



AGENDA  
Jefferson County Planning Commission  
Tuesday, June 10, 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.

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

1. Approval of the minutes from the May 6, 2014 Planning Commission Meeting.
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. Request for postponement.
4. Public Hearing regarding a Zoning Map Amendment (re-zoning) request by property owners Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary and Eric and Stacy Lindberg. The properties are located at 4115 Charles Town Road and 16 Hospice Lane in Kearneysville. The properties are designated as Tax District: Middleway (07); Tax Map 1; Parcels: 1.2 (16.62 acres) and 1.1 (7 acres); and are currently zoned: Rural. The request is to change to the Residential-Light Industrial-Commercial (R-LI-C) zoning category.
5. Public Hearing: Request by applicant Roderick Planes, LLC / Aspen Greens Phase IIA (File #PCV14-01) to be represented by Gates Associated, Inc. for a variance from Article 6, Section 6.3 of the 1979 Jefferson County Subdivision Ordinance which requires a public hearing within 24 months of the previous phase. The applicant is requesting a 12 month extension from June 10, 2014 to June 10, 2015, to advance through the Final Plat public hearing for this development. Property location: Northeast of the intersection of Old Country Club Road with Flowing Springs Road. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19; Size: 110 acres total (203 lots); Zoned: Rural (R).
6. Public Hearing: Request by applicant St. James Lutheran Church of Uvilla (File #PCW14-02 and -03) to be represented by Kimberly Shrader, P.E. for a waiver from Appendix B, Sections 2.3.A.6, 2.3.B.3 and 9.4.E.3 of the Jefferson County Subdivision and Land Development Regulations. The applicant is requesting the following waivers: from the required concrete apron to allow the use of asphalt (Appendix B, Section 2.3.A.6); a reduction from the required 24' minimum two way entrance width to 18' (Appendix B, Section 2.3.B.3); and a reduction from the required 22' minimum internal site driveways width to 18' (Appendix B, Section 9.4.E.3). The property is located at 4328 Shepherdstown Pike in Shenandoah Junction. The property is designated as Tax District: Shepherdstown (09); Tax Map: 20; Parcel 16; Size: 2.36 ac.; Zoned: Rural (R).

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

7. Presentation by Staff on the draft Envision Jefferson 2035 Comprehensive Plan.
  - Request to schedule a Special Workshop to review the Comprehensive Plan with the Steering Committee on June 24, 2014.
  - Request to schedule a Public Hearing on July 22, 2014.
8. Discussion and possible recommendation related to Draft Amendment to Zoning Ordinance regarding Mass Events. Request to schedule a public hearing for July 8, 2014.

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

Active Litigation:

- Far Away Farms

10. Director's Report.

11. 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

12. President's Report.

13. Actionable Correspondence.

- Review and possible action regarding draft letter from the Planning Commission to the County Commission requesting automatic extension for subdivisions vested under the 2010 Senate Bill 595.

14. Non-Actionable Correspondence.

- Darlene Truman, May 14, 2014 – Planning Commission Resignation

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

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

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

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

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

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

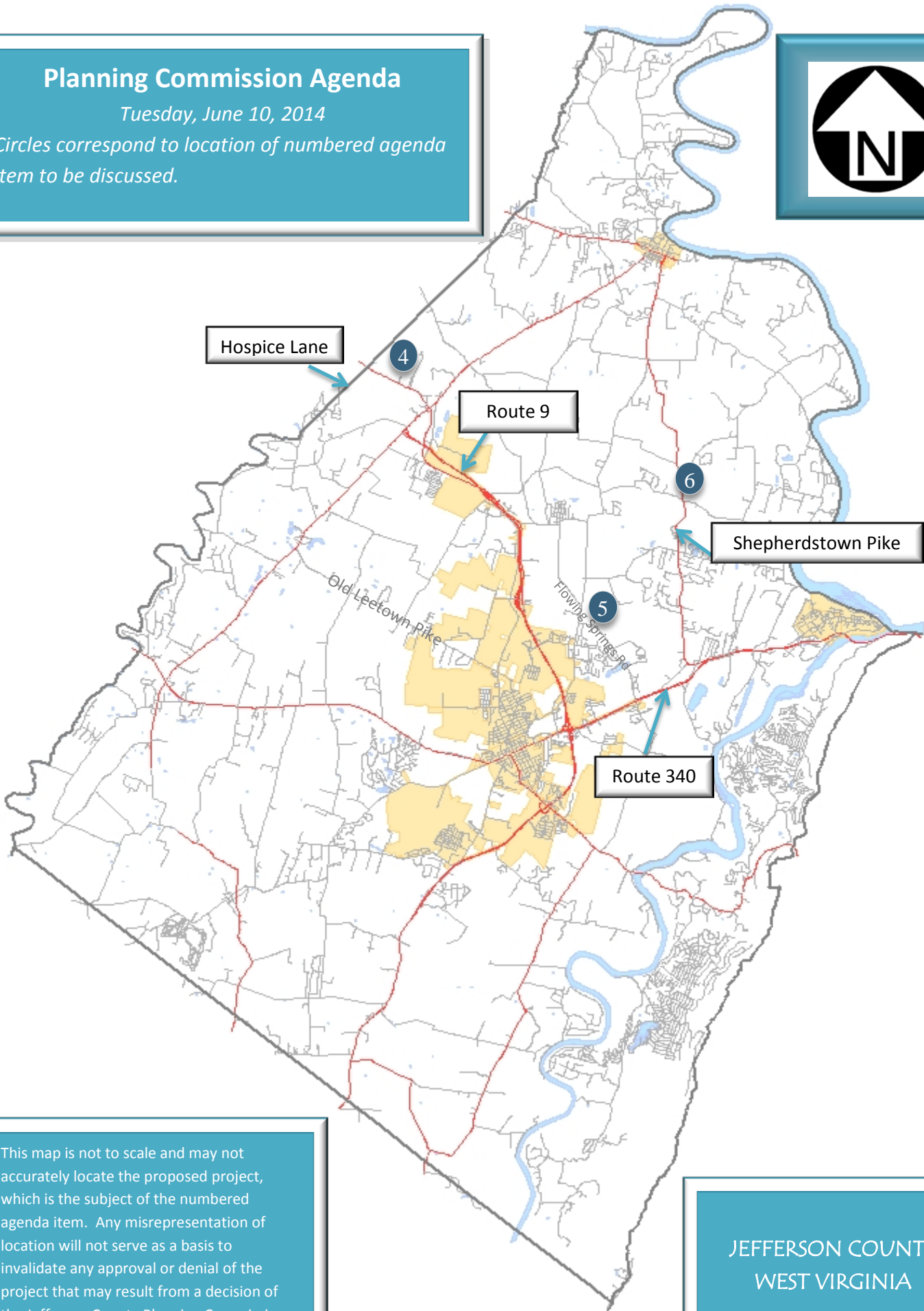
Fax Number: 304-728-8126

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

# Planning Commission Agenda

Tuesday, June 10, 2014

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



Hospice Lane

4

Route 9

6

Shepherdstown Pike

Old Leetown Pike

Flowing Springs Rd

5

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 #1 in your binder.



## Draft Minutes

Jefferson County Planning Commission  
May 6, 2014

The Jefferson County Planning Commission met on May 6, 2014, with the following Commission members present: Stephen Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Dick Childs, Donnie Fisher, and Mike Chapman. Staff members present included Jennie Brockman, Director of Planning and Zoning; Stephanie Grove, Assistant County Prosecuting Attorney; and Alexandra Beaulieu, Project Manager.

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

1. Approval of the minutes from April 8, 2014 Planning Commission Meetings.

Mr. Fisher motioned to amend the minutes to reflect the following correction:

At the bottom of page two, under item number five, change Mr. Louthan to Mr. Fisher as the third member in favor of Mr. Manuel's subsidiary motion. The revised minutes should read: *The motion failed with three for (Mr. Manuel, Mr. Taylor, and Mr. Fisher) and six opposed.*

Mr. Louthan seconded the motion to amend the minutes, which carried unanimously.

2. Citizen Communications. None.
3. Request for postponement. None.
4. Joint workshop between Planning Commission and local stakeholders to discuss creating a draft amendment to the Zoning Ordinance regarding Mass Events at the request of the County Commission. Public Hearing to be held at a later date.

Stakeholders present:

- Kathy Fadeley and Barbara Scott, Summit Point Raceway/Hyperfest
- Heather McIntyre, Jefferson County Chamber of Commerce
- Karen Bailey, Hollywood Casino
- Billy McDonald, Independent Fire Company
- Jennifer Myers, Jefferson County Parks and Recreation

Ms. Brockman clarified that the amendment would not affect existing events such as the County Fair, Hyperfest, Arts and Crafts Festival, etc. She noted that the creation of an amendment to the Zoning Ordinance regarding Mass Events would apply to properties that are not currently zoned to allow Mass Events such as the Rural zoning district.

The stakeholders provided input based on their experience with existing events and addressed topics related to traffic control, parking area size and distance from adjoining property lines, trash collection, noise control, and safety. It was recommended by Ms. Scott that the County require interested parties to apply for a Mass Event permit at least six months to a year in advance to ensure appropriate entities are informed, such as the Sheriff's Department and EMS (emergency medical services).

Mr. Stolipher thanked the stakeholders for their time and input and called a recess at 8:00 PM.

Mr. Stolipher called the meeting to order at 8:08 PM.

The Planning Commission discussed the County Commission's request to draft an amendment to the Zoning Ordinance regarding Mass Events at great length. The following recommendations were made to Legal Staff for consideration in drafting the amendment.

The following recommendations were made to the section under “Applicability” on Pages One and Two of the Memo provided in the 06-10-14, PC Agenda Packet:

- Remove items one through six on page two from the qualifiers of a Mass Event and simply state that a Mass Event is any outdoor gathering of more than 1,000 people on a parcel in the Rural Zoning District.

The following recommendations were made to the section under “Proposed Process” on Page Two of the Memo:

- Item 3: Strike “but no sooner than one year”.
- Include a clause to allow a successful event to become a recurring event without having to go through the same approval process each year. Approval process should be to assist event planner in organizing a successful event. Should event become a recurring event, recommend applying for a CUP or rezoning to allow the use.
- Item 3: Change the application fee to reflect sliding scale based on size of event. E.G.: 1,000 – 5,000 attendees = \$100; 5,000 – 10,000 attendees = \$300; 10,000+ = \$500. The topic of application fees was discussed at length. The PC requested that staff research sliding scales and application fees for Mass Events to determine a reasonable fee.
- Item 4: Reduce the \$2 per attendee per day fee for application, management, and public safety impact. The PC requested that Legal Staff research bonding as proposed in item number four.
- Remove items five and six.
- Item 7: Change the requirement for an applicant to submit a site plan to require the submission of a concept plan for administrative review and approval.
- Remove item eight.
- Item 9: Determine a flat fee, as opposed to a fee per attendee, related to fines. Requested that Legal Staff research restrictions related to issuing fines.

The following recommendations pertain to the section titled “Site Plan Requirements” on page three of the memo.

- Change the heading from “Site Plan Requirements” to “Concept Plan Requirements”.
- Item 1: Change “Site Plan” to “Concept Plan”. Strike the requirement for a public hearing because the Minor Site Plan Process does not require it.
- Item 4:
  - a. Clarify that setback applies to any *amplified* performance area;
  - b. Split requirements for camping areas and parking areas. Staff research standards for parking area setbacks.
- Add provisions regarding adequate water supply and proper sanitation.

The following recommendations pertain to the section titled “Additional Standards” on page four of the memo.

- Item 1: Change to read: “No outdoor amplified ~~sound~~ *performance* after ~~11:00 p.m.~~ 12:00 a.m. or before 10:00 a.m.”
- Item 2: Change 11 pm to 12:00 a.m.
- Item 3: Change 11 pm to 12:00 a.m.
- Item 4: Clarify to reflect such that an event may occur over five days, with the main event/amplified performances occurring over three consecutive days – Friday, Saturday, and Sunday; and permitting attendees to arrive the evening before with less obtrusive activities occurring and permitting attendees to depart the day after, Monday morning.
- Add a sixth item to require trash removal on a daily basis.

The following recommendations pertain to the section titled “Site Preparedness Provisions” on page four of the memo.

- Item 1: change “written agreement” to “contract”. Add the requirement of written verification from each agency stating that they met with the applicant and list any requirements discussed.
- Item 2: Add the requirement of written verification from the Health Department regarding the number of portable bathrooms required.
- Item 3: Legal Staff research sliding scale for liability insurance based on the event type (i.e. music festival vs. obstacle course).

The Planning Commission recommended removing Section 9.8 regarding Seasonal Uses from the Zoning Ordinance.

The Planning Commission determined that Legal Staff should research standard procedures related to Liability Insurance, Bonding, Application Fees, etc. It was requested that Planning Staff research application fees related to mass events and consider a per person fee or a flat rate on a sliding scale based on attendees.

Ms. Brockman stated that she would meet with Mr. Groh, Assistant County Prosecuting Attorney to discuss drafting an amendment to the Zoning Ordinance regarding Mass Events. She stated that once an amendment was drafted, staff would request to schedule Public Hearing with the Planning Commission.

Mr. Stolipher called a recess at 9:38 PM. Mr. Stolipher called the meeting to order at 9:43 PM.

5. Reports from Legal Counsel and legal advice to the Planning Commission. None.
6. Director’s Report.
  - Update on 2014 Comprehensive Plan.  
Reminder for June 10, 2014 meeting that staff will present an overview of Comprehensive Plan to the Planning Commission as well as distribute draft copies of the Plan to each of the members. Ms. Brockman also noted that during the June 10, 2014 meeting staff would request a Special Workshop Meeting on June 24, 2014 to review the Comprehensive Plan with the

Steering Committee. Staff would also request a Special Called meeting for July 22, 2014 to hold a Public Hearing related to the Comprehensive Plan.

- Overview of the History of Planning and Zoning in Jefferson County.  
Postponed until further notice.

7. Planning Commission Exchange and Liaison Reports: None.
8. President's Report.

Mr. Stolipher requested that staff draft a letter to the County Commission on behalf of the Planning Commission requesting automatic extensions for subdivisions under Senate Bill 595.

9. Non-Actionable Correspondence. None.
10. Signing of approved Motions from previous Planning Commission meetings.
  - PCW14-01, River Riders Waiver

Mr. Manuel motioned to adjourn the meeting at 10:25 PM. Mr. Chapman seconded the motion, which carried unanimously.

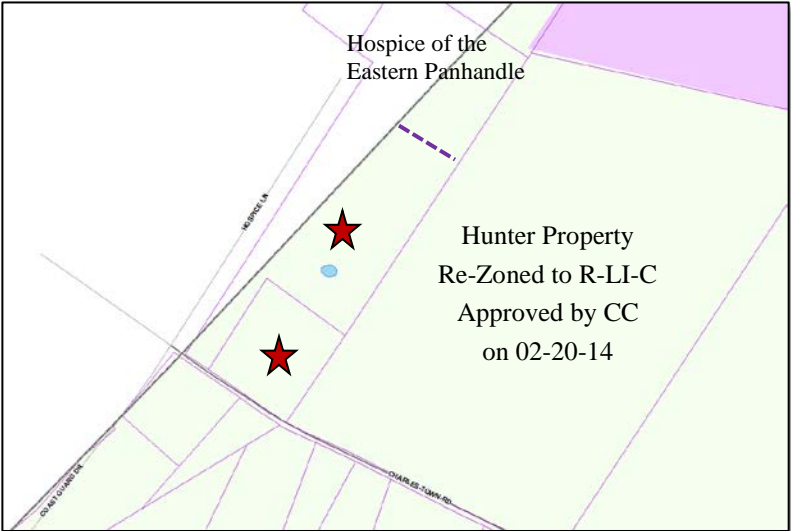
This information is  
Tab #4 in your binder.



