



AGENDA
Jefferson County Planning Commission
Tuesday, March 11, 2014, 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 January 11 and February 25, 2014 Planning Commission Meetings.
2. Citizen Communications: If you wish to comment, **please sign-in to speak for issues that are not on the agenda or items that are not open for public comment.** Items not open for public comment will be so noted.
3. Request for postponement.
4. Public Workshop: Concept Plan Review for Mission Tabernacle Church (PC File #S14-01). This property is located at 446 Mission Road in Shannondale. This project consists of expanding an existing 5,075 square foot church building by 1,984 square feet for a total of 7,059 square feet. The property is located in Tax District: Charles Town (02); Tax Map: 21A; Parcel: 9.2; Size: .814 acres; Zoned: Rural.

There is no public comment for the remaining items.

5. Discussion regarding proposed text amendment to the Zoning and Land Development Ordinance, as recommended by the County Commission on February 20, 2014, regarding the creation of a Mass Event Ordinance.
6. Reports from Legal Counsel and legal advice to the Planning Commission.
 - Active Litigation:
 - Far Away Farms
7. Reducing Regulatory Barriers memo.
8. Director's Report.
 - Update on 2014 Comprehensive Plan.
9. Planning Commission Exchange and Liaison Reports:
 - County Commission Meeting
 - Health Department Meeting
 - Public Service District Meeting
 - Parks and Recreation Meeting
 - Jefferson County Development Authority Meeting
 - Water Advisory Committee Meeting
 - Planning Commission Exchange
10. President's Report.
11. Actionable Correspondence.
12. Non-Actionable Correspondence.
13. Signing of approved Motions from previous Planning Commission meetings.
 - River Riders Concept Plan (File #S13-07)

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:

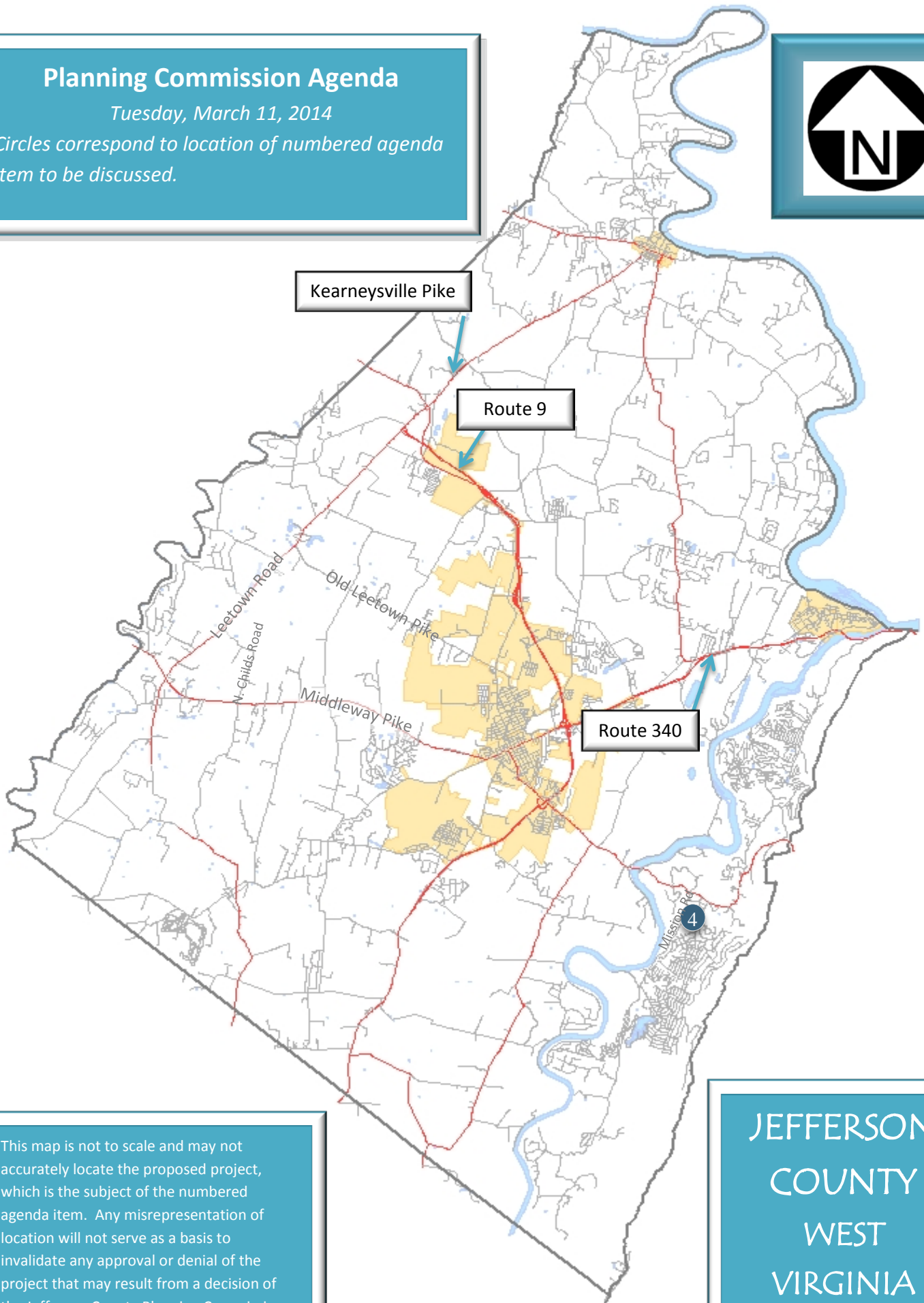
Physical Address: 116 E. Washington St., Charles Town, West Virginia 25414
Mailing Address: P.O. Box 338, Charles Town, West Virginia 25414
Email Address: planningdepartment@jeffersoncountywv.org
Fax Number: 304-728-8126

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.

Planning Commission Agenda

Tuesday, March 11, 2014

Circles correspond to location of numbered agenda item to be discussed.



Kearneysville Pike

Route 9

Route 340

4

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

JEFFERSON
COUNTY
WEST
VIRGINIA

This information is
Tab #1 in your binder.

Draft Minutes

Jefferson County Planning Commission January 14, 2014

The Jefferson County Planning Commission met on January 14, 2014, with the following Commission members present: Stephen Stolipher, President; Daniel Hayes, Vice President; Gene Taylor, Secretary; Walt Pellish, Paul Taylor, Bill McLeod, Wade Louthan, Gary Phalen and Darlene Truman. Staff members present included Seth Rivard, County Planner; Jonathan Saunders, County Engineer; Stephen Groh, Assistant County Prosecuting Attorney; and Alexandra Beaulieu, Planning Clerk.

Mr. P. Taylor called the meeting to order at 7:04 PM.

Mr. Pellish stated he would no longer be serving as the County Commission liaison and welcomed Commissioner Dale Manuel, who would fulfill the role beginning in February.

1. Election of Officers.

Mr. P. Taylor stated he was not inclined to retain the position as President. He opened the floor for nominations.

Mr. Hayes nominated Mr. Stolipher for President. Mr. Pellish seconded the motion, which carried unanimously.

Mr. Stolipher nominated Mr. Hayes for Vice President. Mr. P. Taylor seconded the motion, which carried unanimously.

Mr. Stolipher nominated Mr. G. Taylor for Secretary. Mr. Hayes seconded the motion, which carried unanimously.

2. Approval of the minutes from the November 12, 2013 Planning Commission Meeting.

Mr. Hayes motioned to approve the minutes. Mr. Louthan seconded the motion, which carried unanimously.

3. Citizen Communications. None.

4. Request for postponement. None.

5. *Rescheduled due to inclement weather from 12-10-13*: Public Hearing: Concept Plan Review for applicant Verizon Wireless (PC File #S13-05). This property is located at 231 Trough Road in Shepherdstown. This project consists of constructing a 130' Stealth Silo telecommunications tower. The property is located in Tax District: Shepherdstown (09); Tax Map: 17; Parcel: 11; Size: 123.6 ac.; Zoned: Rural. Property owner: George Randolph Welsh, Jr.

Mr. Rivard provided a PowerPoint presentation reviewing the Verizon Wireless Concept Plan. He stated that the proposed project would consist of the construction of a 130' Stealth Silo Telecommunications Tower. Mr. Rivard stated that staff determined the application to be complete. He noted that the role of the Planning Commission was to review the Concept Plan against the standards of the Subdivision Regulations and provide recommendations when necessary.

Mr. Stolipher invited the applicant to speak. Mr. Peter Chakmakian represented the applicant, Verizon Wireless. Mr. Chakmakian provided an overview of the project and stated that per Section 4B.7, the Concept Plan was complete. Mr. Chakmakian stated the applicant was granted a variance from Section 4B.7.J.2 of the Zoning Ordinance to allow for an additional 10' to the maximum permitted height of 120' for a total of 130'. He stated that the purpose of the request for a 130' silo tower was to allow co-location in the future. Mr. Chakmakian noted that the Concept Plan was found by staff to be complete and consistent with the Comprehensive Plan; therefore, according to State Code, the Planning Commission was required to approve the submitted Concept Plan for Verizon Wireless.

Mr. Rivard stated that at the Concept Plan stage, the Planning Commission has the opportunity to make recommendations, such as landscaping, before it goes to the Site Plan phase.

Mr. Hayes inquired as to the purpose of the 10' landscape buffer condition as requested by staff.

Mr. Rivard stated that should any adjoining property develop, a landscape buffer would mitigate the base equipment.

Mr. Hayes inquired how close to the front property line the proposed tower would be.

Mr. Rivard answered that it would be no less than 750 feet, but closer to 1200 feet from the property line.

Mr. Stolipher opened the floor to Public Comment.

