



AGENDA
Jefferson County Planning Commission
Tuesday, April 8, 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. Election of Vice President.
2. Approval of the minutes from the March 11, 2014 Planning Commission Meeting.
3. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
4. Request for postponement.
5. Public Hearing: Request by applicant River Riders, Inc. (File #PCW14-01) to be represented by Appalachian Surveys for a waiver from the following sections of the Jefferson County Subdivision and Land Development Regulations:
 - a) Appendix B, Section 2.5, Subsections: A, C, D, E, G, H, I, J, K, L, M, N, and O (Off-Street Parking) Section 9.4, Subsections A and C; and Section 9.5 (Parking Standards).

There is no public comment for the remaining items.

6. Petition by Hoy Shingleton, trustee on behalf of Pearl Perkins, Beneficiary; and adjoining property owners, Eric and Stacy Lindberg, to the Planning Commission for the purpose of scheduling a public hearing within 60 days regarding a Zoning Map Amendment request for two (2) parcels. The properties are currently zoned Rural and the applicants are requesting Residential - Light Industrial – Commercial zoning. The properties are located off of Charles Town Road in Kearneysville (16 Hospice Lane and 4115 Charles Town Road, respectively). The properties are designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.2 and 1.1; Size: 16.67 acres and 7 acres. *Requested date: June 10, 2014.*
7. Reports from Legal Counsel and legal advice to the Planning Commission.
 - Active Litigation:
 - Far Away Farms
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.

- Letter from Dr. Swami Nathan RE: Comprehensive Plan
- Letter from Robert Aitcheson RE: Mass Event Ordinance

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

- Mission Tabernacle Church Concept Plan (File #S13-06)

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

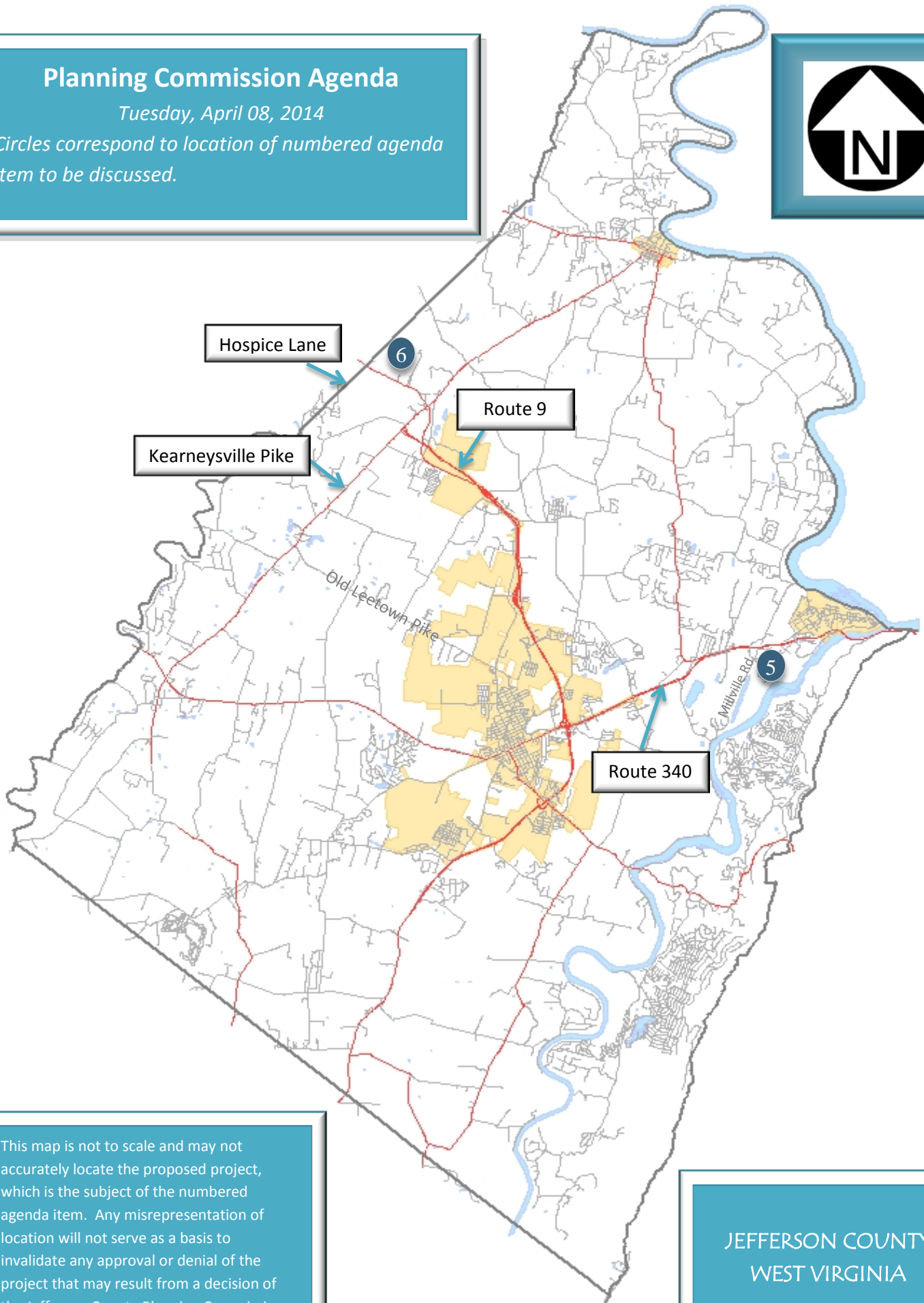
Fax Number: 304-728-8126

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, April 08, 2014

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



Hospice Lane

6

Route 9

Kearneysville Pike

Old Leetown Pike

5

Millville Rd

Route 340

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 #2 in your binder.

Draft Minutes

Jefferson County Planning Commission

March 11, 2014

The Jefferson County Planning Commission met on March 11, 2014, with the following Commission members present: Stephen Stolipher, President; Daniel Hayes, Vice President; Gene Taylor, Secretary; Dale Manuel, Bill McLeod, and Wade Louthan. Staff members present included Jennie 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. Gary Phalen and Ms. Darlene Truman were absent with notice. Mr. Paul Taylor was absent without notice.

Mr. Stolipher called the meeting to order at 7:02 PM.

1. Approval of the minutes from January 14 and February 25, 2014 Planning Commission Meetings.

Mr. Hayes motioned to approve the minutes from January 14 and February 25. Mr. Louthan seconded the motion, which carried unanimously.

2. Citizen Communications. None.

3. Request for postponement. None.

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.

Mr. Rivard provided a PowerPoint presentation reviewing the Mission Tabernacle Church Concept Plan. He stated that staff found the Concept Plan to be complete. Mr. Rivard stated that following the Public Workshop, the church addition would process as a Minor Site Plan.

Mr. Stolipher invited the applicant to speak. Reverend Roadcamp stated that the expansion of the building was not intended to increase membership but to serve the existing congregation. He stated that the addition would provide a space for church events such as potlucks and birthday parties.

Mr. Stolipher opened the floor to public comment. He stated that no one had signed up for Public Comment. Mr. Hayes motioned to close public comment. Mr. G. Taylor seconded the motion, which carried unanimously.

Mr. Manuel motioned to move staff's recommendation as written. Mr. Louthan seconded the motion, which carried unanimously.

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.

Planning Commission members discussed whether or not there was a need for a Mass Event Ordinance and what the potential effect on existing festivals and outdoor events would be.

Mr. Manuel motioned to delay further discussion until the next meeting and that Planning Commission members draft a memo to staff with suggested revisions based on the issues discussed during the meeting. Mr. Manuel also included in his motion that stakeholders, such as the CVB, the Chamber of Commerce, the fair board, etc., have the opportunity to provide input.

Mr. McLeod seconded the motion.

Mr. Rivard requested an extension past the April meeting since staff is involved in several meetings regarding the Comprehensive Plan.

Mr. Wade stated that there was not a rush on having the ordinance finalized; therefore, there should not be a set timeframe.

Mr. Manuel amended his motion to reflect the discussion above to allow staff to present a revised draft Mass Events Ordinance after they have had sufficient time to review comments from Planning Commission members and to consult with stakeholders. Mr. Manuel noted that staff did not have a deadline to submit the revision.

The motion passed with five (5) for and one (1) opposed (Steve Stolipher).

6. Reports from Legal Counsel and legal advice to the Planning Commission. None.

7. Reducing Regulatory Barriers Memo.

Mr. Rivard provided an overview of fourteen amendments to the Zoning Ordinance and Subdivision Regulations from the past five years. He stated that staff had advanced a number of amendments in order to promote better land use decision making and a more reasonable review and approval process. (*Reference PC Agenda Packet for full summary.*)

8. Director's Report.

- Update on 2014 Comprehensive Plan.

Ms. Brockman reviewed upcoming dates related to the Comprehensive Plan.

9. Planning Commission Exchange and Liaison Reports: None.

10. President's Report. None.

11. Actionable Correspondence. None.

12. Non-Actionable Correspondence. None.

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

Mr. Hayes motioned to adjourn the meeting at 7:49 PM. Mr. Louthan seconded the motion, which carried unanimously.


This information is
Tab #5 in your binder.

