivar (red dashed line). The solid black line also outlines the growth area denoted in the *2004 Comprehensive Plan*. A portion of the area requested to be included in the Bolivar UGB (Exhibit 2) overlaps with the PGA. Areas within Bolivar's proposed UGB that are greater than the identified PGA include National Park Service land along Bakerton Road; existing residential areas along Boxer Way and Prospect Avenue; Cavalier Heights and Cavalier Estates; National Park Service land along Shoreline Drive; and the majority of the Old Standard Quarry property recently rezoned by the County Commission to Residential-Light Industrial-Commercial. The section of the *2035 Plan* that discusses the US 340 PGA acknowledges that this easternmost node of the 340 East PGA could eventually be included in a potential Bolivar UGB:

Page 21: "b. US 340 East PGA

(select nodes between Charles Town/Ranson and Harpers Ferry/Bolivar)

Much of this area is already zoned for a wide range of commercial and residential uses. In addition, water and sewer facilities exist along several segments of this corridor, particularly within the nodes where development is proposed to take place (Old Country Club/Marlow Roads, Shepherdstown Pike (WV 230), Bakerton/Millville Roads, and Campground Road off of Shoreline Drive across US 340 from Washington Street in Bolivar). **The easternmost segment of the PGA could eventually be included as part of a Bolivar UGB."**

This section also provides an overview of designated Quarry Redevelopment Areas (QRA) within the US 340 Corridor, noting particularly that Old Standard Quarry, which is within the proposed Bolivar UGB, would be appropriate for tourist friendly recreational or commercial redevelopment under the QRA provided that such redevelopment occurs in a manner that protects the hillside, steep slopes, topography and other natural features, while allowing recreational development near the quarry.

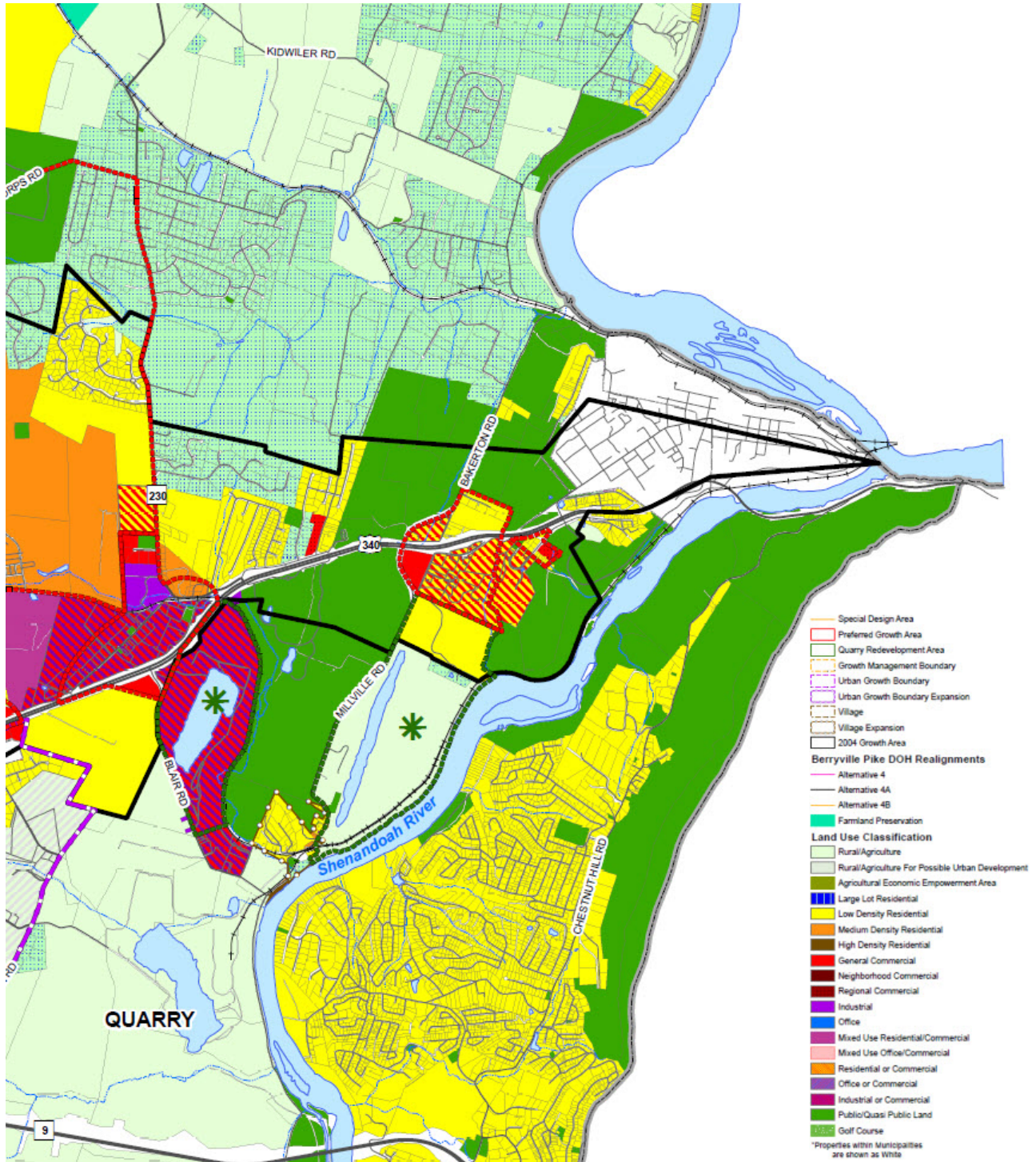
Clearly, while the exact proposed boundary for a potential UGB for Bolivar was not delineated in the *2035 Plan*, the *Plan* did recognize that a UGB for Bolivar was a reasonable planning tool to anticipate in the future. It further states that if such a boundary is established, the recommendations in the *2035 Plan* related to UGBs may be extended to the newly created UGBs based on the Town's planning goals.

STAFF REPORT

Jefferson County Planning Commission Meeting

May 12, 2015

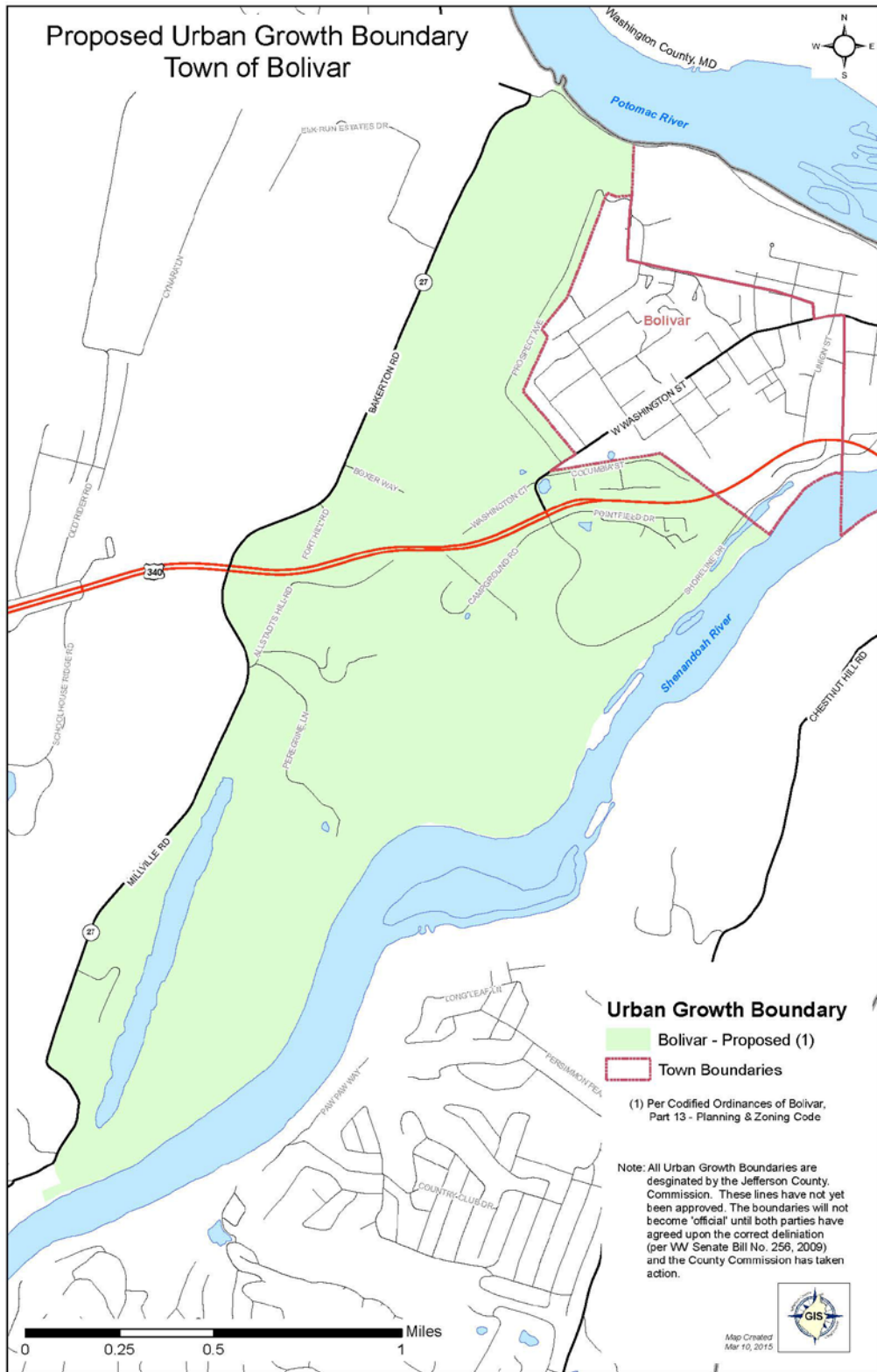
EXHIBIT 1



STAFF REPORT

Jefferson County Planning Commission Meeting
May 12, 2015

EXHIBIT 2



STAFF REPORT

Jefferson County Planning Commission Meeting

May 12, 2015

Statutory Authority and Requirements

The West Virginia State Code, Section 8-6-4a defines an "Urban Growth Boundary" as follows (emphasis added):

“A site-specific line, delineated on a zoning map or a written description in a zoning ordinance identifying an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area. The urban growth boundary may be called by any name chosen by the county commission, but the word "boundary" shall be used in the name of the boundary. The boundary shall be established by the county commission in agreement with each individual municipality regarding that municipality's boundary. If the county commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgement relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court. Once a county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality. The county commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.”

<http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=08&art=6§ion=4A#06>

The role of the Planning Commission in considering the proposed Bolivar Urban Growth Boundary on behalf of the County Commission is to review the relevant portions of the current 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 *Envision Jefferson 2035 Comprehensive Plan*. It is important for the Planning Commission and County Commission to be aware that approval of this Boundary by the County Commission does not change the zoning classification of any property; it merely establishes a different mechanism for the processing of potential future annexation requests by the Town of Bolivar.

May 11, 2015

To Whom It May Concern:

This letter is to advise that Juanita Hodge are in support of the Urban Growth Boundary for the Town of Bolivar. Our property location is: 201 Pointfield Drive HF, W 254. We feel that there would be no immediate harm to the residents to be included in this boundary change.

Juanita Hodge

May 11, 2015

To Whom It May Concern:

This letter is to advise that SANDRA L George are in support of the Urban Growth Boundary for the Town of Bolivar. Our property location is: 151 Posantfeld Drive, Huxley, GA. We feel that there would be no immediate harm to the residents to be included in this boundary change.



May 11, 2015

To Whom It May Concern:

This letter is to advise that Patsy & Richard Runkles are in support of the Urban Growth Boundary for the Town of Bolivar. Our property location is: 88 Cavalier Estates Dr. HF. We feel that there would be no immediate harm to the residents to be included in this boundary change.

Patsy Morgan Runkles
Richard Runkles Jr.

May 11, 2015

To Whom It May Concern:

This letter is to advise that FRANK S. CAVALIER are in support of the Urban Growth Boundary for the Town of Bolivar. Our property location is: 14 POINTFIELD DR, H.F. W.V.. We feel that there would be no immediate harm to the residents to be included in this boundary change.

Frank S. Cavalier

May 11, 2015

To Whom It May Concern:

This letter is to advise that WANDA BUTTS are in support of the Urban Growth Boundary for the Town of Bolivar. Our property location is: P.O. Box 842 HARPER'S FERRY WV We feel that there would be no immediate harm to the residents to be included in this boundary change.

205 Pointfield Drive Harper Ferry WV

Wanda M. Butts

May 11, 2015

To Whom It May Concern:

This letter is to advise that Raymond + Loretta Gay are in support of the Urban Growth Boundary for the Town of Bolivar. Our property location is: 281 Pointfield Drive, H.S. W 22542. We feel that there would be no immediate harm to the residents to be included in this boundary change.

Loretta Gay Raymond Gay

May 11, 2015

To Whom It May Concern:

This letter is to advise that Brian & Laura Whittington are in support of the Urban Growth Boundary for the Town of Bolivar. Our property location is: 187 Paintfield Drive Harpers Ferry, W. We feel that there would be no immediate harm to the residents to be included in this boundary change.

Brian Whittington

Laura Whittington

From: Matt Knott [mailto:matt@riverriders.com]

Sent: Friday, May 15, 2015 12:29 PM

To: Planning Department; Clifford Taylor; Dale Manuel; donniefisher@yahoo.com; Mike Chapman; Peter Fricke; Steve Stolipher; Wade Louthan; Jennifer Brockman

Subject: Bolivar UGB

Planning members:

I am writing to provide you with a written copy of my comments from the meeting this week concerning why the expansion of Bolivar's growth boundary is not consistent with the comprehensive plan. Please pass this along to any members who are not included here.

The proposed Urban Growth Boundary (UGB) is not consistent with the Comprehensive Plan:

1. The Plan states in many sections, that there is no intent to negatively affect any property owner's existing vested property owner rights. The inclusion of my property into the UGB clearly will allow Bolivar the right to annex my property and change my vested zoning rights WITHOUT my permission and without a Hearing by the County Commission.

2. The current Comprehensive Plan doesn't even establish my property rights within the Bolivar UGB. In the Comprehensive Plan, it is clear what rights the landowners have in the Charles Town, Ranson and Shepherdstown UGB's, but it is silent on what rights will be in place in Bolivar's UGB. See page 18: "The use of the term UGB throughout this document refers to the Charles Town and Ranson UGBs only." Therefore, an amendment to the Comprehensive Plan is a prerequisite before the Bolivar UGB is added. How else will I know what rights I have or will lose by my property's inclusion in the UGB.

3. This matter should have been debated during the last 2 years of Comprehensive Plan Hearings and meetings, so that it could have been properly debated in the context of the other UGBs

4. The State Code clearly states that the purpose of an UGB is:

"A site-specific line, delineated on a zoning map or a written description in a zoning ordinance identifying an area around and outside the corporate limits of a municipality within which there is a

sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area."

Since at least half of this proposed land inclusion is owned by the NPS or affiliates (as shown on the Comp plan map it is green:Public or Quasi-Public Land) and most of the balance of the land is already developed, then it appears that this intent of the UGB is not being met. Also, the quarry has its own sewer system, so expansion of municipal services into this area seems unlikely.

Accordingly, until these questions are answered, I am requesting that my land be left out of the Bolivar UGB. If my land is included within the UGB, the proposal is not consistent with the Comprehensive Plan, since both the Planning Commission and County Commission promised me that NONE of my rights would be adversely affected. I would say that the potential for an involuntary annexation certainly qualifies as an adverse effect.

Thank you,

Matt Knott

River Riders, Inc

408 Alstadts Hill Rd

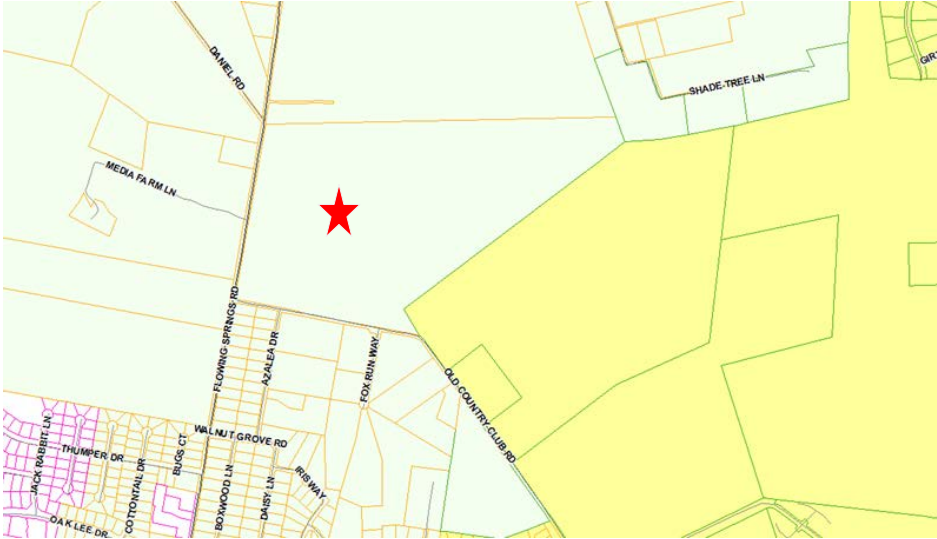
Harpers Ferry, WV 25425

800 326 7238

<http://www.riverriders.com>

Staff Report
 Jefferson County Planning Commission Meeting
 June 09, 2015
Aspen Greens Phase IIA Final Plat

Item #6: Final Plat Public Hearing for Aspen Greens Subdivision Phase IIA, Lots 21 to 46
 (PC File #14-01).