Ms. Christina Martinkosky stated for the record that she lived at 5959 Shepherdstown Pike. She described the property as being a 100 acre farm that has been in her family for 11 generations. Ms. Martinkosky submitted a letter from the Civil War Land Trust which requested a balloon test be conducted by the applicant. Ms. Martinkosky expressed concern for the height of the tower as approved by the BZA and stated that 130 feet was unsympathetic to the agricultural landscape and noted that the silo located on her property was only 35 feet.

Mr. Steven Alamar stated for the record that he lived at 77 Cavalier View Court in Shepherdstown and that he was representing the Shepherdstown Battlefield Preservation Association. He stated that the Shepherdstown Battlefield Preservation Association opposed the project because it encroached upon a historic site. He noted that continued expansion of infrastructure in the County without consideration of proximity to historic sites would inevitably lead to future housing development and consequently denigrate the opportunity to generate revenue from historic sites. Mr. Alamar noted that Harpers Ferry National Historic Park generates ten million dollars a year for the County.

Mr. Martin Burke stated for the record that he lived at 1328 Terrapin Neck Road in Shepherdstown. He stated that he was the chairman for the Jefferson County Historic Landmarks Commission (HLC) and that the HLC opposed the project. He noted that Article 4B requires all Cell Towers to come before the HLC for review. Mr. Burke stated that the HLC, in a letter dated December 21, 2011, stated that proposed location was unsuitable and recommended Verizon Wireless consider another location. He stated that the HLC met with Verizon Wireless in April 2012 to discuss alternate locations for the project. Mr. Burke stated that Verizon Wireless did not consider the proposed alternate locations. Mr. Burke requested that if the tower was to remain at the proposed Karen site, the Planning Commission require a reduced height for the tower to mitigate adverse visual effects.

Ms. Katy Fidler stated for the record that she lived at 48 Trough Road in Shepherdstown. She stated that she was in support of the project because she works from home and access to wireless communications is essential. Ms. Fidler stated that her service provider was U.S. Cellular which utilizes Verizon Wireless cell towers. She noted that current service was weak at her residence.

Mr. Stolipher stated that there was no one else signed up to speak.

Mr. Hayes motioned to close public comment. Mr. Gene Taylor seconded the motion, which carried unanimously.

Mr. Stolipher invited the applicant to provide a rebuttal. He stated that the applicant would have ten minutes to speak.

Ms. Diane De Laet with Verizon Wireless stated that they empathized with the historic value of the property which was the reason behind the design for a stealth silo. She noted that in response to Mr.

Burke's concern for location and height of the tower, Verizon Wireless re-located the tower from the original proposed location near the front of Trough Road to the back of the property line. Ms. De Laet added that the relocation of the tower placed it at a lower elevation, which resulted in an increased height to meet the coverage objective and offer co-location opportunities. Ms. De Laet addressed Mr. Alemar's concerns regarding the degradation of economic benefit and stated that reliable cell service would contribute to visitor safety. She stated that reliable service would contribute to the ability for parks and historic sites to provide QR code stations which would allow visitors to scan the code with their phone and obtain the historic information on their mobile device. Ms. De Laet invited Ms. Tara Cubie, Architectural Historian; and Mr. Paul Dugan, an engineer consultant, to address the concerns expressed during the public hearing. Ms. Cubie and Mr. Dugan both provided data in support of the location for the proposed tower.

Mr. Paul Dugan stated that the height of the tower was determined through extensive analysis with consideration to the potential for interference with other telecommunication towers. Mr. Dugan noted that the location and size of the proposed tower would eliminate the need for future construction of cell towers to meet the demands of increased wireless customers. Mr. Dugan also noted that through the analysis, it was concluded that there were no existing towers or structures for co-location opportunities to meet the coverage objective in the proposed area.

Mr. Hayes asked Ms. Martinkosky if she was happy with her cell service at her home.

Ms. Martinkosky stated that she did not have a land line because their cell service is fine.

Mr. Hayes motioned to approve the Concept Plan as presented with no conditions. He stated that there is a large distance between the proposed location and the adjacent property line; therefore, a ten foot landscape buffer would offer no significance.

Mr. Phalen seconded the motion, which carried unanimously.

6. *Rescheduled due to inclement weather from 12-10-13*: Public Hearing: Request by applicant Stanley Dunn (File #PCW13-11) to be represented by Appalachian Surveys, PLLC for a waiver from Section 20.201.A.2 of the Jefferson County Subdivision and Land Development Regulations. Applicant is requesting a waiver from upgrading the existing access easement from 40' to 50' along the frontage of Lot 2 as required in order to create two additional single family lots. The applicant will upgrade the remaining portion of the 40' access easement to the required 50' by creating a 10' easement along the proposed Lot 3. Property owners: Katherine Dunn and Sarah Lowery. Property location: North side of Route 1/5 (North Childs Road) ¼ mile East of Leetown Road intersection. Tax District: Middleway (07); Tax Map: 17; Parcel: 4; Size: 7.485 acres; Zoned: Rural.

Mr. Rivard provided a staff report and PowerPoint presentation. He stated that in 1995, the applicant created two lots and a residue with a 40 foot access easement. Mr. Rivard stated that in 2008, a new set of Subdivision Regulations were adopted which permitted up to four lots and a residue on a 50 foot access easement. Mr. Rivard stated that staff did not recommend granting the waiver as the applicant could not meet "the intent and purpose of [the] Regulations" as outlined within the four criteria required by the Subdivision Regulations.

Mr. Mike Shepp with Appalachian Surveys represented the applicant. Mr. Shepp stated that the original parcel consisted of 13 acres and that it was subdivided in 1995. He noted that road standards in 1995 permitted up to twelve lots on a 40 foot wide right of way. Mr. Shepp added that the Dunn's intent to further subdivide was indicated by the extended length of the easement. Mr. Shepp stated that the request to maintain the easement at the existing width of 40 feet was

only for the portion of the easement extending between the existing lots 1 and 2. Neighbors would not agree to the request to widen the 175 foot portion of the easement extending between the existing lots 1 and 2 to 50 feet.

Staff notes that while the Subdivision Ordinance provided as a possible option a 40 foot right of way, in practice the 50 foot right of way, noted elsewhere in the Subdivision Ordinance, was implemented for developments with more than 2 lots and a residue.

Mr. Hayes motioned to close public comment. Mr. Phalen seconded the motion, which carried unanimously.

Mr. Hayes motioned to approve the waiver as requested. He added that the granting of the waiver applied only to the current proposed subdivision and that any future subdivision would require a new waiver request from Section 20.201.A.2.

Ms. Truman seconded the motion, which carried unanimously.

7. Public Hearing: Proposed text amendment to Section 4.11 of the Zoning and Land Development Ordinance regarding landscaping between similar non-residential uses.

Mr. Rivard reviewed the proposed amendment which recommended a reduction in the amount of screening required in the 10 foot side and rear yard landscape buffers between light industrial and commercial uses when no outdoor storage is proposed or provided. Mr. Rivard stated that the amendment would reduce the requirement for a net result over a 100 foot linear planting from 10 evergreen trees every 10 feet and 20 evergreen shrubs every 5 feet to 4 evergreen or deciduous trees; 4 ornamental trees every 25 feet; and 12 shrubs. He stated that it would be a landscaping between uses rather than a screening.

Mr. Stolipher opened the floor for Public Comment. He noted there was only one person signed up to speak.

Mr. John Reisenweber spoke on behalf of the Jefferson County Development Authority (JCDA). He submitted a letter for the record in support of the proposed amendment regarding the screening requirement. Mr. Reisenweber noted that if the Coast Guard had been required to meet the current screening requirement, they would have spent an additional \$40,000 on their project. He recommended an additional reduction.

Mr. Hayes motioned to close public comment. Mr. Louthan seconded the motion, which carried unanimously.

Ms. Truman motioned to approve the amendment as recommended by John Reisenweber. Mr. Louthan seconded the motion.

Mr. Hayes made a subsidiary motion to request that the proposed amendment as submitted by John Reisenweber be tabled until the February meeting. Mr. Hayes added that staff should work with the JCDA to prepare a text amendment to incorporate the proposal as presented by the JCDA and also write a text amendment for outdoor storage screening.

Mr. Taylor seconded the subsidiary motion, which carried unanimously.

8. Request to schedule a special called meeting on February 25, 2014 in order to hold a Public Workshop for a Concept Plan Review for applicant River Riders, Inc. (File # S13-07). Proposed Project: to expand existing facility to incorporate an All-Inclusive Family Adventure Resort.

Mr. Hayes motioned to hold the Public Workshop to review the Concept Plan for River Riders, Inc. on the March 11, 2014 Planning Commission meeting date.

Ms. Truman seconded the motion, which carried unanimously.

**Following the meeting, staff determined that the by-laws required the Planning Commission to hold a fourth Tuesday meeting to accommodate review and approval deadlines as set forth in the Subdivision Regulations. Planning Commission President Steve Stolipher scheduled a meeting via email for February 25, 2014 to hold the Public Workshop.*

9. Review and approval of Meeting Schedule for 2014. Please note: the Comprehensive Plan will be submitted to the Planning Commission in May; therefore, it may be necessary to schedule additional meetings during June and July.

Mr. Stolipher stated that additional meetings related to the Comprehensive Plan should be scheduled as needed.

Mr. Hayes motioned to revise the proposed 2014 Meeting Schedule to reflect that the regularly scheduled May 13 and November 11 meetings be rescheduled to May 6 and November 18 in order to accommodate the office closings scheduled for election days.

Ms. Truman seconded the motion, which carried unanimously.

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

Active Litigation:

- Far Away Farms

Mr. Groh stated that the Judge determined that the Planning Commission had followed the Open Meetings Act. Mr. Groh stated that his brief would be due in May. He added that hopefully a determination would be made next Fall.

11. Director's Report.

- Update on 2014 Comprehensive Plan.