Staff Report
Jefferson County Planning Commission Meeting
April 08, 2014

River Riders, Inc. File # PCW 14-01

Agenda Item #4: Request by River Riders, Inc. (File # PCW 14-01), to be represented by Appalachian Surveys, for a waiver from the following sections of the Jefferson County Subdivision and Land Development Regulations:

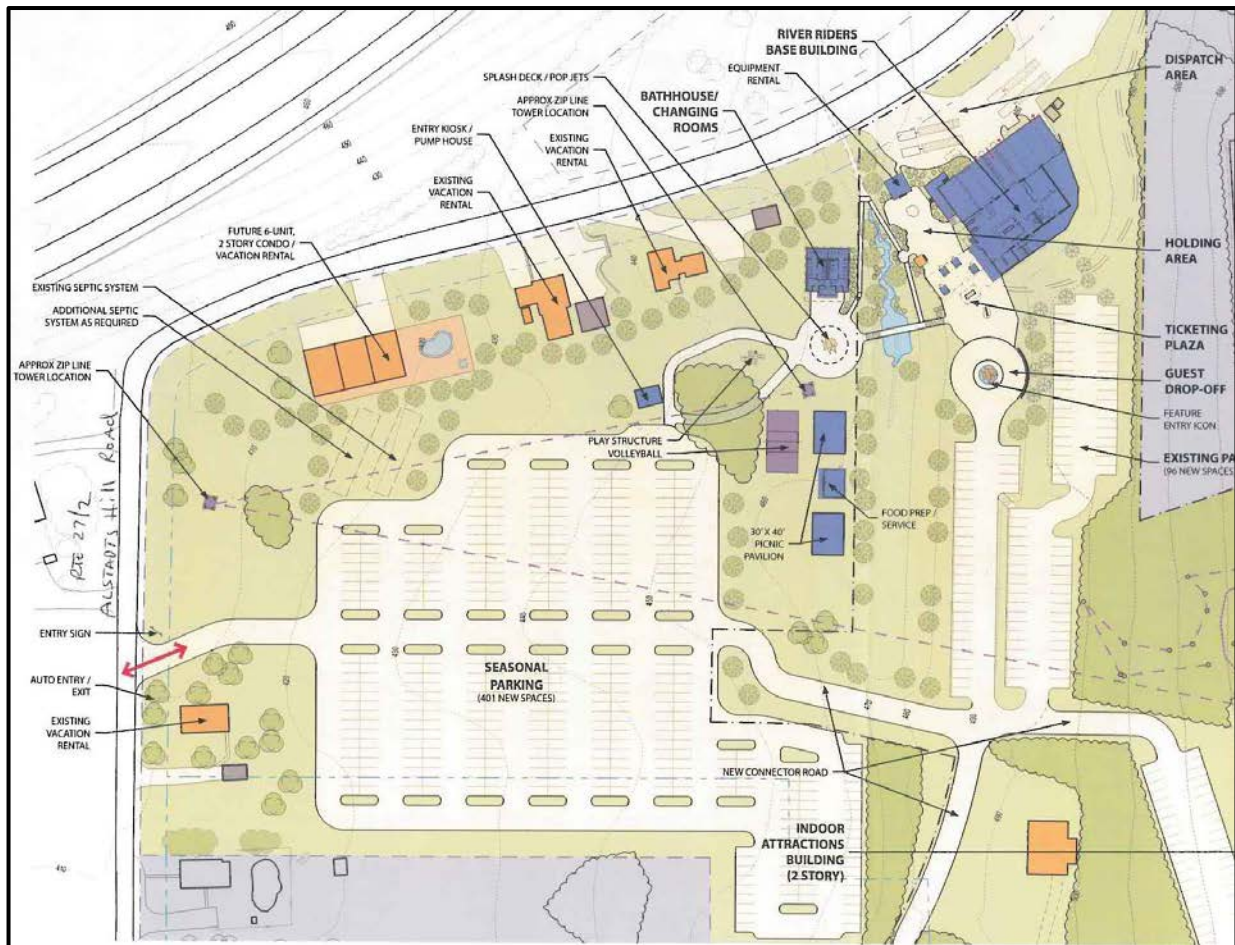
- Appendix B, Section 2.5, Subsections A, C, D, E, G, H, I, J, K, L, M, N, and O
- Appendix B, Section 9.4 A and C
- Appendix B, Section 9.5

APPLICANT:	River Riders, Inc. / Matt and Laura Knott
OWNER:	Same
APPLICANT REPRESENTATIVE:	Appalachian Surveys
PROPERTY LOCATION:	408 Alstadts Hill Road, Harpers Ferry, WV
LEGAL DESCRIPTION & ZONING DESIGNATION:	<p style="text-align: center;">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</p> <p style="text-align: center;"><u>Lots under negotiation for purchase:</u> Tax Map: 7; Parcel 10; Tax Map: 9; Parcels: 72 & 73 Total Acreage: ~43.57 acres / ~45.15 acres</p> <p style="text-align: center;">Zoning Map Designation: Residential-Light Industrial-Commercial</p> <div style="text-align: center;">  </div> <p style="text-align: center;">★ Properties Owned by Applicant <i>*Diagram of proposed seasonal parking area is below</i></p>
SURROUNDING PROPERTIES:	<p style="text-align: center;">ZONING MAP DESIGNATION North: R-LI-C and R-G South: R-LI-C and R-G East: R-LI-C West: R-LI-C and R-G</p>

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ZONING CERTIFICATES:	ZC 12-02: Aerial Adventure Park as an Accessory Use
ZONING VARIANCES:	ZV 98-38: Variance from sign provisions (denied 01-21-99)
CONCEPT PLAN	File # S13-07: Approved Concept Plan to expand existing facility to incorporate an All-Inclusive Family Adventure Center
PROPOSED ACTIVITY:	Waiver to permit a grass parking area with a paved center drive aisle. Area is shown on the Concept Plan as the "Seasonal Parking" area.

Proposed Seasonal Parking Area



1. Background

River Riders is proposing to expand the existing Adventure Center and Outfitter to incorporate an All-Inclusive Family Adventure Center comprised of additional zip lines, paintball, laser tag, zorbing, miniature golf, and other adventure related activities. Additionally, the plan includes expansion of existing lodging, dining, meeting, and storage facilities. New parking areas will be created to accommodate increased visitors.

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2. The Request

Shown on the Concept Plan is a “Seasonal Parking” area that the applicant is requesting to be used as a grass parking area, as it is, without any structural grass parking systems that are sometimes utilized in grass parking lots. Applicant is proposing to construct a County Grade access road that is proposed to connect Allstadt’s Hill Road with the existing parking area for River Rider’s Base Building, located in the middle of the “Seasonal Parking” area (see image below). Staff is interpreting this to be an internal drive aisle meeting the paving standard found in Section 9.5, “Parking Area, Entrance and Internal Driveway Paving”, of the Subdivision Regulations for the primary entrance and exit access drive. Staff acknowledges that while the applicant is requesting a waiver from the *parking* standards of Section 9.5 of the Subdivision Regulations, the applicant has noted that they will build the paved internal drive aisle. The requested use of the “Seasonal Parking” area, as stated in the application, would be used for 10 weekends or 20 days.

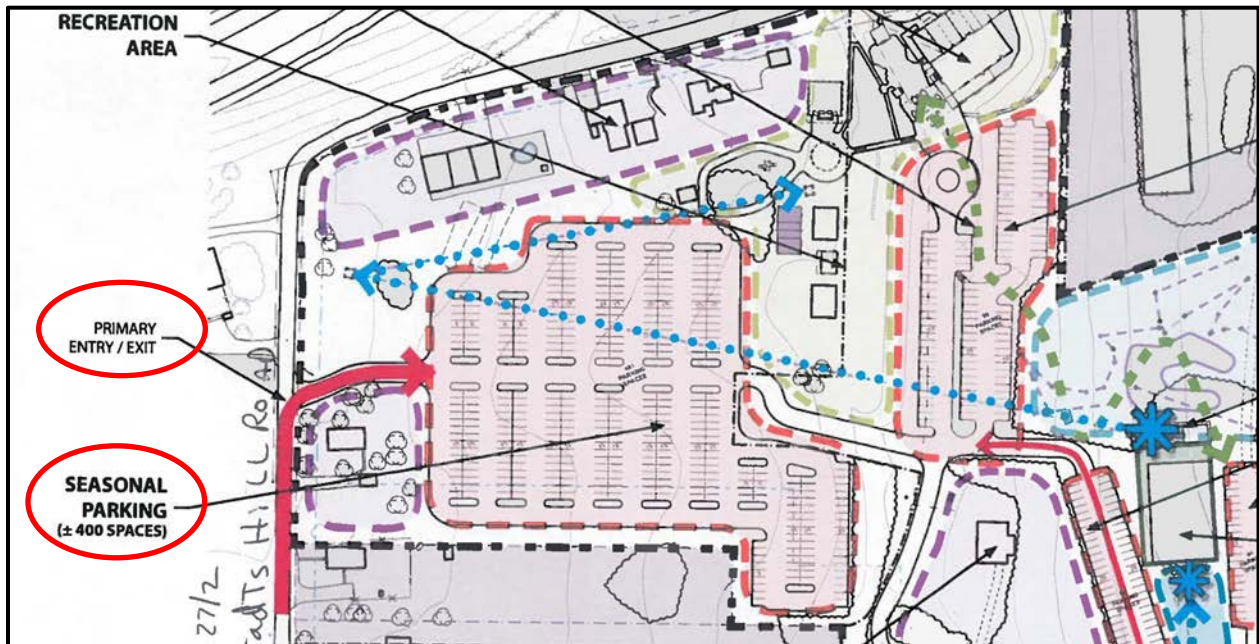


Figure 1

Appendix B, Section 2.5 of the Subdivision and Land Development Regulations, “Off-Street Parking Standards”, requires that all parking areas shall be bituminous asphalt or concrete paved and designed per paving sections established by the County Engineer. The applicant is seeking a waiver to not have to pave the parking spaces or to conform to various site design standards, thereby allowing the “Seasonal Parking” to occur on the existing grass surface.

Applicant is requesting waivers from the Jefferson County Subdivision and Land Development Regulations Appendix B, Section 2.5, subsections A, C, D, E, G, H, I, J, K, L, M, N, and O; Appendix B, Section 9.4 A and C; and Appendix B, Section 9.5; The applicant proposes the following:

- To keep the seasonal parking area grass, with minimal earthwork and grading;
- To construct a County Grade access road that will divide the seasonal parking area (this access is the primary entrance and exit); and
- To construct paved parking around the proposed Indoor Activity Building and existing Main Building.

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The following includes all of the Sections from Appendix B, Sections 2.5, 9.4, and 9.5 of the Subdivision Regulations, from which the applicant is requesting to be waived.

Sec. 2.5 Off-Street Parking Standards		Staff Comment
A	Off-street parking facilities may be parking lots, parking bays, or other types approved by the County Engineer. Parking facilities shall be designed in accordance with the design standards and details established by the County Engineer.	Support Waiver.
C	All parking lots and parking bays (except for parallel parking along a townhouse/condominium complex street) shall be physically separated from the street and confined by curbing, unless other suitable design is approved by the County Engineer.	Support Waiver.
D	Any curb lines in parking areas shall have a minimum radius of curvature of five (5) feet.4	Support Waiver.
E	The layout of parking areas shall permit safe and efficient internal circulation in accordance with generally accepted engineering principles and practices.	Support Waiver, however need to include a diagram on the submitted site plan to show that this is achieved. Such diagram doesn't need to meet the full standards of "generally accepted engineering principles and practices", but should provide just enough detail to ensure that applicants can meet the circulation without dead-end rows.
G	Handicapped parking spaces and access ramps shall be provided, designed, located and delineated in accordance with the latest edition of the Americans with Disabilities Act, ADA Standards for Accessible Design (28 CFR, Part 36). Calculations showing the required number of handicapped parking spaces shall be provided on the site plan; and details and dimensions shall be provided for the access ramps, parking spaces, pavement markings and signs, etc.	Staff does not support the complete waiver of this requirement; however, the applicant has committed in their request to meet the ADA requirement of the overall development on other paved parking areas. It is anticipated that some existing paved parking spaces near their main facility may need to be restriped.