APPLICANT:	Roderick Planes, LLC
OWNER:	Maurice Gladhill
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Gates Associated, Inc.
PROPERTY LOCATION:	This property is located northeast of and along the intersection of Old Country Club Road with Flowing Springs Road.
LEGAL DESCRIPTION:	District: Charles Town; Map: 4; Parcel(s): 19 
ZONING DISTRICT:	2015 Zoning Map: Rural
SURROUNDING PROPERTIES:	2015 Zoning Map North: Rural South: Rural East: Residential Growth West: Rural
LOT AREA:	16.235 Acres
PROPOSED DENSITY:	26 Single-family lots
APPROVALS:	
Conditional Use Permit	Submitted: 08/08/02 Site Assessment Passed: 10/02/02 1 st Neighborhood Compatibility Scheduled: 10/30/02 2 nd Neighborhood Compatibility Scheduled: 05/10/06 Public Hearing Scheduled: 06/15/06 PH & BZA Action: Approved CUP Official Issuance Signature: 12/20/07 Expiration Date: 06/20/09 BZA Extended to: 12/20/10; 7/1/2012 Approval and Recordation of the Phase 1A Final Plat deems this CUP to

Staff Report
Jefferson County Planning Commission Meeting
June 09, 2015

	be “commenced”
Community Impact Statement	Submitted: 06/15/07 Staff Review Meeting: 07/06/07 County Planner Approval: 02/2008 County Engineer Approval: 01/14/08 PC Approval: 03/25/08 Expires on: 07/06/09 Approval and Recordation of the Phase 1A Final Plat enables the CIS to remain valid; provided that the Public Hearing for the next Phase of the project is held on or before 6/12/14 (two years from Phase 1A approval) unless extended. PC Extended for next phase Final Plat Public Hearing to: 12/31/09; 12/20/10; 07/01/2012; 4/10/15; 12/08/2015
Preliminary Plat	04/10/2012
Final Plat	Phase 1A Final Plat approved 6/12/12 Phase IIA Final Plat Submitted: 03/16/15 Public Hearing Scheduled: 06/09/15 60-Day Provision was waived by applicant
Variance History	05/26/09 - PC approved variance to extend the file expiration date from 07/06/09 to 12/31/09. 06/18/09 - BZA approved a CUP extension request from 06/20/09 to 12/20/2010. 08/11/09 – PC approved variance to extend the file expiration date from 12/31/09 to 12/20/10. 11/09/10 – PC approved variance to extend the file expiration date from 12/20/10 to 07/01/12. 11/18/10 – BZA approved an extension of the CUP to 7/01/12. 06/10/14 – PC approved variance to extend the time to hold a Final Plat public hearing for the next phase to 4/10/15. 3/10/15 – PC approved variance to extend the file expiration date from 4/10/15 to 12/08/15.
OTHER APPROVALS:	N/A

Background:

Aspen Greens Subdivision is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. Since this Subdivision began processing before the 2008 Subdivision Regulations were adopted, the Subdivision is being reviewed under the 1979 Subdivision Regulations. This is the second phase of Aspen Greens Subdivision, known as Phase IIA. The applicant is seeking Final Plat approval for 26 lots and consists of 16.235 acres.

The Request:

All developments approved under the 1979 Subdivision Regulations are required to have Final Plat approval every 2 years, which allows the Community Impact Statement (CIS) to remain valid and the development itself to retain its vested rights. The applicant is complying with that time requirement by

Staff Report
Jefferson County Planning Commission Meeting
June 09, 2015

submitting a Final Plat for approval prior to the expiration date, which was extended by the Planning commission to December 8, 2015.

If the Final Plat is approved by the Planning Commission, the applicant shall have 90 days from time of approval to bond and record the Final Plat.

The 1979 Subdivision Regulations limits the type of discussion that can occur during the Planning Commission Public Hearing on a Final Plat as follows:

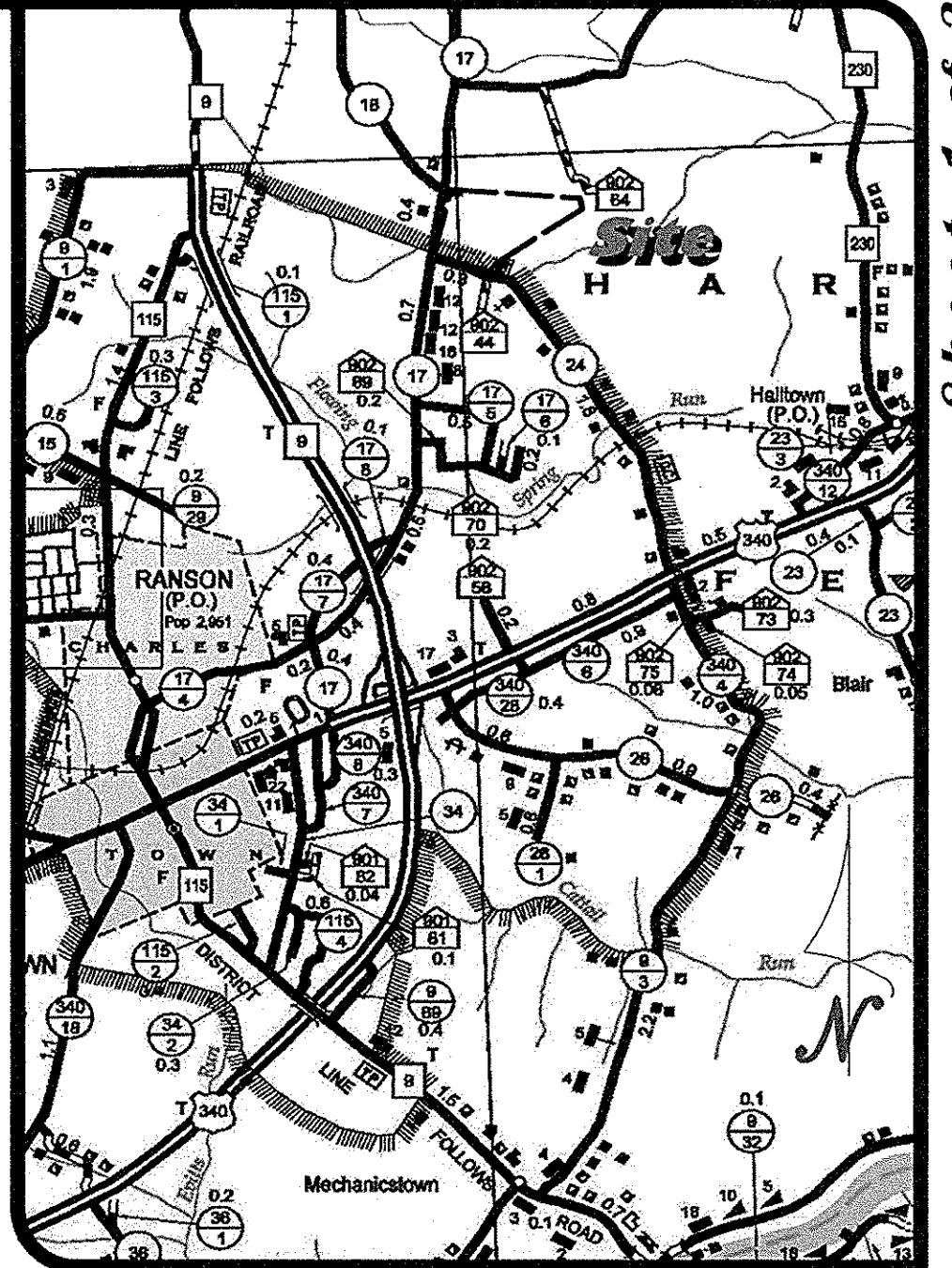
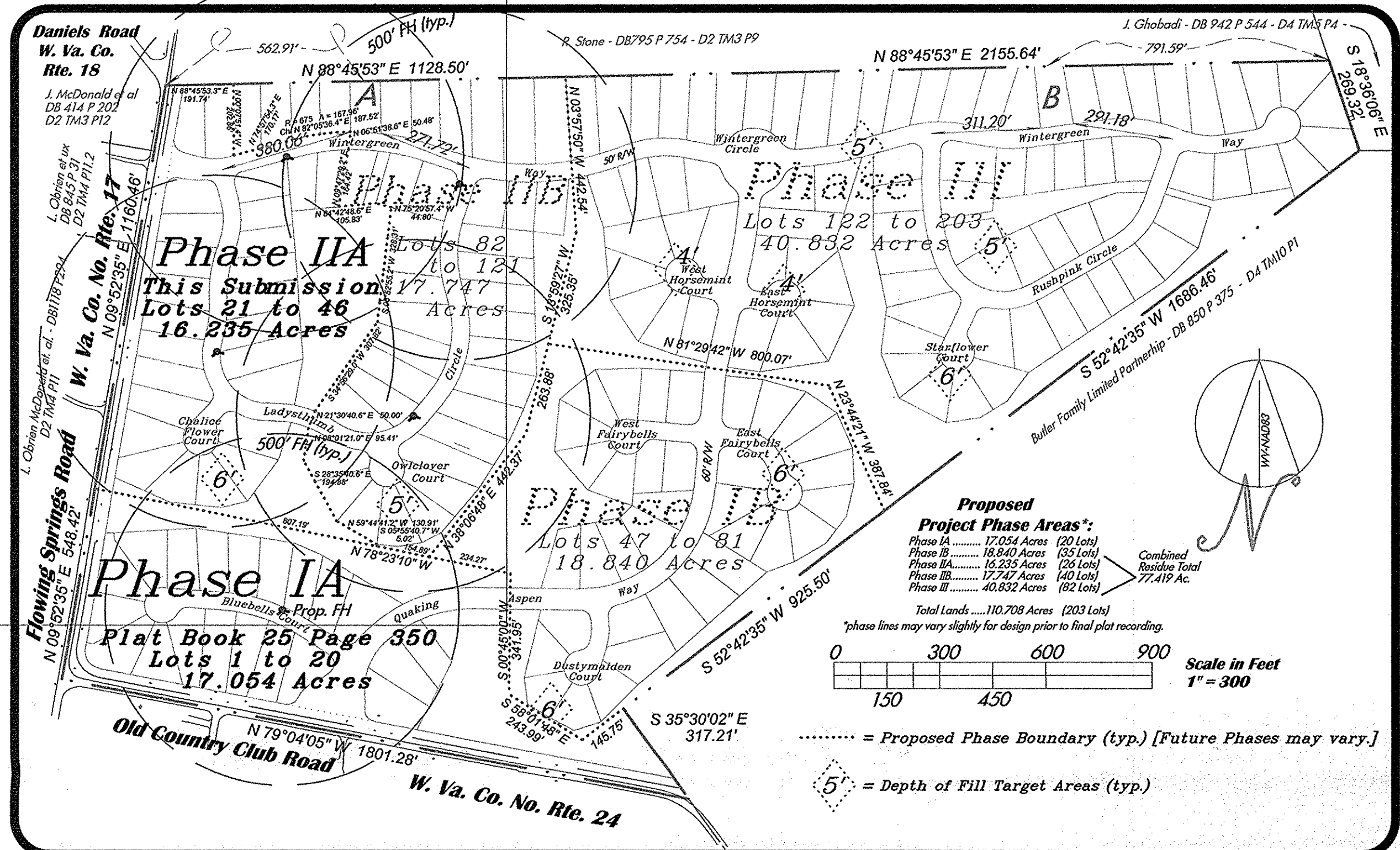
FINAL PLAT PUBLIC HEARING held before the Planning Commission during a regular meeting. New or revised information not previously considered at the Community Impact Evaluation stage is solicited from the public. The Planning Commission, after considering public comment, all previous information and comment, the provisions of this Ordinance, and the provisions of Section 8-24-30 of the West Virginia Code, approves, approves with conditions or disapproves the subdivision proposal and Final Plat.

The Planning Commission shall approve, approve with conditions, or disapprove a subdivision proposal and Final Plat within 60 days from the day the final plat and support material are submitted to the Planning Commission office. Failure to take action within the 60 day period shall result in final plat approval, unless a waiver of the 60 day period is granted to the Planning Commission by the subdivider.

Recommendation:

The Final Plat has been reviewed by staff and all outstanding comments have been addressed. The Final Plat complies with the approved Community Impact Statement and Preliminary Plat. Staff recommends approval.

Note: Lots bearing letters 'A' & 'B' below shall be re-designed to include 50 foot wide 'Stub Roads' to lands lying directly to the north when included in a phase submission. See Sheet 3, Note 43. This may impact the lot count as can be adjusted in Phase Submissions not to exceed the 203 originally planned. It may also impact the overall areas of dedicated roads and lots in a minor amount from that shown.



Location Map
1" = 5280'

Sheet Index :

- 1 - Title Sheet, Signatures, Phasing Plan, Location
- 2 - Lot Plan @ 100, Boundary Bearings & Distances
- 3 - Site Information Development Notes

Proposed Phase Limits, Sheet Window & Fire Hydrant Coverage

CONDITIONAL USE PERMIT
Approval Date: 20 December 2007

CUP Condition:	How Addressed:
1. Installation of a left turn lane for the proposed entrance to Aspen Greens off of Old Country Club Road (Route 24) unless prohibited by the WVDOH.	Per Larry Alt, WVDOH, Improvement is not needed at this phase of the development.
2. Installation of a left turn lane for the proposed entrance to Aspen Greens off of Flowing Springs Road (Route 17) unless prohibited by WVDOH.	Per Larry Alt, WVDOH, Improvement is not needed at this phase of the development.
3. Installation of a left turn lane off of Flowing Springs Road (Route 17) to Daniel Road (Route 18) unless prohibited by WVDOH.	Per Larry Alt, WVDOH, Improvement is not needed at this phase of the development.
4. Installation of a left turn lane off of Flowing Springs Road (Route 17) to Old Country Club Road (Route 24) unless prohibited by WVDOH.	Per Larry Alt, WVDOH, Improvement is not needed at this phase of the development.
5. Provide a minimum 8' paved shoulder along Flowing Springs Road (Route 17) and Old Country Club Road (Route 24).	Per Larry Alt, WVDOH, applicant is requested to reduce shoulder to 4' due to the increased amount of maintenance it would require of DOH.
6. Provide a note on the plat indicating a 50' easement along Flowing Springs Road (Route 17) and Old Country Club Road (Route 24) starting at the centerline of the road for potential location of sidewalks and trails. (Condition amended by BZA 2/16/12)	Sheet 3, Notes 7g, 14 & 43
7. Letter Submission to WVDOH notifying them about the potential growth and ask their thoughts about a traffic light at the intersection of Daniel Road (Route 18) and Flowing Springs Road (Route 17).	Letter Acknowledgement provided for JCPC File
8. Any further change in use or expansion processing through the Jefferson County Departments of Planning, Zoning and/or Engineering to update this certificate; and all other applicable County regulations being followed.	Extension granted; see Sheet 3, Note 44.
9. Revise the plat to show two points of pedestrian and vehicular access that would allow future connections between Aspen Greens Subdivision and the property located to the north of the subdivision. (Condition added by BZA 2/16/12)	See Note above Phasing graphic; see Sheet 3, Note 43.

Preliminary Copy

Jefferson County
Final Plat Approval

Final Plat Approved: _____ (Date)

Jennifer M. Brockman, AICP Director
JEFFERSON COUNTY PLANNING & ZONING DEPARTMENT
116 East Washington Street, 2nd Floor (POB # 338)
Charles Town, WV 25414 (Ph. 304-728-3228)
Email - planningdepartment@jeffersoncountywv.org

Seal

Owner/Developer Compliance

Having reviewed these drawings and support documents using due care, including legal or other independent professional review as to all express or implied obligations contained herein, this owner/developer now indicates his agreement to abide by all conditions, terms, and specifications on behalf of the present and future owners, heirs or assigns:

_____(Date)

Maurice Gladhill, Manager
RODERICK PLANES, L.L.C.
5509 Mount Zion Road
Frederick, MD 21705 (Ph. 800-245-0691)
Email: mgladhill@aol.com

Surveyor's Certificate

This is to certify that I have reviewed the Final Plat sheets listed above and find them acceptable with my responsible charge of the Land Surveying contained.

2/26/15 (Date)

FRED W. GATES, WVPS #559
GATES ASSOCIATED, Inc.
153 Venice Way
Shepherdstown, WV 25443 (Ph. 876-6124)
Email: gatesassociated@aol.com

Seal

Final Plat of Phase IIA - Lots 21-46

Aspen Greens

P/O Deed Book 952 Page 565; PB 10 P 106;
Tax District CT-2, Map 4, Parcel 19
Project Owner/Developer: Roderick Planes, L.L.C.
5509 Mount Zion Road; Frederick, MD 21705
(Ph. 800-245-0691)

Situate northeasterly of the intersection and along both Flowing Springs Road (WV Co. Rte. 17) and Old Country Club Road (WV Co. Rte 24) approximately one mile northeasterly of Charles Town, within the Charles Town Magisterial District, in Jefferson County, West Virginia.

Plat:
B10900J
Date:
4 June 2014
Scale:
As Shown
Tax Map: 4
Charles Town - 2
Computer Entry: F.G.