Mr. Rivard reviewed the Director's Report and updated the Planning Commission on the following items:

- ZTA13-01 – Minor Amendments to the Zoning Ordinance related to Agricultural Use was approved on January 2, 2014.
- ZTA12-01 – Zoning Ordinance Text Amendments related to the creative of New Commercial and Industrial Zoning Categories would go before the County Commission for possible approval on January 16, 2014.
- Zoning Map Amendment request submitted by the Hunter family would go before the County Commission on January 23, 2014 at 6:00 PM.

Mr. Rivard reviewed additional meeting dates relevant to the Planning Commission and Steering Committee.

12. Planning Commission Exchange and Liaison Reports: None.

13. President's Report. None.

14. Actionable Correspondence. None.

15. Non-Actionable Correspondence. None.

16. Signing of approved Motions from previous Planning Commission meetings. None.

Mr. Hayes motioned to adjourn the meeting at 8:47 PM. Mr. Taylor seconded the motion, which carried unanimously.

Draft Minutes

Jefferson County Planning Commission February 25, 2014

The Jefferson County Planning Commission met on February 25, 2014, with the following Commission members present: Stephen Stolipher, President; Daniel Hayes, Vice President; Gene Taylor, Secretary; Dale Manuel, Bill McLeod, Wade Louthan, Darlene Truman, and Gary Phalen. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, County Planner; Jonathan Saunders, County Engineer; Stephen Groh, Assistant County Prosecuting Attorney; and Alexandra Beaulieu, Planning Clerk.

Mr. P. Taylor was absent with notice.

Mr. Stolipher called the meeting to order at 7:08 PM.

1. Citizen Communications. None.
2. Request for postponement. None.
3. Public Workshop: Concept Plan Review for River Riders, Inc. (PC File #S13-07). This property is located at 408 Alstadts Hill Road in Harpers Ferry. This project consists of expanding the existing facility to incorporate an all-inclusive family adventure center. The property is located in Tax District: Harpers Ferry (04); Tax Map: 7; Parcel: 10.1; Tax Map: 9; Parcels: 61, 62, 63, 63.1, 66.1, 69, 70, 71, 74, & 75; Zoned: Residential-Light Industrial-Commercial. Lots under negotiation for purchase: Tax Map: 7; Parcel: 10; Tax Map: 9; Parcels: 72 & 73 Zoned: R-LI-C. Total acreage: 45.15 acres.

Mr. Seth Rivard provided a PowerPoint presentation reviewing the River Riders, Inc. Concept Plan. Mr. Rivard stated that the proposed project was to expand the existing facility to incorporate an All-Inclusive Family Adventure Center including additional adventure related activities, as well as expanding existing lodging, dining, meeting, and storage facilities. Mr. Rivard stated that the Concept Plan request included lifting the single family restriction from Parcel 66.1, Tax Map 9 of the Harpers Ferry District, a lot created on March 31, 1994 as part of a minor residential subdivision. He stated that the Final Plat included the Single Family restriction and that this type of note on Final Plats supersedes zoning classification; therefore, the uses as proposed by River Riders would not be permissible on the property, even though it is zoned Residential-Light Industrial-Commercial. Mr. Rivard stated that staff recommended that the applicant plant a minimum of one (1) coniferous tree per fifty (50) linear feet (total of eight (8) trees) between the expanded vacation rental properties on Alstadts Hill Road and the parking lot.

Mr. Mike Shepp with Appalachian Surveys represented the applicant. Mr. Shepp stated the concept plan included the proposed expansion of existing permitted uses. He listed several of the existing permitted uses including office space, maintenance facilities, parking, a snack bar, an outdoor adventure course, and activities associated with river rafting and outfitting. Mr. Shepp stated that the proposed uses would include: lodging comprised of vacation rentals, cabins, RV sites, and tent camping; additional parking for staff and additional seasonal parking; new zip lines, a paint ball area; an activity center which would include dining, meeting, and entertainment spaces; additional parking; a warehouse for equipment storage and repair; pavilions; a bathhouse; tubing and zorb runs; a climbing, descent, and observation tower; and an outdoor amphitheater and stage. He added that there would be new traffic patterns as the result of a new entrance and parking area off Alstadts Hill Road.

Mr. Shepp stated that the single family restriction was placed on parcel 66.1 under previous requirements included in the minor subdivision process (prior to zoning and site plan requirements). He stated that the restriction previously would have been lifted under the Community Impact

Statement process (CIS), which is not in place today; therefore, the Public Workshop under the Concept Plan would be the current process in which to remove the Single Family Restriction.

Mr. Stolipher opened the floor for public comment.

Mr. Paul Rosa spoke on behalf of the Harpers Ferry Conservancy. He expressed concern for the height of the observation tower and requested that the parking lot be rotated to be less visible from 340. Mr. Rosa also expressed concerns for an increase in traffic. He stated that the conservancy was in favor of the project.

Ms. Jane Rutherford from Bakerton inquired as to whether the project would open future development at the Bakerton site.

Dr. Jim Gibson stated he was an adjoining property owner. Dr. Gibson spoke favorably of the project.

Mr. Stolipher stated no one else had signed up to speak. Mr. Hayes motioned to close public comment. Ms. Truman seconded the motion, which carried unanimously.

Mr. Hayes motioned to move staff's recommendation as written with the exception of item 4 which stated, "Any additional recommendations of the Planning Commission based on public input and the requirements of the Regulations." Mr. Phalen seconded the motion, which carried unanimously.

Mr. Stolipher called a recess at 7:55 PM. The meeting began again at 8:00 PM.

4. Discussion and possible recommendation regarding the proposed text amendment to Section 4.11 of the Zoning and Land Development Ordinance regarding landscaping between similar non-residential uses.

Mr. Rivard provided a PowerPoint presentation of the proposed text amendment regarding landscaping between similar non-residential uses.

Mr. Manuel motioned to recommend Staff's proposal. Mr. Louthan seconded the motion. The motion failed with a vote three (3) for (Dale Manuel, Wade Louthan, and Gene Taylor) and five (5) against.

Mr. Hayes moved to recommend JCDA's proposal. Mr. Phalen seconded the motion.

Mr. Manuel made a subsidiary motion to amend JCDA's proposal to include the following statement: "These requirements shall be required on both sides of a property line for adjoining properties". Ms. Truman seconded the motion as amended. The motion passed with a vote seven (7) for and one (1) against (Daniel Hayes).

5. Review and approve revised letter to the Division of Highways regarding US 340 South alignments for the Planning Commission President's signature.

Mr. Manuel motioned to approve the letter as presented. Ms. Truman seconded the motion, which carried unanimously.

6. Reports from Legal Counsel and legal advice to the Planning Commission. None.
7. Director's Report.

Ms. Jennie Brockman provided the Director's Report. She reviewed important dates relevant to the Comprehensive Plan. Ms. Brockman reviewed the proposed Zoning Text Amendment as

recommended by the County Commission regarding the creation of a Mass Event Ordinance. She noted that the text amendment would be on the March 11 Agenda to schedule a Public Hearing for April.

8. Planning Commission Exchange and Liaison Reports:

- County Commission Meeting: Mr. Dale Manuel stated that the County Commission has been working on cutting the current FY 2014 budget by \$3.9 million as well as drafting the required FY 2015 budget incorporating those cuts for the next year. He noted that discussion is taking place regarding an increase in permit fees and 911 fees.
- Parks and Recreation Meeting: Mr. Gene Taylor stated the Park has proposed a Veterans Memorial Open Air Pavilion with restroom.
- Jefferson County Development Authority Meeting: Ms. Jennie Brockman stated that the JCDA received a grant to hire a small business coach. She noted that the Coast Guard building was making progress. Ms. Brockman stated that potential businesses are looking to relocate from Berkeley County to the Bur Industrial Park.

9. President's Report.

Mr. Stolipher stated that he would like to schedule a round table discussion to include the general public and development community. He would like it to be during the day and requested that staff schedule a day when the room would be available.

10. Actionable Correspondence. None.

11. Non-Actionable Correspondence. None.

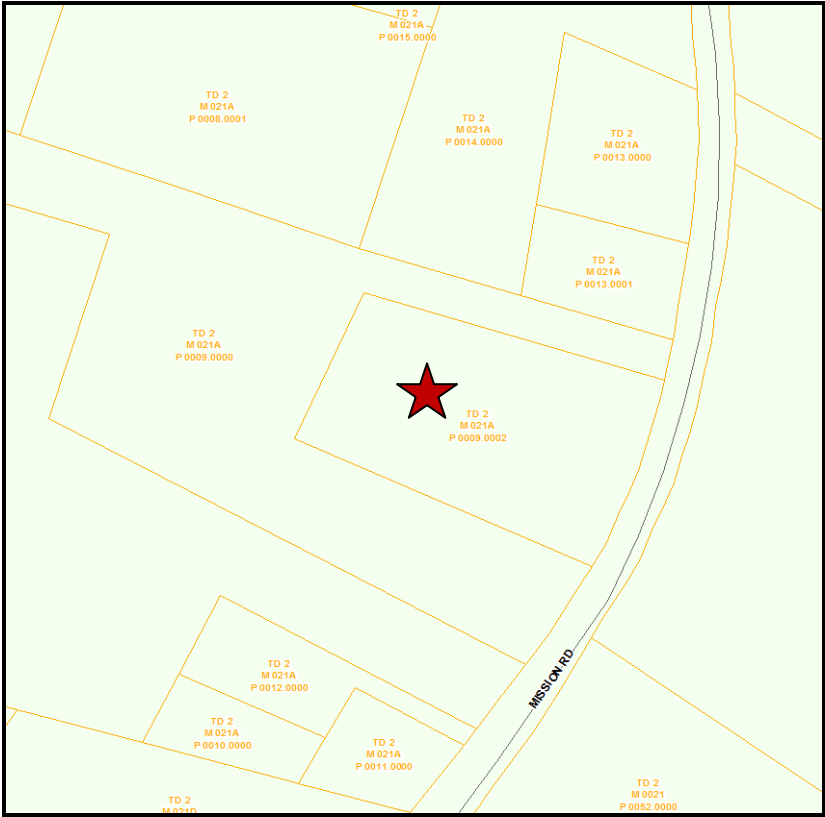
Mr. Hayes motioned to adjourn the meeting at 8:48 PM. Ms. Truman seconded the motion, which carried unanimously.