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Sec. 2.5 Off-Street Parking Standards (continued)		Staff Comment
H	Parking area and drive aisle grades shall be a Maximum 6.5%, Minimum 0.5%	Support Waiver.
I	Parking area access driveways and entrances leading from the public road or subdivision street, and also the parking area internal access drives connecting physically separated parking bays, shall not exceed an 8% grade.	Support Waiver.
J	The maximum embankment cut or fill-grade inside and/or adjacent to parking areas shall not exceed (3:1) 3' horizontal to 1' vertical slope. The County Engineer may accept steeper embankment slopes up to (2:1) 2' horizontal to 1' vertical upon review and approval by a geotechnical engineer.	Support Waiver.
	A minimum three foot wide strip, not to exceed (5%) five percent slope, shall be provided between parking areas, sidewalks, and parking area access drives, and the toe or top of any embankment slope.	Support Waiver.
	When retaining walls are used, they shall be designed and certified by a Professional Engineer licensed in West Virginia. The construction details and specifications shall be shown on the site plan.	If retaining walls are needed for the construction of the drive aisle, they should be required to meet this standard.
K	There shall be a minimum 10' median between the end of a row of parking spaces and any parking area access drive in order to provide for adequate sight distance.	Support Waiver; however, where parking rows abut the internal drive aisle, the applicant needs to ensure that adequate site distance can be met.
L	All cart storage areas, parking area internal pedestrian pathways, parking spaces, directional arrows, fire lanes, and handicapped parking symbols, etc., shall be shown on the preliminary plan and delineated on the pavement with traffic grade paint.	Support Waiver, except that any handicapped parking spaces shall have parking symbols and signage.
M	All parking areas shall be bituminous asphalt or concrete paved. Paving sections shall be as established by the County Engineer.	Support Waiver.
N	Parking spaces shall be painted and dimensions shall be no less than those listed in Table 2.5-1	Support the waiver; however, the applicant needs to provide information regarding the proposed size of the parking spaces in order to calculate the number of spaces being provided. (See note below about parking justification required.)

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Sec. 2.5 Off-Street Parking Standards (Continued)		Staff Comment
O	The County Engineer may establish standard details as deemed necessary to depict and convey the parking requirements.	Support Waiver.

Section 9.4 Internal Vehicular Circulation & Parking		Staff Comment
A	For Site Development projects, internal site vehicular circulation and parking (including handicapped parking) shall be provided in accordance with Appendix B, Section 2.5, Off-Street Parking Standards.	Support Waiver, provided that the center internal drive aisle meets Section 9.5 of the Subdivision Regulations and that paved handicap parking be provided somewhere on the applicants property.
C	All parking aisle, parking space, parking stall dimensions, parking width, and off-street loading shall be provided as required by Appendix B, Division 2.0, Street & Parking Standards. All parking aisle, parking space and internal site driveway setbacks shall be shown on the site plan.	Support Waiver, provided that paved center internal drive aisle standards are met and that the rows of parking shall be shown on the diagram on the submitted site plan, with a rough layout of the number of spaces in each row, in order to assure that parking requirements and circulation are being met on site.

Section 9.5 Parking Area, Entrance and Internal Driveway Paving		Staff Comment
A	<p>Site Development parking lots, entrances and internal driveways for use by the public shall be bituminous asphalt or concrete paved. Paving sections shall be approved by the Engineer. The minimum acceptable bituminous asphalt paving section is as follows:</p> <p>1 ½" Bituminous Concrete Surface Course 2 ½" Bituminous Concrete Base Course 9" Graded Aggregate Base Course (placed in 2 lifts)</p>	Support Waiver; provided that the center paved drive aisle shall meet this standard.

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There appears to be two ways to manage this request, if approved. One would be to permit the applicant to submit a partial site plan for the Seasonal Parking area with the construction details of the center internal drive aisle and the limited items noted above shown in a more conceptual manner, but with dimensions noted. The second way would be to have the applicant include the design of this parking area within their full site plan submission, allowing the reduced details for the grass parking area to be submitted at that time.

It should also be noted that, per Section 11.1B of the Jefferson County Zoning and Land Development Ordinance, the applicant will be required to submit a document to the Zoning Administrator with the Site Plan providing justification for their determination of the amount of parking they believe is required to meet their seasonal and outdoor recreation parking needs. It is expected that all indoor attractions, office space, and dining areas will meet the required paved parking per Section 11.1A of the Zoning and Land Development Ordinance. If the paved parking requirements cannot be met, or the Zoning Administrator does not agree with the justification, a BZA Variance may be required.

3. Waiver Criteria

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

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

Neither the parking area nor the entrance will be maintained by the County and will not result in any cost to the County. Since no open space or parkland is required in this site plan, the waiver criteria have been satisfied in that it does not apply to the particular waivers requested.

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

The waiver will not adversely affect the rights of adjacent property owners or residents. It is anticipated that the grass “Seasonal Parking” area should maintain its condition and as overflow parking, the public health, safety or welfare or the rights of adjacent property owners or residents will not be affected. To ensure that these criteria can be met, Staff believes that a two (2) year observation period should be included with the recommendation to ensure that usable parking is met in the “Seasonal Parking” area and the grass surface does not fail.

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

The intent of the Subdivision Regulations is to have usable and adequate parking. The applicant has an existing paved parking lot, an additional proposed paved parking lot, and the proposed “Seasonal Parking” area. It appears that both the intent and purpose of the Regulations will be met. In the recommendation of this waiver, Staff believes that a two (2) year observation period should be included with the recommendation to ensure that usable parking is met in the “Seasonal Parking” area and that the overflow parking surface does not degrade.

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

Provided that the “Seasonal Parking” grass parking area will be maintained in its current condition, the waiver will provide a better character of this area designated for “Seasonal Parking”.

Regarding this waiver request, the waiver criteria have been satisfied.

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4. Staff Recommendation

Staff recommends approval of the request with the following discussion and conditions.

Applicant is proposing to meet the internal drive aisle access standards, as found in Appendix B, Section 9.5 of the Subdivision Regulations. This is the primary entrance and exit, which will handle a significant amount of vehicles. On the Concept Plan, the existing and proposed paved parking lots will utilize this proposed access almost exclusively, as the current entrance off of Allstadts Hill Road is shown to be eliminated as the site develops.

Applicant is requesting use of this grass parking area for the peak season and states that the seasonal parking area would be used for 10 weekends or 20 days. Engineering is proposing that the seasonal use be extended from 10 weekends as requested by the applicant, to the seasonal period from Memorial Day weekend to Labor Day weekend, which is 15 weekends or 30 days.

A site plan, either for this parking area only or as a part of the full site plan for the proposed development, shall be submitted prior to the use of this site for seasonal parking and shall be required to show the following related to the seasonal parking area:

1. Full construction details of the paved center internal drive aisle.
2. A diagram of the area shown as “Seasonal Parking” will need to be clearly outlined with dimensions for the rows of parking and dimensions for each grass drive aisle to ensure the number of proposed parking spaces can be achieved in that location, and to depict that there is adequate space for safe and efficient internal circulation and sight distances where the parking lanes meet the center paved drive aisle.
3. The total number of designated ADA parking spaces is provided on-site (Applicant has agreed to this in the application).

Applicant has requested waiver of Appendix B, Section 2.5, Subsection G, which is the number of handicap spaces required. While handicap spaces may be provided at a location other than the area for the “Seasonal Parking”, ADA standards shall be met. This requirement could be achieved on existing paved area near the main facility, with appropriate handicap parking symbols and signage.

The Concept Plan is only conceptual, which is its purpose, as such the above referenced items will need to be more clearly defined to ensure the items shown conceptually can actually be provided. The site plan shall show how the applicant intends to delineate the grass parking areas in order for the public to identify parking spaces, drive aisles, and ends of rows. This could be done by using concrete parking stops to denote parking spots, painted field markings on grass, or through the use of temporary movable delineators.

While not often done by the Planning Commission, the Board of Zoning Appeals has occasionally added a condition that there be a monitoring period with the approval of a variance. In this case, as part of the recommendation, Staff recommends a two (2) year period during which the area designated for “Seasonal Parking” is monitored for excessive wear of the grass surface material. Excessive wear would be considered a muddy field with stormwater runoff issues, but would not include matted or worn grass that is still holding the soil in place.

Engineering Report

**River Rider
Waiver for Asphalt and Stone Parking Area to be Grass
04/08/2014**

Request:

River Riders, Inc. and Harpers Ferry Holdings, LLC are requesting a waiver from the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (2008), Division 9.0 and 2.0,

Section 9.4 Internal Vehicular Circulation & Parking, A and C, which states:

A. "For Site Development projects, internal site vehicular circulation and parking (including handicapped parking) shall be provided in accordance with Appendix B, Section 2.5, Off-Street Parking Standards."

C. "All parking aisle, parking space, parking stall dimensions, parking width, and off-street loading shall be provided as required by Appendix B, Division 2.0, Street & Parking Standards. All parking aisle, parking space and internal site driveway setbacks shall be shown on the site plan."

and Section 9.5 Parking Area, Entrance and Internal Driveway Paving, A, which states:

A. "Site Development parking lots, entrances and internal driveways for use by the public shall be bituminous asphalt or concrete paved. Paving sections shall be approved by the Engineer. The minimum acceptable bituminous asphalt paving section is as follows:

1 ½" Bituminous Concrete Surface Course

2 ½" Bituminous Concrete Base Course

9" Graded Aggregate Base Course (placed in 2 lifts)"

and Section 2.5 Off-Street Parking Standards, A,C,D,E,G,H,I,J,K,L,M,N, and O.

See conclusion.

The developer is requesting a waiver from the requirement that all public parking area be asphalt or concrete paved and to allow grass/turf to be utilized as parking.

Findings:

The applicant has stated that they will place a County Grade Access Road through the seasonal parking area and leave the parking as grass as shown on the concept plan. The grass parking would only be used for the 10 peak weekends in the summer time as

it is used now. For environmental concern, leaving the seasonal parking area grass will be beneficial to meeting the requirement of the storm water management ordinance. Weekday parking will be limited to the existing paved parking areas.