RECEIVED
MAY 29 2015
JEFFERSON COUNTY PLANNING & ZONING & ENGINEERING

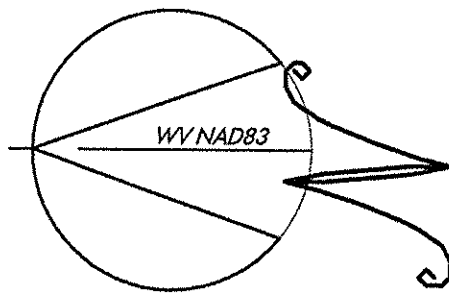
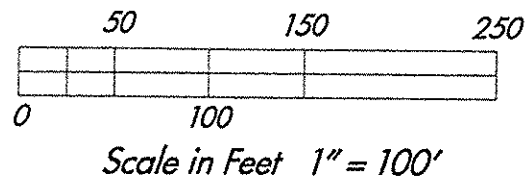
Gates Associated Inc.
153 Venice Way (Rte. 45)
Shepherdstown,
West Virginia, 25443
Tel: 1-304-876-6124 Email: gatesassociated@aol.com

#3 NOT FOR REVIEWED PRINT

#14-01

Sheet 2 Window

Sheet 1 of 3



Lot Notes:

1. Builder shall uncover &, independently of developer's agents, confirm floor elevation drainage slopes to existing sewer before construction to determine if grinder pumps are necessary for basement sewer.
2. Lots 32 thru 35 shall be served by Rain Gardens (bio-retention) placed along the noted 'graded SWM bottom' and initially constructed by developer. Lot piping and stabilized ditching by lot builder shall improve treatment of rain from roof drains. See Sheet 3, Note 7. b. Other owners are encouraged to create Rain Gardens on their lots. See 'Rain Garden Technical Guide' by Virginia Department of Forestry; at www.dof.virginia.gov

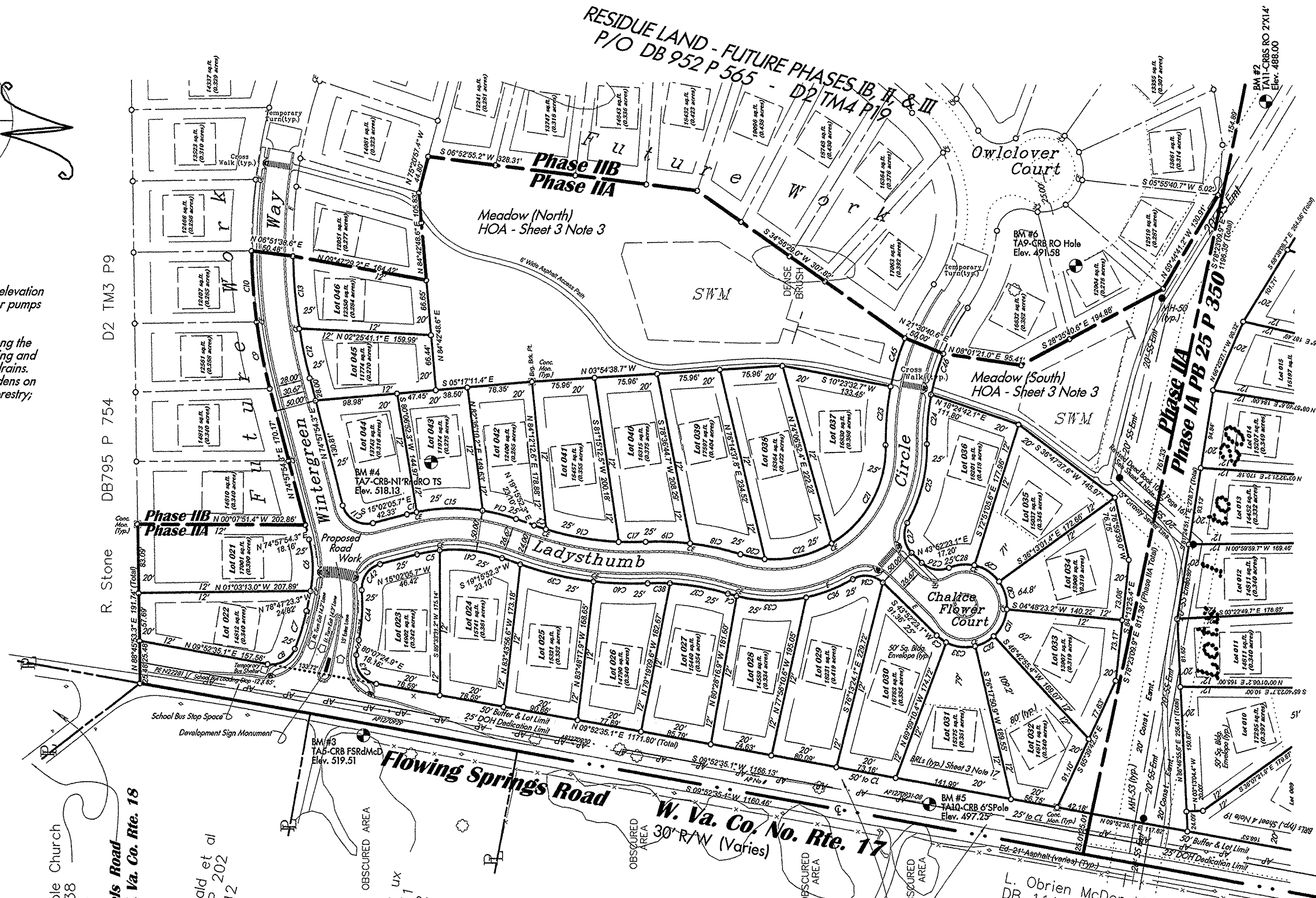
Symbols:

- Capped 5/8" Rebar (to be set) ○
- Concrete Mon. (to be set) □
- Bench Mark (set) (#, ID, Elev.) BM ●
- Rebar Found RBF
- Planted Stone Found Pltd. Stn.
- Existing Manhole ●
- Limited Common Entry CE
- Limited Single Entry E
- Sanitary Sewer SS
- Water Line WL
- 50'X50' Building Envelope □

CURVE TABLE *

#	Radius	Delta	Arc Length	Chord	Tangent	Chord Bearing
1	225.00'	03°06'42.6"	12.22'	12.22'	6.11'	N 13°28'44.4" W
2	350.00'	02°27'20.6"	15.00'	15.00'	7.50'	S 18°02'12.0" W
3	50.00'	16°02'25.5"	14.00'	13.95'	7.05'	S 35°51'10.4" W
4	185.00'	03°21'41.8"	10.85'	10.85'	5.43'	S 15°37'14.4" W
5	175.00'	09°05'11.8"	27.75'	27.72'	13.91'	N 10°29'29.8" W
6	137.00'	26°14'42.6"	62.75'	62.21'	31.94'	N 88°05'15.6" E
7	263.00'	10°24'05.2"	47.74'	47.68'	23.94'	S 73°29'58.9" E
8	30.00'	78°10'31.4"	40.93'	37.83'	24.37'	S 29°12'40.6" E
9	675.00'	06°56'21.0"	61.75'	61.70'	40.93'	S 78°26'04.8" E
10	675.00'	07°19'03.3"	86.21'	86.15'	43.16'	S 85°33'46.9" W
11	30.00'	90°00'00.0"	47.12'	42.43'	30.00'	S 29°57'54.3" W
12	625.00'	05°34'21.8"	60.79'	60.77'	30.42'	S 77°45'05.2" W
13	625.00'	08°04'07.7"	88.02'	87.94'	44.08'	S 84°34'20.0" W
14	225.00'	10°42'24.9"	42.05'	41.98'	21.08'	N 13°54'39.9" E
15	225.00'	20°28'50.5"	80.43'	80.00'	40.65'	N 01°40'57.8" W
16	350.00'	14°40'13.6"	89.62'	89.37'	45.05'	S 09°28'24.9" W
17	350.00'	05°20'29.0"	32.63'	32.62'	16.33'	S 00°31'56.4" E
18	325.00'	10°59'48.8"	62.38'	62.28'	31.29'	N 11°48'10.9" E
19	325.00'	09°30'27.4"	53.93'	53.87'	27.03'	N 01°33'02.8" E
20	135.00'	12°45'28.2"	30.06'	30.00'	15.09'	S 10°55'21.2" W
21	135.00'	60°21'24.0"	142.21'	135.73'	78.50'	S 61°29'00.3" E
22	135.00'	35°50'55.4"	84.47'	83.10'	43.87'	S 13°22'50.6" E
23	325.00'	12°28'37.3"	70.77'	70.63'	35.53'	N 85°25'23.7" W
24	275.00'	12°28'37.3"	59.89'	59.77'	30.06'	N 85°25'23.7" W
25	185.00'	30°42'46.9"	99.17'	97.99'	50.81'	S 76°18'18.9" E
26	30.00'	67°58'32.5"	35.59'	33.54'	20.23'	S 09°53'06.9" W
27	30.00'	75°10'41.4"	39.36'	36.60'	23.09'	S 81°27'43.9" W
28	50.00'	35°57'39.2"	31.38'	30.87'	16.23'	N 06°07'19.7" W
29	50.00'	41°55'28.7"	36.59'	35.78'	19.16'	N 32°49'14.2" E
30	50.00'	41°01'24.6"	35.80'	35.04'	18.71'	N 74°17'40.9" E
31	50.00'	41°54'32.2"	36.57'	35.76'	19.15'	S 64°14'20.7" E
32	50.00'	29°34'55.5"	25.62'	25.53'	13.20'	S 28°29'36.9" E
33	50.00'	41°32'06.7"	36.25'	35.46'	18.96'	S 07°03'54.3" W
34	30.00'	75°10'41.4"	39.36'	36.60'	23.09'	N 06°11'02.4" E
35	185.00'	26°19'09.4"	84.98'	84.24'	43.25'	S 00°46'45.2" W
36	185.00'	18°55'32.3"	61.11'	60.83'	30.83'	S 21°50'32.1" E
37	275.00'	14°54'09.2"	71.53'	71.33'	35.97'	N 09°51'00.7" E
38	275.00'	05°38'07.0"	26.89'	26.88'	13.45'	N 00°24'07.4" W
39	400.00'	13°04'10.2"	91.24'	91.04'	45.82'	S 12°43'47.2" W
40	400.00'	09°23'53.0"	65.61'	65.54'	32.88'	S 01°29'45.6" W
41	175.00'	25°12'46.2"	77.01'	76.39'	39.14'	N 06°39'29.2" E
42	30.00'	79°43'04.7"	41.74'	38.45'	25.05'	N 54°53'38.1" W
43	30.00'	90°00'00.0"	47.12'	42.43'	30.00'	S 54°52'35.1" W
44	225.00'	15°28'50.9"	60.79'	60.61'	30.58'	S 87°00'45.0" E
45	325.00'	10°41'45.8"	60.87'	60.58'	30.42'	S 73°50'12.2" E
46	275.00'	10°41'45.8"	51.34'	51.26'	25.74'	S 73°50'12.2" E

* Note: Some curves above are intentionally broken back curves. Compute PCs & PTs from Curve Table chord bearing and distances for correct placement of all right-of-way boundary.



Surveyor's Certificate

I, Fred W. Gates, hereby certify that this plat correctly represents surveys made by me beginning in 9 May 2001, with continuing field work as needed to date, initially aligned to Polaris observations with USGS elevations; now realigned to WV NAD83 to coincide with JCPSD field projects and county GIS oversight requirements; that said survey work and boundary control had greater accuracy than 1 foot in 10,000 feet horizontal closure and that the monuments shown hereon shall actually exist prior to lot sales taking place.

Fred W. Gates, WV P.S. 559
Date: 6/15/14
Professional Surveyor No. 559
State of West Virginia

See 'SITE INFORMATION' on SHEET 3

**P/O D 2 TM 4 P 19
Phase IIA - Lots 21 thru 46**

ASPEN GREENS

**RODERICK PLANES, L. L. C.
P/O Deed Book 952 Page 565**

Situate north 548.42 feet from the intersection of Flowing Springs Road (WV Co. Rte. 17) with Old Country Club Road (WV Co. Rte. 24); approximately one mile northeasterly of Charles Town, within the Charles Town Magisterial District, Jefferson County, West Virginia.

BEARING NOTE - All bearings shown apply to both sides of their adjacent line and should be quadrant reversed to allow desired use to coincide with the shown northing arrow. SOP yields NE = SW, etc. Bearings shown separate from feet indicates direction continuance along a series of equal direction segments by individually indicated foot lengths.

Plat: B10900J
Date: 4 June 2014
Scale: 1" = 100'
Tax Map: 4
Charles Town - 2
Computer Entry: F.G.

Gates Associated Inc.
153 Venice Way (Rte. 45)
Shepherdstown,
West Virginia, 25443
Tel: 1-304-876-6124 Email: gatesassociated@aol.com

Site Information:

1. **OWNERSHIP:** Being the lands of Roderick Planes, L.L.C., a West Virginia limited liability company, by deed dated the 28th September 2001, and recorded among the Jefferson County, West Virginia, Land Records in DEED BOOK 952 at PAGE 565. These lands are all of Lot 3 RESIDUE LAND shown in Plat Book 10 Pages 106; and Part of Charles Town District 2 Tax Map 4 Parcel 19.
2. **PROPOSED PROJECT:** Phase IIa is 26 detached single-family dwellings (Lot Nos. 21-46) about 0.40 acre (varies), individual lots served by public water, public sewer and buried utilities. Open Space to have interconnecting hiker-biker trails and play fields. Roadside walks link pedestrians to a unique multifunction entrance that accommodates school bus, off state road stop, school bus boarding staging area for children and parents, limited parent parking, rain shelter, mail access off traffic pickup, as well as landscaping options. The layout design is of a coving plan style for optimum land use. Coordinated tree plantings of hemlock/aspens/redbud/sassafras trees present themed roadside tree asymmetrical clusters.
3. **AREA SCHEDULE TABLE**
- | ASPEN GREENS, Phase IIa (16.235 Ac.): | ACRES: | |
|-----------------------------------------------------|---------------|----------------------------|
| Street Dedication- HOA | 1.9666 | |
| Meadow (North)- HOA | 2.6199 | |
| Meadow (South)- HOA | 1.2303 | |
| Lots 21 - 46 | 9.0796 | |
| State Road Dedication (25' Wide)- HOA | 0.6676 | |
| Buffer Strip (25' Part not in State Road Ded.)- HOA | 0.6709 | |
| Total Lands Phase IIa | 16.235 | Tract Total
110.708 Ac. |
| Residue (Phases IIb, IIc, III) | 77.419 | |
| Phase IA (PB 25 P 350) | 17.054 | |
4. **SERVING UTILITIES SHALL BE BURIED.** Electric to be provided by Allegheny Power. Public Water served by Jefferson Utilities, Inc. by interconnecting to Walnut Grove with fire flow capacity. Sewer to be served by upgrading existing JCPSD pump station into Walnut Grove gravity lines by existing cross county gravity lines shown hereon by crossing site easements. Individual lot wells or septic systems are prohibited.
5. **TOPOGRAPHY** used for design is a July 25, 2001 aerial survey 3Di (.com). North alignment was to True North by Polaris Observation 17 April 1988. In 2008, ties to WVNAD83 control permitted vertical and horizontal data shown. U.S. Government National Map Accuracy standards indicate aerial rendered vertical contours may vary within half the contour interval shown either + or -.
6. **CALLING MISS UTILITY @ 1-800-245-4848** shall precede any excavation in public rights-of-way or areas served by underground utilities by five (5) days.
7. **COMMON USE AREA RIGHTS:**
- a. **COMMON POINTS OF LOT ENTRY (CE)** shall be limited to where marked on plan (E = single). Concrete access ramp shall be provided for drive-ways to diverge at this point. 20' width for "CE" and 12' width for "E" shall allow for safe owner access. Homes shall be constructed in mirror design to allow direct driveway garage access. Homeowner Association shall be responsible for concrete ramps within the street right-of-way and the lot homeowner shall be responsible for asphalt driveway connecting to each access ramp. Driveway cross slopes from roadside ramps to dwelling envelope shall direct rain runoff water towards side lot property line ditching easements.
- b. **COMMON REAR RAIN GARDEN EASEMENTS** shall be placed where shown in Preliminary Plans to mitigate the impact of impervious sheet flow of two lots. Active maintenance and planting shall be equally shared by lot owners served with either party retaining the right to add water absorbing herbaceous plantings and trees to facilitate transportation and subsurface infiltration. The Home Owners Association shall also retain the right and obligation to maintain oversight of the active working function, regenerate non-working conditions and bill the serving owners should that body deem this to be necessary. The act of mitigating lot runoff impact and the aquifer is the goal. Any included bio-retention facilities are not a necessary part of the Storm Water Management plans approved for this project. All lots may also consider similar or other means of runoff control mitigation.
- c. **CUL-DE-SAC BIO-RETENTION EASEMENTS** within each road terminus are shown to control surface water in that area. Plantings here shall be a primary oversight and maintenance of the Homeowners Association. Fronting lots retain the right to engage in added plantings or care with HOA approval. Limited water retention storage shown in the construction plans shall be aided with overflow directed to storm drains.
- d. **REAR LOT BUFFER TREE PLANTING RIGHTS ALONG STATE ROADS** shall be retained by lot owners above and beyond the plantings by the developer for authorized tree types (hemlock/aspens/redbud/sassafras). Trees need be planted within a lot's immediately adjacent 25' buffer in asymmetrical random clusters, avoid linear rows. HOA oversight decision shall prevail where questions arise. On-lot plantings are each owner's choice. Other Common Area plantings, other than motif trees, by individual homeowners shall need HOA approval.
- e. **MAINTAINING THE PRIVATE RIGHT-OF-WAYS, BUFFERS and OPEN SPACE** shall be the sole obligation, cost and expense of the Home Owners Association being divided equally among the lot owners in the subdivision and paid by the lot owner, heirs, or assigns. The parties hereto state and acknowledge that access roads or access easements are private and their maintenance including snow removal, is not a public responsibility or the responsibility of Jefferson County. A Common Interest Agreement shall be established to provide for maintenance of commonly owned land.
- f. **FUTURE DEVELOPMENT COMMON USE RIGHTS** shall mature over other phases of ASPEN GREENS concept at such point that construction on them is complete. This includes use of all open space, paths and walks once transferred to a properly organized Home Owners Association.
- g. A **50' WIDE BUFFER** is hereby dedicated along the northerly and easterly side of both state frontage roads from approximate road center perpendicularly distant for 50 feet extending to the back of lots. This land shall be conveyed in fee to the HOA. It is subject to a WVDCH future road widening easement strip 25 feet from centerline (Note 14). The buffer shall be subject to current and future easements for utilities or future pedestrian walks/trails [by others]. See Note "e."; and 43.
- h. **UTILITY REPAIR AND MAINTENANCE ACCESS** shall be provided by HOA and lot owners after alerted of need for the common good of all for the appropriate service persons including owner restraint of dogs or animals of concern.
8. **LIMITED YARD FENCING** - Yard fencing no farther forward than the rear corner lot dwelling. Fences shall be visually open; not higher than four feet. A rail fence with welded wire attached for animal yard enclosure is permissible. Blockade fencing is prohibited. Fences may be placed at the boundary lines. Pool fences limited to area above. Visual privacy shall be limited to plantings. Consult confirming professional surveys prior to all construction. Only county fencing ordinance requirements shall be a county enforcement responsibility.
9. **NO UNLICENSED MOTORIZED VEHICLES** are permissible. Non-motor devices are fine if acceptable to HOA oversight. Always use due care for the mutual health and safety of others.