**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 10, 2014**

**Perkins Trust and Lindberg Zoning Map Amendment PC File #Z14-01**

Agenda Item #4: Public Hearing regarding a Zoning Map Amendment (re-zoning) request by property owners Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary and Eric and Stacy Lindberg.

APPLICANTS:	Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary, and Eric and Stacy Lindberg
OWNER:	Same
DEVELOPER:	N/A
APPLICANT REPRESENTATIVE:	Annette Van Hilst, R.A. The Crossroads Group
PROPERTY LOCATION:	The properties are located North of Route 115 (Old Route 9 / Charles Town Road) along the Berkley/Jefferson County line. 4115 Charles Town Rd and 16 Hospice Ln in Kearneysville.
LEGAL DESCRIPTION & ZONING DISTRICT:	Tax District: Middleway (07); Map: 1; Parcels: 1.2 and 1.1 Zoned: Rural 
SURROUNDING PROPERTIES:	North: Berkeley County and Rural (Hospice), East: R-LI-C South: Rural, West: Berkeley County
LOT AREA:	Total Lot Area: 23.62 Parcel 1.2 – 16.62 acres (12.67 acres within Jefferson County) Parcel 1.1 – 7 acres
PROPOSED ACTIVITY:	To rezone from Rural to Residential-Light Industrial-Commercial.
PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the 2004 Comprehensive Plan.
STAFF FINDING:	In this report, Staff presents the various factors related to these properties based on the Comprehensive Plan. Staff finds the request to be consistent with the 2004 Comprehensive Plan.

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 10, 2014**

**Background**

These properties are located off of Route 115 (Old Route 9/Charles Town Road) near the intersection with Short Road (Berkeley County) in Kearneysville, WV. Image 1 is a location map showing the parcels requested for rezoning.

***Image 1***



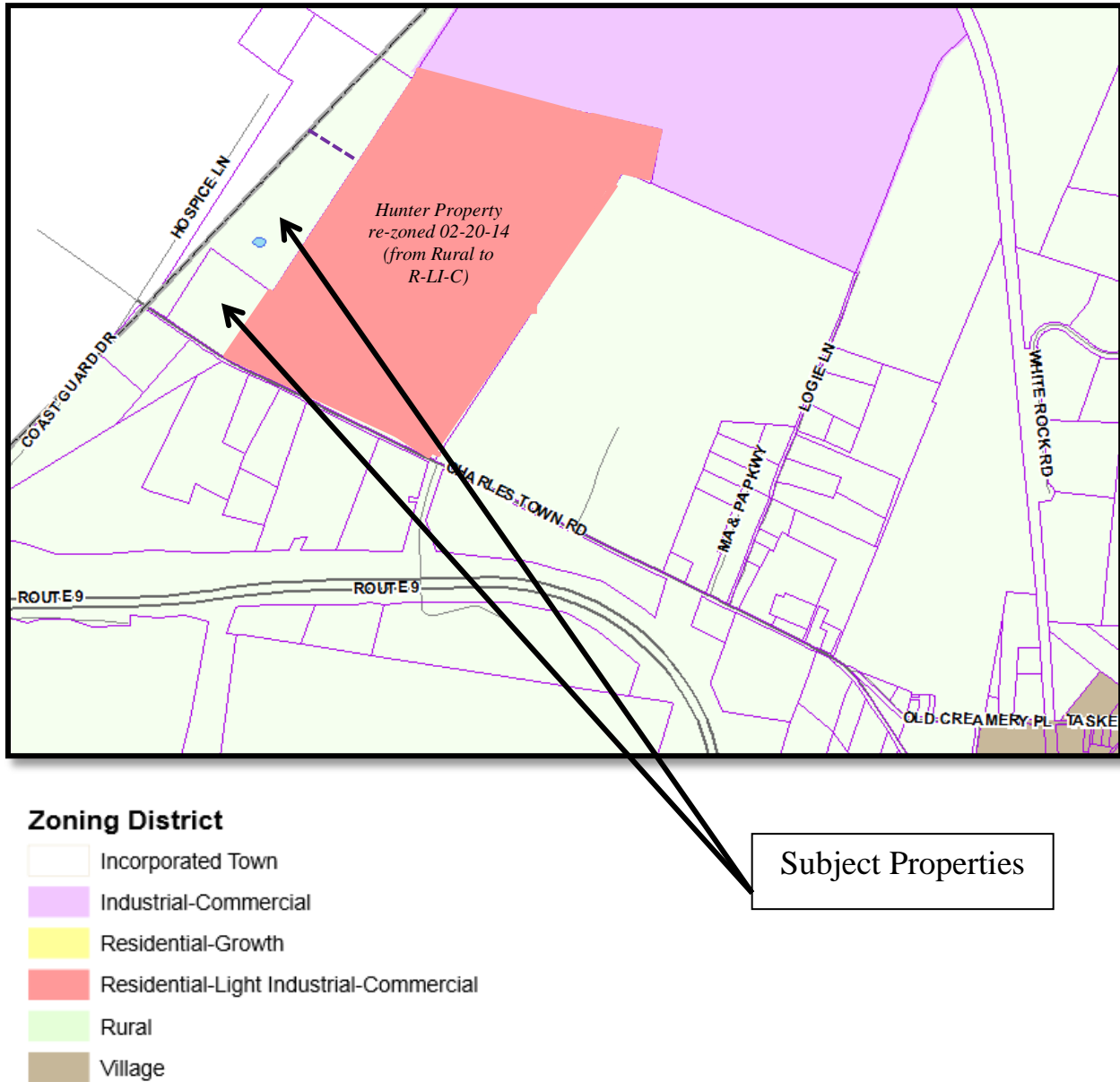
**Introduction and Purpose**

The applicant has requested to rezone the two parcels comprised of 23.62 acres from Rural to Residential-Light Industrial-Commercial. Access to the properties is from Route 115 (Old Route 9 / Charles Town Road). The 16.62 acre parcel, also identified as Lot 3 Residue and Parcel 1.2, has access to Hospice Lane. The zoning to the north and south of the subject properties is Rural; the 107 acre parcel to the east was recently re-zoned from Rural to Residential – Light Industrial - Commercial (County Commission approved request 02-20-14); and the property to the west is in Berkeley County, which has no zoning.

Staff Report  
Jefferson County Planning Commission Meeting  
June 10, 2014

Image 2, below, shows the current zoning for surrounding parcels.

*Image 2*



**Statutory Authority and Requirements**

The West Virginia State Code, Section 8A-7-9, and Section 12.2 (b) of the Jefferson County Zoning and Land Development Ordinance detail the process by which boundaries of zoning districts may be amended in response to a petition of 50% or more of the property owners. Both state that before amending the Zoning Ordinance text or map, “the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan”, or if it is inconsistent, “then the governing body with the advice of the Planning Commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area[See WVC 8A-7-9(c)].”

# Staff Report

## Jefferson County Planning Commission Meeting

### June 10, 2014

#### **Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the Comprehensive Plan. It concludes that the request is consistent with Comprehensive Plan.

The format for this assessment includes quotes from specific provisions of the Comprehensive Plan, which are identified by page number citation at the end of the sentence where it is quoted. Staff has used these notations and quotations in order to address sections of the Comprehensive Plan as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the Plan permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document. When available or appropriate, map references are provided with maps located in the Appendix to this report.

It should also be noted that the Comprehensive Plan states, *“Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals.”* In that sense, there are many plan references that are identified in this report that can or may appear to support or fail to support a finding of consistency between the proposed rezoning and the Comprehensive Plan. In the final analysis, each member of the Planning Commission and the County Commission will need to weigh the degree to which various plan provisions are of greater or less importance, in establishing their respective findings regarding the application.

Finally, this report provides a Staff recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be considered the professional opinion of staff; no more and no less. Since the Planning and Zoning staff have no statutory authority to make decisions in this regard, we defer to the Planning Commission, and subsequently the County Commission, for any final recommendation or decision that may be forthcoming, with respect to the subject application.

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

##### **Proposed Zoning District – Residential-Light Industrial-Commercial (RLIC):**

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

- *“...commonly referred to as the "mixed use" zone, permits uses of a light industrial and commercial nature, as well as a spectrum of residential and institutional uses ranging from single-family dwelling units to multi-family apartments and group homes. Residential uses must conform to the standards set forth in the Residential Growth District, but industrial and commercial uses are required to conform to a set of specific performance criteria, which include numerical measurements of several factors for uses that may have nuisance effects on adjacent uses (pg. 71).*
- *There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use" zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof (pg. 71).”*

# Staff Report

## Jefferson County Planning Commission Meeting

### June 10, 2014

The Plan does detail some of the potential benefits of the Residential-Light Industrial-Commercial District and a number of concerns with the district. While this district is defined as mixed used, it does not require any mixing of uses, it merely allows for the possibility. The district allows two vaguely defined uses as permitted by right, “Commercial Uses” or “Uses of light industrial.” “Uses of light industrial” is essentially defined by uses that are not defined as heavy industrial and commercial uses. There is wide latitude for the ability to interpret what qualifies as light industrial use. These two terms allow for some interpretation of what they mean and what is permitted. As such, there are a variety of uses that could be proposed on the subject properties, each of which could have very different impacts.

These properties are large enough to support light industrial activity or commercial activity such as a gas station, multiple fast food restaurants, or a few sit down restaurants.

#### **Transportation Impacts:**

The Comprehensive Plan discusses the critical role of the transportation routes, noting:

- *“With the increase in population in the last three decades, Jefferson County's roads have had to bear the combined burden of increased traffic volume and heavier commercial vehicles. As a result, the deficiencies of the highway and road systems have become more critical. Inadequate funding and increases in transportation demand are conditions which probably will be facing the people of Jefferson County indefinitely (pg. 26).”*

The properties proposed to be rezoned are located on Route 115 (Charles Town Road, also referred to as Old Route 9) and have direct access to Route 115. The 16.62 acre parcel, also identified as Lot 3 Residue and Parcel 1.2, has access to Hospice Lane. The properties are approximately ½ mile from the signalized intersection of Short Road and Route 115. With the opening of the new Route 9, the traffic on Route 115 has decreased and opened up increased transportation opportunities. Route 9 now provides easy access to a 4 lane road to I-81. The commercial interchange node around Route 9, Short Road, and Charles Town Road would presumably continue to expand in the future.

#### **Water and Sewer Proximity:**

Lot 2 (located directly above the 16.62 acre Lot 3 – Residue) contains the new Hospice facility, which has public water and sewer from Berkeley County; therefore, the two lots requesting rezoning could also be served by public water and sewer. The Comprehensive Plan encourages urban level development to be on a central water and sewer system, whether public or privately owned. Therefore, the requested rezoning would conform to this aspect of the 2004 Comprehensive Plan.

#### **Areas for Economic Opportunity:**

The Plan Policies on page 8 note:

- *“This Plan encourages new development patterns that foster mixed-use neighborhoods, so that a sense of community begins at the subdivision level.”*
- *“This plan encourages economic development so that residents can live and work in the county.”*
- *“This plan recognizes existing population centers as the focus of new, more intense development and the importance of working with municipalities to assure a pattern of development consistent with the Plan vision.”*

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 10, 2014**

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

Staff concurs with the need for mixed development to provide for a variety of uses when possible. These lots are adjacent to the recently re-zoned Hunter Family property consisting of 107 acres now zoned Residential – Light Industrial – Commercial to the east and directly south of Hospice which zoned Rural, however, just to the northeast of these parcels is a noncontiguous property consisting of 191 acres that is zoned Industrial-Commercial. Across the street and to the west in Berkeley County is Liberty Business Park, which includes the US Coast Guard, IRS, and Food Lion. Berkeley County has no zoning.

Developing economic development zones and employment centers addresses key elements of the 2004 Comprehensive Plan and also provides Jefferson County with multiple long term benefits. The possibility of an employment area in this location would assist in allowing more Jefferson County residents to live and work in the county, and an employment and commercial center would enlarge the tax base of the county, which addresses Recommendation 3.18 of the Comprehensive Plan (shown below). Rezoning and development of these properties is in keeping with the Plan Policies and is in keeping with good planning. Because this is a commercial and light industrial area with water, sewer and natural gas and adequate road infrastructure, prudent planning would concentrate future uses where services currently exist.

*Recommendation 3.18: The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities to its workforce (pg. 64).*

**Adjacent Jurisdictions Permitted Uses and Appropriate Development Location:**

The Comprehensive Plan notes on page 24 that:

*When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes so as to:*

- a. Not create competitive edges to develop in as opposed to the municipality or vice versa;*
- b. Avoid conflicts in uses between any two adjacent uses;*
- c. Provide for all uses including transitional zones between and adjacent jurisdictions; and,*
- d. Create density caps where they do not currently exist.*

With the development and adjacent uses served by public water and sewer nearby in Berkeley County, it is rational that similar activity could occur in Jefferson County. This would not create competitive edges and could complement adjacent uses, thereby reducing conflicts between adjacent uses. Building upon the adjacent uses promotes the interconnection of development and business opportunity for both counties. This evaluation is predicated upon the fact that there is existing infrastructure – water, sewer, natural gas, and suitable transportation network – at this location. As noted above, the area around Route 9, Short Road, and Charles Town Road is a commercial interchange node that could offer business opportunities in the future. As this activity crosses into Jefferson County, planning for the adjacent uses and providing a transition from Jefferson County to Berkeley County should be considered in greater detail.

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 10, 2014**

In addition, the 2004 Plan remarks:

*Advanced and comprehensive planning will save money. Careful consideration of the many interrelated factors of the total community will help assure that every new development in the County is properly located and designed so that it will not unreasonably burden the location and provision of essential public and community services and assets. In other words, it will help ensure that the community receives the most product or service for the tax and community association dollar it pays (pg. 15).*

The Statement of Goals outlines the following:

*Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable cost to the community (pg. 19).*

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

**Staff Recommendation**

Staff finds the proposed rezoning to be consistent with the 2004 Comprehensive Plan. Adjacent to this lot to the east is undeveloped Residential – Light Industrial – Commercial zoning; just to the northeast, but not contiguous, is undeveloped Industrial-Commercial zoning with railroad access; and these properties can be served by urban level water and sewer services from Berkeley County as well as an adequate transportation network. The requested rezoning to Residential-Light Industrial-Commercial is reasonable.