This information is
Tab #4 in your binder.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 March 11, 2014

Mission Tabernacle Church (#S13-06)

Item #4 Public Workshop: Concept Plan Review for applicant Mission Tabernacle Church (S13-06). The proposed project includes a 1,951 square foot addition to existing 5,075 square foot church building for a total square footage of 7,056. (Subdivision Regulations Section 24.116 – 24.118).

APPLICANT:	Robert Roadcap / Michael Scott McNutt
OWNER :	Mission Tabernacle Church
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	Lavelle & Associates, Inc.
PROPERTY LOCATION:	446 Mission Road, Harpers Ferry, West Virginia
LEGAL DESCRIPTION & ZONING DISTRICT:	<p style="text-align: center;">Tax District: Charles Town (02); Tax Map: 21A; Parcel: 9.2; Size: .814 acres Zoning Map Designation: Rural</p> 
SURROUNDING PROPERTIES:	<p>Zoning Map Designation: <i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural</p>
PRIOR CASES:	<p>Variance from Section 4.11A to waive landscape buffer requirements; Section 4.11H to waive street tree requirements; Section 5.7B to reduce setback distances; Section 11.1 to reduce required parking spaces (approved 03-21-13). Site plan waiver to add an additional story (approved 05-26-98)</p>
APPROVED ACTIVITY:	Church

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 March 11, 2014

Mission Tabernacle Church (#S13-06)

1. Summary of Request:

Mission Tabernacle Church is proposing to construct a 1,951 square foot addition to existing 5,075 square foot church building.

2. History

The church was established in 1974, prior to the enactment of the 1988 Zoning Ordinance. The church received approval of a waiver of Site Plan to add an additional story in 1998.

At the March 21, 2013 Board of Zoning Appeals meeting, the church received the following zoning variances related to the proposed building addition:

- a. Section 4.11A to waive landscape buffer requirements;
- b. Section 4.11H to waive street tree requirements;
- c. Section 5.7B to reduce setback distances;
- d. Section 11.1 to reduce required parking spaces to 20 spaces.

3. Site Plan Category

The site plan associated with this Concept Plan is governed by the Subdivision Regulations, which allows site plans with building areas of less than 5,000 square feet to process administratively; requires site plans with building areas 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 areas above 50,000 square feet to process as a Major Site Plan.

Additionally, the Subdivision and Land Development Regulations further defines Minor Site Developments as “those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure.” Since the project does not require development of off-tract infrastructure, the Site Plan will proceed as a Minor Site Plan, which includes a Concept Plan, a Public Workshop, and administrative review of the Site Plan.

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

During the time period between formal receipt of the application and the Public Workshop, the Concept Plan Completeness Review process takes place. Sec. 24.116 provides the standard requirements for Completeness Review. Staff determined that the Concept Plan application was “sufficient and complete” on February 21, 2014. The requirements are as follows:

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

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 March 11, 2014

Mission Tabernacle Church (#S13-06)

3. Zoning Information	<p>This shall include:</p> <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. 	Provided
4. Proposal Description	<p>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.</p>	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. 	Provided
6. Trip Generation	<p>In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.</p>	Provided
7. Agency Reviews	<p>The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the schedule public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after the review. Reviewing agencies are found in Section 23.203 and 23.204. Applicant shall provide copy of letters sent to outside agencies to the Departments of Planning and Zoning within 7 days of submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.</p>	See Below
8. Other Data	<p>Any other data or information the applicant believes will assist in the review.</p>	Provided
9. Other Reviews	<p>Any other staff or agency reviews of the plans.</p>	Provided
C. Review Content	<p>The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.</p>	Provided

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 March 11, 2014

Mission Tabernacle Church (#S13-06)

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. 	<p>Staff has determined that the requirements of the Zoning Ordinance and Subdivision and Land Development Regulations are met in the proposed Concept Plan.</p>
E. WVDOH	<p>When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.</p>	<p>No letter has been received from the WVDOH to date.</p>
F. Traffic Impact	<p>The review shall indicate whether the traffic impact study follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact</p>	<p>Provided</p>
G. Public Service	<p>The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.</p>	<p>Site will be served by on site well and septic.</p>
H. Recommended Conditions	<p>All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.</p>	<p>None</p>
I. Approval	<p>Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.</p>	<p>See below</p>

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
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Mission Tabernacle Church (#S13-06)

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

5. External Agency Reviews

The Jefferson County Historic Landmarks responded and had no concerns with the proposed expansion.

6. Staff Recommendation related to Concept Plan

The Planning and Zoning Department Staff find the Mission Tabernacle Concept Plan complete based on the information provided related to the criteria above.

Based on the Subdivision Regulations noted above, the site plan will process as a Minor Site Plan after the Concept Plan Public Workshop.

7. 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 workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public workshop 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

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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.

From: [Martin Burke](#)
To: [Jennifer Brockman](#); [Seth Rivard](#)
Subject: Concept Plan - Mission Tabernacle Church
Date: Tuesday, February 25, 2014 10:27:54 AM

Mr. Seth Rivard
Jefferson County Planning and Zoning Department
116 East Washington Street
Charles Town, WV 25414

Seth,

I have reviewed the concept plan for the Mission Tabernacle Church expansion, submitted January 2014 by Lavelle & Associates Incorporated of Fredrick, MD. The Jefferson County Historic Landmarks Commission has no objections or comments on the church expansion since there are no historic sites or structures on the 2007 JCHLC survey in that area of Mission Rd. Also the proposed addition does not extend beyond the current parcel boundaries.

If you have any questions or need additional information call or email.

Martin Burke
Chairman, JCHLC
304-876-3883



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washing Street, 2nd Floor, P.O. Box 338
Charles Town, West Virginia 25414

File Number: 513-06
514-01
Staff Initials: CLC

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

RETURN TO:
Pastor Bobby Roadcap
DATE: 02-15-2014
Concept Plan

COPY

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

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

Property Owner Information

Name: Mission Tabernacle Church
Mailing Address: P.O. Box 814
City: Ranson State: WV Zip Code: 25438
Phone Number: 304-279-4150 Email:

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

Name: Michael Scott McNutt
Mailing Address: 109 Mountain Quail Run
City: Harpers Ferry State: WV Zip Code: 25425
Phone Number: Email: Michaelmcnut14@gmail.com

Physical Property Details

Physical Address: 446 Mission Road
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: Charles Town (02) Map No: 21 A Parcel No: 9.2
Parcel Size: 0.824 acres Deed Book: 371 Page No: 549

Zoning District (please check one)

RECEIVED

FEB 20 2014

JAN 03 2013

JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING

Table with 5 columns: Residential (R-A), Growth (R-G), Industrial Commercial (I-C), Residential-Light Industrial-Commercial (R-L-C), Village (V). Includes checkboxes and a large 'RECEIVED' stamp.

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

FEB 06 2014

Signature of Property Owner Date

Signature of Property Owner Date

Table with 5 columns: 1st Review, 2nd Review, 3rd Review, 4th Review. Rows include Submittal Date, County Engineer, Zoning Administrator, County Planner, and Return Date.

County Engineer Approval Stamp

AR: Called 02/07/2014

Checklist to be Completed by Department Staff

Sub-Section	Regulation Requirements:	Engineer /Surveyor	1st Review	2nd Review	3rd Review	4th Review	Review Key	
							✓	Ok
							0	Incomplete
							N/A	Not Applicable
							X	Unacceptable
Sub-Section	SUBDIVISION REGULATIONS Section 24.116 Major Site Plan Concept Plan							
B.1	General Location Map showing an area of 500' around the property. <u>Zoning boundaries shall be located on this document.</u>		0	✓				shown on plan
B.2	Concept Plan - Appendix A, Section 1.2. Should be on 24 x 36 sheet, white paper. Show or note if features are addressed.		✓					
	Proposed layout, as applicable: Layout of lots, parking areas, recreation areas, roads, building areas, and other features to depict the proposed project in relation to each other and the tract boundary.		✓					
B.3	Zoning Information:		✓					
	a. Determination of zoning district for proposed project.		✓					
	b. Density calculations							
	c. Site resource map showing or noting: (see definition of site resource map)							
	Contours per USGS Topographical Quadrangle		✓					
	Detail all natural features such as woods, watercourses, hillsides, prominent rock outcroppings, sink holes, and quarries.		✓					
	Slope delineations per Section 22.504, use Table 22.504		0	✓				See table 22.504 NOTE 16
	Floodplain delineation per Jefferson Co. Floodplain Ordinance.		✓					
	d. Use designations for all <u>adjoining</u> and <u>confronting</u> parcels.		0	✓				shown on plan
B.4	Proposal Description shall be a written description of the proposal with general identification of the number of dwelling units or floor area (square footage) proposed, commentary, zoning, and development option selected if the development is multifamily residential.		✓					
B.5	Traffic Impact Data							
	a. Determination of zoning district for proposed project. ADT figures on adjoining of access to state Rd.		✓					
	b. Trip generation based on table found in Section 24.116(B)5 b		0					NOTE 17
	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.		0	✓				SHOWN ON PLAN
	d. "Highway Problem Areas" according to current Comprehensive Plan that falls within a one-mile radius of the project. These areas can be found on pg. 30 of the 2004 Comprehensive Plan.		0	✓				N/A