10. **RESTRICTIVE COVENANTS:** No title search provided by owner. Owner/developer has been apprised of merits of Quiet Title Suit to remove any undisclosed, unknown or other title issues, including legal counsel determination of all possible residue rights. Title search is advised by all future owners prior to purchase. Intended added covenants beyond those directly or indirectly created herein shall be referred to in the individual lot deeds recorded within the Jefferson County, West Virginia, Land Records. West Virginia Common Interest Code, applicable court decisions and recorded chain of title documents, interpreted by legal counsel, may apply.
11. **OWNER/DEVELOPER RETAINS THE RIGHT** to create new easements, add utilities, paths, or access use as needed over the phases created and recorded for the benefit of this development.
12. **SITE SOILS** - USDA Web Soil Survey NCSS indicates all site Soil Ratings are "B" having a moderate infiltration rate, being deep soils moderate to well drained, and having a moderate rate of water transmission. Soil Map names include Funkstown, Poplimento, Ryder-Poplimento Complex, and Urban land-Hagerstown Complex with slopes predominantly lying in the 10% and lower range.
13. **TRASH REMOVAL** is by Apple Valley Waste (304-267-1280) as lot side pickup. Recyclable materials will be homeowner directed to drop points including paper drop at Halltown Paper Mill off Route 230. Recycle metal, electronics & plastics @ JC Lestown Landfill. Mulching food remnants need be buried and possibly subject to HOA direction if impacting to residents.
14. **EXISTING STATE ROAD EASEMENTS** are 15' from centerline along Flowing Springs Road (WV Rte. 17) and 20' from centerline along Old Country Club Road (WV Rte. 24) per Deed Book 293 Page 200. These EASEMENTS are hereby acknowledged by the owner/developer as widened by dedication to 25' from centerline along both roads. See also plat reference in Note 1 hereon.
15. **MODEL HOMES** without staff shall be permitted throughout this development. Staffed model homes shall be limited to lots located on either side of entry to a new phase. Phase IIa Lots 21 and 44 are reserved for Staffed Model Homes. Building permits shall reflect use and model use termination when sold for domestic home ownership.
16. **ONLY ONE SINGLE FAMILY DWELLING** shall be permitted on each lot. No apparent structures exist in this phase.
17. **BUILDING SETBACK LIMITS (BRLs)** shown for these lots served by public water and sewer are 25' Front, 12' Side and 20' Rear. Shown fifty foot square building envelopes shall be used to place primary residences where shown. Only county BRL ordinance requirements shall be a county enforcement responsibility.
18. **PROPERTY BOUNDARY SURVEY AND CORNER MONUMENTATION** were established by a network of traverse control having a relative error of closure of 1:7500 or better and are to be set 5/8" X 30" rebar with identification caps (CRBS). Concrete monuments are to be set where shown on Sheet 2. See Note 34. All others are as noted. Corner markers shall be set prior to sale of individual lots.
19. **LOT ACCESS IS LIMITED** to interior subdivision roads. See also Note 7a. Public Road access shall be over interior roads only at entries determined by WV D.O.T. after direct site and plan reviews.
20. **HOMEOWNERS ASSOCIATION (HOA)** shall be formed after 100 lots are sold. Every lot owner shall become a member. Upon formation the HOA shall petition the County Commission to adopt a "leash law". The HOA shall maintain Storm Water Management areas on this plan. Completed phase internal road right-of-ways, greenspace, and buffers shall be dedicated to the HOA after 100 lots are sold.
21. **BUILDINGS IN COMMON AREAS** shall be limited to use & maintenance activities deemed necessary by the HOA. Temporary structures shall be replaced, after two years, with brick motif permanent structures consistent with development use, subject to necessary county oversight.
22. **ACCESSORY STRUCTURES** such as decks, pools, sheds, etc. shall need special consideration when placing any house within the building envelopes on these lots. See Note 17. Service line access may require future homeowner cost, if where structures exist. Lot limits and county ordinances may also restrict later additions. Confirm options before proceeding.
23. **APPARENT EXISTING EASEMENTS AND RIGHT-OF-WAYS** on this property are shown. Proposed and future easements are also shown herein. See note 11 above.
24. **EASEMENTS: A BLANKET EASEMENT** shall be given to the appropriate Public Service District within all subdivision right-of-ways for the purpose of constructing water and/or sewer lines and any utilities. **UTILITY-DRAINAGE GRADING EASEMENTS 12' WIDE** along all front and side lot lines and 20' WIDE along all rear lot lines are now created. Structures, fences or landscaping within these easements are subject to being moved or replaced at lot owner expense should an unforeseen necessary access be required. Lot owner use exclusion is not intended. Utilities may serve all other lots.
25. **FEMA FLOOD PLAIN MAP - FIRM Panel 540065 0035 B** indicates that this land is located in Zone C and does not lie in the 100 year flood plain. No observed across site water flow has been detected during stronger rain events. No scour channels are visible. On-site sheet flow is being anticipated and directed through the property to recorded grading easements in the current natural watershed outflow. Development runoff is being managed by county required methodology with added on lot bio-retention to benefit aquifer restoration and mitigate impacts within phase design. Builders are hereby advised to avoid possible impacts of water flow when grading homes. Karst moisture impacts remains an unpredictable variable. See note 27.
26. **NATIONAL WETLAND INVENTORY WEBSITE** shows no wetlands are apparent on or adjacent to this site. [See <http://137.227.85/wetland/wetland.htm>]
27. **DWELLING MOISTURE:** Karst Topography during high antecedent moisture conditions (heavy prior ground rain saturation Buildup) is a considered home impact that may require a homeowner to seek a certified architectural temporary or permanent remediation that deals with post construction site specific conditions. All roof drains and ground slopes must drain runoff away from buildings towards the side or rear lot drainage easements. Off project surface drainage across ASPEN GREENS does not show active flow or scour channel. Flows through the existing 18" CMP under Flowing Springs Road (Rte. 17) bottom are not active. As mentioned in above Note 25, FEMA FLOOD INSURANCE MAP indicates this project lies in Zone C indicating "areas of minimal flooding". FEMA Maps show this to be true for all watershed land elevated above this site. The nearest 100 year mapped flood plain in this same watershed is 7500 feet to the east approximately 50 feet below this site per USGS Charles Town Quad Map. No stream lies within 500 feet of this development.
28. **AN HOA BLANKET TRAFFIC SIGHT DISTANCE VISIBILITY CLEARANCE** right shall be retained at all intersections. Within the dedicated street rights-of-way, sight obstructions > 2.5 feet in height may be removed to assure safe intersection traffic visibility. Complete Stop Sign stops are mandatory.
29. **CONSTRUCTION EASEMENTS SHOWN** by definition are limited for use during and for initial construction of the easement utility. See pertinent documents of record.
30. **CULVERTS ADDED TO THESE PLANS** need be a minimum of 15 inches in diameter, galvanized, set on a 0.5% slope with rip-rap aprons, if appropriate, having 12" minimum cover; or equal.
31. **WEST VIRGINIA STATE OVERSIGHT APPROVAL PERMIT NUMBERS:**
WVDEP - Reg. # WVRI05596 & WVNPDSES # WV 0115924
WVHD - WL # 19,410 & SS # 19,409
WVDOH Entry Permit # 05-2015-0093

32. **ALL POTENTIAL FUTURE LOT OWNERS** have a duty to appraise all information within all approval review documents relating to ASPEN GREENS. This includes any and all oversight, legal or other reviews, through County, State, Courts or other. It shall be each lot owners express obligation to obtain sufficient necessary independent legal or other professional counsel under their own direction and expense to assure their complete understanding prior to purchase. All parties creating this project open and release all reviewed information to potential lot owners with unconditional transparency. Lot purchase shall constitute full notice and acceptance of this duty that might affect their ownership both directly or indirectly, both pendente lite and permanent, of any concerns or issues pertaining thereto, either express or implied. Conditional Use Permit, if's inclusions & modifications pertinent to development processing documentation is specifically included.
33. **PSD SEWER EASEMENT SHOWN** is recorded where shown on Sheet 3 among the Jefferson County Land Records. The placement of this easement is determined as 10 feet each side of the constructed pipe. An additional 20' temporary construction easement during the period of initial construction is also shown. See Note 29. Agreement between the developer and JCPSD prior to construction by the developer places the manholes at the following coordinates in WV-NAD83 for initial vertical coordination efforts of this work with ASPEN GREENS development plans. Actual construction may vary.
- | | | |
|----------------|----------------|-----------|
| 3055661.950600 | 2439392.988000 | PSD MH 54 |
| 305647.229900 | 2439477.539300 | PSD MH 53 |
| 305589.680900 | 2439808.083800 | PSD MH 52 |
| 305679.269800 | 2439887.484400 | PSD MH 51 |
| 305628.855800 | 2440104.233400 | PSD MH 50 |
| 305438.460400 | 2440417.119800 | PSD MH 49 |
| 304932.211200 | 2440775.005900 | PSD MH 48 |
| 304881.266600 | 2441038.763800 | PSD MH 47 |
| 304824.276715 | 2441146.727641 | PSD MH 46 |
34. **SHOWN CONCRETE BOUNDARY MONUMENTS** are to be set at the following WV-NAD83 coordinate locations:
- | | | |
|---------------|----------------|------------------------------|
| 305751.752463 | 2439489.646801 | Rear Corner Lot 32 |
| 306867.664385 | 2439824.150236 | Rear Corner Lot 21 @ Residue |
| 306391.223902 | 2439999.141725 | Rear Corner Lot 41 & 42 |
35. **SCALING OF PLATS IS AN IMPROPER USE OF WORK** - Reprographics today change printed copy scales unknowingly both by chosen medium, weather, digitization, & copy feed, often disproportionately along several axes. A paper print will vary measurably with humidity. All survey plat use shall be measured and reconstructed from the math only. Bar scales are shown for confirming variations of scale on any copy one is using; however, creep across a full sheet will multiply scaling errors. Do not render decisions based on scaling. Seek professional advice for math interpretation. For correct bar scale use, one should divide the decimal inches of bar scale into called feet for the nearest one inch equivalent of feet actually showing, subject to variant points above.
36. **FLAG POLES ON LOTS** within BRLs are encouraged with the understanding that the Stars and Stripes Flag of the USA be flown to topmost and of predominant size whenever any flags are exhibited. Handling shall be consistent with national flag standards. Flag pole height shall be limited to no more than ten feet above the existing structure and shall comply with any County, State or other oversight. Traditional Flag flying days are encouraged. Signage displays or other politically persuasive displays shall first obtain HOA approval.
37. **ENTRANCE ACTIVITY SAFETY** is of primary concern especially given the variety of events that will transpire. Developer and later HOA oversight shall monitor all usage for optimum public safety taking reasonably prudent precautions to address all concerns. Although the plans envision the activities shown, actual use and safety may require changes. The County School Bus Personnel shall determine their preferred point of pickup which may change given development child ages, bus student ages, addition of internal loop roads, driving pickup time limits, maintenance of roads and paint lines, individual student needs, safety issues they observe and individual driver preferences. Owners should be prepared to adjust this facility to permit and optimize only the safest possible use.
38. **BLANKET EASEMENT FOR ALL UTILITIES** shall exist over all Buffers, Open Space, or other common HOA ground. Common lands, by definition, shall be conveyed to the development HOA being subject to the common use of individual lot owners including any and all utilities commonly used by part, or all lot owners. Additional utility easements within the lot boundaries, other than as previously delineated along all boundaries, shall be permitted so long as costs to that lot are covered and actual work replaces, in kind without lot owner cost, any new construction impacts. This shall include tree replacement (6' Max.) where disturbance results in loss at current owner choice. Utility location or need shall be the sole discretion of either the utility, developer or active HOA. Utilities herein shall be all co-existent activities that are used by all or groups (>2 lots) of lot owners. Utilities shall include SWM and all rainwater drainage activities.
39. **ALL DEVELOPMENT LIGHTING** shall be indirect. No direct bulb offsite visibility to neighbors or passing persons. Sodium, Phosphor or Halogen lights are prohibited. Indirect timed or motion sensitive exterior lighting needs HOA and neighbor consent. All flood lights require direct visibility off-property shields. Christmas or Holiday Lighting between December 1st and January 5th in moderate amounts are acceptable. Avoid pulsating holiday lights. Otherwise use only indirect, non-bulb-visible, of lower intensity wattage shielded from off property direct view. HOA decisions by majority vote shall decide issues of concern.
40. **ACTIVITIES OF OFFSITE NEIGHBORS FOR SCHOOL BUSES, MAIL BOX PLACEMENT ACCESS AND STATE ROAD SAFETY** may be changed by preference of authorities that could include activities within this development. Changes may include mail box locations, varying school bus stop use, added cross walk signage or markings for best safe use by all.
41. **HOME ALTERATIONS FOR OWNER FAMILY VETERAN DISABILITY ACCESS** shall be exempt from HOA, individual owners or other oversight design controls or reviews so long as national standards are met for safe construction and use.
42. **FUTURE CONSTRUCTION WITHIN THE 50' BUFFER** herein may include grading, tree replanting, utility installations or maintenance, walk or trail construction or landscaping, berm re-design, state road widening and possible tree re-location without immediately specific adjacent lot owner permission. Lot owners may continue non-interfering activities indicated hereon within said buffer which extends fifty feet from the rear lot line along state roads to their approximate centerline.
43. **REVISION TO WORDING OF CUP** [See Note 32 above] BY JCBZA MEETING OF 16 FEB 2012 are:
A) REVISED CONDITION #6 - Provide a note on the plat indicating a 50' easement along Flowing Springs Road (Route 17) and Old Country Club (Route 24) starting at the centerline of the road for the potential location of sidewalks and trails.; (Note 7g this sheet) AND
B) NEW CONDITION #9 - Revise the plat to show two points of pedestrian and vehicular access that would allow future connections between Aspen Greens Subdivision and the property located to the north of the subdivision. (Sheet 1 Note above Phase Limits Insert border)
44. **VARIANCES APPROVED** by the Jefferson County Planning Commission are list here as:
- | Section: | Date Approved: | Description: |
|---------------------|----------------|----------------------------------------------------------------|
| Art. 6, Sec. 6.3 | 05/26/09 | PC Var. Extend File from 07/06/09 to 12/31/09 |
| Art. 3, Sec. 3.2(g) | 06/18/09 | BZA Var. Extend CUP from 06/20/09 to 12/20/10 |
| Art. 6, Sec. 6.3 | 08/11/09 | PC Var. Extend File from 12/31/09 to 12/20/10 |
| Art. 6, Sec. 6.3 | 11/09/10 | PC Var. Extend CIS from 12/20/10 to 07/01/12 |
| Art. 3, Sec. 3.2(g) | 11/18/10 | BZA Var. Extend CUP from 12/20/10 to 07/01/12 |
| Art. 6, Sec. 6.3 | 6/10/14 | PC Var. 10 Mo. Extend phase Final Plat from 6/12/14 to 4/12/15 |
| Art. 6, Sec. 6.3 | 3/10/15 | PC Var. 8 Mo. Extend phase Final Plat from 4/12/15 to 12/08/15 |

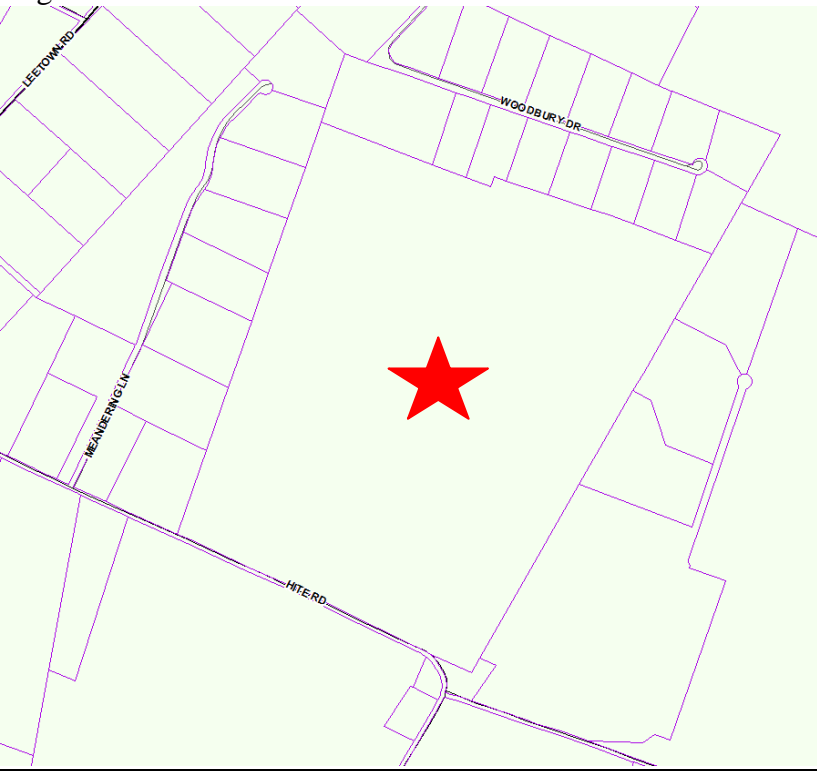
Plat:
B10900J
Date:
4 June 2014
Scale:
As Shown
Tax Map: 4
Charles Town - 2
Computer Entry: F.G.

Gates Associated Inc.
153 Venice Way (Rte. 45)
Shepherdstown,
West Virginia, 25443
Tel: 1-304-876-6124 Email: gatesassociated@aol.com



Staff Report
 Jefferson County Planning Commission Meeting
 June 9, 2015

Item #5: **Public Workshop:** Concept Plan review for a proposed 20,000 square foot expansion of an existing ammunition manufacturing/warehouse facility. (PC File# S15-02) To be represented by Gordon, Jason Gerhart.

APPLICANT:	Delaware Corporation 637842, D/B/A/ Kent Cartridge	
OWNER:	Same as above	
DEVELOPER:	Same as above	
SURVEYOR/ENGINEER:	Gordon	
PROPERTY LOCATION:	795 Hite Road	
LEGAL DESCRIPTION:	District: Middleway (07); Map: 8; Parcel: 4 Zoning: Rural	
		
SURROUNDING PROPERTIES:	North: Rural East: Rural	South: Rural West: Rural
LOT AREA:	173.58	
APPROVED ACTIVITY:	Manufacturing and Warehousing	

Background

Kent Cartridge is located in a rural area of the County just northeast of Leetown. It is a manufacturing and warehousing industry that has existed prior to the adoption of zoning in the County (previously called Activ Industries). The property is zoned Rural and therefore the business is considered a nonconforming use; however, it is not limited to the typical maximum 35% expansion. Per Section 4.3G of the Zoning Ordinance “this Section (4.3) does not apply to industrial uses that existed at the adoption of the ordinance. Such industries may expand provided that they meet the site plan standards of this Ordinance, in addition to those of the Jefferson County Subdivision and Land Development Regulations.” The existing manufacturing/warehousing structure is 29,337 square feet. The proposed

Staff Report
 Jefferson County Planning Commission Meeting
 June 9, 2015

expansion of this facility is 20,000 square feet. The business also consists of a 2,325 square foot storage building and the offices which are located in a three story existing residential structure totaling 7,980 square feet.