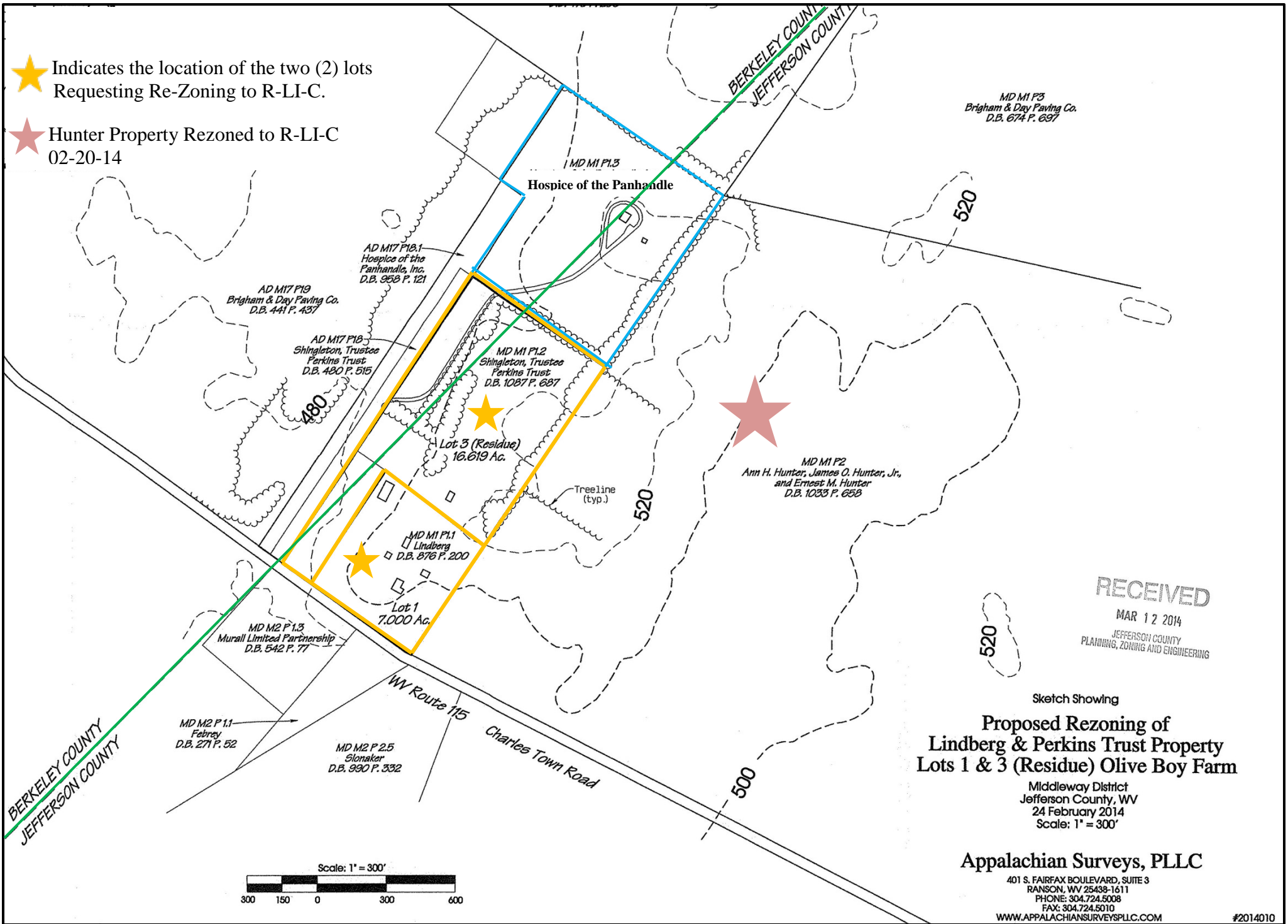
The Comprehensive Plan supports growth in locations where there are contiguous properties that already possess the requested uses with urban level services, which supports future development in this area. While the proposed rezoning is not within a Growth Area, as defined by the 2004 Comprehensive Plan, the plan itself does note that “*When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes*”...and...“*Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable cost to the community.*” The area under consideration is affected by adjacent uses and the public services available to it and it is reasonable to expect such uses to continue to expand in this location. The rezoning is an extension of the activity.

Staff would suggest that any development of these properties be required to connect to Berkeley County’s public utilities.



★ 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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JEFFERSON COUNTY  
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 #2014010



**A Motion Recommending Approval of a  
Rezoning for Perkins and Lindberg Properties  
File #Z14-01  
June 10, 2014**

**Whereas**, Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary, and Eric and Stacy Lindberg has requested rezoning; and

**Whereas**, The properties are designated as Tax District: Middleway (07); Tax Map 1; Parcels: 1.2 (16.62 acres) and 1.1 (7 acres); and

**Whereas**, The property designated as Tax District: Middleway (07); Tax Map 1; Parcel: 1.2 is partly in Berkeley and Jefferson Counties, with approximately 12.67 acres being within Jefferson County; and

**Whereas**, The applicant is requesting the parcels to be rezoned from Rural to Residential-Light Industrial-Commercial; and

**Whereas**, The requested rezoning process complies with the requirements of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective 1988, as amended and West Virginia State Code Section 8A-7-9; and

**Whereas**, The Planning Commission finds that the requested rezoning is in conformance with the adopted 2004 Comprehensive Plan.

**Now therefore be it moved**, that the Jefferson County Planning Commission recommends approval of the request for rezoning from Rural to Residential-Light Industrial-Commercial for properties identified in the Jefferson County Tax Map as Parcels 1.1 and 1.2 as shown on Tax Map 1 of the Middleway District (07).

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.

Recommended approval this 10th day of June 2014  
By vote of the Jefferson County Planning Commission  
By a vote of \_\_\_\_\_ Yes \_\_\_\_\_ No

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Stephen Stolipher  
Planning Commission President





**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning and Zoning**  
 116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 338  
 Charles Town, WV 25414

File Number: 214-01  
 Staff Initials: CLC  
 Application Fee: \$ 2,200.00

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

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

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

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

**Property owner information**

Name: Perkins Trust, Trustee: H. Shingleton (Beneficiary, Pearl Perkins) / Eric and Stacy Lindberg  
 Mailing Address: See Attached  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant contact information**

Name: Hoy Shingleton, Trustee  
 Mailing Address: 115 Aikens Center, Suite 24  
 City: Martinsburg State: WV Zip Code: 25404  
 Phone Number: 304/262-4773 Email: shinglet@comcast.net

**Applicant representative**

Name: Annette Van Hilst, R.A., The Crossroads Group  
 Mailing Address: 22 Van Clevesville Road  
 City: Kearneysville State: WV Zip Code: 25430  
 Phone Number: 571/428-7054 Email: agvh@frontiernet.net

**Physical property details**

Physical Address: 4115 Charles Town Road and 16 Hospice Lane  
 City: Kearneysville State: WV Zip Code: 25430  
 Tax District: Middleway Map No: 1 Parcel No: 1.2 and 1.1  
 Parcel Size: 16.67 ( ) and 7 (Total) Deed Book: 1087 and 876 Page No: 687 and 200

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

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JEFFERSON COUNTY  
 PLANNING, ZONING AND ENGINEERING

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

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

Rural (R-A)	Residential Growth (R-G)	Industrial Commercial (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"/>

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

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

See Attached

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

See Attached

**Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

See Attached

**Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?**

Yes, I request that the Planning and Zoning Staff present the petition

No, I prefer to present the petition


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


The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

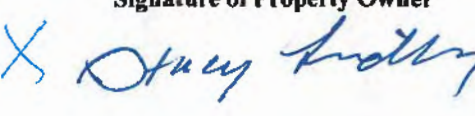
**Is Plat or Sketch Plan attached?**

Yes  No

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

 **Signature of Property Owner**      **Date** 2/27/14      X

 **Signature of Property Owner**      **Date** 3.8.14

X  **Signature of Property Owner**      **Date** 3.8.14

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JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

MAP AMENDMENT PETITION  
Article 12, Jefferson County Zoning Ordinance  
Perkins Trust  
Eric and Stacy Lindberg  
February 26, 2014

**Owners/Applicants:**

Perkins Trust, Hoy Shingleton, Trustee (Pearl Perkins, Beneficiary)  
c/o Hoy Shingleton, Trustee  
115 Aikens Center, Suite 24  
Martinsburg, WV 25404

Eric and Stacy Lindberg  
4115 Charles Town Road  
Kearneysville, WV 25430

**Ordinance Citation:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance as amended on November 10, 2011.

**Map Amendment Definition:**

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

**Substantiation for the Request:**

1. The properties owned by Ms. Perkins and the Lindbergs are currently zoned Rural and the Applicants are seeking a map amendment to the Residential/Light Industrial/Commercial District. As explained in this Petition, the Applicants believe that this change is consistent and compatible with the 2004 Jefferson County Comprehensive Plan. This Comprehensive Plan compatibility was further evidenced by the County Commission’s rezoning of the adjacent property (Hunter Family) in February 2014 for the same reasons;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. These changes include the availability of Public Water and Sewer, a significant rezoning directly north of this property approved by the County Commission, the rezoning of the Hunter property adjacent to this property and the additional growth in the area. These changes are addressed in this Petition;
3. The Applicants believe that the Rural Zoning classification is an error in the Jefferson County Zoning Map since the property is located on a Primary Road (Route 9) as defined in the Comprehensive Plan; and,
4. The volume of work completed to date on the proposed Comprehensive Plan shows this area to be located in a primary and preferred growth area in Jefferson County. Although not adopted yet, this area was thoroughly vetted by the Staff, the public and the Comprehensive Plan (Envision 2035) Steering Committee. The reasons for rezoning of these two properties that are cited in this Petition are the same reasons that led to this area to be located in the Proposed Preferred Growth Area.

**Tax District, Map and Parcel Number:**

Middleway Tax District, Map 1, Parcels 1.1 (Lindberg) and 1.2 (Perkins)

**Deed Book Reference:**

Perkins: Deed Book 1087 at Page 687  
 Lindberg: Book 876 Page 200

**Sketch Plat:**

Attached

**Tract Size:**

Perkins: 16.67 Acres (Approximately 12.67 acres in Jefferson County and 4 acres in Berkeley County)  
 Lindberg: 7.0 Acres  
 Total: 23.67 Acres (Approximately 19.67 Acres in Jefferson County)

**Discussion on:**

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

***A. Comprehensive Plan Compatibility***

Two of the most compelling attestations that the requested map amendment is consistent and compatible with the 2004 Comprehensive Plan are that two properties in the immediate neighborhood were rezoned by two different County Commissions since that plan was adopted. The first property is located just to the north and is owned by Brigham and Day Paving Company (F.O. Day). This large parcel was rezoned in 2005 shortly after the 2004 Plan was adopted. This rezoning was deemed to be consistent with the Comprehensive Plan at that time. The second property is located adjacent to the Applicants' property and was just unanimously rezoned by the County Commission in February (2014). Again, the County Commission deemed the rezoning of this property (the Hunter family) to the Residential/Light Industrial/Commercial District consistent with the same Comprehensive Plan. These properties, along with the Hospice property wrap around the current Applicant's property. As a matter of fact, the rezoning of the Applicant's property would essentially fill the last donut hole between Kearneysville and the Berkeley County line on the northeast side of Old Route 9 (Route 115). The subject properties already have access to a newly constructed County Grade access road that was built adjacent to this property.

Many of the same sections of the Comprehensive Plan that supported the Hunter rezoning apply specifically to this property, as well. Therefore, many of the components of this Petition will mirror the previous Petition that was filed. Also included is a copy of the Staff Report for the previous Petition that reiterates portions of the Plan to show consistency with the Plan.

The Comprehensive Plan contains policies, narrative and recommendations that support this map amendment. One of the Policies found on page 8 of the Comprehensive Plan States:

- *'This Plan encourages new development patterns that foster mixed-use neighborhoods so that a sense of community begins at the subdivision level.'*

As was the case with the Hunter rezoning, this property is located in a neighborhood that has long been mixed-use. Baker Heights is the home of the Veteran's Administration Center and the Liberty Business Park. The Liberty Business Park includes the IRS and the Coast Guard. Furthermore, this property is adjacent to 191 acres that the Jefferson County Commission rezoned to Commercial/Industrial in 2005 and the Hunter property this year. Finally, the subject property is in front of the new Hospice of Eastern Panhandle operations and in-house care. This facility is planned to be opened even before the Public Hearing on this application.

Furthermore, the property is literally right down the street from the mixed-use community of Baker Heights and less than a mile from the Kearneysville Village District, which is a mixed-use community, as well.

The requested rezoning would allow the Applicants the flexibility of marketing the property to either residential users to provide needed housing for employees of the nearby VA Center and the Liberty Business Park; or, to business park developers to continue the commercial expansion of the area for other office buildings. From an economic development standpoint, Jefferson County would certainly benefit from allowing commercial or industrial growth in this County, as opposed to Berkeley County. As a matter of fact, approximately four acres of the Applicant's property is located in Berkeley County, so that portion of the property could develop any use. It would make sense to allow similar development on the Jefferson County portion. Since commercial and residential uses are being developed in the area, Jefferson County should start taking advantage of it.

The Residential/Light Industrial/Commercial District designation would allow a mix of commercial and offices uses, while allowing residential units to house the employees or families of VA and Hospice patients. There are several residential dwellings that are on the subject properties. The Lindberg house would make an excellent office building for a use that would be compatible to the existing Hospice operation next to this property.

Another of the policies in the plan states:

- *'This Plan encourages economic development so that residents can live and work in the County.'*

Since there is very little vacant land in Jefferson County that is zoned for commercial/office and mixed-use development, the requested change to the mixed-use zone will allow a mixture of these uses to stimulate economic development on Jefferson County's side of the County line.

In the Plan's Statement of Goals found on page 19, the Plan encourages growth and development in areas where infrastructure and public facilities are available. In this case, the property has access to Berkeley County's Public Water and

Wastewater Treatment Facilities. In addition to Public Water and Sewer, natural gas is located very close to this property. A current primary goal of the Jefferson County Development Authority is to encourage the expansion of the availability of natural gas into Jefferson County. If permitted to develop into a business park or mixed use development, this property could be a key stepping stone for extending natural gas into Jefferson County. The County Commission just committed \$20,000 to the multi-county effort to upgrade and expand natural gas service in this area. The property is also located within minutes of the Short Road interchange onto the new four lane Route 9. These qualities make the property an ideal candidate for a map amendment.

Finally, the Plan's goals also support commercial activities in the County; in addition to the protection of private property rights. In the proposed zoning ordinance in 2008, this area was proposed to be zoned as a business center. That in itself is evidence that the County planners believed that this property was prime land for economic development. This is a unique area of the County. Since the 2004 Comprehensive Plan was adopted, this area has consistently been targeted for growth. This is evidenced by the two rezonings in the neighborhood, the rezoning of the area into a business park in the 2008 Zoning Ordinance and now by the inclusion of this area in the proposed draft preferred growth area in the Envision 2035 Plan.

The 2004 Comprehensive Plan includes several recommendations that support this rezoning request.

#### Comprehensive Plan Recommendations:

##### **Recommendation 3.01 on Page 24:**

“When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes...”

##### Comment:

This Recommendation was well vetted by the Staff in the attached Hunter Staff Report. All of these reasons very much apply to this property which is even closer to Berkeley County.

This property straddles the Berkeley County Line; and, although Berkeley County is not zoned, Jefferson County should not ignore the fact that this area has developed into a growth area. Because of Berkeley County's economic growth in this area, this neighborhood is now served by Public Water and Sewer. Also, this area has direct access to a primary road (old Route 9) and is just a short drive along good roads to two major interchanges on the new four lane Route 9.

There is also a new large Sheetz Store and a new Food Lion that were constructed to serve this neighborhood. These two commercial entities are just over the Berkeley border from the subject property. The County Line shouldn't be the limiting factor for commercial development on Jefferson County's side.

**Recommendation 3.18 on Page 64:**

“The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities in the workforce.”

Comment:

Again, this area has been permitted to develop into residential subdivisions, a business park that contains good federal government jobs and commercial businesses that locate where growth is indicated. Jefferson County is adjacent to this growth and should capitalize on the economic gains that Berkeley County has enjoyed in the same area. This property should work well with the Hospice property that has already developed and the Hunter property that was already zoned for mixed-use.