After reviewing the approved site plan for River Riders from January of 2004, the area for the parking was not owned by River Riders or Harpers Ferry Holding until July of 2010. Therefore, there is very little information concerning this area on the site plan. The site plan does show 147 parking spaces provided with only 59 required.

Concerns:

The waiver from Section 9.5 for eliminating the asphalt pavement requirement appears to be the only waiver that is necessary. The applicant does not state why waivers from section 9.4 and 2.5 are needed, except that he does not want to have to go before the planning commission again for additional waiver request, if needed.

Other concerns are:

1. How to delineate parking spaces?
2. Signage of the area.
3. Wet weather affects.
4. Additional handicap spaces needed.

The delineating of the parking spaces is a concern because normally they are painted on pavement, not grass. I can see placing parking stop bars, but how to keep them in place would be an issue.

The area would need to be signed that informs the public when parking is allowed. What would be done if it is violated? "Towed at owner expense" or River Riders. Would the county be responsible for verifying that this area is not used during the weekdays? The county does not have the time or employees to do this.

What is the applicant plan to address a wet weather weekend? Will they have a tow truck on site if needed?

The increase in parking spaces should require additional handicap parking spaces. The applicant will need to demonstrate that the HC parking being used in the existing parking is adequate for the number of parking spaces provided. Normally, HC spaces are calculated as 1 for every 25 spaces provided.

Conclusion:

The applicant only request that the parking spaces pavement section to be grass as required in section 9.5 and does not explain why Section 9.4 and 2.5 are needed except that he does not want to go before the planning commission again when needed. However, the applicant has requested them and I will try to address them as follows:

Section 9.4

- It references you to section 2.5.

Section 2.5 Off-Street Parking Standards, A,C,D,E,G,H,I,J,K,L,M,N, and O

- A. Off-street parking facilities may be parking lots, parking bays, or other types approved by the County Engineer. Parking facilities shall be designed in accordance with the design standards and details established by the County Engineer.
- Denial of waiver. The applicant does not specify what design standard he is waiving.
- C. All parking lots and parking bays (except for parallel parking along a townhouse/condominium complex street) shall be physically separated from the street and confined by curbing, unless other suitable design is approved by the County Engineer.
- Support the waiver. The applicant is not designing a street but an access drive; therefore, this section would not apply.
- D. Any curb lines in parking areas shall have a minimum radius of curvature of five (5) feet.
- Denial of waiver. The applicant is proposing curb and gutter on their concept plan which appears to meet the 5' radius.
- E. The layout of parking areas shall permit safe and efficient internal circulation in accordance with generally accepted engineering principles and practices.
- Denial of waiver. The applicant does not specifically state what is being waived. He has already submitted a layout of the project in his concept plan that already meets this section.
- G. Handicapped parking spaces and access ramps shall be provided, designed, located and delineated in accordance with the latest edition of the Americans with Disabilities Act, ADA Standards for Accessible Design (28 CFR, Part 36). Calculations showing the required number of handicapped parking spaces shall be provided on the site plan; and details and dimensions shall be provided for the access ramps, parking spaces, pavement markings and signs, etc.
- Denial of waiver. Even if this waiver is granted, the applicant will still need to meet this through the federal "Americans with Disabilities Act."
- H. Parking area and drive aisle grades shall be as follows: Maximum 6.5% Minimum 0.5%.

- Denial of waiver. Grass has a lower friction coefficient than asphalt. Therefore, this section should be met or even lowered.
- I. Parking area access driveways and entrances leading from the public road or Subdivision Street, and also the parking area internal access drives connecting physically separated parking bays, shall not exceed an 8% grade.
- Denial of waiver. The applicant does not specify state why or what is being waived. Grass has a lower friction coefficient than asphalt. Therefore, this section should be met or even lowered. Please have the applicant explain.
- J. The maximum embankment cut or fill-grade inside and/or adjacent to parking areas shall not exceed (3:1) 3' horizontal to 1' vertical slope. The County Engineer may accept steeper embankment slopes up to (2:1) 2' horizontal to 1' vertical upon review and approval by a geotechnical engineer.

A minimum three foot wide strip, not to exceed (5%) five percent slope, shall be provided between parking areas, sidewalks, and parking area access drives, and the toe or top of any embankment slope.

When retaining walls are used, they shall be designed and certified by a Professional Engineer licensed in West Virginia. The construction details and specifications shall be shown on the site plan.

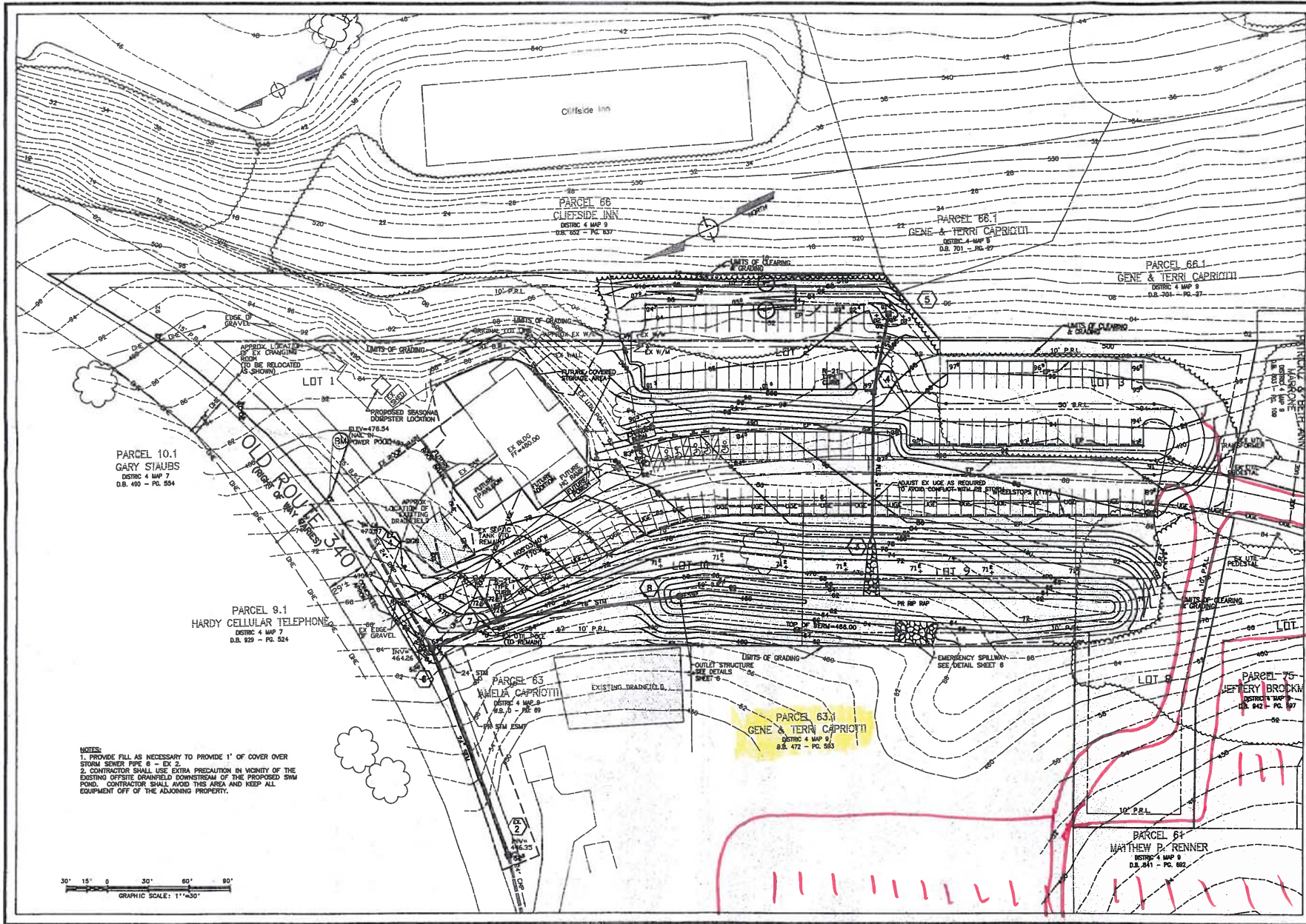
- Denial of waiver. The cut and fill slope are at a maximum without any geotechnical data to support otherwise.
 - Denial of waiver. The three foot wide strip provided between parking areas, sidewalks, and parking area access drives and the toe or top of embankment are for a buffer to allow for vehicles and pedestrians to have a room to maneuver for emergency.
 - Denial of waiver. If the retaining wall requirement is waived by the planning commission, the applicant may have to address it at a building permit stage anyways where there are no waivers.
- K. There shall be a minimum 10' median between the end of a row of parking spaces and any parking area access drive in order to provide for adequate sight distance.
- Denial of waiver. The applicant is proposing 10' median between the ends of a row of parking spaces on their concept plan which appears to meet the 10'.

- L. All cart storage areas, parking area internal pedestrian pathways, parking spaces, directional arrows, fire lanes, and handicapped parking symbols, etc., shall be shown on the preliminary plan and delineated on the pavement with traffic grade paint.
 - o Support the waiver if it is only for the grass areas and parking stop bar are placed to delineate parking area. Otherwise denial.
- M. All parking areas shall be bituminous asphalt or concrete paved. Paving sections shall be as established by the County Engineer.
 - o See section 9.5 for it is similar and override this section.
- N. Parking area dimensions shall be no less than those listed in Table 2.5-1.
 - o Denial of waiver. The applicant does not specify what the standard would be changed to.
- O. The County Engineer may establish standard details as deemed necessary to depict and convey the parking requirements.
 - o Denial of waiver. The applicant does specify why the section needs waived.

Section 9.5 Parking Area, Entrance and Internal Driveway Paving

Engineering recommend approval just the waiver from section 9.5 to provide grass/turf as the pavement material for parking spaces in the seasonal parking area if the following is included:

1. The time frame of 10 weekends would be more simplified as to say "Any weekend or Holiday between and including the weekend of the holidays of Memorial Day and Labor Day."
2. Proper delineating of the parking spaces and blocking off of this area during the weekdays.
3. Proper signage alerting the public of this condition and consequences of a violation.
4. Have a vehicle on site capable of removing stuck cars in case of wet weather.
5. All items above shown on the approved site plan.
6. The applicant acknowledges that Jefferson County is not liable.