	Regulation Requirements:	Engineer /Surveyor	1st Review	2nd Review	3rd Review	4th Review	Review Key	
							✓	Ok
							O	Incomplete
							N/A	Not Applicable
							X	Unacceptable
B.7	Agency Reviews: applicant shall provide a copy of the letter sent to outside agencies to the Departments of Planning and Zoning within seven (7) days of the submission. See Sections 23.203 and 23.204 for a list of agencies. Agency comments shall be received by the department fourteen (14) days prior to the scheduled public workshop. If any review agency does not respond, they shall be deemed to have approved the plan.		O	✓			Send letters to these agencies copies attached	
	Reviewing Agencies:							
	Jefferson County Health Department							
	West Virginia Department of Health							
	Jefferson County Public Service District							
	West Virginia Department of Environmental Protection							
	Jefferson County Historical Landmarks Commission							
	Jefferson County Addressing/GIS Office							
	West Virginia Department of Division of Highways							
	Jefferson County Schools							
	Emergency Services							
	U.S. Postal Service							
B.8	Additional data that may assist in describing project(s).							
B.10	Adjoining Property: applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property. The adjoining and Homeowner's Associations shall be notified by staff of the date of the workshop.							
E.	WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are none.							
F.	Traffic Impact review shall indicate whether a traffic impact study will be required based on analysis required in 24.116 B.5.e		O	✓			NOT REQUIRED Note 17	
G	Public Services: indicate existing water and sewer systems (or other system) in place for development.		✓					

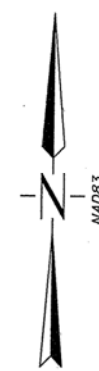
Approved/Denied by a vote of _____ for and _____ against, this _____ day of _____, _____

Approved

Denied

Direction Given/Planning Commission Comments

1480' TYPE
NAD83 NORTH

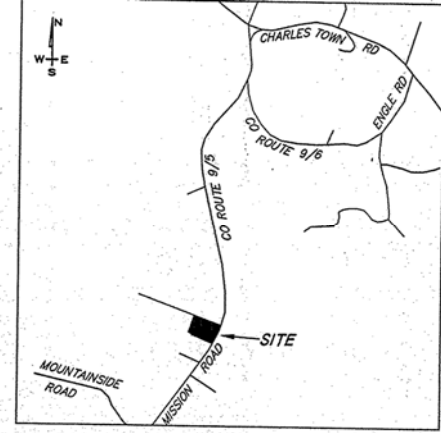


GENERAL CONSTRUCTION NOTES

1. ALL WORK AND MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS AND ALL FEDERAL AND LOCAL MUNICIPAL LAWS AND REGULATIONS.
2. IT WILL BE THE CONTRACTOR'S RESPONSIBILITY TO ADEQUATELY BRACE THE STRUCTURES DURING ALL PHASES OF CONSTRUCTION.
3. THE CONTRACTOR SHALL VERIFY ALL LOCATIONS AND DIMENSIONS WITH STRUCTURAL DRAWINGS AND MANUFACTURER'S DRAWINGS PRIOR TO ORDERING OR FABRICATING ANY MATERIALS.
4. CONTRACTOR SHALL NOTIFY MISS UTILITY OF WEST VIRGINIA A MINIMUM OF 3 WORKING DAYS PRIOR TO BEGINNING CONSTRUCTION. (1-800-245-4848)
5. PAVING SHALL BE INSTALLED IN SUCH A MANNER AS TO ENSURE POSITIVE DRAINAGE IN ALL AREAS AS SHOWN.
6. CONTRACTOR SHALL INSTALL SILTATION DEVICES TO COUNTY STANDARDS.
7. THE CONTRACTOR SHALL NOTE THAT IN CASE OF A DISCREPANCY BETWEEN THE SCALED AND FIGURED DIMENSIONS SHOWN ON THE PLAN, THE FIGURED DIMENSION SHALL GOVERN.
8. PARKING LOT GRADES - MIN 0.5% MAX 6.5%
SIDEWALK GRADES NOT TO EXCEED 5.0%
9. SITE STABILIZATION TO BE IN ACCORDANCE WITH WV EROSION & SEDIMENT CONTROL HANDBOOK FOR DEVELOPING AREAS. (SEE TEMPORARY & PERMANENT SEEDING NOTES)
10. ALL UTILITIES SHALL BE UNDERGROUND.

CONSTRUCTION NOTES

1. CURRENT ZONING: RURAL
2. THIS SITE PLAN PROPOSES THE CONSTRUCTION OF A 1,984 SQ. FT. ADDITION TO THE EXISTING CHURCH. THE ADDITION WILL BE USED AS CLASSROOM SPACE. NO ADDITIONAL SEATING IS PROVIDED WITH THE ADDITION.
3. SEPTIC PERMIT IS #
4. THIS SITE CONTAINS NO NON-TIDAL WETLANDS AREAS PER NATIONAL WETLANDS INVENTORY MAP
5. THE SUBJECT PROPERTY LIES IN ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FIRM 5403702356, DATED DECEMBER 18, 2009.
6. AREA CALCULATIONS:
TOTAL SITE AREA: 35,878 S.F. or 0.824 AC.
EXISTING BUILDING AREA: 5,075 S.F.
PROPOSED BUILDING AREA: 1,984 S.F.
TOTAL PROPOSED BUILDING AREA: 7,059 S.F.
TOTAL AREA PARKING & SIDEWALKS: 18,279 S.F.
TOTAL GREEN SPACE REMAINING: 10,540 S.F. or 23%
7. ALL SITE LIGHTING WILL BE BUILDING MOUNTED. LIGHTS WILL BE PLACED IN A MANNER TO ELIMINATE GLARE ONTO ROADS AND ADJOINING PROPERTIES.
8. NO TITLE REPORT FURNISHED AND NO ADDITIONAL EXISTING EASEMENTS OR RIGHT-OF-WAYS FOUND FROM THE DEED OF RECORD D.B. 371 P. 549
- NO PROPOSED EASEMENTS OR RIGHT-OF-WAYS.
- NO PROPOSED FUTURE EASEMENT OR RIGHT-OF-WAYS.
9. PROJECT IS NOT WITHIN 500' OF A STREAM.
10. ACCORDING TO WYDOH EXISTING ENTRANCE WILL BE SUFFICIENT FOR PROPOSED ADDITION.
11. ALL EXISTING RIGHTS-OF-WAY ARE SHOWN. AN EXISTING 40' ACCESS EASEMENT IS SHOWN.
12. THIS SITE PLAN IS SUBMITTED AS A LIMITED SITE PLAN PER SEC. 20.203B OF THE SUBDIVISION REGULATIONS. BECAUSE THE ADDITIONAL SQUARE FOOTAGE BEYOND THAT OF THE 1,600 S.F. LIMITED SITE PLAN LIMIT IS TO BE LOCATED ON AN EXISTING DECK, JEFFERSON COUNTY WILL NOT COUNT THIS ADDITIONAL SQUARE FOOTAGE IN MAKING A DETERMINATION OF THE APPLICABLE SITE PLAN TYPE, THUS THE PROPOSED ADDITION WILL BE < 1,600 S.F. AND QUALIFIES FOR LIMITED SITE PLAN REQUIREMENTS.
13. VARIANCE FILE#ZV-13-03 APPROVED BY JEFFERSON COUNTY BOARD OF ZONING APPEALS 3/21/2013. FROM SECTIONS 4.11.A, 4.11.H, 5.7.B, & 11.1
14. BOUNDARY NOTE: THE BOUNDARY DESCRIPTION PER ORIGINAL DEED CONTAINS AN ERROR AND DOES NOT CLOSE. THE BOUNDARY HAS BEEN DRAWN ASSUMING AN ERROR IN THE REAR [N29°61'45"W 130.12'] LINE WHICH IS SHOWN ON THE PLAN AS CALCULATED [N28°01'45"E 130.12'] IN ORDER TO DETERMINE WHERE THE ACTUAL ERROR LIES A BOUNDARY SURVEY WILL NEED TO BE PERFORMED.
15. TOPOGRAPHY FIELD RUN BY LAVELLE & ASSOC. INC. GRADING SHOWN ON PLAN IS IN NAVD83 - WY NORTH, WITH A BENCHMARK SHOWN ON THE PLAN FOR REFERENCE.
16. SLOPE DELINEATION PER SECTION 22.504 - WEIGHTED AVERAGE SLOPE OF LAND IS LESS THAN 10% THEREFORE NO LAND REQUIRED PER TABLE 22.504
17. TRIP GENERATION BASED ON SECTION 24.116(B)5.b USING INSTITUTE OF TRANSPORTATION ENGINEERS COMMON TRIP GENERATION RATES (peak hour)
CHURCHES 0.55 TRIPS/1,000 S.F. = (7,059/1000) X 0.55 = 4 PEAK HOUR TRIPS
MISSION ROAD ADT = 5,850 PER WYDOH



Jefferson County CONSTRUCTION NOTES (Table 1.2-1)

1. Erosion & Sediment Control Measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading.
2. Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO T99, as shown below:
 - a. Roadways.....98%
 - b. Parking Lots for heavy trucks.....98%
 - c. Parking Lots for passenger vehicles.....98%
 - d. Utility line trenches.....98%
 - e. Building Pads.....100%
 The above compaction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer.
3. Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.
4. Work zone temporary traffic control along a public road shall be in accordance with West Virginia Division of Highway requirements and approval.
5. Seventy-two (72) hours prior to excavation in public right-of-ways or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848.

Jefferson County SITE WORK MILESTONE INSPECTIONS

The Developer shall request County Engineer inspections minimum of 48 hours in advance (Call 304-728-5228). Inspections shall be requested according to the Table of Milestones shown below:

1. Installation of Sediment & Erosion Control Devices prior to beginning site grading.
2. Roadway and/or parking lot subgrade proof roll prior to placing stone base.
3. Roadway and/or parking lot stone base depth check prior to placing asphalt or concrete pavement.
4. Water system and Sanitary sewer system inspection and approval by the public service department prior to backfilling of trenches.
5. Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and stormwater management systems, traffic control signs & pavement markings, landscaping, etc.