According to page 71 of the 2004 Comprehensive Plan, there is a very small percentage of land that is zoned for commercial or mixed-use in Jefferson County. This percentage is estimated at approximately 5 percent. It is very difficult to achieve the goal of pursuing new industrial and commercial development if the County doesn't create new commercial and mixed-use zones. Because of the adjacent zoning in Jefferson County and the development in this area of Berkeley County, this property would be an ideal parcel of land to include in the mixed-use zone. Besides the proximity to the adjacent development, it also has access to good infrastructure, including water, sewer and roads. Finally, this property is in between the Hunter Property and Berkeley County. It would only seem logical for this property to be allowed the same type of development that can be built on both sides of it.

Based on the preceding two major recommendations in the 2004 Comprehensive Plan, this map amendment is extremely consistent and compatible with the Plan.

### ***B. Change of Neighborhood***

This area of Jefferson County and the adjacent area on Berkeley County have changed significantly since the Zoning Ordinance was adopted in 1988. Again, these changes will be identical to those that were cited in the Hunter Petition. The following are examples of these changes:

1. The Liberty Business Park was developed on the Berkeley County side of the line and contains the Coast Guard and IRS facilities. This park can be seen from this property.
2. With the development of the Liberty Business Park, Public Water and Sewer were extended into the area.
3. Several residential developments have been built in this area including Quail Ridge Subdivision and Chapel View Subdivision.
4. Quad/Graphics, a very large industrial printing and distribution facility, was built in Baker Heights in the 90s.
5. In 2005, the County Commission rezoned the 191 acre F.O. Day property which is in the same neighborhood. The Day property was zoned Rural and the County Commission approved a map amendment to Commercial/Industrial after finding that it was consistent with the Comprehensive Plan
6. The new expanded Sheetz Store was just built in the neighborhood (less than ¼ mile away). Ironically, this Sheetz was relocated from Jefferson County.
7. A new Food Lion (within eyesight) was built almost adjacent to this property just on the Berkeley side of the line. New grocery store construction is usually indicative of the growth potential of a neighborhood.
8. The Comfort Suites Hotel was built very close to the subject property.
9. Hospice of the Panhandle has built its headquarters and a multi-bed in-house care facility adjacent to this property. This facility was a project that was approved by both Jefferson and Berkeley Counties since it straddles the County line. The project includes over 25,000 square feet of office space and a very large inpatient center. This project has been built.

10. The new Route 9 was completed with direct four lane access to Route 81. This route is approximately one mile from the subject property and has a major interchange that services the area. Old Route 9 (Route 115), still considered a Primary Road by the Comprehensive Plan, services this property and leads into Short Road that has direct access to the new interchange. The property is nearly in between two major interchanges (Shepherdstown Exit and Short Road Exit) to the new four lane Route 9. This makes the property ideal for development.
11. Just this year, the County Commission unanimously approved the same requested mixed-use zoning for the adjacent 100+ acre property owned by the Hunters. The Applicant's property is the only property left between the Hunter property and the County line.

Summarizing the Change of Neighborhood, it is important to note the following:

1. Availability of Public Utilities:

Public Water and Wastewater facilities serve this area. Natural gas service is also available in this area and any growth would help facilitate the expansion of natural gas (a funded priority of both the County Commission and Development Authority) into Jefferson County. One of the major goals of the Comprehensive Plan states that the Plan should:

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

The Applicant's property certainly qualifies under this section of the plan. This property definitely meets that criterion. This is another reason that the previous planners picked this property to be in a commercial business park during the last Zoning effort.

2. Growth in the Corridor:

Since the adoption of the original Zoning Ordinance in 1988, this area has grown considerably. The significant growth includes: Quail Ridge and Chapel View Subdivisions; Hospice Offices and Treatment complex; large Sheetz; Food Lion; Quad/Graphics in Baker Heights and the Liberty Business Park. These types of developments along with the existing growth in the Kearneysville and Baker Heights area illustrate that mixed-use development along old Route 9 is very much consistent with the Comprehensive Plan; especially since most of these came after the Plan was adopted in 2004. The map amendment for the subject property would ideally fit into this neighborhood's mixed use.

### C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics in this area. Old Route 9 was very much enhanced just north of the property in Baker Heights. The road was widened and improved to accommodate the large volume of tractor trailer traffic associated with the industrial growth in the area.

However, the major change in transportation characteristics is the finished Route 9. It is the direct four lane link to Route 81 that Jefferson County had been endorsing for many years. This road has opened up both trade routes and commuter routes in and out of Jefferson County. As mentioned previously, this property has access via good roads (old Route 9 (Route 115)) to both the Short Road and Shepherdstown interchanges onto new Route 9. This property is located in between these interchanges. The new Route 9 and Public Water and Sewer in this area make this property an ideal property for a mixed-use development.

These changes and improvements to the transportation system have taken place since 1988 when the Zoning Ordinance was adopted; and, most of them have taken place since the 2004 Comprehensive Plan was written. Since the Comprehensive Plan is being updated these road improvements are already being taken into consideration in the new plan. All of these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and neighborhood. The new Route 9 is being recognized as a driving force for the new preferred growth areas. Accordingly, these changes should have a positive effect on this Petition for a map amendment. These transportation changes and improvements were also cited in the Hunter Rezoning and were used to determine the consistency of that request with the Comprehensive Plan

### D. Error in the Original Zoning Map

The only real justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. This is the reason that the Comprehensive Plan is so thoroughly discussed in this Petition. However, in some states, an error in the original zoning map is also used as an indicator. Accordingly, this Petition will briefly touch on some of the reasons that this property should have been zoned for development when the original ordinance was adopted.

Listed below are several reasons why this property should have been zoned for development in 1988. These reasons have already been discussed in detail in this Petition. These are some of the reasons that the Day property was rezoned in 2005 and that the Hunter property was rezoned this year in this neighborhood. These reasons alone would support the requested map amendment to the mixed-use classification:

1. The property is located on a Primary Road as defined by the Comprehensive Plan. There are only two roads defined as Primary Roads in Jefferson County (Route 340 and old Route 9 (Route 115));
2. The property has access to public water and public wastewater services;
3. The property is located between two unincorporated mixed-use communities (Baker Heights and Kearneysville).

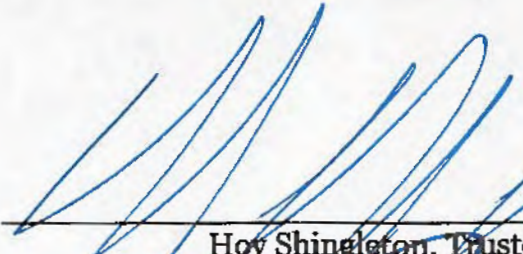
Once you combine these facts with the other compelling factors including: the Liberty Business Park; Residential Subdivisions; the large Sheetz store, the new Food Lion, Hospice of the Panhandle; the two rezonings; and, the new Route 9, it makes this property and ideal candidate for the requested map amendment.


**E. Current Recommendation in the Draft Maps in the Envision 2035 Comprehensive Plan:**

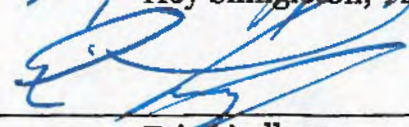
Although not yet adopted, there has been much work completed by the Staff and Steering Committee on the Envision 2035 Comprehensive Plan. This includes many public meetings on land use and preferred growth areas that may be included in the new Comprehensive Plan. This area of Jefferson County has consistently been included as a major preferred growth area in the draft maps to date. Both the Lindberg's and the Perkins' properties have been included in this area in the draft plan. The Steering Committee and the public have also routinely agreed that this area of Jefferson County should be a preferred growth area because of the availability of services and the proximity to the new Route 9.

**F. Conclusion:**

The Perkins Trust, Ms. Perkins and Eric and Stacy Lindberg respectfully request that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Petition cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the 2004 Comprehensive Plan; the 2005 action of the County Commission regarding rezoning the Day property; the very recent rezoning of the adjacent Hunter property; the fact that the property should have been classified as a business or mixed-use district in the original ordinance; the positive changes in the transportation characteristics in the area, especially the construction of Route 9; the changes in the neighborhood from when the original zoning ordinance was adopted (including the development of a business park across the street; the fact that the property and area have been vetted and studied by the Staff and Steering Committee for inclusion into a Preferred Growth Area in the new Draft Plan; and, the fact that the property has access to Public Water and Sewer and other services. This map amendment will change the zoning classification on the Applicant's property from the Rural District to the Residential/Light Industrial/Commercial District.

  
\_\_\_\_\_  
Hoy Shingleton, Trustee

  
\_\_\_\_\_  
Date 2/27/14

X   
\_\_\_\_\_  
Eric Lindberg

\_\_\_\_\_  
Date 3-8-14

X   
\_\_\_\_\_  
Stacy Lindberg

\_\_\_\_\_  
Date 3-8-14

# Lots 1 and 3 Olive Boy Farm

#214-01



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

Map Created on 3/5/2014

	Location of the mouse click		Cross Section Line
	Approximate Study (Zone A)		Base Flood Elevation Line
	Detailed Study (Zone AE, AH, AO)		DFIRM Panel (Map) Index
	Floodway		
	Flood Water Depth (HEC-RAS)		

**User Notes:**

**Disclaimer:**  
 The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. To obtain more detailed information in areas where Base Flood Elevations have been determined, users are encouraged to consult the latest Flood Profile data contained in the official flood insurance study. These studies are available online at [www.msc.fema.gov](http://www.msc.fema.gov).

*WV Flood Tool is supported by FEMA, WV NFIP Office, and WV GIS Technical Center (<http://www.MapWV.gov/flood>)*

**Flood Hazard Area:** Selected site is NOT WITHIN any identified flood hazard area. Unmapped flood hazard areas may be present.

**Advisory Flood Height:** N/A

**Water Depth:** N/A

**Elevation:** About 505 feet

**Location (long, lat):** 77.905910 W, 39.399447 N

**Location (UTM 17N):** (766435, 4365674)

**FEMA Issued Flood Map:** 54037C0020E

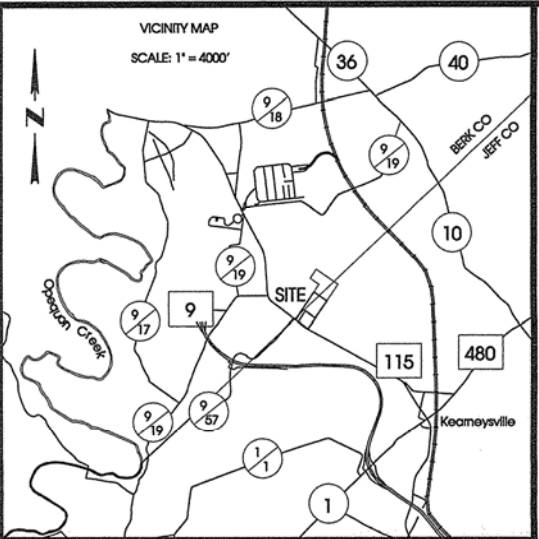
**Contacts:** Jefferson County

**CRS Information:** Click to access CRS information

**Flood Profile:** No Profile

**HEC-RAS Model:** No Model

**Parcel Number:**



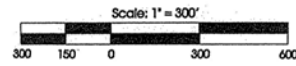
NOTE:  
Contours are approximate USGS, 20-foot interval.



BERKELEY COUNTY  
JEFFERSON COUNTY

MD M2 P 1.1  
Febrey  
D.B. 271 P. 52

MD M2 P 2.5  
Slonaker  
D.B. 990 P. 332



AD M17 P19  
Brigham & Day Paving Co.  
D.B. 441 P. 437

AD M17 P18  
Shingleton, Trustee  
Perkins Trust  
D.B. 480 P. 515

AD M17 P18.1  
Hoplice of the  
Panhandle, Inc.  
D.B. 359 P. 121

AD M17 P9  
Brigham & Day Paving Co.  
D.B. 475 P. 200

MD M1 P13  
Hoplice of the Panhandle, Inc.  
D.B. 1081 P. 140

MD M1 P12  
Shingleton, Trustee  
Perkins Trust  
D.B. 1087 P. 687

Lot 3 (Residue)  
16.619 Ac.

MD M1 P11  
Lindberg  
D.B. 876 P. 200

Lot 1  
7.000 Ac.

MD M2 P 1.3  
Murall Limited Partnership  
D.B. 542 P. 77

MD M1 P2  
Ann H. Hunter, James O. Hunter, Jr.,  
and Ernest M. Hunter  
D.B. 1033 P. 658

WV Route 115  
Charles Town Road

BERKELEY COUNTY  
JEFFERSON COUNTY

MD M1 P3  
Brigham & Day Paving Co.  
D.B. 674 P. 697

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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



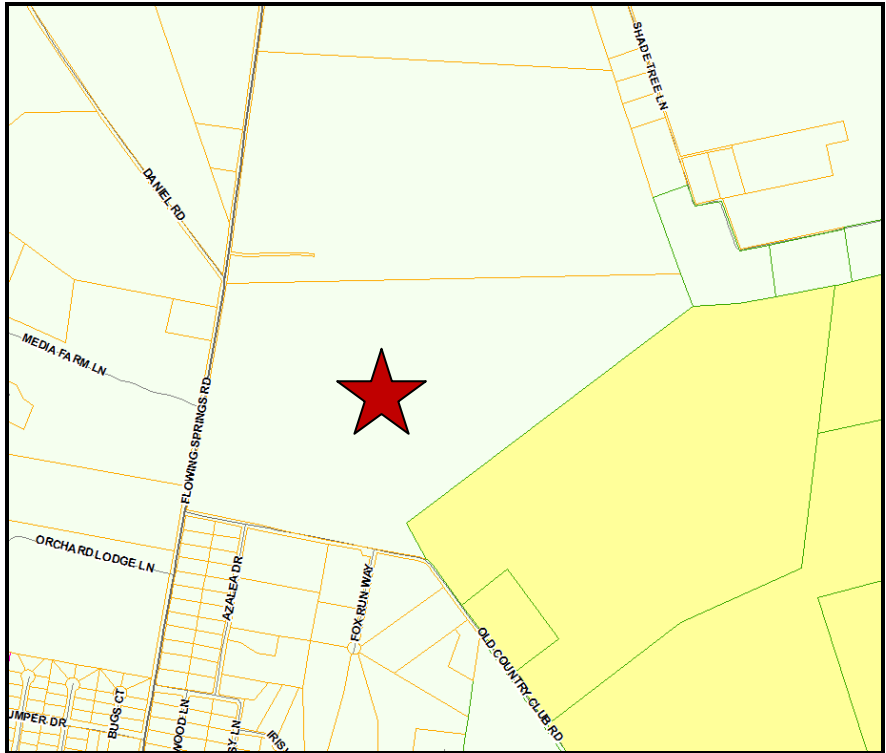
This information is  
Tab #5 in your binder.



Staff Report  
 Jefferson County Planning Commission Meeting  
 June 10, 2014

**Aspen Greens Phase IIA PC File #07-15**

Item #5: PCV14-01: Request by Roderick Planes, LLC, owner/developer for a variance to extend the time to hold a Final Plat public hearing for the next phase of Aspen Greens Phase IIA Subdivision (PC File #08-21). The applicant is requesting a 12 month extension of time from June 10, 2014 to June 10, 2015.