DATE	02/21/2003
SCALE	HORIZ 1" = 30' VERT N/A
SEAL	
PROJECT	GRADING PLAN SITE PLAN FOR RIVER RIDERS HARRISBURG WERRY MAGISTERIAL DISTRICT HARRISBURG COUNTY, WEST VIRGINIA
JOB	1999-0301
CHDR	PLI-GR.DWG
SHEET	4 OF 9

**A Motion Recommending Approval regarding a
Waiver for River Riders (File #PCW14-01)
April 8, 2014**

Whereas, River Riders, Inc. has an approved Concept Plan to expand their existing outdoor recreation facility located on Alstadts Hill Road to incorporate an all-inclusive family adventure resort with multiple uses; and

Whereas, as part of the site development, the applicant is requesting that the “Seasonal Parking” be on the existing grass surface for 10 weekends or 20 days; and

Whereas, the applicant proposes the following:

- a grass seasonal parking area, with minimal earthwork and grading;
- to construct a County Grade access road that will divide the seasonal parking area (this access is the primary entrance and exit); and
- to construct paved parking around the proposed Indoor Activity Building and existing Main Building; and

Whereas, to allow the grass seasonal parking area, the applicant is requesting the following waivers from the Jefferson County Subdivision and Land Development Regulations Appendix B, Section 2.5, subsections A, C, D, E, G, H, I, J, K, L, M, N, and O; Appendix B, Section 9.4 A and C; and Appendix B, Section 9.5; and

Whereas, the following findings, which are required, can be made in regards to this request, in accordance with the provisions of Appendix B, Section 2.5, subsections A, C, D, E, G, H, I, J, K, L, M, N, and O; Appendix B, Section 9.4 A and C; and Appendix B, Section 9.5 of the 2008 Subdivision Regulations, and Section 24.300 of the 2008 Subdivision Regulations:

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

Now therefore be it moved, that the Jefferson County Planning Commission approves the requested waiver for River Riders, Inc. with the following conditions:

1. The seasonal parking to be the seasonal period from Memorial Day weekend to Labor Day weekend, which is 15 weekends or 30 days.
2. A site plan, either for this parking area only or as a part of the full site plan for the proposed development, shall be submitted prior to the use of this site for seasonal parking and shall be required to show the following related to the seasonal parking area:
 - a. Full construction details of the paved center internal drive aisle.
 - b. A diagram of the area shown as “Seasonal Parking” will need to be clearly outlined with dimensions for the rows of parking and dimensions for each grass drive aisle to ensure the number of proposed parking spaces can be achieved in that location, and to depict that there is adequate space for safe

and efficient internal circulation and sight distances where the parking lanes meet the center paved drive aisle.

- c. The total number of designated ADA parking spaces is provided on-site (Applicant has agreed to this in the application).
3. The number of ADA parking spaces shall be met, including the necessary handicap parking symbols and signage.
4. The parking areas shall be delineated in such a way as to be able to identify parking spaces, drive aisle, and end of rows. This could be done by using concrete parking stops to denote parking spots, painted field markings on grass, or through the use of temporary movable delineators.
5. A two year period where the location of the "Seasonal Parking" area is monitored for excessive wear of the grass surface material.

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 8th day of **April 2014**
By vote of the Jefferson County Planning Commission
By a vote of ____ Yes ____ No

Steve Stolipher, Planning Commission President



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning
116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

Staff Initials: AD
Sketch Received: Yes
Fees Paid: \$100.00

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

Email: planningdepartment@jeffersoncountywv.org or zoning@jeffersoncountywv.org

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

Waiver Request

Note: Waivers to 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. Please provide a vicinity map of the area. Please provide a list of the adjoining property owner's mailing addresses.

I/We request a waiver from the provisions of the 2008 Amended Jefferson County Subdivision Regulations.

Property Owner Information

Name: River Riders, Inc.; Matt and Laura Knott; Harpers Ferry Holdings, LLC
Mailing Address: 408 Alstadts Hill Road
City: Harpers Ferry State: WV Zip Code: 25425
Phone Number: 800/326-7238 Email: matt@riverriders.com

Applicant Contact Information

Name: Matt Knott
Mailing Address: Same
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Email: _____

Applicant Registered Engineer(s) or Surveyor(s):

Name: Appalachian Surveys, PLLC Mike Shepp and Karen Brill
Mailing Address: 401 S. Fairfax Blvd, Suite 3
City: Ranson State: WV Zip Code: 25438
Phone Number: 304/724-5008 Email: mshepp@appalachiansurveysplle.com

Physical Property Details

Physical Address 408 Alstadts Hill Road (Old Route 340 at River Riders, Just West of Quality Inn)
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: Harpers Ferry Map No: See Attached Parcel No: See Attached
Parcel Size: Approximately 43.5 acres See Attach Deed Book: See Attached Page No: See Attached

Zoning District (please check one)

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

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

What Section of the Ordinance are you Requesting to Waive?

Appendix B Section 2.5 Off Street Parking
Sections 9.4 and 9.5 Parking Standards

Briefly Describe the Nature of Your Waiver Request:

Request that the Large Seasonal Parking Lot in the Northwest corner of the property remain grass with minimal earthwork and grading required. This area is already used as overflow parking on busy weekends. Generally, this parking lot will only be used a maximum of 20 days a year (10 weekends), during crowded summer weekends. It would be a waste of a large paved area for those limited weekends. The PC and other individuals/groups that provided comments at the Concept Plan Hearing asked that this area not be paved.

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.

This is private property, so will not have an effect on maintenance costs. It would, however, keep a large highly visible space as an open green area while it is not being used for the majority of the year. This parking area will remain largely intact with minimal earthwork and grading if this waiver is granted. It would be senseless to pave acres of ground in this area of the County to be used for only approximately 20 days per year.

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.

It will not have an adverse affect on public health or safety, as the area is already being used for seasonal parking. There will also be a County Grade access road that will divide the parking area, so that people will have safe access to the rest of the site. The adjacent residents will benefit from having less pavement and Stormwater runoff.


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

The ordinance already allows some flexibility for seasonal and temporary parking. This will allow it for an area that will have limited use. To pave an area that large for the limited amount of use would be contrary to the ordinance that recommends low impact design for SWM. The ordinance also recommends that open and green area should be preserved. Finally, people who commented on the concept plan have asked for alternatives to this large paved area.

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

The area is already used for overflow parking. The day to day parking will still be paved in the upper parking lots. The paved access drive will provide safe access to the balance of the property. The waiver will allow additional green space in the overall green recreational plan that was already approved by the PC. The waiver will allow the general slope of the land be protected with minimal grading required.

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

 3/18/14
Signature of Property Owner Date

 3/18/14
Signature of Property Owner Date

To Be Completed By Office

04/08/14 Date of Public Meeting/Public Hearing
PC Official/Administrative Body

03-25-14 Date Property to be Posted By
03-25-14 Date Adjoiner Letters to be Mailed

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

Approved Denied

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Staff Requested Addendum to
River Rider's Seasonal Parking Waiver Request
March 21, 2014

The Applicant is requesting a Waiver from the Jefferson County Subdivision and Land Development Regulations. Specifically, the request is to keep the seasonal parking area, as shown in the Northwest Corner of the concept plan, in natural, grassed condition.

The intent of this request is to provide an area of parking similar to: Sam Michael's Park during the Arts and Crafts Festival; most college town's parking around stadiums during football season; parking areas around outdoor concert venue's (like Jiffy Lube Live); most fairs (like Jefferson County, Frederick County and Clark County); etc. These types of parking areas are provided everywhere that requires large temporary or seasonal parking areas (including what has been provided for many years at River Riders).

It really makes no sense to pave a multiple acre area for parking that will be used only a maximum of 20 days per year (10 weekends between June and August). River Riders will be constructing and paving new areas per the concept plan around the buildings that will be constructed for indoor recreational uses. As a matter of fact, the parking that will be paved will probably meet or exceed the required amount for the buildings that are being constructed. The subject parking area will primarily be used for vehicles whose occupants will be using the outdoor recreational facilities (such as the river, zip line, adventure park, etc.).

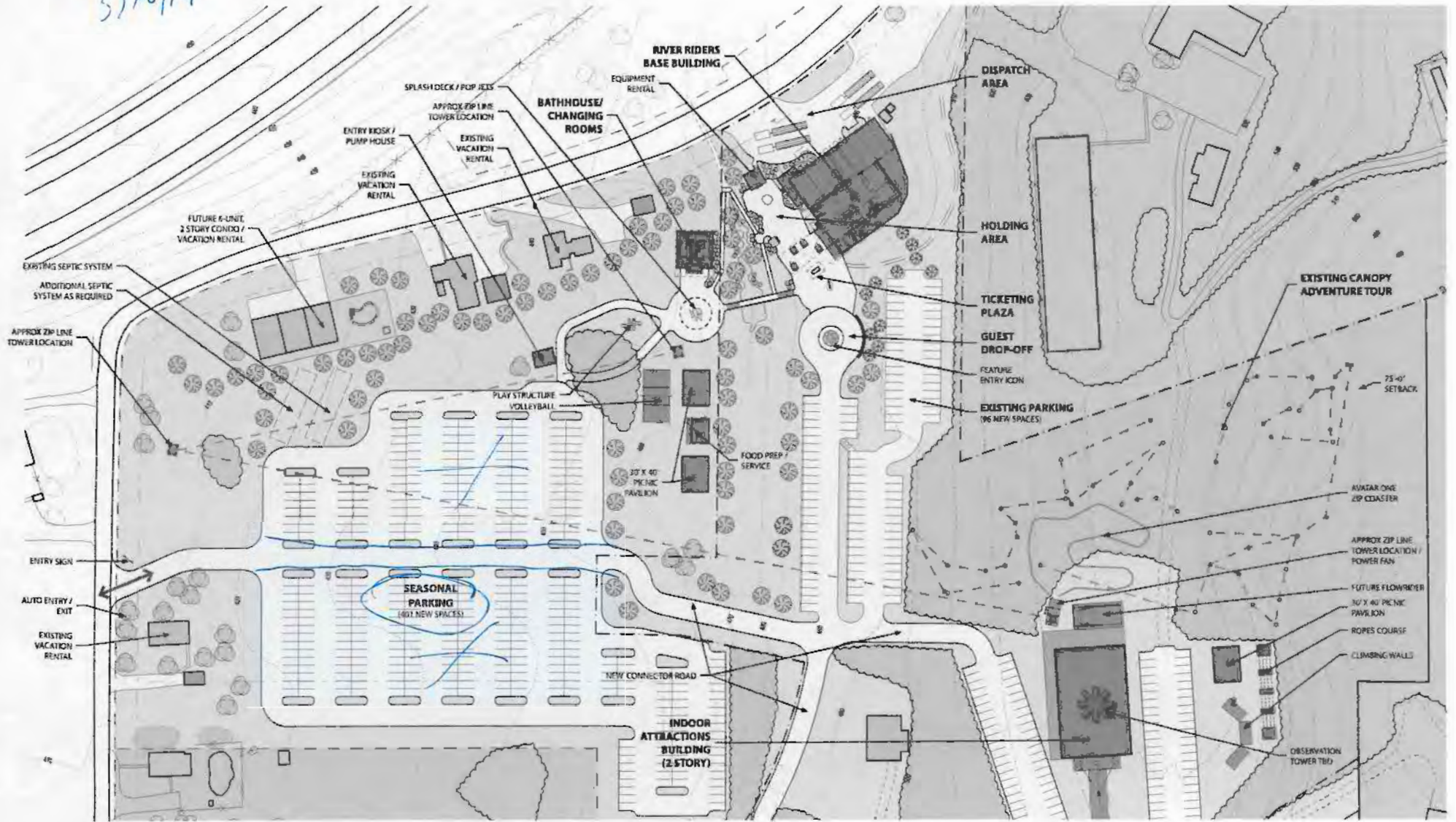
The Jefferson County Subdivision and Land Development Regulations has multiple cross references, but it appears that the waivers are needed from [Appendix B, Section 9.4 A and C](#) (These sections refer back to Appendix B, Sections 2.0 and 2.5) and [Appendix B, Section 9.5 \(in which 9.5 A is the entire section\)](#). Referring back to Appendix B, Sections 2.0 and 2.5, it appears that the following sections need to be addressed [Section 2.5, Subsections A, C, D, E, G, H, I, J, K, L, M, N and O](#). The only two subsections not required in Section 2.5 appear to be the two already addressed by Staff (Appendix B, Sections 2.5 B and 2.5 F).