Note: The County Engineer may accept "third-party" inspection and certification reports in place of inspections performed by the Jefferson County Engineering Department, upon prior approval. Third-party inspection reports shall be submitted in the format specified by the County Engineer.

REVISIONS
1. REVISED PER COMMENTS 1/31/2014
2. REVISED PER COMMENTS 2/19/2014

LAVELLE & ASSOCIATES INCORPORATED
PLANNERS • SURVEYORS
5122 Industry Lane, Frederick, Maryland 21704
TEL: (301) 695-9722, FAX: (301) 695-9766

MISSION TABERNACLE CHURCH
CONCEPT PLAN
D.B. 371 PG. 549
TM 21A, P. 87
446 MISSION ROAD, HARPERS FERRY, WV 25425
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

RECEIVED
FEB 20 2014
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

SURVEYOR'S CERTIFICATION
THIS IS TO CERTIFY THAT THE BOUNDARY HAS BEEN REESTABLISHED AND ALL MONUMENTATION SHOWN WAS ESTABLISHED BY A FIELD SURVEY, AND HAS AN ERROR OF CLOSURE THAT IS EQUAL TO OR GREATER THAN 1 PART IN 7,500. CONTOURS ARE FROM FIELD RUN TOPOGRAPHY OF SITE. BENCHMARK DATUM IS NAVD 1985.

DAVID P. LAVELLE, R.L.S. NO. 1958

Jefferson County, West Virginia

PRELIMINARY PLAN APPROVAL
 SITE DEVELOPMENT PLAN APPROVAL

BY _____ Date _____
County Engineer

BY _____ Date _____
County Planner

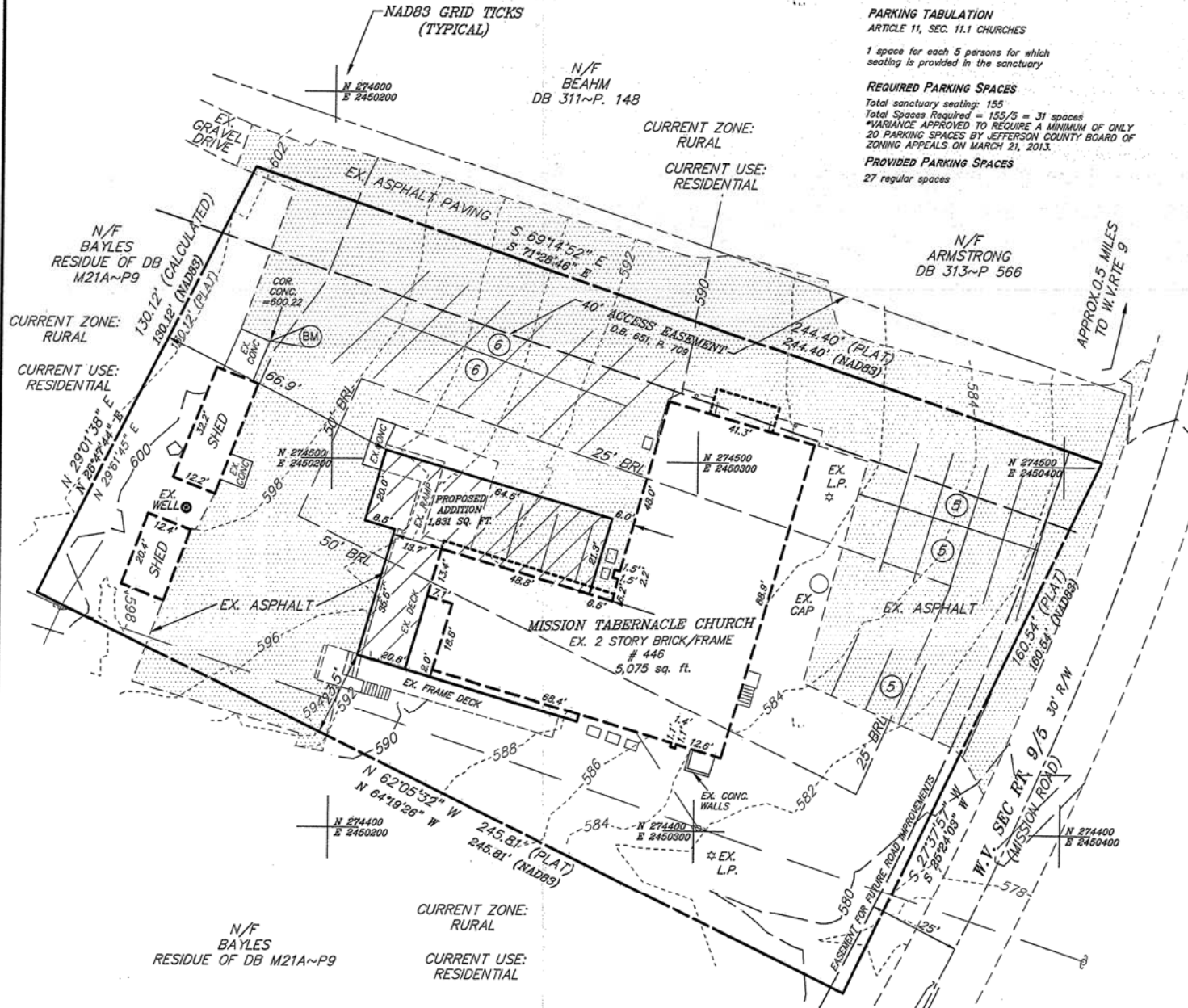
Jefferson County - Waivers / Variances (Table 1.2-2)

Section of Ordinance	Description of Waiver or Variance	Date Granted
4.11.A 4.11.H	REDUCTION OF SETBACK DISTANCES	3/21/13
5.7.B	WAVE LANDSCAPE BUFFER AND STREET TREE REQUIREMENTS	3/21/13
11.1	REDUCE REQUIRED PARKING SPACES	3/21/13

OWNER'S ACCEPTANCE STATEMENT
The Owner, in signing this plan, agrees to abide by all conditions, terms and specifications provided herein.

Owner _____ Date _____

OWNER/DEVELOPER
ELZY DELANE LONGERBEAM, ROBERT EPPIE LONGERBEAM,
AND FRANCIS WILLIE RENNER, TRUSTEES OF THE
CONGREGATION OF THE MISSION TABERNACLE CHURCH
446 MISSION ROAD
HARPERS FERRY, WV 25425
(304) 279-4150



#S12-06

FOR REVIEW COPY

This information is
Tab #5 in your binder.

DRAFT

Amendment to Zoning Ordinance of Jefferson County, West Virginia

The County Commission finds that temporary mass gatherings of large numbers of people to attend outdoor concerts, festivals, “mud runs” or other gatherings in a rural outdoor setting which lacks sufficient permanent structures to house, feed, bath and provide for the sanitary needs of all people at the gathering, accompanied with the impact of traffic congestions and parking burden a large number of vehicle presents a hazard to public health and safety and places unacceptably high burden upon police, fire, EMS, 911 and medical resources of the county. WHEREFORE:

A new section “**Section 9.9 Mass Events**” shall be added to the Ordinance as follows:

- A. Any outdoor gathering of more than 1000 people on any parcel involving any three or more of the following characteristics shall be considered a “Mass Event”
 - 1. An admission fee is charged
 - 2. involves a performance or activity with amplified sound
 - 3. attendees use temporary shelters of any form such as tents, RVs, vehicles or other items, property or structures not assessed under West Virginia Code as an improvement upon real property.
 - 4. alcohol is sold (whether separate from or included in the price of admission) or the event allows the consumption of alcohol
 - 5. any activity planned to take place or to be attended on more than one consecutive day or more than three days in any calendar year or any activity open to attendees for more than 16 hours on a given day.

- B. In addition, a Mass Event is subject to the following conditions and restrictions:
 - 1. No outdoor amplified sound after 11pm or before 10 am
 - 2. No outdoor performance lighting after 11 pm or before 10 am

3. No sale of Alcohol after 11pm nor before 10 am
4. No Mass Event may last more than three days. Only one Mass Event may occur per year on any given parcel or a portion of any given parcel.
5. Each Mass Event must be the subject of separate application and public hearing.
6. A set back of 500 feet from the property line is required for any performance area
7. A set back of 250 feet from the property line is required for any area in which camping is permitted and for all parking areas
8. A set back of 250 feet from the property line is required for any alcohol, food or other sales or concessions
9. Applicant for Mass Event must consult with local law enforcement, EMS, Fire and 911 agencies and develop a written agreement with said agencies which satisfies their public safety concerns and submit written proof of said agreement at the public hearing required herein and again prior to issuance of Zoning Certificate.
10. Mass Event must have and submit with the application written approval of the County Health Department for the provision of potable water and sanitation facilities for the event. Applicant shall submit written proof of said approval at the public hearing required herein and again prior to issuance of Zoning Certificate.
11. Each Mass Event application shall require a public hearing before the Board of Zoning Appeals at least 180 days, but no sooner than one year, in advance of the planned event. The application fee for said hearing shall be \$500. The public hearing must comply with notice requirements of the Zoning Ordinance. In addition, the applicant must send written notice and copy of the application first class mail postage pre-paid to all adjoining land owners and all land owners within 1000 feet with land fronting on any proposed assess route.
12. all lighting and all sound shall be aligned so as to minimize impact on nearby residents.
13. The applicant shall provide written proof of appropriate general commercial liability insurance coverage which specifically covers the mass event in the amount of at least \$2,000,000 (two million dollars).