Site Plan Category:

This site plan associated with this Concept Plan is governed by the amended Subdivision and Land Development Regulations (4/16/15), which includes the square foot threshold that defines a Minor Site Plan or Major Site Plan. The amended definition allows all site plans with a building area of less than 5,000 square feet to process administratively as a Minor Site Plan; requires site plans with a building area between 5,000 and 50,000 square feet to submit a Concept Plan and then process as a Minor Site Plan; and requires all site plans with building area above 50,000 square feet to process as a Major Site Plan. Additionally, the Subdivision and Land Development Regulations further defines Minor Site Developments as “those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure.” Because this Site currently contains structures totaling 39,552 square feet, a 20,000 square foot addition results in a property with structures totaling greater than 50,000 square feet. Therefore, this project will be required to process as a Major Site Plan, which includes a Concept Plan public workshop and Site Plan public hearing.

The Request:

Delaware Corporation 637842, D/B/A Kent Cartridge is requesting the approval of a Concept Plan for a 20,000 square foot expansion of an existing ammunition manufacturing facility consisting of a total of 39,552 sq. ft. for all structures relating to the manufacturing business. The property is located on 173.58 acres that already contains several buildings involved in the applicant’s industrial manufacturing operations.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review:

In accordance with the amended Subdivision Regulations (4/16/15), the Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of the applicant’s Concept Plan, Staff found the submitted plan “sufficient” (i.e. meeting all requirements of Section 24.116 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the Kent Cartridge Concept Plan application, are provided below:

Required Item from Section 24.116 (A-J)	Description	Status
B. Submission Contents.	The submission shall contain the following elements:	
1. General location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> .	Provided
3. Zoning	This shall include:	Provided

Staff Report
 Jefferson County Planning Commission Meeting
 June 9, 2015

Information	<ul style="list-style-type: none"> a) Determination of the zoning district in which the proposed subdivision or development project is situated. b) Density calculations. c) Site resource map. 	
4. Proposal Description	This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided
5. Traffic Impact Data	<p>This shall include:</p> <ul style="list-style-type: none"> a) Average Daily Trip figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project. 	No letter from WVDOH
6. Trip Generation	In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.	.
7. Agency Reviews	The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after the review. Reviewing agencies are found in Section 23.203 and 23.204. Applicant shall provide copy of letters sent to outside agencies to the Departments of Planning and Zoning within 7 days of submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.	Letters to required agencies provided; responses received from JC HLC – see comments below
8. Other Data	Any other data or information the applicant believes will assist in the review.	Provided

Staff Report
 Jefferson County Planning Commission Meeting
 June 9, 2015

9. Other Reviews	Any other staff or agency reviews of the plans.	Provided
C. Review Content	The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.	See below
D. Department	<p>The Department review shall include the following:</p> <ol style="list-style-type: none"> 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal. 2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan. 	Staff has determined that the requirements of the Zoning and Land Development Ordinance and Subdivision and Land Development Regulations are met in the proposed Concept Plan.
E. WVDOH	When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.	No comments received from WV DOH.
F. Traffic Impact	The review shall indicate whether the traffic impact study follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact	No comments received from WV DOH
G. Public Service	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	This property is on well and septic. No comments received from Jefferson County PSD.

Staff Report
 Jefferson County Planning Commission Meeting
 June 9, 2015

H. Recommended Conditions	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	
I. Approval	Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete.
J. Effect	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop at least fourteen (14) days in advance of the meeting and the applicant shall post notice on the property.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

External Agency Reviews

The Historic Landmark Commission has provided a letter (included in the Planning Commission Packet) dated March 31, 2015. They noted that the house in which the administrative offices are located is a historic resource; however, they have no concerns about the proposed expansion of the manufacturing facility.

No other external agencies have responded.

Staff Recommendation related to Concept Plan

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

Based on the Subdivision Regulations, noted above, the site plan for this expansion will process as a Major Site Plan, requiring a Concept Plan and a zoning ordinance.

Planning Commission Direction

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

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

Following the applicant’s presentation, staff’s explanation and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Site Plan Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public hearing takes place,

Staff Report
Jefferson County Planning Commission Meeting
June 9, 2015

or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public hearing is closed.

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

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

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

Recommendation

Staff recommends approving the Concept Plan.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning
116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number: S15-02
Staff Initials: RFD
Total Fee(s): No concept plan fee at this time

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

Concept Plan Review Checklist

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

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

Property Owner Information

Name: 637842 Delaware Corporation D/B/A KENT CARTRIDGE
Mailing Address: PO Box 849, Kearneysville, WV 25430
Phone Number: 304-725-0452 Email: Nathan@kentgamebore.com

Registered Engineer(s), Surveyor(s), or Consultant(s) Information

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

Physical Property Details

Physical Address: 795 Hite Road
City: Kearneysville State: WV Zip Code: 25430
Tax District: Middleway Map No: 8 Parcel No: 4
Parcel Size: 173.58 Deed Book: 876 Page No: 294

Zoning District (please check one)

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

RECEIVED

APR 22 2015
Place Received Date Stamp Here

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

RECEIVED

MAY 06 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

RETURNED TO

Gordon

RETURNED TO

4/28/2015

Linda Barnhart 04/14/15

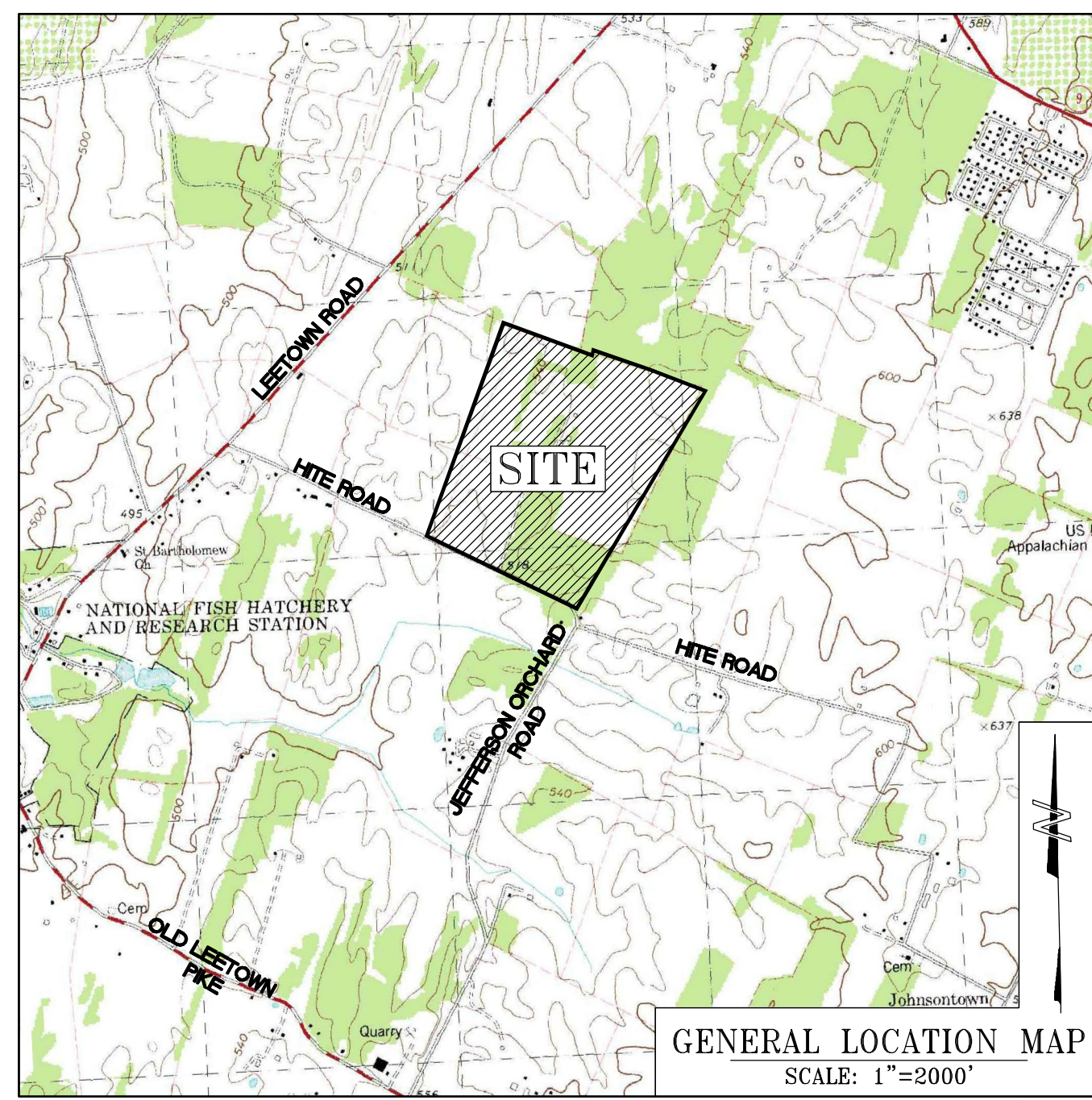
Signature of Property Owner

Date

Signature of Property Owner

Date

DATE



*ALL LAND WITHIN 500' OF THE PROPERTY IS IN THE RURAL ZONING DISTRICT.

CONCEPT PLAN REVIEW CHECKLIST NOTES:

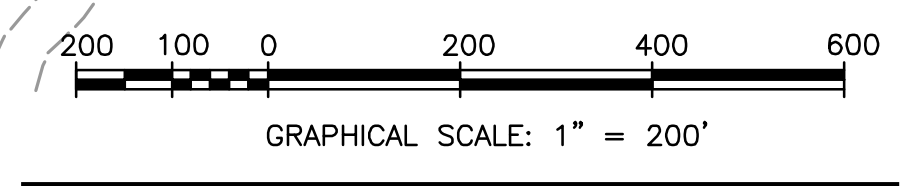
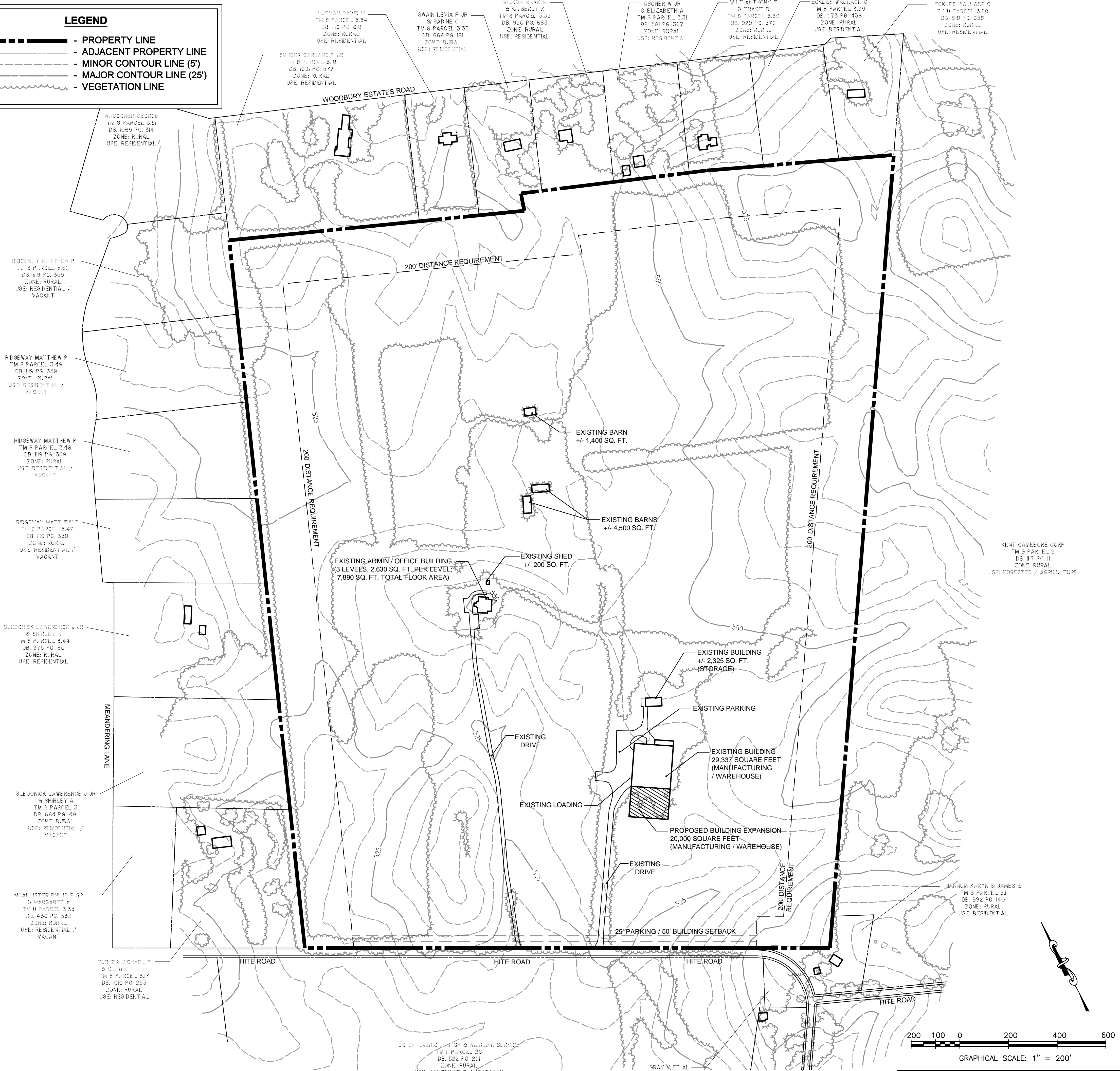
- B.1. SEE GENERAL LOCATION MAP THIS SHEET FOR AREAS WITHIN 500' OF THE SUBJECT PROPERTY. ALL LAND WITHIN 500' OF THE PROPERTY IS ZONED RURAL.
- B.2. A CONCEPT PLAN ON 24x36 WHITE PAPER CAN BE FOUND ON THIS SHEET.
- B.3. ZONING INFORMATION:
 - a. THE SUBJECT PROPERTY IS LOCATED IN THE RURAL ZONING DISTRICT.
 - b. DENSITY CALCULATIONS: NOT APPLICABLE
 - c. SEE THIS SHEET FOR THE PROPERTY'S "SITE RESOURCES".
 - c.1. TOPOGRAPHIC INFORMATION PROVIDED PURSUANT TO USGS INFORMATION. CONTOURS SHOWN AT 5' INTERVALS.
 - c.2. WOODED AREAS ARE INCLUDED ON THIS SHEET. THERE ARE NO KNOWN WATERCOURSES, HILLSIDES, PROMINENT ROCK OUTCROPPINGS, SINK HOLES OR QUARRIES LOCATED IN THE AREA OF DEVELOPMENT. IT IS POSSIBLE THAT SOME OF THESE FEATURES MAY EXIST AND ARE CONCEALED BY EXISTING VEGETATION OR ARE OUTSIDE THE AREA PROPOSED FOR DEVELOPMENT. ALL STATE, FEDERAL AND LOCAL REGULATIONS WILL BE OBSERVED IF ANY UNKNOWN SITE RESOURCES ARE DISCOVERED DURING CONSTRUCTION.
 - c.3. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN 1,000' OF THE SHENANDOAH OR POTOMAC RIVERS AND THEREFORE IS NOT SUBJECT TO THE HILLSIDE REGULATIONS FOUND UNDER SECTION 22.504 OF THE JEFFERSON COUNTY SUBDIVISION ORDINANCE.
 - c.4. FEMA MAP 54037C0110E DOES NOT IDENTIFY ANY FLOODPLAINS ON THE SUBJECT PROPERTY DATED 12/18/2009.
 - d. SEE THE CONCEPT PLAN FOR THE USE DESIGNATIONS OF ADJACENT PARCELS.
- B.4. THE PROPERTY'S CURRENT USE FOR MANUFACTURING WILL CONTINUE. IT IS PROPOSED THAT THE EXISTING 28,932 SQUARE FOOT BUILDING BE EXPANDED BY 20,000 SQUARE FEET (TOTAL BUILDING FLOOR AREA OF 48,932 SQUARE FEET). STORM WATER MANAGEMENT FOR THE ADDITIONAL IMPERVIOUS SURFACE WILL BE PROVIDED THROUGH BEST MANAGEMENT PRACTICES AND WILL BE DETERMINED AT TIME OF ENGINEERING DESIGN. THE PROPOSED BUILDING EXPANSION WILL BE USED FOR ADDITIONAL STORAGE SPACE. PARKING REQUIREMENTS FOR THIS USE ARE DETERMINED ON THE FACILITY'S EMPLOYEES AND THEREFORE NO ADDITIONAL PARKING WILL BE PROVIDED.
- B.5. TRAFFIC IMPACT DATA
 - a. THE WVDOT DOES NOT PROVIDE AVERAGE DAILY TRAFFIC COUNTS FOR HITE ROAD. HITE ROAD IS A LOCAL ROAD WITH LOW TRAFFIC VOLUMES. NO ADDITIONAL TRAFFIC GENERATION IS EXPECTED WITH THE PROPOSED EXPANSION OF THE EXISTING FACILITY. THE WVDOT IDENTIFIES 4,200 DAILY TRIPS FOR LEETOWN ROAD AND 3,200 DAILY TRIPS FOR OLD LEETOWN PIKE.
 - b. PROPOSED TRIP GENERATIONS FOR LIGHT INDUSTRIAL USES ACCORDING TO ON SECTION 24.116(B)(5), OF THE SUBDIVISION ORDINANCE ARE AS FOLLOWS:
 - EXISTING LIGHT INDUSTRIAL:
 - PEAK HOUR TRIPS: $(29,337 / 1,000) \times 1.2 = 35.20$
 - AVERAGE DAILY TRIPS: $(29,337 / 1,000) \times 5.5 = 161.35$
 - EXISTING OFFICE:
 - PEAK HOUR TRIPS: $(7,890 / 1,000) \times 2.82 = 22.25$
 - AVERAGE DAILY TRIPS: $(7,890 / 1,000) \times 17.7 = 139.66$
 - PROPOSED LIGHT INDUSTRIAL EXPANSION AREA:
 - PEAK HOUR TRIPS: $(20,000 / 1,000) \times 1.2 = 24.00$
 - AVERAGE DAILY TRIPS: $(20,000 / 1,000) \times 5.5 = 110.00$
 - TOTAL (EXISTING AND PROPOSED):
 - PEAK HOUR TRIPS: 81.45
 - AVERAGE DAILY TRIPS: 411.01
 - c. THE NEAREST KEY INTERSECTION AS DEFINED IN THE CONCEPT PLAN CHECKLIST IS THE HITE RD./LEETOWN RD. INTERSECTION. THE 2ND NEAREST KEY INTERSECTION IS JEFFERSON ORCHARD RD./OLD LEETOWN PK.
 - d. THERE ARE NO "HIGHWAY PROBLEM AREAS", AS DEFINED BY THE 2004 COMPREHENSIVE PLAN, WITHIN ONE (1) MILE RADIUS OF THE PROPERTY.
- B.7. AGENCY REVIEWS: LETTERS WERE SENT TO THE REQUIRED REVIEW AGENCIES AS REQUIRED BY THE CONCEPT PLAN REVIEW CHECKLIST. A COPY OF THE LETTERS ARE INCLUDED AS PART OF THIS SUBMISSION.
- B.8. ADDITIONAL DATA THAT MAY ASSIST IN DESCRIBING THE PROJECT: THE PROJECT WILL INCLUDE THE EXPANSION OF AN EXISTING BUILDING AND ASSOCIATED STORM WATER MANAGEMENT AREAS. ONLY AREAS SURROUNDING THE PROPOSED EXPANSION AND THE PORTIONS OF HITE ROAD WILL BE SURVEYED. THE MAJORITY OF THE 173.58 ACRE PARCEL WILL NOT BE DISTURBED AND WILL BE MAINTAINED IN ITS CURRENT CONDITION.
- B.10. A LIST OF ALL ADJOINING PROPERTIES AND OWNERS ADDRESS'S ARE INCLUDED AS PART OF THIS SUBMISSION. PROPERTY OWNERS INFORMATION IS PROVIDED PURSUANT TO JEFFERSON COUNTY TAX RECORDS.
- E. A LETTER TO WVDOT HAS BEEN SENT REQUESTING THE IDENTIFICATION OF ANY ISSUES, DATA REQUIREMENTS OR NOTICE THAT THERE ARE NONE.
- F. PURSUANT TO SECTION 24.116.B.5. OF THE SUBDIVISION ORDINANCE, THE PROPOSED DEVELOPMENT WILL NOT EXCEED 100 PEAK HOUR TRIPS AND THEREFORE WILL NOT REQUIRE A TRAFFIC STUDY.
- G. THE PROPOSED DEVELOPMENT WILL NOT INCLUDE ADDITIONAL WATER OR SANITARY SEWER USE. THE EXISTING FACILITY WILL CONTINUE TO USE THE EXISTING WELL AND ON-SITE SANITARY SEWER DISPOSAL SYSTEMS.