APPLICANT:	Roderick Planes, LLC / Aspen Greens Phase IIA	
OWNER:	Same as above	
DEVELOPER:	Same as above	
SURVEYOR/ENGINEER:	Gates Associated, Inc.	
PROPERTY LOCATION:	The property is located northeast of the intersection of Old Country Club Road and Flowing Springs Road.	
LEGAL DESCRIPTION:	District: Charles Town (02); Map: 4; Parcel: 19	
		
SURROUNDING PROPERTIES:	North: R East: RG	South: R and RG West: R
LOT AREA:	~110 Acres	
APPROVED ACTIVITY:	203 Single Family Lots	

Staff Report  
 Jefferson County Planning Commission Meeting  
 June 10, 2014

<b>APPROVALS:</b>	
Conditional Use Permit	Submitted: 08/08/02 Site Assessment Passed: 10/02/02 1 <sup>st</sup> Neighborhood Compatibility Scheduled: 10/30/02 2 <sup>nd</sup> Neighborhood Compatibility Scheduled: 05/10/06 Public Hearing Scheduled: 06/15/06 PH & BZA Action: Approved CUP Official Issuance Signature: 12/20/07 Expiration Date: 06/20/09 BZA Extended to: 12/20/10 BZA Extended to: 07/01/2012 Approval and Recordation of the Phase 1A Final Plat deems this CUP to be “commenced”
Community Impact Statement	Submitted: 06/15/07 Staff Review Meeting: 07/06/07 County Planner Approval: 02/2008 County Engineer Approval: 01/14/08 PC Approval: 03/25/08 Expires on: 07/06/09 PC Extended to: 12/31/09; 12/20/10; 07/01/2012 Approval and Recordation of the Phase 1A Final Plat deems the CIS to remain valid; provided that the Public Hearing for the next Phase of the project is held on or before 6/12/14 (two years from Phase 1A approval)
Preliminary Plat	04/10/2012
Final Plat	Approved: 06/12/12
Variance History	05/26/09 - PC approved variance to extend the CIS file expiration date from 07/06/09 to 12/31/09. 06/18/09 - BZA approved a CUP extension request from 06/20/09 to 12/20/2010. 08/11/09 – PC approved variance to extend the CIS file expiration date from 12/31/09 to 12/20/10. 11/09/10 – PC approved variance to extend the CIS file expiration date from 12/20/10 to 07/01/12. 11/18/10 – BZA approved an extension of the CUP to 7/01/12.

The Development:

Aspen Greens Subdivision is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. Since this Subdivision began processing before the 2008 Subdivision Regulations were adopted, the Subdivision is being reviewed under the 1979 Subdivision Regulations. The applicant has had the first phase of Aspen Greens Subdivision, known as Phase 1A approved, recorded and bonded for 20 lots and a residue of 93.654 acres. The applicant is currently working with staff toward approval of Phase II of the preliminary plat 26 and then will submit a Final Plat for Phase II.

Staff Report  
Jefferson County Planning Commission Meeting  
June 10, 2014

The Request:

The applicant is requesting a 12 month extension, from June 10, 2014 to June 10, 2015, to advance through the next Final Plat public hearing for this development. Per Section 6.3 of the Jefferson County Subdivision Ordinance of 1979, a Final Plat public hearing shall be processed within 24 months of the previous phase. The applicants last Final Plat approval was at the June 12, 2012 Planning Commission meeting. As such, a Final Plat shall have been approved by the Planning Commission by June 12, 2014.

It should be noted that this project was not impacted by changes in the state law in 2009, often referred to as Senate Bill 595, which provided automatic extensions of time for certain projects because it did not meet the definition of “valid” and “outstanding” as of January 1, 2010. As a result, this project must process a variance in order to be provided with an extension of time. Projects which do qualify for the extension currently have a completion date of June 30, 2015 to complete their next phase.

Variance Requirements:

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Regulations. In order to grant a variance the following four criteria must be met. The comments below are Staff’s comments related to the criteria:

***The request is not contrary to the public interest.***

The request for a variance of 12 months to extend the time limit to submit a Final Plat is not contrary to the public interest. The applicant intends to continue the development as approved by the Planning Commission; no change has occurred to the site which would negatively impact the public interest; however, the full 12 months may not be necessary.

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

A literal enforcement of the ordinance would require the applicant to start the project anew if a Final Plat is not scheduled for a public hearing by June 12, 2014. As outlined in the applicant’s submittal and above, Roderick Planes, LLC has completed the first preliminary plat (Phase 1A) and recorded the Final Plat for Phase 1A. Phase 1A was bonded and is under construction. The applicant submitted the preliminary plat for Phase IIA on January 10, 2014. The second phase preliminary plat has undergone two reviews and staff is currently waiting for resubmittal. If the appellant is denied an extension, the process would have to start over under the new Subdivision Regulations. Beginning the process over would not likely change the layout of the project from the currently approved preliminary plat layout and the Final Plat that has been recorded, but may require reengineering to meet current standards.

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

The request is not a self-imposed hardship. As noted above the applicant continues to make a good faith effort towards approval of a Final Plat for this phase of the development. The applicant’s continued effort in processing approvals shows a vested interest to proceed forward. A project of this size and scope requires significant, work and communication between the applicant and various departments and agencies.

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

Since the variance is only for a time extension and not a variance of the site layout, the spirit of the ordinance will be observed. Staff finds substantial justice would be done in granting a time extension.

Staff Report  
Jefferson County Planning Commission Meeting  
June 10, 2014

Recommendation

Staff recommends granting the variance for eight months instead of the requested 12 months. As noted in the applicant's request and shown by action, the applicant is creating a high quality development and has worked with the Jefferson County Public Service District (JCPSD) to oversize the sewer line in anticipation of future connections. The new sewer line will result in a reduction of the overall maintenance for the JCPSD. As stated above, the applicant and Staff are working toward approval of the preliminary plat, which could be approved by mid-September. The Final Plat could be approved by the end 2014. Without rushing the submittals, the applicant could be to Final Plat approval in 6 months; however, accounting for unseen issues, Staff recommends eight months. The requested 12 month extension seems unwarranted. This variance is for a time extension and not a variance to the site layout. Providing an extension of eight months for the developer would provide for the continuation of this development as approved by the Planning Commission.

**A Motion Recommending Approval of a  
Variance Request for Aspen Greens Subdivision Phase IIA  
File #PCV14-01  
June 10, 2014**

**Whereas**, the following facts relate to the processing of Roderick Planes, LLC application known as Aspen Greens Subdivision (PC File #07-15):

1. Aspen Greens Subdivision is proposing 203 single family lots on 110.71 acres;
2. Phase 1A Final Plat was approved by the Planning Commission on the June 12, 2012.
3. Section 6.3 of the 1979 Jefferson County Subdivision Ordinance requires that a project advance through the stage of a Final Plat Hearing within 24 months of the Pre-application Conference.

**Whereas**, Roderick Planes, LLC has requested a variance to extend the approval of the Final Plat Public Hearing until June 10, 2015 to advance through the Final Plat Hearing; and

**Whereas**, Roderick Planes has provided sufficient information to justify a variance for a Final Plat extension, which is primarily based on upgrading and providing infrastructure improvements that will be less costly for the Jefferson County Public Service District to operate and maintain; and

**Whereas**, Staff does support an eight months extension for the applicant to advance to a Final Plat Hearing and believes that a 12 month extension is not warranted; and

**Whereas**, the following findings of Article 17, Section 17.1 of the 1979 Subdivision Ordinance can be supported based on the information provided:

1. The request is not contrary to the public interest;
2. A literal enforcement of this Ordinance will result in unnecessary hardship;
3. The request is not the result of a self-imposed hardship; and
4. The spirit of this Ordinance will be observed and substantial justice done.

**Now, therefore, be it moved**, that the Jefferson County Planning Commission \_\_\_\_\_ the requested variance for Roderick Planes, LLC (File #PCV14-01), advance through the stage of a Final Plat Hearing on or before February 10, 2015.

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.

Recommended \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2014  
By vote of the Jefferson County Planning Commission  
By a vote of \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_  
Stephen Stolipher  
Planning Commission President



JEFFERSON COUNTY PLANNING COMMISSION

#PCV14-01

VARIANCE REQUEST

I/We request a variance from the provisions of the Jefferson County Subdivision and/or Salvage Yard Ordinance.

Property Owner(s): Roderick Planes, LLC

Address: 5509 Mt. Zion Road; Box 777  
Frederick, Maryland 21705

Phone Number: 1-301-663-6060

Location of Property: Northeasterly of the intersection of Old Country Club Road  
with Flowing Springs Road. See Attached USGS Map.

Lot Size: 0.41 Average; 203 Lots on 110 Acres

Deed Book Reference: Deed Book Number 952, Page Number 565

Tax Map Reference: District 2 - Charles Town Map 4, Parcel 19

Zoning District: Agricultural - (Was Residential on proposed draft)

Section of Ordinance: Subdivision Ordinance; Art. 6; Sect. 6.3

Briefly describe (in your own words) by specific reference to a sketch (in accordance with the following paragraph) of the lot the nature of your variance request.

*This request is for Phase IIA Approval Deadline extension to June 10, 2015, to provide time to overcome the impact of events more clearly laid out in the attached two pages of calendar events that this project has required. There are additional events that have disrupted the normal flow of this project as well, however, the primary points are laid out in the attachment. IIA continues to move along through oversight reviews. WVHHRD Permits in hand and copies submitted. Major utilities have signed WVHD support forms. Final preliminary plans adjusted to all known feedback are now submitted to JCPC, JCPE, and WVDOH. Final Plat and Bonding need submitted for review.*

Sketch on a separate 8-1/2" x 11" sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date the sketch. Please provide a vicinity map of the area.

NOTE: Request is not identifiable on a sketch. Vicinity USGS Map Attached.

RECEIVED

MAY 20 2014

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance; and, variances from the Salvage Yard Ordinance must comply with Article 6 of the Ordinance. To justify your variance request, please address the following items:

1. The request is not contrary to the public interest. It is contrary to the public interest to not allow time for subdivision design consistent with this project's upgrade options as indicated herein, to provide needed quality growth and to allow evaluation of oversight review required for public welfare to be best served.

2. A literal enforcement of this Ordinance will result in unnecessary hardship. Denying this extension request would harm ASPEN GREENS opportunity to optimize better growth infrastructure, often cited as the primary goal of all county planning expenditures and that this body seeks to apply. This project work has already removed previously harmful drainage flooding of roads and requires completion to find any hope of redeeming the costs of numerous county requirements already accomplished.

3. The request is not the result of a self-imposed hardship. This request is the result of actions taken by others. See listed events attached. Not only has the required oversight multiplied by quantity and time of review required, but the ordinance timelines have never been adjusted to include added time to address them. This alone forces developers to avoid good design.

4. The spirit of this Ordinance will be observed and substantial justice done. Derailment of better design due to circumstances beyond the control of the developer are an unintended consequence of this Ordinance. It is precisely in the spirit of orderly ordinance application that this extension is sought. Additionally serving utilities must review and observe proposed impacts to their own best technical interests taking coordination meeting times on several levels. These all require months of input.

Signature of Property Owner

  
Signature of Property Owner  
As agent for Roderick Planes, LLC 

For official use only: Amount of fees paid \_\_\_\_\_

Date of meeting/public hearing \_\_\_\_\_

Official/Administrative body \_\_\_\_\_

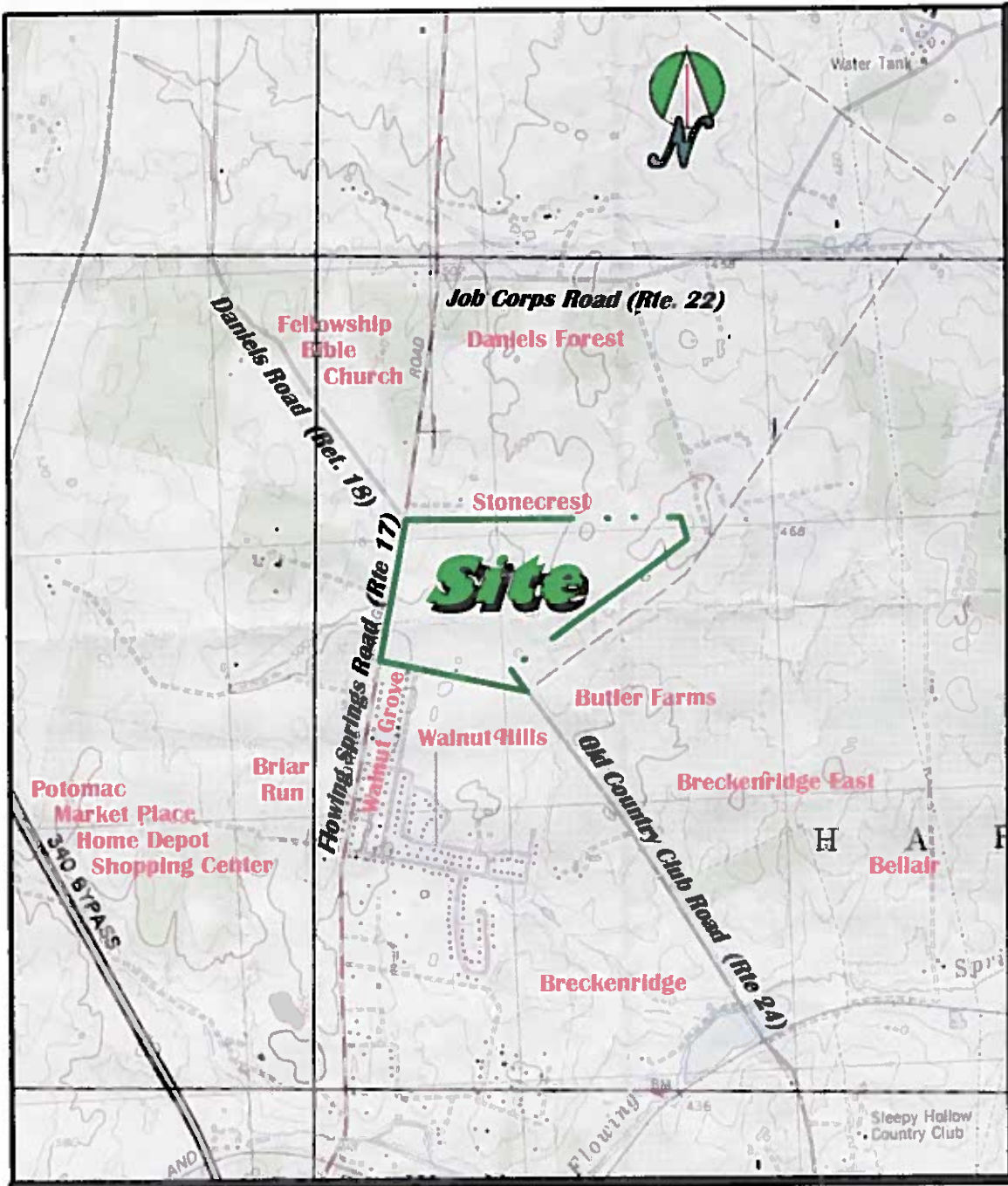
Posting requirements \_\_\_\_\_

Advertising dates \_\_\_\_\_

Official Signature and Seal \_\_\_\_\_

Effective 6/72 Subdivision Ordinance - 8/94 Salvage Yard Ordinance

# ASPEN GREENS Site Location



**USGS Charles Town Quad Map**

Scale 1" = 2000'