14. At said hearing the Board of Zoning Appeals may permit, deny or permit with additional restrictions and conditions
 15. The Board of Zoning Appeals may not grant a variance from nor waiver of any of the foregoing provisions (B(1) -B(13) but may impose conditions more restrictive than the ones set forth herein (e.g limits on number of attendees, barring or restricting hours of alcohol sales and/or restricting hours of performance). The Board of Zoning Appeals may consider any past Mass Events on the same parcel or by the same applicant in considering whether to grant the application and/or additional conditions or restrictions placed upon the event.
 16. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant must also submit a site plan, to scale, on a 24"x36" sheet, showing parking, performance areas, bathrooms, food, concessions, public entrance, separate emergency entrance, garbage collection area, location of performance lighting and amplification and any other information required by planning or engineering staff at the public hearing at least 120 days before the event. Staff will review the application and site plan for completeness within 10 days of receipt. There will be a 30 day period for staff to review of the application and of the site plan once the application is deemed complete. Staff shall approve any application and site plan that meet the requirements of all applicable laws, ordinances and regulations and shall reject any application that fails to meet the requirements of all applicable laws, ordinances and regulations
- C. During the event, any violation of the requirements in Section B and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee of \$2 per attendee per hour in which a violation occurs for each restriction that is violated. In addition, the County make seek other legal and equitable relief.
- D. In addition to normal application fee for the Board of Zoning Appeals hearing, any Mass Event must make an estimate of total anticipated attendance and pay an additional fee to offset application, management and public safety impact of the event in the amount of \$2 per attendee per day. Said fee must be paid in advance and a bond in the amount of

ten times the pre-paid fee must be submitted to cover attendees in excess of estimated amount and to cover any fines, fees or costs which may arise by any violation of the requirements of this section. Said fee and bond shall be submitted as an additional condition of the issuance of a zoning certificate.

- E. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.
- F. The Development Review System may not be used to permit any activity barred under this section or otherwise supercede the requirements of this section. No variance nor waiver of any of the foregoing provisions contained in sections A-E above may be granted by the Board of Zoning Appeals or Planning Commission.
- G. Seasonal Use provisions under Section 9.8 of the Ordinance are not permitted to include any activity that meets the definition of a Mass Event under this section.

Section 9.8 Seasonal Uses^{5,7}

Seasonal uses must be considered by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.^{17, 21, 23} After the public hearing required under this section the Board of Zoning Appeals may deny, approve or approve with condition any proposed season use. The Board of Zoning Appeals may not grant a waiver or variance from the three day limit for seasonal events nor for any event more than once a year. Furthermore, no seasonal event may involve outdoor amplified sound after 11 pm nor before 10 am.

Request for Zoning Ordinance Text Amendment

Comes now the undersigned residents and citizens of Jefferson County, West Virginia and requests a Text Amendment to Section 9.8 as follows:

Existing:

Section 9.8 Seasonal Uses (5,7)

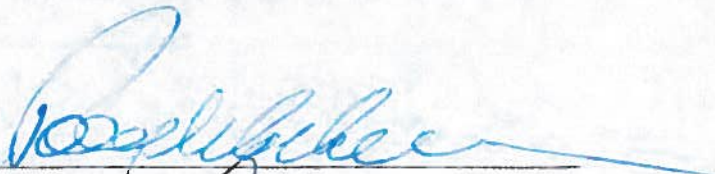
Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A(3)(b) apply. Seasonal uses cannot be approved for longer than one year at a time. (17,21,23)

Amendment:

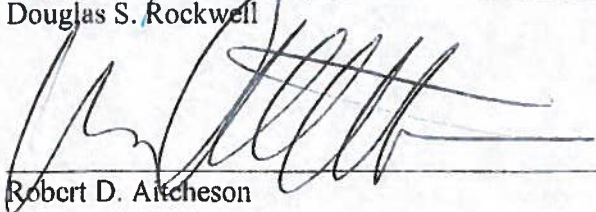
Section 9.8 Deleted.

Comprehensive Plan

The existing Section 9.8 is not compatible with the Comprehensive Plan. This Section allows any use in any district, which is contrary to the Plan's statement of goals. New amendments of the Zoning Ordinance expand the permitted uses in the Growth Area, thus eliminating any possible need for Section 9.8.



Douglas S. Rockwell



Robert D. Aitcheson

This information is
Tab #7 in your binder.



Jefferson County, West Virginia

Departments of Planning & Zoning

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MEMORANDUM

TO: Planning Commission/County Commission
FROM: Jennifer Brockman, AICP, Director and Seth Rivard, County Planner
DATE: March 6, 2014
RE: Reducing Regulatory Barriers

Over the past five years, the Departments of Planning and Zoning have advanced a number of amendments to the Zoning Ordinance and Subdivision Regulations in order promote better land use decision making and a more reasonable review and approval process. Toward the end of promoting better land use policies and reducing unreasonable barriers to land use development, the following list discusses the changes to the Planning and Zoning regulations and processes since 2008.

1. The adoption of the 2008 Subdivision Regulations increased the number of lots permitted via a minor subdivision from 2 lots and Reside to 4 lots and a Residue. A minor subdivision does not require the applicant to make any site improvements and is approved by Staff.
2. The updates to the 1988 Zoning Ordinance broadened the permitted uses in the Rural Zoning District to include a significant number of uses that are intended to promote the rural agricultural economy and value added production/processing, including the following provisions:
 - Permits the Zoning Administrator to waive parking standards for seasonal or temporary uses, agriculture uses, events or other types of uses that do not require parking on a regular basis such as Farm Markets, provided that required graphic information is submitted with the Zoning Certificate.
 - Developed clearer definitions and standards for Farm Winery, Farm Brewery and Farm Distillery, including the provision that all structures associated with the operation of a farm winery, farm brewery and farm distillery have been increased from 10,000 square feet to 20,000 square feet.
 - Standards for “Accessory Agriculture Dwelling Units” for farmworkers or caretakers on property for which the primarily use is agricultural have been developed. This use is now a Principal Permitted Use in the Rural Zone.
 - Standards for “Rural Receptions/Event Facilities” for such activities as weddings have been developed. Small event facilities are only permitted in the Rural zone

and have administrative approval. Larger events are permitted in additional zones and have additional requirements.

3. Rural site plan standards were introduced in 2010 to allow rural site plans to develop without paving the driveway and parking area, and utilizing LID storm water design, allowing rural development to reflect a more consistent rural character.

In 2013 this was further amended to reduce the requirements of a minimum of nine (9) inches of gravel depth to six (6) inches of gravel for parking areas and driveways for certain rural uses.

4. The wireless telecommunications structure standards and processes were completely revised with considerable input from the industry to address new industry standards while protecting residential and rural areas throughout the County.
5. The definitions section was expanded for clearer and easier use of the document.
6. The requirements for Home Occupation Level 1 and 2 and Cottage Industry were amended to include the following provisions:
 - No Division of Highway permit required. Rationale for this change is that the use is still primarily residential requiring the home occupation to be clearly incidental and therefore no change in use has occurred on the property.
 - By Ordinance amendment, it now clearly states that “The participation of an individual location in an event conducted annually or twice yearly with multiple locations, such as a home and garden tour or an art studio tour” is exempt from the Home Occupation/Cottage Industry processes to ensure these vital cultural tourism opportunities continue in the County.
 - For Home Occupation, Level 1:
 - Increased the floor area that could be used from 25% to 33%.
 - The following was added “Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.”
 - For Home Occupation, Level 2:
 - Permitted the sign size to increase from 1 sq. ft. to 2 sq. ft.
 - The following was added “Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.”
 - Previously was not permitted in Subdivisions established after 1979. It has now been amended to allow Home Occupation, Level 2 in existing residential subdivisions established after July 17, 1979, provided that the minimum lot size is 20,000 square feet.
 - Cottage Industry:
 - Increased the floor area that could be used from 33% to 50%.
 - The following was added “Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.”
 - Increases the number of daily trips from 12 to 15, but retained the overall weekly trips at 60, allowing for more flexibility in how such a use can be conducted.

- Allowed for subordinate/accessory structures dedicated to this use up to 1,500 sq. ft. to be exempt from site plan review; prior to this amendment, any structure over 250 sq. ft. required a site plan.
 - Some site plan standards have been relaxed depending upon size of accessory structure.
 - Previously was not permitted in Residential Growth and existing residential subdivisions. It has been amended to allow Cottage Industry in the Residential Growth District or an existing residential subdivision, provided the minimum lot size is 2 acres.
 - Telecommuting no longer requires a Zoning Certificate; previously, it was classified as a Home Occupation, Level 1 and required a zoning certificate.
7. Bed and Breakfast
- Is now a Principal Permitted Use and no longer needs to go to BZA for approval, which required a notice in the paper.
 - Broaden the definition of B and B's, which is now more permissive than the prior definition.
8. The definitions of Minor vs Major Site Plans were modified to allow administrative review of Site Plans meeting certain criteria and in locations where the proposed use would have already had a public process.
- In 2010 the difference between a major and minor site plan was:
 - Minor Site Plan – 5,000 square feet or less (staff review only)
 - Major Site Plan – 5,000 square foot or greater – which requires 2 public meetings before the Planning Commission.
 - In 2012 the difference between a major and minor site plan was amended to the following:
 - Minor Site Plan – 5,000 square feet or less (staff review only)
 - Minor Site Plan with a Concept Plan – Between 5,000 and 50,000 square feet, requires a Concept Plan that goes before the Planning Commission and the remaining review and process is administrative by staff.
 - Major Site Plan – 50,000 square foot or greater – which requires 2 public meetings before the Planning Commission.
 - Industrial and/or Commercial Parks Standard – Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater are processed as a minor with no Concept Plan.
9. Updated all checklists and developed online applications for easier use to the public.
10. Amended Article 12 to clarify the process for rezoning (zoning map amendments) and text amendments.
11. Requirements related to the provision of sidewalks during the site plan process have been modified. Applicants previously had to seek a waiver of the requirement

and often the Planning Commission required a pedestrian/bike easement in-lieu of installation of sidewalks. The amendment allows an administrative relief of the requirement if in the opinion of staff a pedestrian/bike easement is of a greater benefit than the installation of sidewalks.