GENERAL NOTES:

1. LIMITS AND LOCATION OF VEGETATION, SURFACES AND EXISTING STRUCTURES BASED ON AERIAL PHOTOGRAPHY, TAX MAPS AND USGS INFORMATION.
2. BOUNDARY INFORMATION PROVIDED PURSUANT TO SURVEY CONDUCTED BY "CHARLES R. ATHERTON" DATED 1/8/1973 AND RECORDED AT PLAT BOOK 3, PAGE 20.
3. THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY.

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- MINOR CONTOUR LINE (5')
- MAJOR CONTOUR LINE (25')
- VEGETATION LINE



JEFFERSON COUNTY PC FILE: S15-02

Gordon
 PROGRAMMING AND PLANNING
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 SURVEY AND MAPPING
 SECURITY CONSULTING
 301 N. Mildred Street, Suite 1
 Charles Town, WV 25414
 Phone: 304-725-8456
 www.gordon.us.com

SEAL:

NO.	REVISIONS

CONCEPT PLAN
KENT CARTRIDGE
 TAX MAP 8, PARCEL 4, DB. 876, PG. 294
 MIDDLEWAY TAX DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1" = 200'
	VERT: 1" = 200'
DATE:	APRIL 2015
JOB:	3143-0101
DRAWN:	CHECK:
CADD:	CONCEPT PLAN-R.DWG
NCS:	
SHEET:	01 OF 01



March 31, 2015

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

RE: Kent Cartridge Building Expansion Concept Plan

The Jefferson County Historic Landmarks Commission (JCHLC) has reviewed the Kent Cartridge Building Expansion Concept plan dated April 2015 by William Gordon Associates Inc. Charles Town, WV. Kent Cartridge Company's administrative offices are located onsite and housed in a building listed on the National Register of Historic Places and also recorded as a Jefferson County historic resource. The JCHLC is particularly interested in maintaining generous setbacks and historic context for Category I historic resources. The structure is named Woodbury and was listed on the National Register in 1974. Two JCHLC Commissioners toured Woodbury with Ms. Linda Barnhart, on May 26, 2015 to determine if the proposed manufacturing building expansion would be visible from Woodbury and if the building's historic context would be impacted in any way.

After visiting Woodbury, JCHLC has no objections to the manufacturing facility expansion. Woodbury is over 450 feet from the proposed expansion site and screened by mature vegetation and variations in site elevation. The original driveway entrance is not shared by the manufacturing facility and remains unpaved. There have been a number of changes and additions to the structure since its nomination in 1974 including; alterations to stairways on front and rear, bathrooms under the front porch, and use of an out building for mechanical equipment. The current occupants are aware of Woodbury's history and importance and seem to be maintaining it in reasonable condition.

If the Planning Commission has any questions or need additional information, please feel free to contact me.

Sincerely,

Martin Burke
Chair, JCHLC
304-876-3883

cc: Ms. Jennifer Brockman

Staff Report
 Jefferson County Planning Commission Meeting
 June 9, 2015

Item #5: **Public Hearing:** PCW#15-01; Request by applicant Delaware Corporation D/B/A Kent Cartridge. The requested waiver is to allow for a 20,000 square foot building expansion to proceed under the Minor Site Plan Process (Subdivision and Land Development Ordinance Section 20.203 (1) and Division 26.200.)

APPLICANT:	Delaware Corporation D/B/A/ Kent Cartridge
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Gordon
PROPERTY LOCATION:	795 Hite Road
LEGAL DESCRIPTION:	<p style="text-align: center;">District: Middleway (07); Map: 8; Parcel: 4 Zoning: Rural</p>
SURROUNDING PROPERTIES:	North: Rural South: Rural East: Rural West: Rural
LOT AREA:	173.58
PROPOSED ACTIVITY:	20,000 sq. ft. expansion of an existing ammunition manufacturing/warehouse facility.
APPROVALS:	Existing manufacturing/warehousing structures predate the adoption of the Zoning Ordinance in Jefferson County.

Staff Report
Jefferson County Planning Commission Meeting
June 9, 2015

Background:

Kent Cartridge is a manufacturing and warehousing industry that has existed prior to the adoption of zoning in the County (previously called Activ Industries). The existing buildings are located on the property include the following:

- Metal building used for manufacturing/warehousing. (29,337 sq. ft.)
- Storage building. (2,325 sq. ft.)
- Office/Administrative Building, converted from a three story residential structure. (7,890 sq. ft)
- Multiple barns/sheds associated with previous agricultural uses. (6,100 sq. ft.)

The total floor area of all existing structures is 45,651 sq. ft. The proposal under consideration is a 20,000 sq. ft. expansion of the existing manufacturing/warehouse facility No additional parking or utility upgrades are required or proposed.

The importance of this data is that the Jefferson County Subdivision and Land Development Regulations (4/16/15) define the square foot threshold that delineates whether a development is a Minor Site Plan or Major Site Plan. Site plans proposing a development where all structures located on the parcel, both new and additions, are between 5,000 and 50,000 square feet are required to submit a Concept Plan and then process as a Minor Site Plan. Site plans proposing a development where all structures located on the parcel, both new and additions, exceed 50,000 square feet are required to process as a Major Site Plan. This same section of the Jefferson County Subdivision and Land Development Regulations state that existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations for the purpose of determining whether a proposal should be classified as a Minor or Major Site Plan.

Therefore, because this Site currently contains structures related to the manufacturing operation totaling 39,552 square feet (excluding the barn/sheds), a 20,000 square foot addition results in a property with structures totaling greater than 50,000 square feet. As a result of this, this project will be required to process as a Major Site Plan, which includes a Concept Plan public workshop and Site Plan public hearing.

The Request:

Delaware Corporation 637842 D/B/A Kent Cartridge is requesting the approval of a waiver of the process required in the Jefferson County Zoning and Land Development Regulations Section 20.203(1) and 26.200 for a 20,000 square foot expansion of an of an existing ammunition manufacturing facility consisting of a total of 39,552 sq. ft. for all structures relating to the manufacturing business.

Waiver Requirements:

In April, 2015, the Jefferson County Subdivision and Land Development Regulations, Section 24.300, were amended to permit “process and procedural waivers” which shall be reviewed and found consistent with the following criteria prior to approval.

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

This criterion is not relevant to a waiver of process or procedure.

Staff Report
Jefferson County Planning Commission Meeting
June 9, 2015

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

Processing the proposed expansion of the Kent Cartridge operation as a Minor Site Plan with a Concept Plan, as opposed to as a Major Site Plan, results in a process that requires a Public Workshop (held on this date), but does not require a Public Hearing before the Site Plan is approved. The purpose of the Concept Plan Public Workshop is to receive public input prior to a major engineering investment in a project so that the developer can hear the concerns of the neighbors and the Planning Commission prior to preparing the Site Plan. If this is approved to process as a Minor with a Concept Plan, staff will administratively review and approve the Site Plan in conformance with the Subdivision Regulations and any direction provided by the Planning Commission. If there are any compliance issues, the Site Plan can still return to the Planning commission for resolution.

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

Note that if this project, both new and additions, totaled less than 50,000 square feet, this project would process as a Minor Site Plan with a Concept Plan. Additionally, if the existing structures related to the manufacturing operation were already greater than 50,000 square feet, the Subdivision Regulations provide that a one-time expansion of up to 25,000 square feet could process as a Minor Site Plan with a Concept Plan. Because this project falls between these two criteria, they are required to process as Major Site Plan, unless this Waiver is granted. As this is an existing manufacturing operation that has minimal impact on their neighbors and has no outstanding violations, the request appears to be in keeping with the intent and purpose of these Regulations.

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

This criterion is not relevant to a waiver of process or procedure. Approving this waiver of process will not impact the quality or character of the proposal.

Recommendation

When the Regulations were amended to differentiate between what qualifies as a Minor Site Plan with a Concept Plan and what qualifies as a Major Site Plan, it was clear that there was some effort to allow some expansion of existing structures without requiring a full Major Site Plan process. The fact that this type of facility fell between the two sets of numbers utilized for this definition was impossible to predict. If there is a large number of concerned citizens with valid design points at the Concept Plan Public Workshop, it would be reasonable to continue to process this as a Major Site Plan. However, if there are limited concerns expressed at the Concept Plan Public Workshop, the requested to wavier to allow this project to process as a Minor Site Plan with a Concept Plan seems reasonable.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

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

Staff Initials: [Handwritten initials]

Sketch Received: [Handwritten checkmark]

List of Adjoiners: [Handwritten checkmark]

Fees Paid: \$100.00

Email: planningdepartment@jeffersoncountywv.org

zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

PCW15-01

Waiver Request

Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.

Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.

Property Owner Information

Name: Delaware Corporation 637842 D/BA Kent Cartridge of America
Mailing Address: P.O. Box 849; Kearneysville, WV 25430
Phone Number: (304)725-0452 Email: Nathan@kentamebore.com

Applicant Contact Information

Name: Panhandle Builders & Excavating
Mailing Address: 222 Langston Boulevard; Martinsburg, WV 25404
Phone Number: (304)274-1920 Email: lah@panhandlebuilders.com

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

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

Physical Property Details

Physical Address: 795 Hite Road
City: Kearneysville State: WV Zip Code: 25430
Tax District: Middleway Map No: 8 Parcel No: 4
Parcel Size: 173.58+/- acres Deed Book: 876 Page No: 294

Zoning District (please check one)

Grid of zoning districts: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC). Rural (R) is checked.

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MAY 11 2015
JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Grid of zoning districts: Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). All are unchecked.

What Section of the Subdivision Regulations are you Requesting to Waive?

Section 20.203 Minor Site Development; Division 26.200 Definitions of Terms

Briefly Describe the Nature of Your Waiver Request:

See Addendum.

Explain how 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.

See Addendum.

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

See Addendum.

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

See Addendum.

Explain how the waiver, if granted, will result in a project of better quality and/or character.

See Addendum.

Original signature is required. The information given is correct to the best of my knowledge.

Signature of Property Owner Date

Linda Barnhart 05/11/05
Signature of Property Owner Date

To Be Completed By Office

_____ Date of Public Meeting/Public Hearing
_____ Official/Administrative Body

_____ Date Property to be Posted By
_____ Date Adjoiner Letters to be Mailed

Approved/Denied by a vote of _____ for and _____ against this _____ day of _____, _____

Approved *Denied*

Kent Cartridge Property**Waiver Request Addendum**

May 11, 2015

RECEIVED**MAY 11 2015**JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING**Briefly describe the nature of your Waiver request:**

The requested variance is to allow for a 20,000 square foot building expansion to proceed under the Minor Site Plan process. If this property contained an additional 4,400+/- square feet of floor area it could proceed as a Minor Site Plan or if it contained 15,700+/- less floor area it could proceed as a Minor Site Plan. This development is in a unique position in that it falls between Ordinance requirements, if it were larger or smaller it would be a Minor Site Plan.

As example, a 4,500 square foot building could be constructed on the property under a Minor Site Plan application. This would then allow for the proposed 20,000 square foot building to be developed under the Minor Site Plan process.

- **Applicable/Related Sections of the Zoning and Land Development Ordinance:**
 - Section 20.203(1)
 - Excerpts from this Section for requirements to be classified as a Minor Site Plan:
 - “building(s), both new and additions to existing, where all structures located on the parcel total more than 5,000 and less than 50,000 square feet gross floor area (GFA) on any site...”.
 - “Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one-time expansion up to 25,000 square feet gross floor area...”.
 -
 - Division 26.200.
 - Definition of Minor Site Plan.
- **Development Information**
 - Parcel Area: 173.58+/- acres.
 - Existing structures predate the adoption of Zoning in Jefferson County.
 - Multiple buildings are locate on the property, including:
 - Metal Building used for manufacturing / warehouse (29,337 sq. ft.).
 - Storage Building (2,325 sq. ft.).
 - Office / Administration Building, converted from a residential structure (7,890 sq. ft.).
 - Multiple barns /sheds associated with previous agricultural use (6,100 sq. ft.).
 - Total floor area of all structures: 45,651 sq. ft.
 - Proposed development will include a 20,000 sq. ft. expansion to the existing manufacturing / warehouse building. No additional parking or utility upgrades are required / proposed.

Explain how 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.

- **There will be no detriment or impact to the County's maintenance, parks or open space.** Unlike a residential development this project will not increase the demand for parks or maintenance costs to the County.
- **The reduced time and effort associated with a Minor opposed to a Major Site Plan will provide a cost savings to the County in the form of review time and staff effort.** The time and requirements of a Major Site Plan are significant and represent a substantial increase in effort by both the property owner and County staff. The time and cost savings provided by this waiver will allow the County to dedicate additional funds / time towards more urgent items and will afford the property owner additional reinvestment in their company.
- **The proposed building expansion will increase the County's property tax base.** Allowing this project to move forward under the Minor Site Plan process will expedite the time in which this increase in the County's tax base can be implemented. This tax increase will provide additional funds to the County which could be utilized for items such as maintenance or parks and recreation.

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

- **There will be an opportunity for adjacent property owners to provide input at the public hearing for this waiver request.** Unlike a Minor Site Plan, a Major Site Plan process requires a public workshop be conducted to allow for public input on a project. As part of the requirements for this waiver request, all adjacent property owners will be notified of this building expansion by mail and the public notified through an advertisement in the paper and a sign posting on the property. The public hearing on this waiver provides both the general public and adjacent property owners a forum to comment on this building expansion and fulfills this obligation of the Major Site Plan application.
- **The requested waiver is for relief from the Major Site Plan classification and will not impact the public or adjacent property owners in any form.** This waiver request does not provide any impact to the public and the actual building expansion will be no different under a Minor Site Plan. As stated above this request affords any interested party an opportunity to comment on the project.

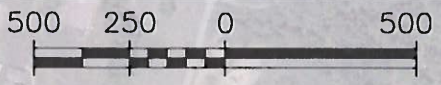
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

- **This waiver provides relief from an irregularity in the Subdivision Ordinance.** As outlined at the beginning of this document, there are multiple scenarios where this building expansion would otherwise be classified as a Minor Site Plan. The purpose of a Major Site Plan is to provide additional review for significant development. The proposed 20,000 square foot building expansion would not be considered significant if the property contained an additional 10% (4,400 sq. ft.) existing floor area. There are no additional improvements to parking, drive aisles or utilities proposed.
- **The permitted one time expansion of existing buildings recognizes the burden of a Major Site Plan process and is intended to preserve the rights of property owners to expand existing facilities.** Allowing this building expansion to proceed as a Minor Site Plan affords the property owners the intended relief provided in this section of the Subdivision Ordinance.
- **A Minor Site Plan process will provide adequate review for a project of this scope.** The intent of the Subdivision Ordinance is to ensure safe and proper development through oversight and standards; this will be accomplished with a Minor Site Plan process.

Explain how the waiver, if granted, will result in a project of better quality and/or character.

- **The approval of this waiver provides better quality in the County's approval process and recognizes this proposed development is an exception to the Subdivision Ordinance criteria.** As outlined previously in this document this building expansion could proceed as a Minor Site Plan if it were larger or smaller. The approval process is part of the project and therefore an improvement to the approval guidelines is an improvement to the overall project.
- **The approval of this waiver affords the property owner an opportunity to begin construction prior to winter.** Construction prior to winter will allow the project optimal conditions in which to build. This allows for the new building area to be utilized earlier and will aid the growth of this company. The additional time and funds generated by this building will allow the company to reinvest in future improvements of this facility.
- **The approval of this waiver enforces the 2035 Comprehensive Plans goals for economic development through manufacturing, a targeted industry sector.** Allowing this development to move forward under the Minor Site Plan process provides support to an existing facility developed prior to the adoption of Zoning or the most recent version of the Subdivision Ordinance. The proposed building expansion does not require additional parking or utility expansion and takes advantage of existing infrastructure.