*(Roads & Development Names Added)*



**Gates Associated, Inc.**

288 Venice Way (off Rte. 45)

Shepherdstown, West Virginia 25443

*[email: gatesassociated@aol.com phone/fax/voicemail: 1-304-876-6124]*

## EVENTS BEYOND DEVELOPER'S CONTROL REQUIRING BZA RELIEF:

1. COUNTY PHASE APPROVALS REQUIRE SEWER - JCPC and JCPE do not approve preliminary plans for developments that are not able to show the ability to provide existing sewer service. Future planned or proposed sewer alone is not sufficient. (Examples: Daniels Forest, Forest View)
2. PHASE ONE LIMITED SEWER APPROVAL - ASPEN GREENS Phase IA was approved by JCPC on 12 June 2012, depending on an included designed lift station pumping to existing gravity sewer lines with capacity in Walnut Grove. Additional phases would need greater capacity than the pump station as approved with Phase IA.
3. ADDITIONAL NEW PHASES HAD JCPSD PROPOSED TRUNK SEWER - From before 2008 through 2011, JCPSD pursued construction of a 30" cross county trunk line through ASPEN GREENS Phase IA with a waste water treatment plant, which would serve all 203 lots proposed for ASPEN GREENS. During this time the JCPSD planned target time to start construction was in 2012.
4. PROPOSED JCPSD TRUNK SEWER PROJECT HALTED - By 2012, WVPSC declined support and approval of the JCPSD line and WWTP. Subsequent studies over many months by JCPSD Board aimed to identify priority of various service lines. By late 2012 fall it was apparent that future additions of ASPEN GREENS no longer had certain sewer ability by JCPSD.
5. DEVELOPER OFFERS TO BUILD GRAVITY SEWER - ASPEN GREENS developer Roderick Planes LLC approached JCPSD in early 2013 for support to construct the JCPSD gravity lines, which are more cost effective than adding new pump stations. Gravity lines would also remove a proposed plus an existing pump station, thus further reducing Public Utility expenses. Gravity lines would increase JCPSD revenue, generating lines without infrastructure costs. The construction offer included from ASPEN GREENS to existing gravity lines with adequate capacity located near the intersection of Marie and Goldenrod Streets in Walnut Grove, over the same easements obtained by JCPSD. (Exhibit JCPSD Map)
6. SEWER CONSTRUCTION APPROVALS OBTAINED - JCPSD Board, Engineers, and Charleston legal counsel initiated WVPSC approval documents for this possibility, which was approved by late summer as an 8 inch sewer line. All construction design plans initially reflected an 8 inch line.
8. DEVELOPER CREATES PLANS TO ACCOMODATE GRAVITY SEWER - With JCPSD support, Roderick Planes LLC initiated two design projects in March of 2013. First was the redline revision of the approved Phase IA sewer from pump station to gravity lines, including a trunk line crossing ASPEN GREENS of the prior proposed Onsite JCPSD gravity sewer. Once created and reviewed, these plans met JCPSD, WVHD, and WVPSC approval. Second was the design of the Off Site gravity sewer line from ASPEN GREENS to the adequate capacity Walnut Grove gravity lines. This work also achieved the same approvals.

9. JCPSD AMENDS PIPE SIZE - Subsequently the JCPSD Board successfully proceeded to amend the WVPSC initial approval to a 15 inch line (Filing Exhibit), which the developer additionally signed formal agreements to install. Offsite and Onsite sewer size change of drawings followed.

10. GRAVITY SEWER PLANS APPROVED LATE IN 2013 - Final approvals of the gravity lines for ASPEN GREENS came after 23 September 2013. This provided the required existing service needed for an ASPEN GREENS Phase IA. This established for the first time horizontal and vertical sewer placement capable of serving new phasing designs. The project engineer needed time to produce these designs, and time to revise the JCPSD initially proposed trunk line work, allowing for better future of all phasing, access by others, and to confirm the revisions with other necessary oversight engineers.

11. SECOND PHASE ORDINANCE APPROVAL TIME LIMIT - ASPEN GREENS' second phase approval deadline is 10 June 2014 (mtg. date), given relative county ordinances. (Seth Barney email 1/24/2013). Current time limits between phase requirements are from a different era when project considerations were greatly more limited, and time for adjustments for similar required improved design changes were not included nor foreseen. These short timelines are seriously harmful by not allowing for better design considerations that the ordinances strive to encourage, especially given the realities of today's economy, and current time experience of oversight reviews.

12. ONGOING WORK NOW - To date Phase IA, the OnSite gravity lines and the OffSite gravity lines are all actively under construction.

13. SECOND PHASE SUBMITTED THREE MONTHS AFTER SEWER APPROVAL - ASPEN GREENS Phase IA Preliminary Plans entered the review path early in January 2014. To date JCPC, JCPE, JUI and WVDOH initial comments have been received and are inserted. No major design changes to the basic plans have been requested. The submission of Phase IA plans following 2013 gravity sewer plan revision approvals by October remains timely.

14. PRIORITIES OF OTHERS BEYOND DEVELOPER CONTROL - Despite numerous email prompts, phone calls, etc., some departmental reviews are already six weeks and waiting. Additionally, WVHD (finally submitted 28Feb14) will not start their own review without prior review completions by others (7 week time loss). The developer is without control over the priorities of others which cause serious loss of time. It appeared possible that from submission the remaining time would suffice; however, given current timeliness experience, that is not probable.

15. TIMELY REQUEST FOR WORK COMPLETION REQUESTED - This developer desires to alert JCPC to allow for proper consideration of county ordinance goals for all parties participating. Roderick Planes LLC requests a one year time extension to complete project Phase IA in keeping with the spirit of county ordinances designed to allow and encourage better infrastructure growth decisions by all parties participating.



JEFFERSON COUNTY PUBLIC SERVICE DISTRICT  
ASPEN GREENS - ALTERNATE SEWER MAIN LINE EXTENSION AGREEMENT  
EXHIBIT 1

Subj: RE: Aspen Greens Phase 2 Submit by  
 Date: 1/24/2013 12:40:29 P.M. Eastern Standard Time  
 From: [sbarney@jeffersoncountywv.org](mailto:sbarney@jeffersoncountywv.org)  
 To: [GatesAssociated@aol.com](mailto:GatesAssociated@aol.com)  
 CC: [jhartman@jeffersoncountywv.org](mailto:jhartman@jeffersoncountywv.org), [srivard@jeffersoncountywv.org](mailto:srivard@jeffersoncountywv.org)  
 Fred,

June 10, 2013 in by DATE.

As you are aware, the Aspen Greens subdivision is processing under the 1979 Subdivision Ordinance, which was in effect when the original subdivision was submitted.

Section 6.3 of the 1979 Subdivision Ordinance states, "The continued processing of sectional final plats shall be permitted, provided no more than twenty-four (24) months lapse between approvals. Re-processing of the same subdivision proposal shall be required to begin, as a new project, with the Pre-application Conference."

The most recent final plat for Aspen Greens was approved by the Planning Commission on June 12, 2012. Therefore, the deadline for Planning Commission approval for the next phase will be June 12, 2014. However, because the Planning Commission meeting for June 2014 is anticipated to be on Tuesday, June 10, the effective approval deadline for the 2<sup>nd</sup> phase will be Tuesday, June 10, 2014.

Please note, however, that the date shown above is the deadline for *approval* rather than *submittal*. To allow for unforeseen circumstances as well as for review time, Staff recommends submitting the next phase on the final plat up to one year prior to the approval deadline.

Please also be aware that there is a 90-day deadline to bond and record the subdivision, following Planning Commission approval of the final plat.

Please let me know if you need additional information.

Sincerely,

Steve B.

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**From:** GatesAssociated@aol.com [mailto:GatesAssociated@aol.com]  
**Sent:** Thursday, January 10, 2013 5:14 PM  
**To:** sbarney@jeffersoncountywv.org  
**Subject:** Re: Aspen Greens Phase 2 Submit by

Steve,

Any projected dates that apply to ASPEN GREENS *next phase* after currently Approved Phase IA for submission to begin processing or complete processing. As in actual calendar date. Please indicate the dates they start from (worth confirming).

Hope this helps.

*Fred W. Gates, P. S., President*  
 GATES ASSOCIATED, Inc.  
 153 Venice Way  
 Shepherdstown, WV 25443



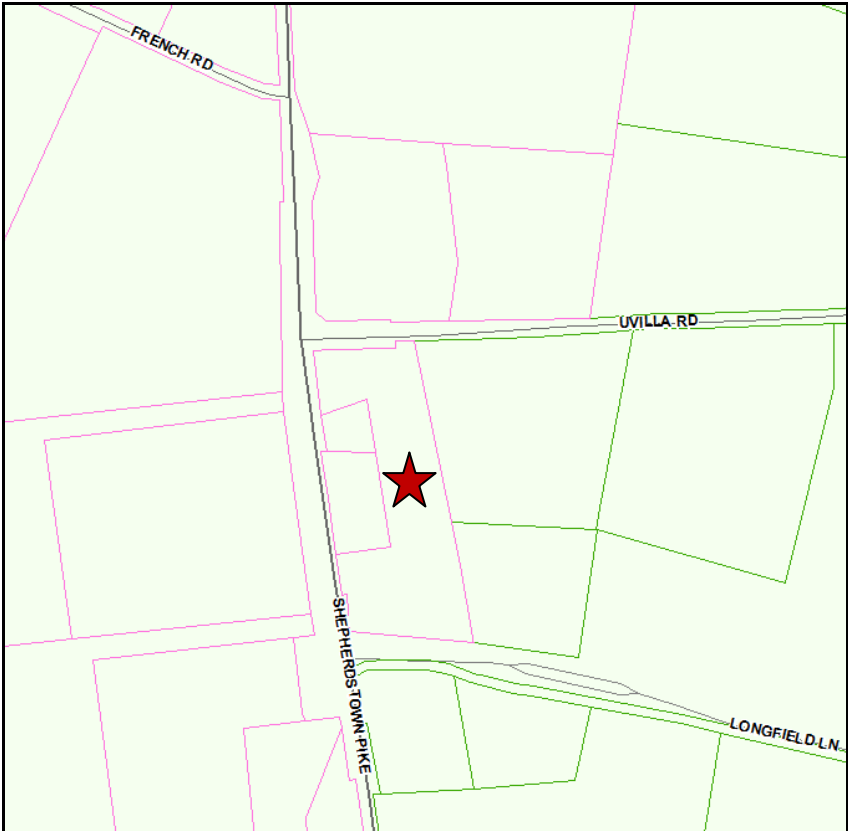
This information is  
Tab #6 in your binder.



# STAFF REPORT

## Jefferson County Planning Commission Meeting June 10, 2014

Item #6 Request by St. James Lutheran Church of Uvilla (File #PCW-14-02 and -03) for waivers from the following sections of the Jefferson County Subdivision and Land Development Regulations: Appendix B, Section 2.3.A.6 regarding concrete apron, Appendix B, Section 2.3.B.3 regarding entrance width, and Appendix B, Section 9.4.E.3 internal site driveways width.

APPLICANT:	St. James Lutheran Church of Uvilla
OWNER :	Same
DEVELOPER:	N/A
SURVEYOR/ENGINEER:	Kimberly J. Shrader, P.E.
PROPERTY LOCATION:	4328 Shepherdstown Pike, Shenandoah Junction, WV 25442
LEGAL DESCRIPTION & ZONING MAP DESIGNATION:	<p>Tax District: Shepherdstown (09); Tax Map: 20; Parcel: 16 Size: 2.36 acres; Zoned: Rural (R)</p> 
SURROUNDING PROPERTIES ZONING MAP DESIGNATION:	<p>North: R                      South: R East: R                        West: R</p>
APPROVED ACTIVITY:	Church
PRE-PROPOSAL CONFERENCE:	April 16, 2014
ZONING VARIANCES:	ZV11-18 – Variance from Section 4.10 (Site Plan Requirements); and Section 5.7(b) for a reduction of the 50’ side setback distance requirement for churches to 5’ to allow for the construction of a 640 square foot addition. (Approved with conditions: 1. Provide a van accessible ADA parking space; and 2. Use of rainbarrels on the new addition to help with stormwater).

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 10, 2014

### Background

St. James Lutheran Church of Uvilla is a small church on Shepherdstown Pike (WV 230) within the Rural zoning district.

The site was determined to qualify to utilize the Rural Site Plan standards detailed in Section 20.203 of the Subdivision and Land Development Regulations. That provision allows for a gravel access drive and gravel parking areas. While the Rural Site Plan standards remove the requirement for pavement, it does not negate the need for properly engineered parking areas and an access drive that provides safety and convenience to those coming to the site.

### The Request

The applicant has three waiver requests before the Planning Commission. The waivers are listed as follows:

1. Concrete entrance apron at the entrance at Uvilla Road (Appendix B, Section 2.3.A.6)
2. Entrance width (Appendix B, Section 2.3.B.3)
3. Internal site driveways width from Uvilla Road to the parking area (Appendix B, Section 9.4.E.3)

The Departments of Planning and Zoning defers to the Engineering Department regarding the waiver requests for the concrete apron and entrance width, but will address the internal site driveway width.

Section 9.4.E.3 of the Subdivision Regulations requires that internal site driveways for non-residential site development be 22 feet to 24 feet. The applicant is requesting to narrow the required width from 22 feet to 18 feet. Currently, there is a gravel access drive from Uvilla Road to the existing parking. The length of this internal site driveway is approximately 235 feet. The existing drive is approximately 9 feet wide.

### Waiver Requirements:

In order to grant a variance the following four criteria must be met. The comments below the criteria are the staff's comments related to the criteria:

***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.***

Allowing a reduced width of the internal site driveways will not result in any maintenance cost for the County, since the access easement is not maintained by the County or the state.

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

While the applicant is requesting to be permitted to not meet the internal site drive standards required by the Subdivision Regulations, the applicant is proposing to nearly double the width of the existing internal site driveway, which should improve the public health, safety or welfare. Since stormwater management will address the increase in the impervious area, the additional impervious area should not adversely affect the rights of adjacent property owner or residents.

## STAFF REPORT

Jefferson County Planning Commission Meeting  
June 10, 2014

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

The intent of the Regulations is to have reasonable access to a non-residential site or lot. While the width of the access will not meet the requirement along the length of the drive, the recommended improvements in this report do meet the intent to provide safe and usable access. The internal drive standards are intended for developments with fairly constant customer traffic. Churches that do not have ancillary uses, such as day care centers or schools, typically do not have a consistent level of traffic every day. The proposed improvements near Uvilla Road will enhanced the existing entrance, which is important for safety.

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

The character of the area would retain a more natural, rural feel, as is intended by the Rural Site Plan standards, if the waiver were granted.

### Staff Recommendation

The Planning and Zoning Staff recommends granting the waiver from the required internal site driveways width from 22 feet to 18 feet. The existing internal driveway width is approximately 9 feet and the applicant is proposing to double the width and provide a better site access than currently exists. Considering that the small size of the church limits the number of parishioners, activities are primarily on Sunday, and the church is not used as a school or day care, the amount of on-site activity is limited and merits a reduction in the required width. Further, any possible increase in stormwater due to the increase in impervious area will be managed by the on-site stormwater management controls.

Staff recommends that a condition be imposed that limits this waiver to the current square footage of structures on the property. If there are any future additions to the church, particularly related to daily access to the site, a review of the internal site driveway width shall be considered at that time and may necessitate the need for an increased width.