The Applicant is trying to be all inclusive, because, again, the intent is to allow this area to be the seasonal overflow area that remains in natural condition (except for the road that will bisect the area and lead to the other parking areas). The Applicant is being cautious to include most of these sections of the ordinance regarding parking for this area, so that he doesn't have to come back to the PC multiple times. Most people that addressed the Concept Plan requested that the large parking area not be paved. The handicapped parking will be provided in the paved parking areas near the main facilities.

The Applicant expects to control and facilitate access to this parking area by employee direction (just as most seasonal parking users handle their temporary parking areas (Arts and Crafts; fairs; football games; etc.)).

PCW14-01

Matt Knott
3/19/14



GUEST EXPERIENCE SITE PLAN - RIVER ADVENTURE BASE
RIVER RIDERS MASTER PLAN
 HARPERS FERRY, WEST VIRGINIA



SCALE: 1" = 100'-0"

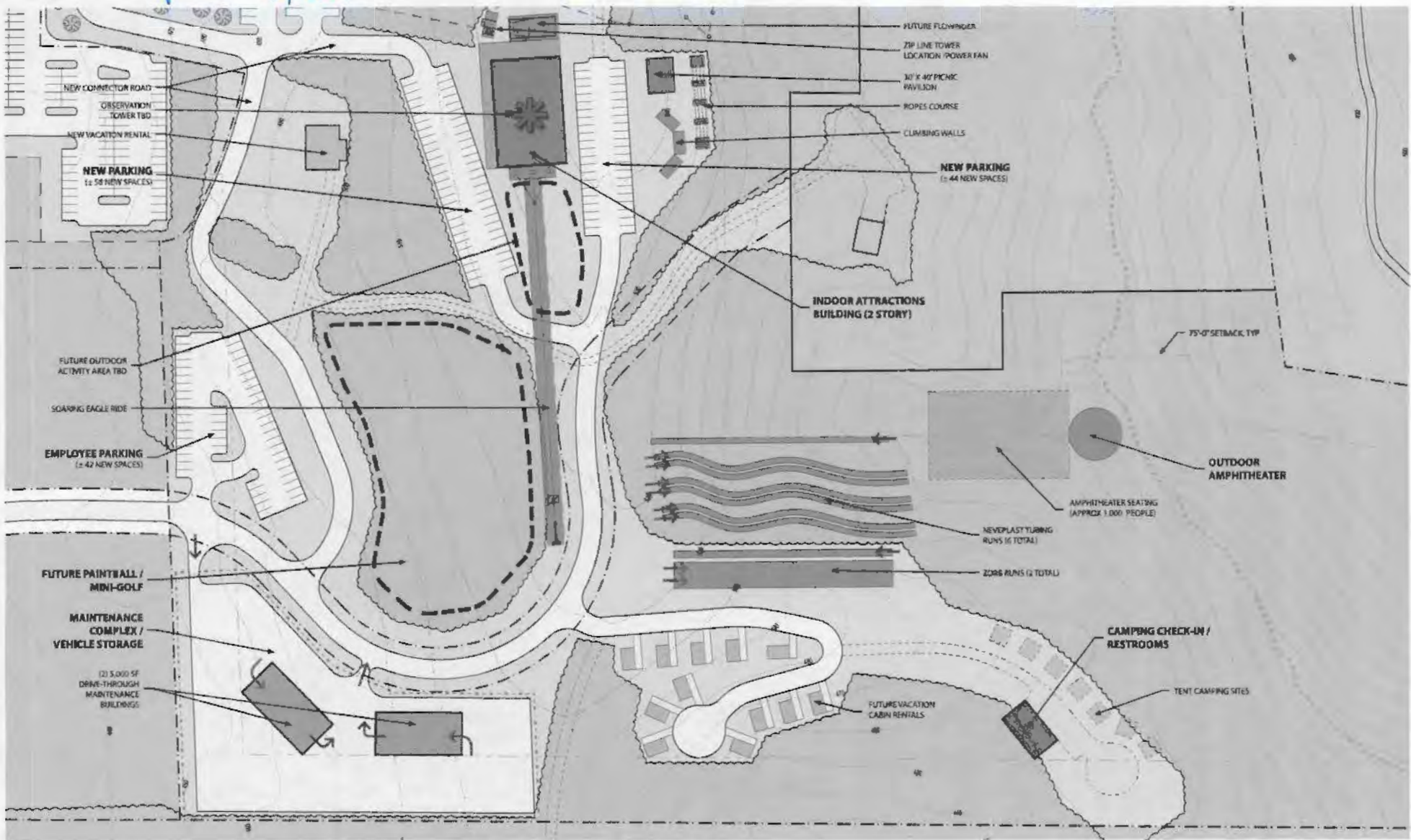
0 50 100 200

DECEMBER 10, 2013

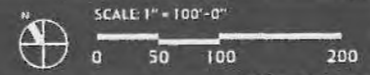


ALL DRAWINGS AND DIMENSIONS SHALL BE CONSIDERED THE ONLY BASIS FOR CONSTRUCTION.

*Matt Knott
3/18/14*



GUEST EXPERIENCE SITE PLAN - MOUNTAIN ADVENTURE BASE
RIVER RIDERS MASTER PLAN
 HARPERS FERRY, WEST VIRGINIA



DECEMBER 10, 2013



ALL DIMENSIONS APPROXIMATE. SEE TOP CORNER FOR A BOUNDARY ONLY. NOT FOR CONSTRUCTION.

River Riders Parking Area Waiver
Deed Book and Tax Information
March 18, 2014

1. Proposal Property Information and Description:

Total Acreage: Approximately 43.57 acres (up to approximately 45 acres (see below)

Acreage; Tax District, Map and Parcel Information; and, Deed Book and Page:

Harpers Ferry District:

Map 7:

Parcel 10.1	Deed Book 1072, Page 233	.55 acre
-------------	--------------------------	----------

Map 9:

Parcels 61	Book 1099, Page 732	2.5 acres
62	Book 1081, Page 423	2.4 acres
63	Book 1081, Page 423	.75 acre
63.1	Book 1081, Page 423	2.7 acres
66.1	Book 1105, Page 213	25.3 acres
69	Book 980, Page 239	1 acre
70	Book 965, Page 544	2.5 acres
71	Book 1105, Page 209	4.9 acres
74	Book 1099, Page 729	.43 acre
75	Book 1099, Page 734	.54 acre

The Concept Plan also includes three additional parcels that are under negotiations for purchase by the Applicant. These three parcels are also in the list of adjoining property owners, so that they can be noticed, as well. They are included in the Concept Plan, so that the Applicant does not have to revise the Concept Plan if the negotiations are successful. These three parcels are identified as:

Harpers Ferry District:

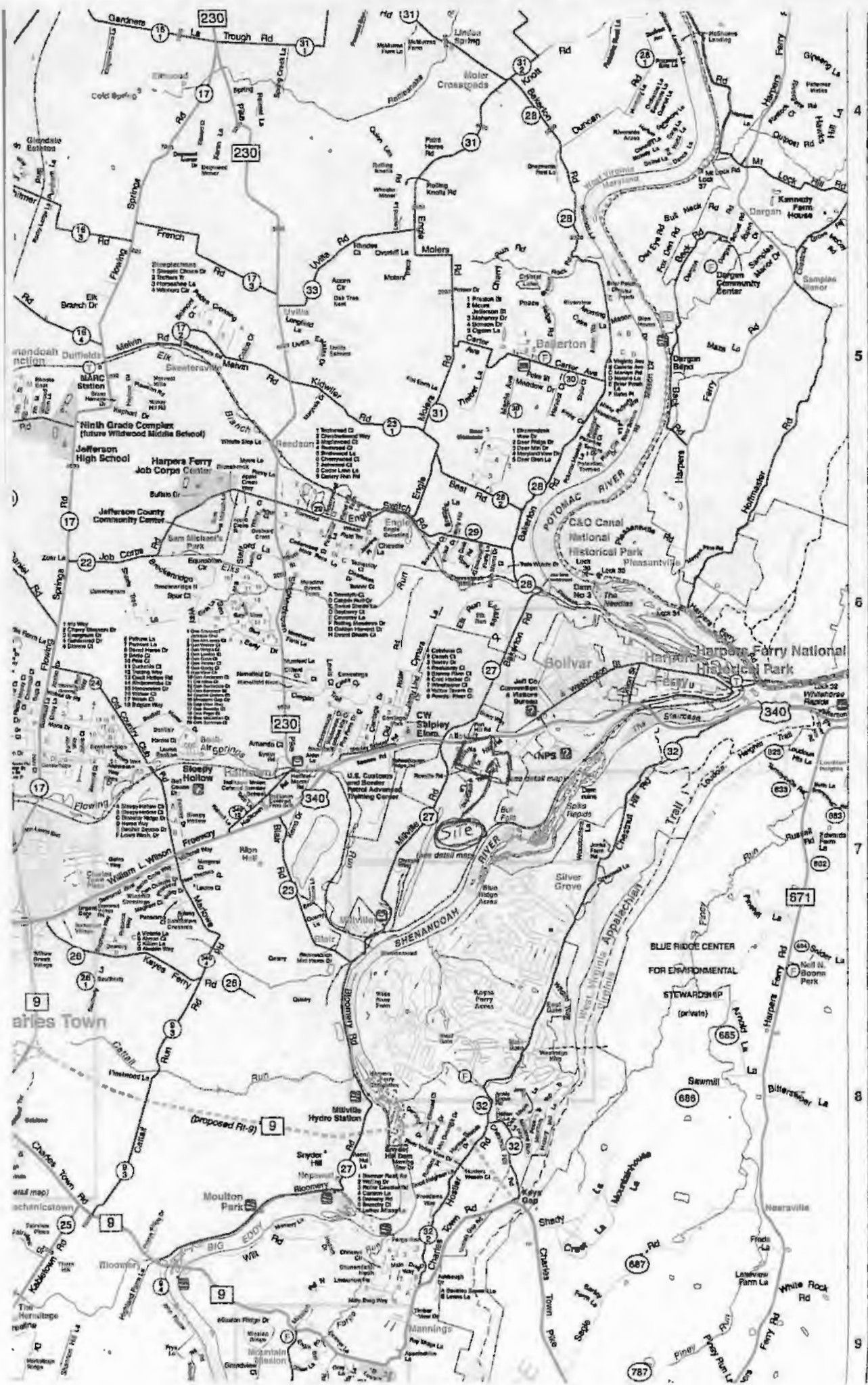
Map 7:

Parcel 10	Eric and Peggy Neilson	.7 acre
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Map 9: Parcel 72 Patrick and Beth Marrone .33 acre

Parcel 73	Patrick and Beth Marrone	.55 acre
-----------	--------------------------	----------

These parcels would add around 1.5 acres to the development for a total of approximately 45 acres.



4
5
6
7
8
9



aries Town

BLUE RIDGE CENTER
FOR ENVIRONMENTAL
STEWARDSHIP
(private)

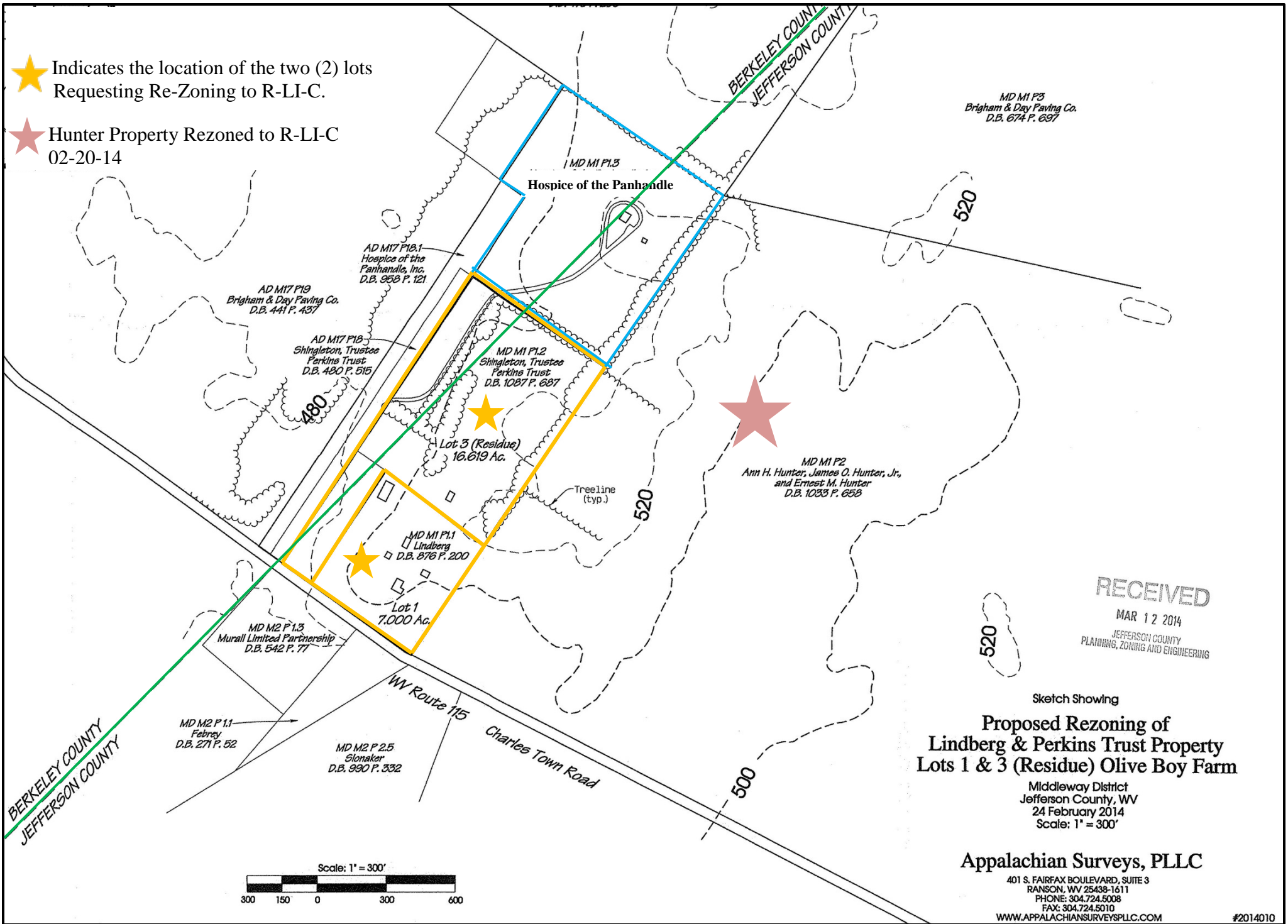
(Proposed Rt-9)

787

This information is
Tab #6 in your binder.

★ Indicates the location of the two (2) lots Requesting Re-Zoning to R-LI-C.

★ Hunter Property Rezoned to R-LI-C 02-20-14



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PLANNING, ZONING AND ENGINEERING

Sketch Showing
**Proposed Rezoning of
Lindberg & Perkins Trust Property
Lots 1 & 3 (Residue) Olive Boy Farm**

Middleway District
Jefferson County, WV
24 February 2014
Scale: 1" = 300'

Appalachian Surveys, PLLC

401 S. FAIRFAX BOULEVARD, SUITE 3
RANSON, WV 25438-1611
PHONE: 304.724.5008
FAX: 304.724.5010
WWW.APPALACHIANSURVEYSPLLC.COM

Law Offices of Hoy Shingleton, L.C.
115 Aikens Center, Suite 24
Martinsburg, WV 25404

304-262-4773 Telephone
304-262-4775 Fax

shinglet@comcast.net

March 27, 2014

Jefferson County Planning Commission
P.O. Box 338
Charles Town, WV 25414

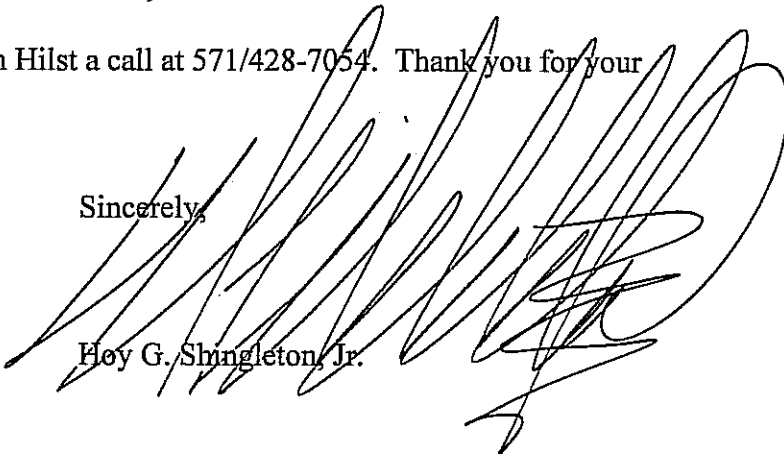
Dear Commissioners:

I am Trustee for the Perkins' Trust for the Rezoning Petition for Parcel 1.1 and 1.2 on Tax Map 1 in the Middleway Tax District. Our representative, Annette van Hilst, has indicated that due to timing constraints, it may be difficult for the Planning Commission to schedule a Public Hearing on our application within the requisite 60 day period. Please be advised, that if the Commission finds it helpful for scheduling purposes, we will waive the right to a hearing within 60 days, but only to permit the hearing to be held on or before June 10, 2014.

If you have any questions, please give Ms. van Hilst a call at 571/428-7054. Thank you for your consideration of this request.

Sincerely,

Hoy G. Shingleton, Jr.



This information is
Tab #8 in your binder.



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Director's Report April 8, 2014 Planning Commission Meeting

1) Envision Jefferson 2035 Update

See Updated Timeline Attached

- See revised Steering Committee meeting date
- Presentation of draft to Planning Commission at the 6/10/14 Meeting
- Special Workshop needed 6/24/14 to review entire draft with steering Committee Reps
- Public Hearing tentatively scheduled for 7/22/14

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 continued to 4/10/14*).
- b) Recommendation related to the proposed Text Amendment to Section 4.11A of the Zoning and Land Development Ordinance regarding landscaping between similar non-residential uses (*Public Hearing scheduled for 4/17/14 1:30 pm*).

3) Upcoming PC meetings

- a) Next meeting date: **May 6, 2014:**
*** Reminder of date change due to Primary Election***

This information is
Tab #12 in your
binder.

Swami Nathan, MD
198 Thomas Johnson Drive
Suite 207
Frederick, MD 21702



March 11, 2014

Ms. Jennie Brockman, AICP
Director of Planning and Zoning
Jefferson County, West Virginia
P.O. Box 338
Charles Town, WV 25414

Dear Ms. Brockman,

Thank you for the opportunity to participate in the Open House meeting that was held on February 10 at Page Jackson Elementary School. As you know, I have a great interest in the process because I have had an ownership interest in a large property along Route 340 since 1984. This property is approximately 236 acres and is described as Tax Parcel 30 on Tax Map 8 in the Charles Town Tax District. The property was formerly known as Walnut Hill Farm and is located between the parcel of land that contains Walmart and Country Club Road.