12. Changes have been made regarding the requirement of a Traffic Study for a proposed development. Previously, when a site plan triggered a certain number of peak hour trips per day, a traffic study would be required. The amended requirement allows the applicant to first work with the WVDOH on any improvements the WVDOH may have in the area near the proposed development prior to conducting a traffic study. This allows the applicant to substitute the requirement for a traffic study with improvements that WVDOH knows are needed near the proposed project. This allows known and needed improvements to happen without the applicant conducting a traffic study. If there are no proposed improvements that the WVDOH has identified for the location of the proposed project, the applicant will have to conduct a traffic study.
13. The requisite Compatibility Assessment Meeting which is required for restaurants, where primary mode of food distribution is by pick-up counter or drive in window and is required for convenience stores, has been removed if the proposed use is located in planned shopping center.
14. A provision was added that states that decks on townhome lots may cross the rear yard setback provided that a minimum of 10 foot rear yard is maintained when the rear lot abuts a dedicated easement or common property area and is not a lot that includes a residence. This should relieve such property owners from processing a Variance before the BZA.

Proposed:

1. New Commercial Zoning Categories. The ordinance currently has only two commercial districts: the Residential-Light Industrial-Commercial and Industrial - Commercial District. This has been a concern among the public, Planning Commission and County Commission during rezoning hearings. Seven new commercial zoning categories are proposed that have uses that are more appropriately tailored to each district and such districts are typically found in many other communities that have zoning ordinances. These amendments have been recommended to the County Commission by the Planning Commission and the County Commission has held two public hearings on the proposal.
2. A proposal that properties that are already occupied by a structure or previously paved do not have to apply the Soils component of the LESA point analysis for a Conditional Use Permit (CUP) process is proposed. This would allow the redevelopment of non-farm rural properties through the CUP process.
3. Landscaping provisions are in need of a complete review. Toward this end, as a first step, a new standard is proposed related to the required the 10 foot side and rear buffer planting strip for similar abutting non-residential properties. The screening and buffering between similar uses is not a common practice, but there is a need to maintain some landscaping to allow better visibility and compatibility

between uses while still providing shade, aesthetics and reducing storm water runoff. As such, there is a proposed reduction in the landscaping for a total buffering/screening effect to a situation where trees are planted along the property line at wider intervals.

This information is
Tab #8 in your binder.



Jefferson County, West Virginia

Departments of Planning and Zoning

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Director's Report March 11, 2014 Planning Commission Meeting

1) Envision Jefferson 2035 Update

See Updated Timeline Attached

- See revised Steering Committee meeting date
- Discuss change of presentation to 06/10/14 Planning Commission meeting

2) Recent/Upcoming CC Actions relevant to Planning:

- a) Request by the Planning Commission that the County Commission Reconsider their Motion of 10/25/13 Regarding the Proposed Zoning Ordinance Text Amendment Related to New Commercial and Industrial Zoning Categories (*2nd CC Public Hearing held 11/21/13; on-going discussion and workshop with CC TBD*)
- b) Recommendation related to the proposed Text Amendment ZTA14-01 to ammend Section 4.11A of the Zoning and Land Development Ordinance regarding landscaping between similar non-residential uses (*scheduled for 03/20/14 CC mtg for discussion and scheduling of public hearing*)

3) Upcoming PC meetings

- a) Next meeting date: April 9, 2014

ENVISION JEFFERSON 2035 RECOMMENDATIONS TIMELINE

Tentative Dates	Tasks	Responsibility
2/18/14	Steering Committee Meeting Review and Revise Education and Finance, Public Safety, & Governance Recommendations	Steering Committee Staff
2/24/14	Steering Committee Meeting Finalize Review of Finance, Public Safety, & Governance Recommendations	Steering Committee Staff
3/4/14 6:30-9:30pm	Steering Committee Meeting Review and Revise Natural, Cultural, Historic Resources and Parks and Recreation Recommendations	Steering Committee Staff
3/18/14 6:30-9:30 pm	Steering Committee Meeting Review and Revise <u>Land Use and Growth Management</u> Recommendations	Steering Committee Staff
3/25/14 6:30-9:30 pm	Steering Committee Meeting Review and Revise <u>Housing</u> Recommendations	Steering Committee Staff
4/1/14 6:30 – 9:30 pm	Steering Committee Meeting Review and Revise <u>Economic Development and Employment</u> Recommendations	Steering Committee Staff
4/15/14 6:30 – 9:30 pm	Steering Committee Meeting Review and Revise <u>Infrastructure</u> Recommendations	Steering Committee Staff
4/22/14 6:30 – 9:30 pm	Steering Committee Meeting Wrap up of <u>entire draft</u> Envision Jefferson 2035 Plan – review and revised complied version and preparation for forwarding to Planning Commission	Steering Committee Staff
4/23/14 – 5/5/14	Steering Committee opportunity for formatting and non-substantive edits and submission of minority comments for footnotes in documents	Steering Committee
CANCELLED	5th Public Presentation Meeting	
5/20/14 6:30 – 9:30 pm	Steering Committee Meeting FINAL Steering Committee Meeting to forward draft Envision Jefferson 2035 Plan to the Planning Commission for initiation of formal public hearing and adoption process <u>Review of revised/edited version of entire draft;</u> <u>Steering Committee draft letter of referral</u>	Steering Committee Staff

June 2014 – December 2014	Phase 6: 2014 Plan Workshops and Public Hearings by PC and CC and Adoption	PC/CC/ Staff/legal
6/10/14	Draft delivered to PC at their regular meeting – <u>20 minute overview presentation</u> and request for Public Hearing to be held on 7/22/14 (recommend workshop to be held 6/24 with Steering Committee) PC Vote to Schedule PH – 30 days' notice in local paper required	
6/24/14 (special mtg)	PC Workshop – consensus to release version for public review – Steering Committee may attend to answer PC question and hear discussion	Staff and PC
7/22/14 (special mtg)	PC Public Hearing (open for written comments through 8/5/12)	Staff and PC
8/12/14	PC review of comments received	
8/26/14 (special mtg)	PC Vote/Recommendation	
9/4/14 or 9/11/14	Recommendation forwarded to CC for scheduling of Workshop and Public Hearing (requires 15 days' notice)	
9/25/14	County Commission Workshop	
10/23/14	County Commission Public Hearing	
11/13/14	County Commission review of public comments received and final input	
12/11/14	CC Vote on 2014 Comprehensive Plan	CC

This information is
Tab #13 in your
binder.

**A Motion Recommending Direction regarding a
Concept Plan for River Riders (File #S13-07)
February 25, 2014**

Whereas, River Riders, Inc. is proposing an all-inclusive family adventure resort with multiple uses at their existing facility located on Alstadts Hill Road which includes the intended uses of, but not limited to, aquatic activities, ropes courses, zip lines, paint ball, pavilions, indoor recreational activities, bathhouse(s), maintenance complex and vehicle storage, cabin vacation rentals, a three (3) unit vacation rental, and associated parking for all uses with the entire project consisting of a total square footage of 24,800 square feet; and

Whereas, The property is located on Alstadts Hill Road, Harpers Ferry and is identified as Harpers Ferry District (04); Tax Map: 7; Parcel: 10.1; Tax Map 9-2; Parcels: 61, 62, 63, 63.1, 66.1, 69, 70, 71, 74, & 75; and the project includes additional parcels under negotiation for purchase are Tax Map 7; Parcel 10; Size 0.7 acres and Tax Map 9; Parcels 72 & 73; Size: .33 acres & .55 acres; with all parcels zoned Residential-Light Industrial-Commercial (R-LI-C); and

Whereas, Any negotiations for Tax Map 7; Parcel 10; and Tax Map 9; Parcels 72 and 73 that are unsuccessful shall automatically remove these parcels from the concept plan; and

Whereas, Parcel 66.1, Tax Map 9-2 of the Harpers Ferry District (04), consisting of 25.3 acres, has a single family restriction placed upon the property when the parcel was created on March 31, 1994 as a part of a minor residential subdivision and the Final Plat has the restriction note; and

Whereas, The Planning Commission held the required public workshop regarding the concept plan as outlined in Section 24.116 of the Subdivision and Land Development Regulations on February 25, 2014; and

Whereas, The Planning and Zoning Department Staff finds the River Riders Concept Plan complete and in conformance with the Subdivision and Land Development Regulations.

Now therefore be it moved, that the Jefferson County Planning Commission gives the above mentioned project direction related to the preparation of the Site Plan for the property identified in the Jefferson County Tax Map as Harpers Ferry District (04); Tax Map: 7; Parcel: 10.1; Tax Map 9-2; Parcels: 61, 62, 63, 63.1, 66.1, 69, 70, 71, 74, & 75 and Tax Map 7; Parcel 10 and Tax Map 9; Parcels 72 and 73 with the following conditions

1. Any negotiations for Tax Map 7; Parcel 10; and Tax Map 9; Parcels 72 and 73 that are unsuccessful shall automatically remove these parcels from the concept plan.
2. That between the expanded vacation rental homes on Alstadts Hill Road and the proposed parking lot, a line of coniferous trees shall be planted. The linear area is about 360 feet long. Planting a minimum of one (1) tree per 50 feet from the starting point of the first tree, resulting in a total of eight (8) trees. Such trees shall be a minimum of six (6) feet in height at time of planting and grow a minimum of 25 feet and 8-10 feet in diameter.
3. This action of the Planning Commission subsequent to the Public Workshop lifts the single family restriction from Parcel 66.1, Tax Map 9 of the Harpers Ferry District and should be noted on a future plat and noted on the site plan to be submitted.

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Direction given this 25 day of February 2014
By vote of the Jefferson County Planning Commission
By a vote of 8 Yes 0 No

Planning Commission President