**A Motion Recommending Approval of a Waiver for  
St. James Lutheran Church of Uvilla  
File #PCW14-03  
June 10, 2014**

**Whereas**, St. James Lutheran Church of Uvilla is requesting a waiver from the 2008 Jefferson County Subdivision and Land Development Regulations per Appendix B, Section 9.4.E.3 which requires that internal site driveways for non-residential site development be 22 to 24 feet; and

**Whereas**, the applicant is requesting a waiver of width for the internal site driveways from 22 feet wide to 18 feet wide; and

**Whereas**, St. James Lutheran Church of Uvilla is a small church that does not have regular community events, day care or school at the church; and

**Whereas**, the applicant is proposing to double the existing driveway width from approximately 9 feet to 18 feet wide and the waiver of the driveway width will result in a reduction in the impervious area, which results in a decreased amount of stormwater runoff; 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 9.4.E.3 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 St. James Lutheran Church of Uvilla internal site driveway of 18 feet.

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.

Action taken on this 10th day of June 2014  
By vote of the Jefferson County Planning Commission  
By a vote of \_\_\_\_\_ Yes \_\_\_\_\_ No

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Stephen Stolipher  
Planning Commission President



# Engineering Report

**St. James Lutheran Church of Uvilla  
Waiver for Roadway Width and Concrete Apron  
06/09/2013**

**Request:**

St. James Lutheran Church of Uvilla is requesting a waiver from the requirements of the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (2008), Appendix B, Section 2.3.B.3 and 2.3.B.5, Site Development Access to Public Roads.

The applicant is requesting a waiver from the minimum required 24' wide entrance width for 50' length to be reduced to an 18' width

**Section 2.3.B.3:**

Entrance width limits are as follows:

Minimum one-way 13' Maximum one-way 17'

Minimum two-way 24' Maximum two-way 35'

Length of entrance shall be a minimum of 50' long from the existing edge of pavement of the access road before beginning a 1 to 15 taper from the edge of pavement to desired width.

The applicant is requesting a waiver from the concrete apron standard, and to be able to utilize the asphalt pavement standard in section 9.5, Parking Area, Entrance and Internal Driveway Paving.

**Section 2.3.B.5**

Site development access drives to subdivision streets and public roads shall have a concrete entrance apron, as follows:

Full width of the driveway x 25' long x 6" depth with WWF Reinforced 3,000 psi Portland Cement Concrete and 4" of base stone. The apron shall be designed to carry the loads imposed by the anticipated vehicular traffic.

**Section 9.5**

- 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)

Heavier pavement sections may be required by the County Engineer. The consulting engineer shall take into consideration the soil subgrade strength and load bearing capacity and the type of traffic loads anticipated in preparing the concrete or bituminous asphalt pavement section design.

The applicant may want to request a waiver from Section 9.4E Internal Vehicular Circulation & Parking and Section 2.3.B Site Development Access to Public Roads.

#### Section 9.4.E.4

Internal site driveways, (does not include parking area drive aisles) such as those that:

Table 9.4-1

Traffic Flow Internal Site Driveways Width  
Two –Way 22' to 24'  
One-Way 12' to 14'  
Drive-up Window 10'

#### Section 2.3.B

6. Minimum fillet radii at the site development access drive intersection with the Subdivision Street or public highway should be thirty five (35 feet).4

#### **Findings:**

The site does have two locations for parking, one off of Rt 230 in front of the daycare and the other off of Uvilla Road which is behind the church. The applicant has indicated that the parking off of Rt 230 has been in place as they can remember which is before site plan standard and the gravel drive and parking placed behind the church was placed around 2006 after the adoption of site plan standards as of August 1989. This gravel drive is about 10' in width with an estimated 10' fillet radii.

The WV Division of Highways standards for driveway widths are attached. See table 3. According the WVDOH, the applicant has been issued a permit on March 16, 2012 but has let that permit expired. According to the expired permit, the applicant is to place a 20' wide driveway using 6" of Hot Mix Asphalt and 6" of class 1 stone. Also, attached is

the WVDOH table 4 Radius of Curvature which require a minimum 10" to maximum 50'. The permit requires a fillet radius of 10'.

AASTO's "Policy on Geometric Design of Highway and Streets" that the turning path of a passenger car requires a minimum of 14.4' radius turning into a 11.1' travel lane to keep the front overhang of the car going into the adjacent travel lane. See attachment.

**Conclusion:**

The gravel drive and parking area off of Uvilla road that is behind the church is the area of concern. The main issues are as follows:

1. Entrance width
2. Concrete entrance
3. Driveway width
4. Fillet radius

First, the applicant is requesting the entrance width to be reduces from the minimum required 24' to 18'. The WVDOH is requiring 20' entrance width. The engineering department recommends approval of waiver if entrance width is reduced to the required 20' width of the WVDOH permit.

Second, the applicant is requesting the required concrete entrance cross-section is replaced by the asphalt cross-section. Engineering recommend approval to this waiver if the access is limited to light vehicles.

Third, the applicant has not requested to waive the required 22' width driveway of the subdivision regulation. However, engineering recommend, that if the entrance width is reduced, the driveway width should be the same as approved by the WVDOH.

Fourth, again the applicant has not requested a waiver of the required 35' fillet radius of the subdivision regulation. The WVDOH is requiring a minimum of 10' radius. After discussion with Larry Alt of the WVDOH, the 10' minimum radius meets the requirement of the WVDOH. However, he feels the fillet radius should be 35' also. If the applicant wants to use the 10' radius, they will need the approval of the planning commission to do so. Engineering recommend that the 35' fillet radius be required. Therefore, engineering would recommend denial of that waiver.

## 10.5 Radius of Curvature at Junction of Driveway and Roadway Pavement

The following are maximum and minimum requirements for the driveway radius.

Table 4. Radius of Curvature.

RADIUS OF CURVATURE In Feet				
	Rural		Urban	
Driveway Type	Minimum	Maximum	Minimum	Maximum
Residential	5	20	5	15
Commercial / Industrial	10	50 *	10	30

\* Requires special approval from the District Traffic Engineer.

Note: A special design can be developed in accordance with AASHTO design policies if approved by the DOH District Engineer.

## 10.6 Edge Clearance (E)

1. All portions of the driveway shall be within the frontage boundary line unless adjoining property owners agree in writing. See Figures 1 and 2 in Appendix C.
2. The edge clearance shall not be less than the radius of curvature (R) for the junction of the driveway and roadway pavement or shoulder edges.
3. The following are the minimum dimensions for edge clearance.

## 10. CONTROL DIMENSIONS

### 10.1 Driveway Width (W)

1. The width of a one-way driveway shall be measured perpendicular to the centerline of the driveway or entrance. The width of a two-way driveway shall be measured parallel to the roadway.
2. When a center channelizing island is used in a two-way driveway to restrict entries to right turns in and right turns out, it is appropriate to measure driveway width separately and at right angles between the curbing of the channelizing island and the driveway curb return. In this type of design, radii and total width of the driveway at the throat shall be greater than those for a two-way driveway without a channelizing island. This is due to the need for lateral clearances between the faces of the barrier curbs.
3. Dimensions for driveway width are shown in Table 3.

Table 3. Driveway Width.

<b>DRIVEWAY WIDTH (W)</b>					
In Feet					
	<b>One-Way</b>		<b>Two-Way</b>		
<b>Driveway Type</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Desirable</b>	<b>Maximum</b>
<b>Residential</b>	12	20	12	20	25
<b>Commercial</b>	15	25	25	30	50
<b>Industrial</b>	15	25	30	35	50

- Note:**
- (a) The desirable values shown in the above table should be used whenever possible. If variation from these values is required because of site conditions, the width and radii selected should be as close as possible to the desired values.
  - (b) The use of both a small width and a small curb return radius should be avoided. If the width must be reduced, then the curb return radius should be increased and vice versa.

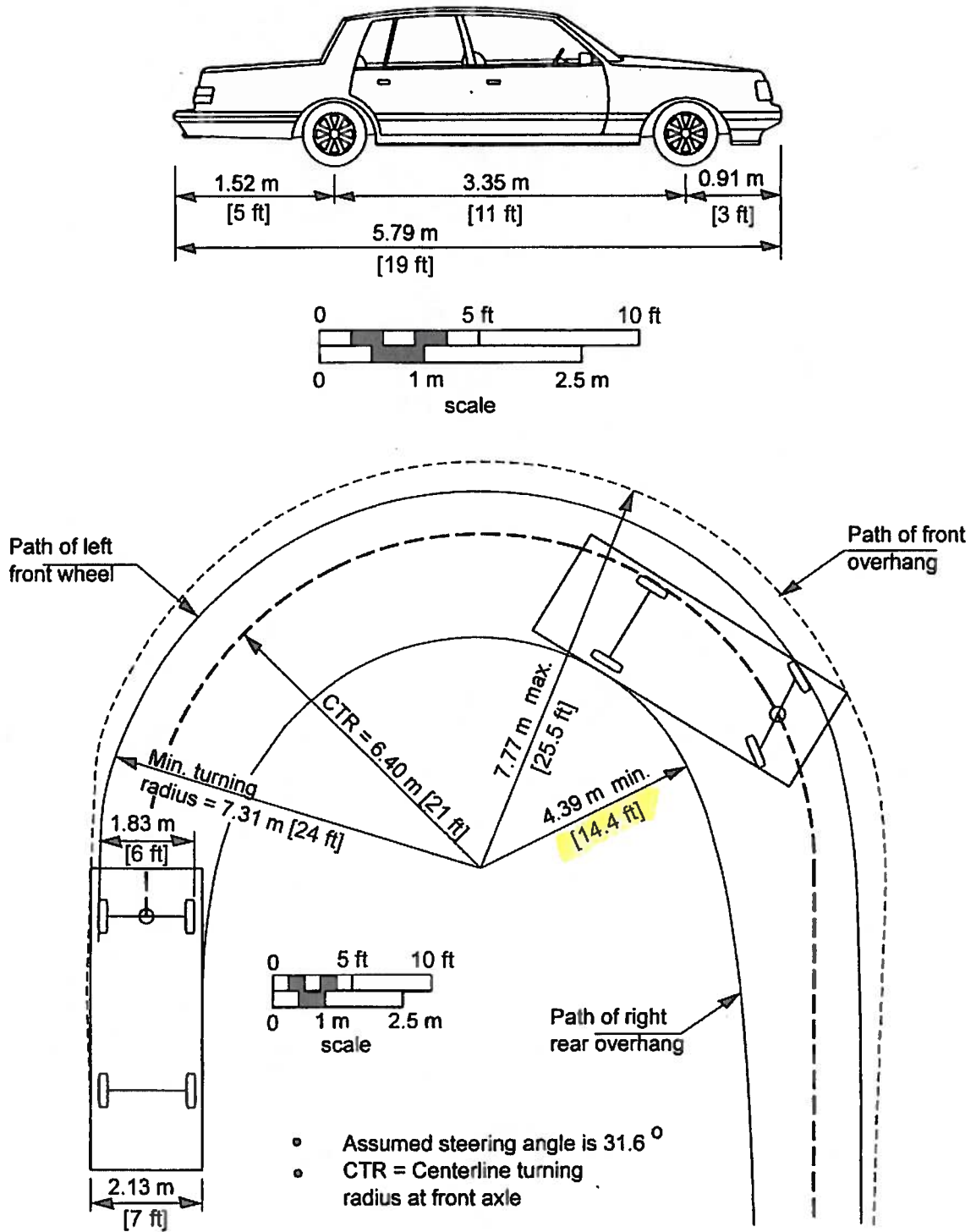


Exhibit 2-3. Minimum Turning Path for Passenger Car (P) Design Vehicle

## Jonathan Saunders

---

**From:** Alt, Larry A <Larry.A.Alt@wv.gov>  
**Sent:** Wednesday, June 04, 2014 12:30 PM  
**To:** jsaunders@jeffersoncountywv.org  
**Cc:** engineering@jeffersoncountywv.org; kshrader@berkeleycountycomm.org  
**Subject:** St James Churh

Mr. Saunders, as discussed yesterday in your office, the permit for the St. James Lutheran Church ( 5-12-0117) off CO 33 has expired. The work relating to the permit was not accomplished within 2 year period given. For the permit to be renewed the church would have to give us plans showing the new work proposed and the construction of the entrance. The highway department would except as a minimum a 20' entrance with 10' radii, paving would include 6" of HMA (4 ½" base and 1 ½" wearing) They would need to show a negative grade away from the roadway for a minimum of 5'. They would need to supply storm water calculations and measures for a 25 year storm. We would also require a 25,000 bond to be posted. I hope this information helps in your review of the proposed project. Thanks Larry Alt

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

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

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



**BEFORE DIGGING OR OTHERWISE DISTURBING  
THE EARTH CALL: 1-800-245-4848 TO NOTIFY  
MANY UNDERGROUND OWNERS\* FREE SERVICE**

PERMIT NO. 5-12-0117

PERMIT TO ENTER UPON, UNDER, OVER OR ACROSS THE STATE ROADS OF THE STATE OF WEST VIRGINIA, AS PROVIDED FOR IN SECTION 6, ARTICLE 16, CHAPTER 17; SECTION 9, ARTICLE 16, CHAPTER 17; SECTION 8, ARTICLE 4, CHAPTER 17, WEST VIRGINIA CODE, 1931, AS AMENDED.

THIS PERMIT, Made this 16 day of March 20 12, between the WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation hereinafter called DIVISION and St. James Lutheran Church

Address: P.O. Box 2008, Shepherdstown, WV 25443 Phone No: (304) 876-6771  
hereinafter called APPLICANT.

**WITNESSETH**

In consideration of the hereinafter set out covenants and in accordance with Section 6, Article 16, Chapter 17; or Section 9, Article 16, Chapter 17; or Section 8, Article 4, Chapter 17, of the Official Code of West Virginia, 1931, as amended, and the rules and regulations promulgated thereunder, APPLICANT does hereby apply to enter

Route Type & No. CR 33 (SLS) DOH Project No. \_\_\_\_\_ (if applicable);  
at South side of CR 33 (SLS), 0.035 mile East of WV 230 (F) Mile Post 0.035

in Jefferson County, for the purposes hereinafter set forth and in accordance with the plans and specifications which are attached hereto and made a part hereof: To construct and maintain 1-20'

commercial entrance with 6" H.M.A. over 6" class 1 stone to serve the St. James Lutheran Church. This work shall be constructed and maintained so that water and debris will not flow or be tracked onto the roadway. Should this parcel

change in use, this permit will be invalid. Applicant shall apply for a new permit to fit altered conditions. N39.36899 W77.79934

APPLICANT further agrees to accept the conditions hereinafter set forth:

1. APPLICANT shall deposit with DIVISION the sum of \$ \_\_\_\_\_ in the form of an official, certified or cashier's check, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the granting of this permit, including any expense incurred in restoring said highway to its original condition or the proper repair of any and all damages that may result within one (1) year from the date of the completion of said work.
2. APPLICANT agrees to reimburse DIVISION for inspection costs as follows:
  - A. For any inspection costs incurred under this permit.
  - B. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of water line installed under this permit
  - C. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of sewer line installed under this permit
3. APPLICANT shall notify DIVISION at least 48 hours in advance of the date the work will begin. Failure to comply will be cause for cancellation of this permit.
4. APPLICANT agrees to protect its employees, equipment and users of the highway at all times in accordance with the current Division of Highways manual "Traffic Control For Street and Highway Construction and Maintenance Operations".
5. APPLICANT agrees to comply with all applicable state and federal laws in the performance of work under this permit.
6. Supplementary conditions cited on the reverse side of this permit are understood and agreed to be a part hereof.
7. The work authorized under this permit shall be completed on or before (Date): March 31, 2014

**APPROVED**

**APR 04 2012**

WV DOT  
District 5

Applicant's signature on this permit affirms that all text herein is a verbatim reproduction of The West Virginia Division of Highways Encroachment Permit Form MM-109, revision date May 19, 2005. All attachments are inclusive to this permit.