I understand that the Steering Committee is meeting next week to discuss Land Use in the Comprehensive Plan. I would appreciate it if you would share these comments with the committee for them to consider in their discussions. You and your Staff have been very open in our interactions and discussions regarding my property. I am very pleased that you have responded to our previous comments and have designated the property as mixed commercial and residential use on the new maps. I believe that our interactions during this process have been very constructive.

Even though I have owned this property since before the implementation of Zoning in Jefferson County, the property was zoned as Residential Growth when zoning was adopted in 1988. This zoning district allows for any density of residential growth on the property. The property is also located in the Ranson Urban Growth Boundary (UGB). As we discussed, this property and the County would be best served if this property is preserved for the most flexible mixed-use designation. I have specifically discussed the possibility of a big box retailer and other commercial uses on the property near Route 340; a possible mix of commercial and office further into the parcel; and, a mix of residential densities near the rear of the property.

I do still have one concern that I previously addressed in a letter to you in November 2013. Although I am grateful that the property is located in Ranson's UGB and shown as mixed use on the draft future land use maps, I am still concerned that the proposed Preferred Growth Area is limited to just the intersection adjacent to my property. Again, I believe that it is in everyone's best interest that the Preferred Growth Boundary is extended around the limits of this property. My concern is that future actions of the County may have a negative impact on the property if it is not preserved as a Preferred Growth Area in the new Comprehensive Plan. As I said in the previous letter, I believe that it is essential for future Staff, County Commissions and Planning Commissions to recognize that this property has that protection in the new Plan. Accordingly, this property in its entirety should be shown as a Preferred Growth District on the future land use map in the new plan.

Although I understand that I am currently located in the UGB of Ranson, I also recognize that this is a political line that can be redrawn at any time. Therefore, it is important that the County continues to recognize it as a Preferred Growth Area, as well. I assure you that I will meet with Ranson officials when and if this property is developed, but I want to make sure that the County recognizes the property as a very potential growth opportunity. I notice that the proposed Preferred Growth Areas at other intersections east of my property include more than just the area around the intersections. Therefore, it wouldn't be a big stretch to include my entire property in the Preferred Growth Area at this intersection.

Finally, I have also noticed that the area of my property on the north side of the railroad that is currently zoned residential growth has been left out of any proposed zone. Although I didn't notice this fact at the February 10th meeting, I hope that is just an oversight and it will be included in some type of residential zone as it is currently zoned.

This property has been in my family for almost 30 years. Even though we chose to farm the property during several housing booms, we would like to continue to have the option of developing this property in the future. In order to do that, it is vital that it continues to be located in the preferred growth area in any Jefferson County Comprehensive Plan.

I look forward to your continuing efforts regarding the development of the new Comprehensive Plan. Again, I would express my thanks to you and your Staff for being so responsive to our discussions. I appreciate the ability to attend and participate in the Public Meetings that you have scheduled. Please keep my name and address on file so that I am updated on any progress regarding my property's land use designation. Thank you for the opportunity to participate in the process.

Sincerely,



Dr. Swami Nathan

cc: Envision 2035 Steering Committee
 ✓ Jefferson County Planning Commission
 Walt Pellish, President, County Commission of Jefferson County
 Patsy Noland, County Commissioner
 Dale Manuel, County Commissioner
 Jane Tabb, County Commissioner
 Lyn Widmyer, County Commissioner

Hand-delivered

March 25, 2014

Jefferson County Commission
Charles Town, WV 25414

Re: Changes to Zoning Ordinance; Mass Gathering Ordinance Draft

Dear Mr. President and Members of the Commission:

This is to recap my presentation on February 20, 2014 regarding measures needed to deal with such events as the recently proposed 5-day camp-in rock concert. I am also providing some comments regarding important issues raised by the draft mass gathering ordinance Mr. Groh handed out at that meeting.

The "All Good Festival" (more than a little bit of irony in the name) is not going away. This is clearly reflected on the organizers' website:

"...Festival organizers, Tim Walther and Junipa Contento, are taking this time to develop and cultivate a long term location for the return of the All Good Festival **by bringing it back home to the mid-Atlantic region....**" (emphasis added)

Thus it is imperative for the "health, safety and general welfare" of the citizens of Jefferson County that the County Commission take prompt action to address the obvious problems which would arise from another such proposed event.

Zoning Ordinance Amendment

1. Doug Rockwell's and my proposed amendment (copy enclosed) eliminates 'seasonal uses' from the Zoning Ordinance (Section 9.8).
2. If Section 9.8 is deleted, the definition of 'seasonal use' (bottom of page 28 in Section 2.2) is superfluous and should also be deleted.
3. Section 9.8 and the definition of 'seasonal use' in Section 2.2 should be repealed because:
 - a. Section 9.8 permits the Board of Zoning Appeals (BZA) to, in effect, suspend the Zoning Ordinance to permit unrestricted use in any district anywhere in the county for 3 days, i.e. it allows any use in any district for 3 days.
 - b. This is obviously not compatible with the comprehensive plan.

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Jefferson County Commission - page 2

- c. Indeed, it is contrary to the Comprehensive Plan's Statement of Purpose (Section 1.1). See, in particular, subsections 1.1A,E,F and G.
- d. The Noise Ordinance does not address problems raised by a 5-day camp-in rock concert because it applies to subdivisions only.
- e. The sensory (noise, buffer zones, dust, etc.) provisions of the Zoning Ordinance do not deal with those issues either; they only apply to industrial and commercial uses. See Sections 5.6(D)(6), 4.11 and 8.9.
- f. New proposed amendments to the Zoning Ordinance expand permitted uses in the Growth Area. The amendments, when adopted, together with the multitude of permitted uses in each district, eliminate any possible need for Section 9.8.

Proposed Mass Gathering Ordinance

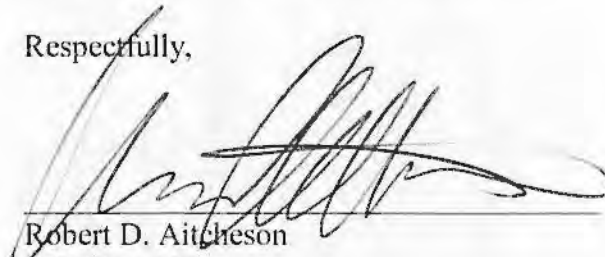
1. First and foremost, the required public hearing is utterly meaningless unless members of the public will have had ample time to review the details of the site plan, operational plan, county agency approvals, performance lighting and amplification, noise control, surface disturbance for interior roads and resultant storm water management issues, sanitation, traffic control, parking, garbage collection, environmental impact, etc. Applicant should be required to submit all of this information with its application and in no event later than 60 days prior to the public hearing.
2. Due to the prevalence of illegal drugs at some such events, there should be a specific provision in any permit that any arrest for sale or distribution of illegal drugs on the premises during the event shall operate to automatically and immediately vacate the permit and terminate the mass gathering.
3. For an event of 30,000 to 50,000 people as some had predicted for the recent proposal (Preston County had 30,000 attendees), \$2,000,000.00 in liability insurance is grossly insufficient to cover potential liability claims by attendees, other users of county roads, adjoining and nearby property owners, etc., particularly in light of the dispensing of alcoholic beverages on the premises. The required liability insurance should be at least \$10,000,000.00 for the event.
4. As stated above, Section 9.8 of the Zoning Ordinance, Seasonal Uses, should be eliminated altogether.
5. There should be a specific requirement as to noise levels in decibels.
6. As to Sections C and D, the fees should be at least \$5.00 per attendee because the tickets for these rock concerts generally range from \$150.00 to \$500.00. \$2.00 per attendee is not

sufficient to deter misconduct or pay the county's costs attendant thereto.

7. The ordinance should specifically "grandfather" events in existence prior to July 1, 2013, exempting them from compliance with the ordinance.

I recognize that the proposed mass gathering ordinance is a work in progress and would defer further comment or analysis pending receipt of the revised version.

Respectfully,

A handwritten signature in black ink, appearing to read 'Robert D. Aitcheson', written over a horizontal line.

Robert D. Aitcheson
P.O. Box 188
Rippon, WV 25441

cc + enc: Joy Stiles Rawn
Douglas S. Rockwell
Jefferson County Planning Commission

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)

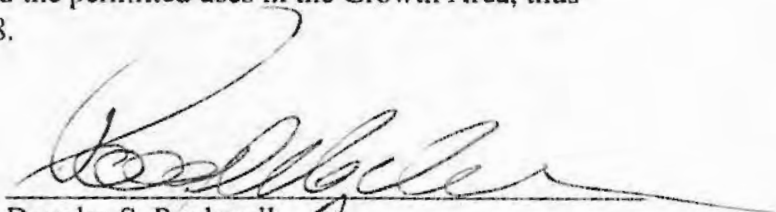
Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A(3)(b) apply. Seasonal uses cannot be approved for longer than one year at a time. (17,21,23)

Amendment:

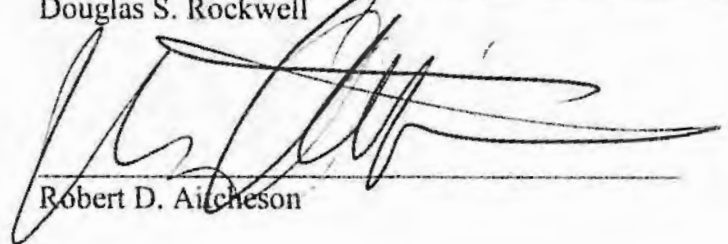
Section 9.8 Deleted.

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 #13 in your
binder.

**A Motion Recommending Direction regarding a
Concept Plan for Mission Tabernacle Church
March 11, 2014**

Whereas, Mission Tabernacle Church is proposing a classroom addition of 1,951 square feet to the existing 5,075 square foot church building for a total square footage of 7,056; and

Whereas, The property is located on Mission Road, Harpers Ferry and is identified as Tax District: Charles Town (02); Tax Map: 21A; Parcel: 9.2; Size 0.814 acres and being zoned as Rural; 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 March 11, 2014; and

Whereas, The Planning and Zoning Department Staff find the Mission Tabernacle 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 District: Charles Town (02); Tax Map: 21A; Parcel: 9.2.

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 11 day of March 2014
By vote of the Jefferson County Planning Commission
By a vote of 6 Yes 0 No

Planning Commission President