PCW15-01



WOODBURY ESTATES ROAD

200' DISTANCE REQUIREMENT

EXISTING BARN (5,900 SQ. FT.)

EXISTING ADMIN / OFFICE BUILDING (7,890 SQ. FT. FLOOR AREA)

EXISTING STORAGE BUILDING

EXISTING MANUFACTURING / WAREHOUSE BUILDING (29,337 SQ. FT. FLOOR AREA)

PROPOSED BUILDING EXPANSION (20,000 SQ. FT. FLOOR AREA, 30+/- HEIGHT)

EXISTING MATURE VEGETATION (TYP.)

1,390'

710'

525'

680'

875'

855'

25' PARKING / 50' BUILDING SETBACK

HITE ROAD

HITE RD.

PROPERTY OWNED BY APPLICANT

RECEIVED
RESIDENTIAL STRUCTURE

RESIDENTIAL STRUCTURE
GARAGE

MAY 11 2015

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

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

PROPERTY SKETCH

KENT CARTRIDGE
WAIVER REQUEST ADDENDUM

05-11-2015

SHEET
1 / 1

Linda Carabot 05/11/15
Signature Date

Staff Report
 Jefferson County Planning Commission Meeting
 June 9, 2015

Item #7: **Public Hearing:** PCV#15-03; Request by applicant Mark-Colonial Hills, LLC, for a variance from the requirements of Article 8, Section 8.2.e.3 of the 1979 Jefferson County Subdivision Ordinance. Applicant is requesting a reduction in the requirement for the minimum road frontage from 80' to 70'. The property is located on the east side of Potomac Farms Drive (Jefferson County Route 245) in Shepherdstown

APPLICANT:	Mark-Colonial Hills, LLC.
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Alpha Associates, Inc.
PROPERTY LOCATION:	East side of Potomac Farms Drive
LEGAL DESCRIPTION:	District: Shepherdstown (09); Map: 8; Parcel: 10 Zoning: Residential Growth
SURROUNDING PROPERTIES:	North: Residential Growth South: Residential Growth East: Residential Growth West: Residential Growth
LOT AREA:	27.15 Ac.
PROPOSED ACTIVITY:	Additional single family lots with narrower road frontage

Staff Report
 Jefferson County Planning Commission Meeting
 June 9, 2015

Community Impact Statement	Submitted: 02/16/2000 Staff Review Meeting: 02/23/2000 County Planner Approval: 01/08/2008 County Engineer Approval: 01/15/2008 PC Approval: 03/14/2000 Expires on: 02/23/2002 PC Extended CIS on 06/11/2002 CIS Amendment: 01/04/2008
Preliminary Plat	Phase III: 08/21/2006
Final Plat	Colonial Hills Phase III Final Plat #05-38 (35 Single-Family lots) Submitted: 09/18/2006 Public Hearing Scheduled: 11/14/2006 Phase III Final Plat approved 11/14/2006
Variance History	06/11/2002 – PC Approved to reopen file 03/15/07 – BZA approved variance ZV#07-08 Side Setback Variance

Background:

Phase III of the Colonial Hills subdivision is located east of Potomac Farms Road (Alternate 480) and is not yet developed. The Final Plat for this Phase, including 35 single family lots was approved 11/14/2006 and bonded and recorded. Two of the 35 lots were planned for future commercial and one was planned for future apartment development, pending separate site plan approval. Since this Subdivision began processing before the 2008 Subdivision Regulations were adopted, this Subdivision variance is being reviewed under the 1979 Subdivision Regulations.

The Request:

Mark-Colonial Hills, LLC is requesting a reduction in the requirement for the minimum road frontage from 80' to 70' for the proposed single family residential lots in Phase III of the Colonial Hills development. This will allow the creation of smaller lots sizes to more closely model the appearance of a downtown neighborhood such as those in Shepherdstown and will allow the applicant to pursue a Community Impact Statement (CIS) amendment to allow additional single family lots, if it is determined necessary. The Developer believes that it would be a disadvantage if the development is not able to adapt to the current single-family residential market trends.

Variance Requirements:

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Regulations. In order to grant a variance the following four criteria must be met.

The comments below are Staff's comments related to the criteria:

The request is not contrary to the public interest.

The intent of the lot frontage guidelines is to establish uniform land subdivisions in Jefferson County. By seeking relief from the Ordinance and creating smaller lot sizes, more homes will be built, which creates more opportunities for increase in dwelling availability in the county, as well as a potential for an increase in the County's tax base. If the decrease in the lot frontage requirements for this subdivision

Staff Report
Jefferson County Planning Commission Meeting
June 9, 2015

meets all other land development standards set forth by the County and does not negatively impact the surrounding communities, then the variance request is not contrary to the public interest.

A literal enforcement of this Ordinance will result in unnecessary hardship.

The applicant has expressed interest in creating a community of homes that is similar to Shepherdstown in its density. To accomplish this, they applicant desires to reduce lot frontage and create lots with a tree lawn, unattached sidewalks and create development compatible in scale and intensity with historic Shepherdstown neighborhoods. The literal enforcement of this Ordinance has potential to result in hardship on the applicant as it limits the style and intensity of the type of subdivision that can be created, resulting in a more suburban and a less compatible neighborhood type for the Shepherdstown area. The applicant intends to create a development to meet market demands and trends in the Shepherdstown area.

The request is not the result of a self-imposed hardship.

The 80 foot lot frontage requirement is intended to provide for a suburban or relatively large lot development. The proximity of this development to the Corporation of Shepherdstown, particularly in proximity to the Clarion and the future Shepherdstown Library creates a good situation for creating a development that integrates with the older Shepherdstown neighborhoods more effectively.

The spirit of this Ordinance will be observed and substantial justice done.

The applicant's intent is to decrease their lot frontage requirements, so they may create a denser community without substantially altering the overall site. The purpose of the Ordinance was to ensure that there is a uniformity and standard, as to appear in an orderly fashion, by which land development occurs in the count. The decrease in lot frontage will not be detrimental to the development and the request's intent does not run counter to the spirit of the Ordinance and achieves substantial justice.

Recommendation:

Planning and Zoning staff recommend that the Variance be granted as the request is not contrary to the public interest; a literal enforcement of this Ordinance will result in unnecessary hardship for the applicant; the request is not the result of a self-imposed hardship; and that the spirit of this Ordinance will be observed and substantial justice done.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

Charles Town, WV 25414

File Number: PCV1503

Staff Initials: clc

Fees Paid: \$ 100.00

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

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Subdivision Ordinance Variance Request

To be used in accordance with the 1979 Subdivision Ordinance - 8/94 Salvage Yard Ordinance

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance. Sketch on a separate sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date sketch. Provide a vicinity map.

I/We request a variance from the provisions of the 1979 Jefferson County Subdivision Ordinance

Property owner information

Name of Property Owner: Mark-Colonial Hills LLC

Mailing Address: 6259 Reynolds Mill Road

City: Seven Valleys State: PA Zip Code: 17360

Phone Number: 1-717-741-8359 Email: mroyer@rkinsley.com

Applicant contact information

Applicant Name: SAME AS OWNER

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Alpha Associates Inc

Mailing Address of Engineer(s) or Surveyor(s): 535 W King St

City: Martinsburg State: WV Zip Code: 25401

Phone Number: 304-264-0051 Email: ryan.perks@thinkalphafirst.com

Physical property details

Physical Property Address: Potomac Farms Drive (Jefferson County Route 245) East Side

City: Shepherdstown State: WV Zip Code: 25443

Tax District: Shepherdstown Map No: 8 Parcel No: 10

Parcel Size: 27.15 AC Deed Book: 989 Page No: 175

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MAY 18 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Zoning District:	Rural (R-A)	Residential 1 Growth (R-G)	Industrial Commerical (I-C)	Residential-Light Industrial-Commercial (R-L-C)	Village (V)
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section of Ordinance for which the variance is requested:

8.2.e.3

Please describe the nature of the variance request:

Applicant requests a reduction in the requirement for the minimum road frontage from 80' to 70'. This will allow the developer to create a smaller lot size to more closely model the appearance of a downtown neighborhood such as those in Shepherdstown.

Explain why this request is NOT contrary to the public interest:

The current subdivision ordinance/zoning ordinance regulations allow for such a reduction, therefore the public interest is served.

Explain how enforcement of this Ordinance will result in unnecessary hardship:

As the option for a reduced lot frontage is currently available to developers under the prevailing ordinance, it is a disadvantage if the applicant is not able to adapt their development to meet current single-family residential market trends.

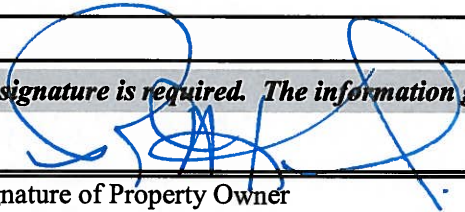
Explain how this request is NOT the result of a self-imposed hardship:

The lots were designed to meet the standard of the previous ordinance. Therefore, the applicant did not have the opportunity to reduce the lot width at that time.

Explain how the spirit of this Ordinance will be observed and substantial justice will be done:

The request is compliant with the prevailing Ordinances. Furthermore, it is in the spirit of the previous ordinance as the Lot Frontage regulation (8.2.e.3) was written specifically with language that allows the minimum width to be superceded by changes to the Zoning Ordinance, which is currently the case.

Original signature is required. The information given is correct to the best of my knowledge.



Signature of Property Owner

5/13/15
Date

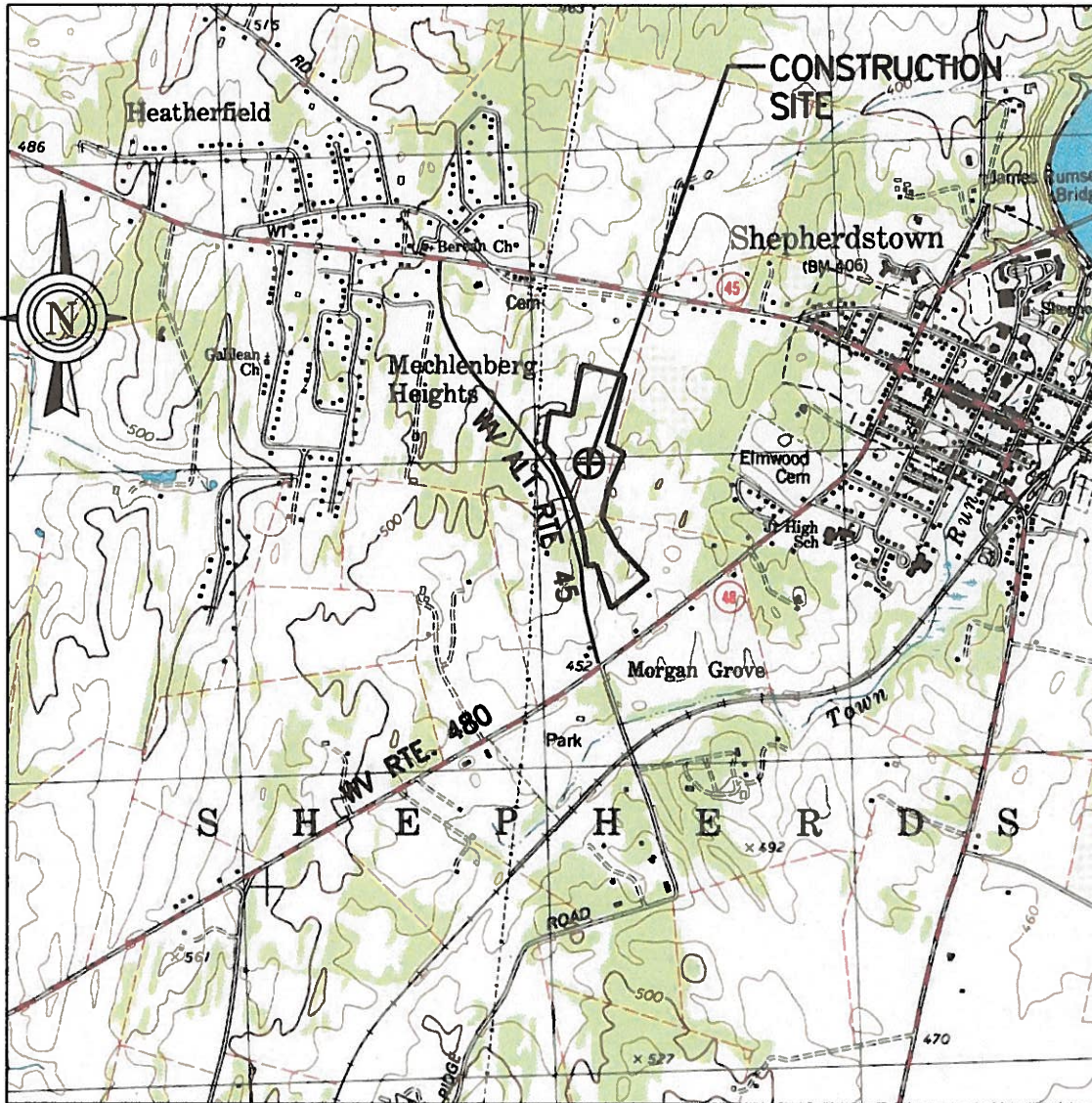
Signature of Property Owner

Date

Approved/Denied by a vote of _____ for and _____ against this _____ day of _____, _____ (Year)

Approved

Denied



USGS 7.5 MINUTE TOPOGRAPHIC MAP
SHEPHERDSTOWN QUADRANGLE

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MAY 18 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

SCALE: 1" = 2000'
LATITUDE 39°25'44"
LONGITUDE 77°49'16"

#PCV15-03



ALPHA ASSOCIATES, INC.
535 WEST KING STREET
MARTINSBURG, WV 25401
PHONE: 304-264-0051
TOLL FREE: 877-264-0051
FAX: 304-264-0707
www.thinkALPHAfirst.com

TOPO MAP

**SITE PLAN
FOR
COLONIAL HILLS
PHASE III SUBDIVISION
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WV**

DR'N.: RPP	
P.M.: RPP	P.I.C.: RWK
PROJ. NO.: 1404045.00	
DATE: JUNE 2014	
SHEET NO.:	

1 OF 1

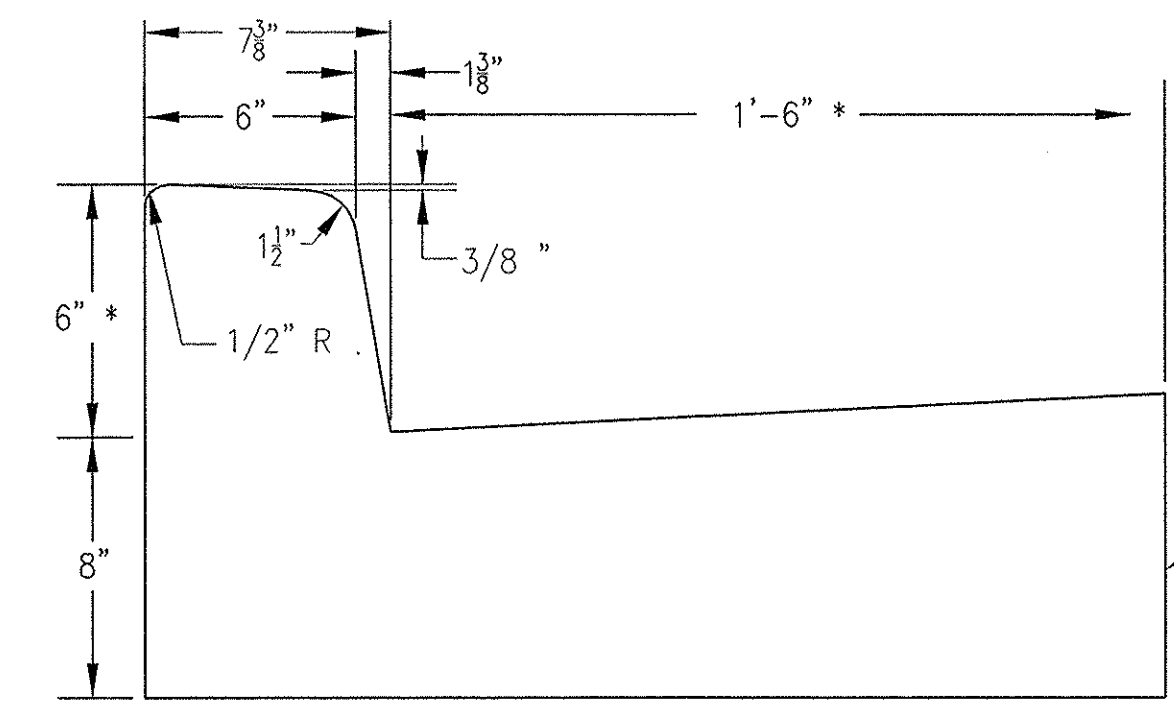
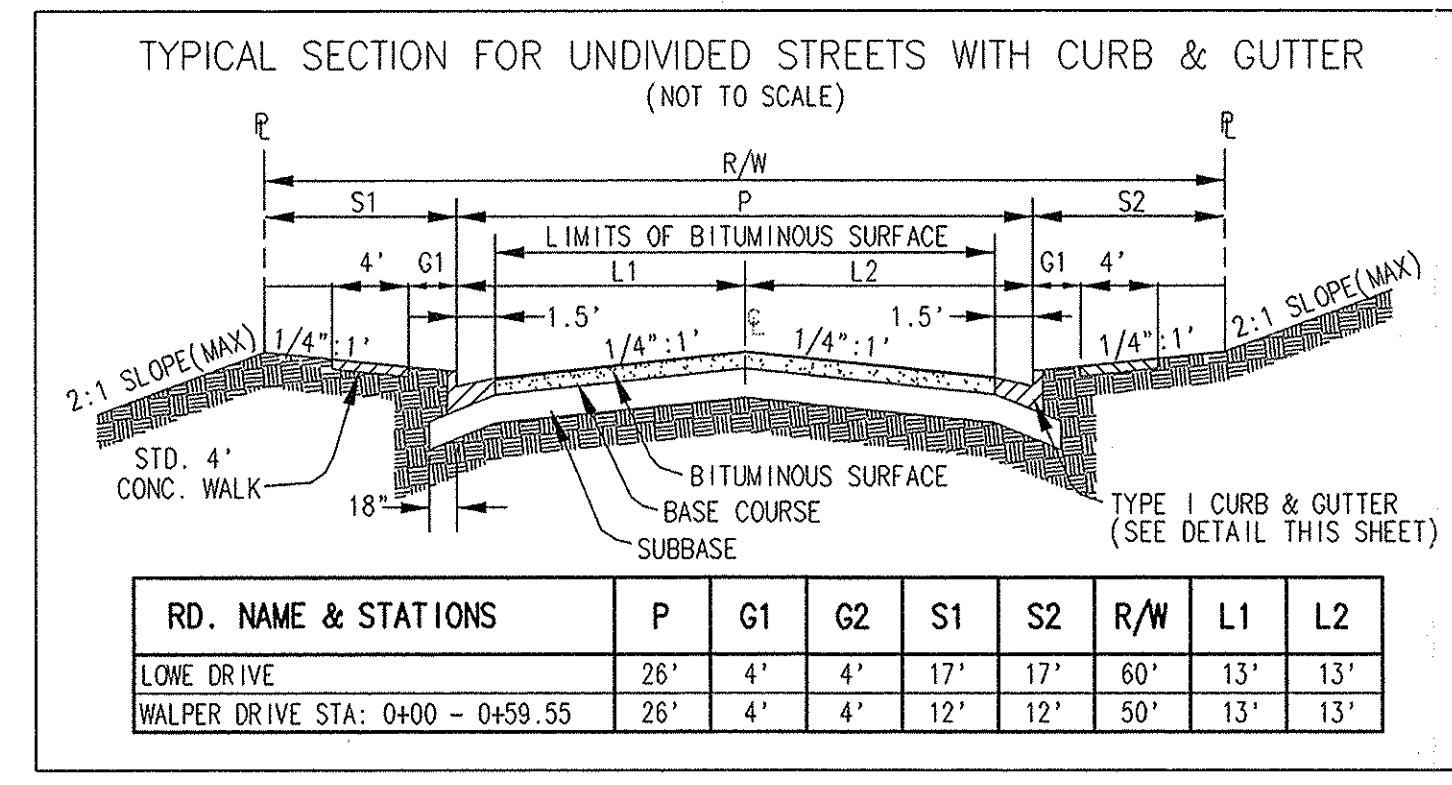
CONSTRUCTION NOTES:

- THE CLIENT AND CONTRACTOR ARE RESPONSIBLE FOR REVIEWING THE PLANS PRIOR TO CONSTRUCTION AND NOTIFYING WILLIAM H. GORDON ASSOCIATES, INC. OF ANY CIRCUMSTANCES FOUND WITHIN THESE PLANS IN NEED OF VERIFICATION SO THAT APPROPRIATE REVISIONS CAN BE MADE, IF WARRANTED.
- DEVELOPMENT OF THE SITE INCLUDING CONSTRUCTION AND MATERIALS WILL BE IN CONFORMANCE WITH CURRENT JEFFERSON COUNTY AND THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS.
- EROSION AND SEDIMENT CONTROL DEVICES TO BE IN PLACE PRIOR TO ANY CONSTRUCTION. REFER TO EROSION AND SEDIMENT CONTROL PLAN FOR PHASING AND DETAILS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE OWNER AND THE ENGINEER OF ANY CHANGES OR CONDITIONS ATTACHED TO PERMITS REQUIRED FOR CONSTRUCTION.
- THE CONTRACTOR SHALL PROVIDE ADEQUATE MEANS OF CLEANING TRUCKS AND/OR EQUIPMENT OF MUD AND DEBRIS, PRIOR TO ENTERING STATE RIGHT-OF-WAY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CLEAN STREETS OF MUD AND/OR LAYING DUST AND TO TAKE ALL APPROPRIATE MEASURES NECESSARY TO ENSURE THAT STREETS ARE KEPT IN A CLEAN AND DUST FREE CONDITION AT ALL TIMES.
- THE CONTRACTOR SHALL VISIT THE SITE AND SHALL VERIFY EXISTING CONDITIONS PRIOR TO STARTING CONSTRUCTION ACTIVITIES.
- THE CONTRACTOR SHALL CLEAR THE SITE OF ALL TREES, BUILDINGS, FOUNDATIONS, ETC. WITHIN THE LIMITS OF CONSTRUCTION AND SHALL BE RESPONSIBLE FOR COORDINATING ANY DISCONNECTION AND/OR ABANDONMENT OF EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND ABANDONING ALL EXISTING WELLS AND/OR SEPTIC DRAIN FIELDS AND COORDINATING THEIR ABANDONMENT WITH THE HEALTH DEPARTMENT.
- ALL LAND ON OR OFF-SITE WHICH IS DISTURBED BY CONSTRUCTION AND WHICH IS NOT BUILT UPON OR SURFACED, SHALL BE ADEQUATELY STABILIZED TO CONTROL EROSION AND SEDIMENTATION.
- CONTACT "MISS UTILITY" AT 1-800-245-4848 A MINIMUM OF 72 HOURS PRIOR TO ANY EXCAVATION WITHIN PUBLIC RIGHT-OF-WAYS OR WITHIN AREAS SERVED BY UNDERGROUND UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING THE PRESENCE OF ANY UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
- WILLIAM H. GORDON ASSOCIATES, INC. DOES NOT CERTIFY TO THE LOCATION OF OR THE EXISTENCE OF ANY EXISTING UNDERGROUND UTILITIES. ANY UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON AVAILABLE RECORDS AND DISCUSSION WITH THE OWNER. THIS DOES NOT CONSTITUTE A GUARANTEE OF THEIR ACTUAL LOCATIONS OR THAT THEY HAVE ALL BEEN SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DIGGING OF TEST HOLES PRIOR TO BEGINNING ANY CONSTRUCTION. THESE TEST HOLES WILL BE MADE TO VERIFY ALL CROSSINGS BETWEEN NEW AND EXISTING FACILITIES AND AT CRITICAL GRADE CHANGES. IF CONDITIONS ARE FOUND IN THE FIELD, WHICH ARE MATERIALLY DIFFERENT FROM THE PLANS, THE CONTRACTOR SHALL NOTIFY WILLIAM H. GORDON ASSOCIATES, INC. SO THAT APPROPRIATE REVISIONS IF WARRANTED CAN BE MADE TO THE PLANS.
- WILLIAM H. GORDON ASSOCIATES, INC. DOES NOT CERTIFY TO THE SUB-SURFACE CONDITIONS OF THE SITE, THE LOCATION OF UNDERLYING ROCK, OR THE LOCATION OF POTENTIAL SINKHOLES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DIGGING OF TEST HOLES TO VERIFY SUB-SURFACE CONDITIONS PRIOR TO BEGINNING ANY CONSTRUCTION. IF SINKHOLES ARE FOUND IN THE FIELD, REMEDIATION WILL BE REQUIRED AS SPECIFIED BY THE DEP AND/OR A QUALIFIED GEOTECHNICAL ENGINEERING FIRM.
- CONTROLLED FILLS AND SUB GRADES:
 - CONTROLLED COMPACTION SHALL OCCUR IN ALL FILL SECTIONS FOR PAVEMENT, TRENCHES FOR UTILITIES, AND IN ANY AREA OTHERWISE DESIGNATED ON THE DRAWINGS.
 - CONTROLLED FILLS SHALL BE COMPACTED TO MINIMUM DENSITY (SEE NOTE 17) AS DETERMINED BY METHODS AS PER STANDARD PROCTOR AASHTO - 199 EXCEPT THE UPPER EIGHT (8) INCHES OF SOILS BELOW THE PAVEMENT SUB-BASE STONE, WHICH SHOULD BE COMPACTED TO 100% OF THIS STANDARD AS DIRECTED BY A QUALIFIED GEOTECHNICAL ENGINEER.
 - CONTROLLED FILL SHALL BE COMPACTED IN EIGHT (8) INCH LIFTS (LOOSE THICKNESS) TO THE SPECIFIED DENSITY, BEGINNING FROM THE EXISTING GROUND SURFACE, UNLESS OTHERWISE APPROVED IN WRITING BY A QUALIFIED GEOTECHNICAL ENGINEER.
- ALL TESTS, STUDIES, ETC., REQUIRED DURING CONSTRUCTION WILL BE CARRIED OUT BY A THIRD PARTY ENGINEERING FIRM.
- THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE OWNER OF COMPLYING WITH OTHER APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.
- CONSTRUCTION BLASTING IS LIMITED BETWEEN THE HOURS OF 8:00 AM TO 5:00 PM OR AS OTHERWISE PERMITTED.
- ALL PROPOSED ELEVATIONS AS SHOWN HEREIN ARE FINISHED GRADE UNLESS OTHERWISE NOTED.
- EARTHWORK SHALL BE COMPACTED TO THE PERCENTAGES OF MAXIMUM DRY DENSITY (ACCORDING TO AASHTO T99C) AS SHOWN BELOW OR AS DIRECTED BY A GEOTECHNICAL ENGINEER:

A. ROADWAYS	98%
B. BUILDING PADS	100%
C. PARKING LOTS FOR PASSENGER VEHICLES	95%
D. PARKING LOTS FOR HEAVY TRUCKS	98%
E. UTILITY TRENCHES	98%
- COMPACTION OF SUBGRADES SHALL BE CERTIFIED BY A PROFESSIONAL ENGINEER OR TECHNICIAN CERTIFIED BY THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS OR A PROFESSIONAL INSTITUTE ACCEPTABLE TO THE COUNTY ENGINEER, AS MEETING THE ABOVE STANDARD.
- CHANGES IN THE TOP & BOTTOM OF SLOPES SHALL BE A MINIMUM OF 5' FROM PROPERTY LINE.
- ALL GRADING SHALL PROVIDE PROPER DRAINAGE & DISPOSAL OF STORMWATER WITHOUT PONDING.

CONSTRUCTION NOTES CONT'D:

- ALL FILL SHALL BE COMPACTED TO PREVENT EROSION.
- GRADING SHALL NOT BE DONE IN SUCH A WAY TO DIVERT WATER ONTO THE PROPERTY OF ANOTHER LAND OWNER.
- SITE GRADING: THE MAXIMUM CUT/FILL SLOPES ARE 2:1.
- ALL CLEARING, GRADING, DRAINAGE, CONSTRUCTION, AND DEVELOPMENT SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH THE APPROVED PLAN.
- THE CLIENT, CONTRACTOR, AND/OR SURVEYOR SHALL BE RESPONSIBLE FOR NOTIFYING WILLIAM H. GORDON ASSOCIATES OF ANY CONDITIONS FOUND IN THE FIELD PRIOR TO STAKEOUT THAT VARY FROM THE APPROVED PLANS OR THAT MAKE CONSTRUCTABILITY IMPOSSIBLE SO THAT APPROPRIATE REVISIONS CAN BE MADE PRIOR TO STAKEOUT AND/OR CONSTRUCTION. ANY OBSERVATIONS REGARDING APPARENT INCONSISTENCIES IN THE PLAN SHALL BE BROUGHT TO WHGA'S ATTENTION FOR VERIFICATION BEFORE THE STAKEOUT.
- THERE ARE NO KNOWN EXISTING, NATURAL, OR MAN-MADE PERTINENT FEATURES INFLUENCING DESIGN.
- THERE ARE KNOWN RESERVATIONS OF LAND FOR PUBLIC/SEMI-PUBLIC USE PROPOSED ON THE SUBJECT PROPERTY AND ARE SHOWN HEREIN.
- THE PROPOSED DEVELOPMENT IS NOT WITHIN 500' OF ANY STREAMS.
- NO FUTURE RIGHT-OF-WAY OR EASEMENTS ARE PROPOSED WITH THIS SUBMISSION.
- THERE ARE NO KNOWN EXISTING EASEMENTS OR RIGHTS OF WAY ON THE SUBJECT PROPERTY.
- THE CONTRACTOR IS RESPONSIBLE TO ENSURE THAT ALL SIGNAGE MUST MEET FEDERAL, WEST VIRGINIA, AND JEFFERSON COUNTY REQUIREMENTS.
- MAINTAIN A MINIMUM HORIZONTAL CLEARANCE OF 10 FEET AND A MINIMUM VERTICAL CLEARANCE OF ONE (1) FOOT SIX (6) INCHES BETWEEN CROSSING OF ALL UTILITY LINES UNLESS OTHERWISE NOTED.
- PLACE AND COMPACT ALL FILL AREAS TO A MINIMUM OF 48" OVER THE CROWN OF THE PROPOSED SEWER MAINS PRIOR TO INSTALLATION.
- THIS SITE WILL BE SERVICED BY PUBLIC WATER AND SEWER.
- WATER AND SEWER LINES SHALL BE PLACED IN TRENCHES ON A BEDDING MATERIAL SUITABLE TO PREVENT RUPTURE AS DETERMINED BY THE ENGINEER. PIPES SHALL NOT BE PLACED (A) UNDER STRUCTURES, (B) WITHIN THE CONE OF WEIGHT DISTRIBUTION OF A STRUCTURE AS DEFINED BY A 45 DEGREE ANGLE FROM THE BOTTOM EDGES OF THE STRUCTURE OR (C) WITHIN LESS THAN THREE FEET (3') HORIZONTAL CLEARANCE OF A STRUCTURE. STRUCTURES FOR PROPOSES OF THIS SECTION INCLUDE MANHOLES, INLETS, JUNCTION BOXES, BRIDGES OR BUILDINGS WITH FOOTINGS. VERTICAL CLEARANCES BETWEEN PIPES SHALL NOT BE LESS THAN ONE FOOT (1') UNLESS SPECIAL PROTECTION SUCH AS CONCRETE ENCASMENT OR STEEL SLEEVING IS USED.
- A MINIMUM OF TEN (10) FEET HORIZONTAL SEPARATION SHALL BE MAINTAINED BETWEEN THE SEWER AND WATER LINES. A MINIMUM OF EIGHTEEN (18) INCHES VERTICAL SEPARATION SHALL BE MAINTAINED WHEN A WATER LINE CROSSES THE SEWER. THE WATERLINE SHALL BE ABOVE THE SEWER AT THE CROSSING.



* DIMENSION MODIFIED FROM STANDARD DETAIL

EDGE TO BE PAINTED WITH BITUMINOUS MATERIAL

SITE AREA COMPUTATIONS:

SINGLE FAMILY LOTS =	20.17 AC
SWM AREA =	2.90 AC
PROPOSED RIGHT-OF-WAY =	3.86 AC
OPEN SPACE =	0.46 AC

PARK LAND COMPUTATION:

RESIDENTIAL AREA =	20.17 AC
TOTAL D.U. =	35 SINGLE-FAMILY
35/20.17 =	1.74 D.U. PER ACRE
NO PARK AREA REQUIRED <	2 D.U. PER ACRE

MINIMUM LOT AREA:

LOT #540 - 10,257 SF > 6,000 SF (SINGLE-FAMILY)

AREA PER DWELLING UNIT COMPUTATIONS:

SINGLE FAMILY LOTS =	20.17 AC
ROAD RIGHT-OF-WAY =	3.86 AC
OPEN SPACE =	0.46 AC
TOTAL AREA =	24.29 AC
TOTAL DWELLING UNITS =	35
24.29/35 =	0.694 ACRES PER D.U.
OR	30,231 SF PER D.U. > 10,000 SF



REVISIONS	
2. 07/14/14 - WDOH	
SURVEY	ALPHA ASSOC. & WHGA
DESIGN	JPG
DRAWN	MAC
CHECKED	KMR
DATE	JUNE 2008
SCALE	HORZ: N/A VERT: N/A
SEAL	
GENERAL NOTES & DETAILS	<p>COLONIAL HILLS PHASE 3</p> <p>SHEPHERDSTOWN DISTRICT JEFFERSON COUNTY, WEST VIRGINIA</p>
JOB	JCPC #05-38
CADD	2436-0101
SHEET	PHASE-3-PLT-NS.DWG 2A OF 26

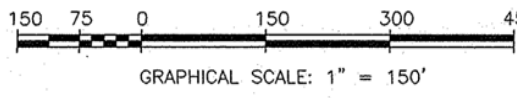
RECEIVED MAY 18 2010 JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

William H. Gordon Associates, Inc.
301 North Millers Street, Suite 1, Charles Town, West Virginia 25414
(304) 725-6456 • FAX: (304) 728-0117
http://www.whga.com

APR 7 2010

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MAGNETIC NORTH (P.B. 18, PG. 96)



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MAY 18 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA



GARY L. CAPRIOTTI, et. al.,
Petitioners,

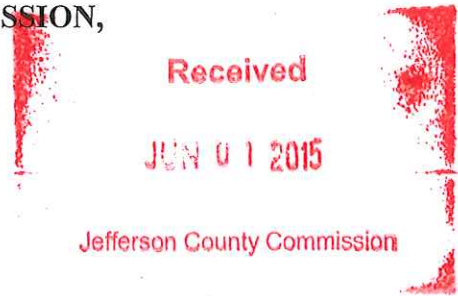
v.

CASE NO. 11-C-325

JEFFERSON COUNTY PLANNING COMMISSION,
Respondent.

v.

FAR AWAY FARM, LLC,
Intervenor.



ORDER SETTING STATUS HEARING AND SCHEDULING CONFERENCE

This matter came before the Court on the 28th day of May, 2015, pursuant to the Petitioner's Request for a status and scheduling conference. The Supreme Court of Appeals of West Virginia has remanded this matter to the Circuit Court. Accordingly, the Court has set a status hearing and scheduling conference on **Friday, the 5th day of June, 2015 at 10:00 a.m.**

All counsel of record shall appear at the aforementioned time (and date) at the Jefferson County Circuit Court located at 100 East Washington Street, Charles Town, WV 25414.

The Clerk shall enter this **ORDER** for the date below appearing and forward attested copies to all parties and counsel of record.

Entered: 5/27/15

A TRUE COPY
ATTEST:

David H. Sanders, Judge
Twenty-Third Judicial Circuit, West Virginia

LAURA E. STORM
CLERK, CIRCUIT COURT
JEFFERSON COUNTY, W.VA.

5-29-15

BY

- cc's:
- G. Capriotti
 - L. Gutsell
 - Jeff. Co. Planning Comm.
 - S. Grah
 - R. Gay
 - Far Away c/o R. Gay
 - Shup. Batteliss
 - E. Moore
 - E. Dunbar