RECOMMENDED: [Signature]  
Title Design Engineer

[Signature]  
Signature and Title of Applicant

BOND REQUIREMENT:  
BOND NO. \_\_\_\_\_ DATE \_\_\_\_\_  
Attached  On File

INSPECTION: Owner/Consultant   
Full Time  Part Time   
Periodic  Reimbursable  No Cost

APPROVED: [Signature]  
Title District Engineer/Manager  
West Virginia Division of Highways

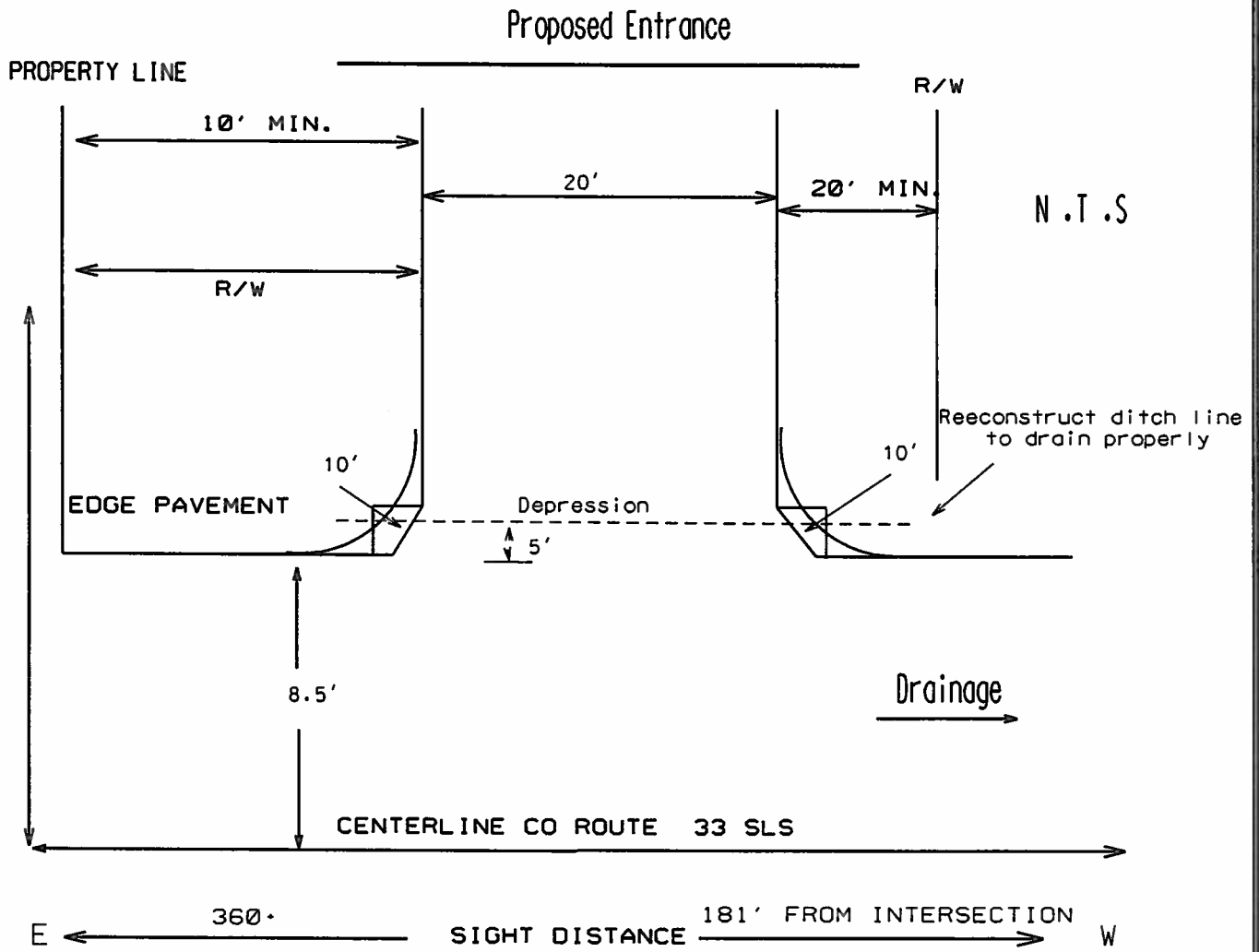
AUTHORIZATION NO: \_\_\_\_\_

PERMIT NO: 5-12-0117

## ADDENDUM

### APPLICANT'S RESPONSIBILITY

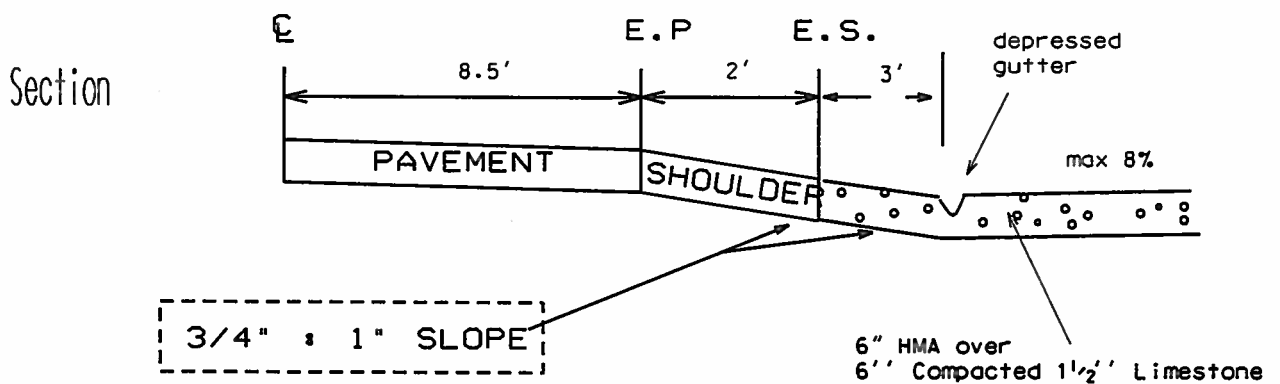
- (1) Construct approach in conformance to permit and attached drawings.
- (2) Be sure that permit is in the possession of individual constructing approach and is followed.
- (3) Notify Division of Highways' County Office immediately upon completion of approach. If approach is not constructed in accordance to "Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way", it will be the applicant's responsibility to correct.
- (4) The applicant shall maintain his approach as follows:
  - (A) If approach includes a culvert, it shall be kept clean as well as inlet and outlet end to the culvert.
  - (B) If approach is on ascending (plus) grade, a depression shall be maintained over pipe to prevent water and debris from flowing into the highway.
  - (C) If approach is constructed with a depressed gutter as specified on permit, it shall be maintained so as not to interfere with the purpose it was made.
  - (D) Maintain the surface of the approach as specified on permit from edge of pavement to the right of way line.
  - (E) Keep brush cut, tall grass cut, and trees trimmed on both sides of the driveway for an unobstructed view of the roadway.
- (5) If this entrance is within a previously approved subdivision with internal access, this permit may be invalid.
- (6) This permit is for highway use only. Applicant is responsible for any permits required from other state and federal agencies. (USACE, DNR, DEP, etc.)
- (7) The West Virginia Department of Transportation, Division of Highways Standard Specifications for Roads and Bridges, as adopted in 2000 and its Supplemental Specifications are to be the governing authority pertaining to materials and methods of construction within Division of Highways right of way. (This is to be used for any widening or major construction within Division of Highways Right of Way.)



NO OBSTRUCTION PERMITTED BETWEEN PAVEMENT EDGE AND R/W LINE

REMARKS:

40 mph Posted Speed Limit



GPS  
N 39.36899  
W 77.79934

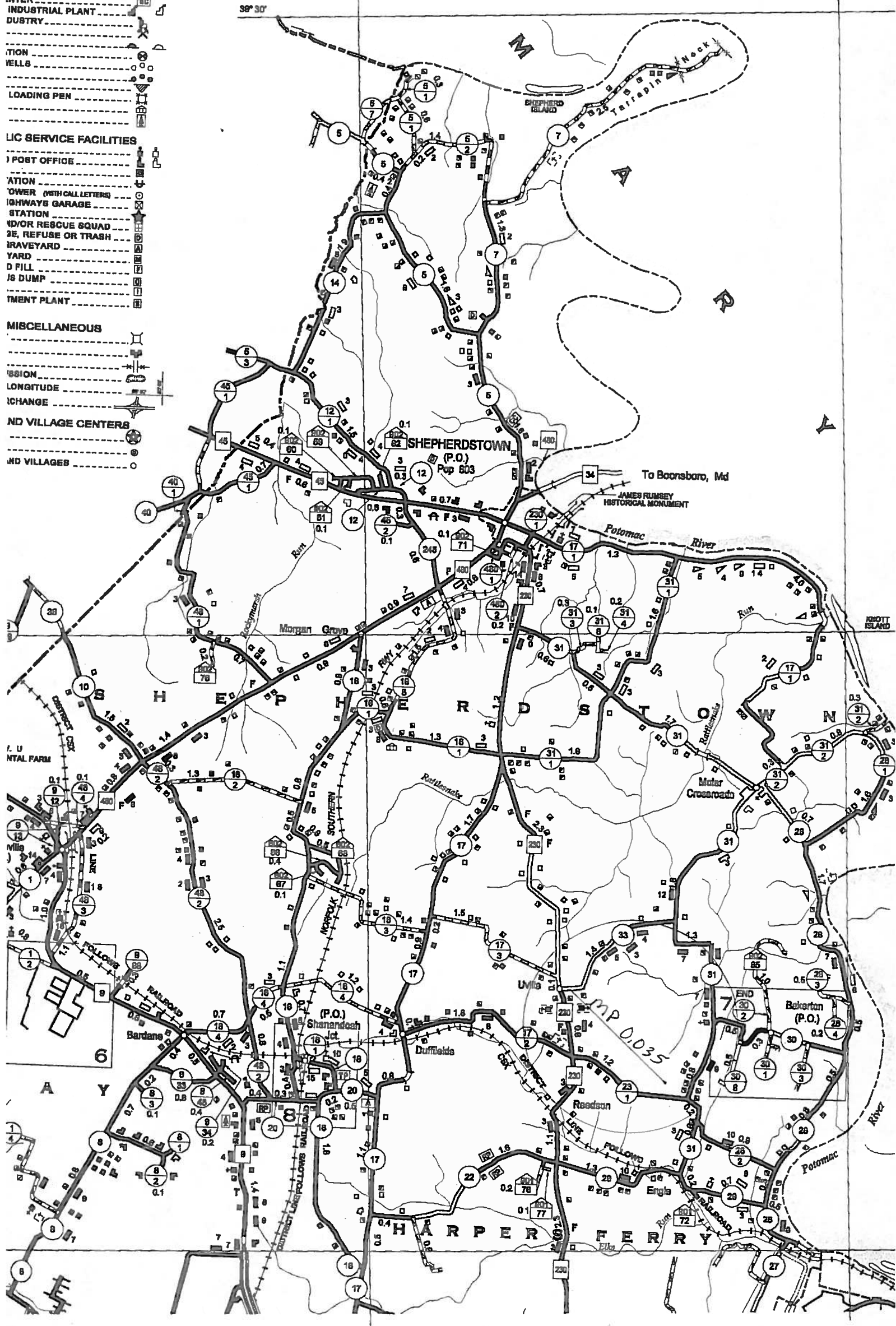
M P 0.035

NAME St James Lutheran Church 304-876-6771  
 ADDRESS: PO Box 2008 Shepherdstown WV 25443  
 LOCATION: South side of CO 33  
0.035 miles east of 230

COUNTY Jefferson  
 ROUTE CO 33 SLS  
 PROJECT \_\_\_\_\_  
 DATE 3/15/12

- ALL BUSINESS
- INTER
- INDUSTRIAL PLANT
- DISTRY
- TION
- WELLS
- LOADING PEN
- PUBLIC SERVICE FACILITIES
- POST OFFICE
- ATION
- TOWER (WITH CALL LETTERS)
- IGHWAYS GARAGE
- STATION
- ND/OR RESCUE SQUAD
- SE, REFUSE OR TRASH
- RAVEYARD
- YARD
- D FILL
- IS DUMP
- TMENT PLANT

- MISCELLANEOUS
- VISION
- LONGITUDE
- CHANGE
- ND VILLAGE CENTERS
- ND VILLAGES



JEFF

DATE APPLIED JAN 13, 2012

COUNTY JEFFERSON

ROUTE # 33 ROAD NAME UNICA ROAD

PHONE # 304-876-6771

NAME ST. JAMES LUTHERAN CHURCH

ADDRESS OF APPLICANT PO Box 2008  
SHEPHERDSTOWN, WV 25443

EXACT PHYSICAL LOCATION RT 33 APPROX. 100' OFF  
RT 230 INTERSECTION

NOTE: HAVE PROPERTY OWNER ALSO STAKE LOCATION OF APPROACHES OUT IN FIELD

TYPE OF APPROACH	WIDTH
PRIVATE _____	_____
COMMERCIAL <u>✓</u> _____	<u>12'</u> _____
SUB-DIVISION _____	_____
HEAVY EQUIPMENT _____	_____

REQUIRED DOCUMENTATION

PRIVATE APPROACH  
2COPIES OF SIGNED PERMIT \_\_\_\_\_

COMMERCIAL APPROACH  
2COPIES OF SIGNED PERMIT  
4COPIES OF APPROACH PLANS INCLUDING PROFILE \_\_\_\_\_

SUB-DIVISION  
2COPIES OF SIGNED PERMIT  
4COPIES OF SUB-DIVISION PLAN SHOWING, ACCESS ROAD  
AND INTERNAL ROAD SYSTEM INCLUDING ROAD PROFILE \_\_\_\_\_

HEAVY EQUIPMENT  
2COPIES OF SIGNED PERMIT \_\_\_\_\_

AC

PERMIT NO. Leave Blank

PERMIT TO ENTER UPON, UNDER, OVER OR ACROSS THE STATE ROADS OF THE STATE OF WEST VIRGINIA, AS PROVIDED FOR IN SECTION 6, ARTICLE 16, CHAPTER 17; SECTION 9, ARTICLE 16, CHAPTER 17; SECTION 8, ARTICLE 4, CHAPTER 17, WEST VIRGINIA CODE, 1931, AS AMENDED.

THIS PERMIT, Made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, between the WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation hereinafter called DIVISION and St James Lutheran Church

Address: PO Box 2008 Shepherdstown WV 25443 Phone No: 304-876-6771 hereinafter called APPLICANT.

WITNESSETH

In consideration of the hereinafter set out covenants and in accordance with Section 6, Article 16, Chapter 17; or Section 9, Article 16, Chapter 17; or Section 8, Article 4, Chapter 17, of the Official Code of West Virginia, 1931, as amended, and the rules and regulations promulgated thereunder; APPLICANT does hereby apply to enter

Route Type & No. Co 33 Southside DOH Project No. \_\_\_\_\_ (if applicable);

at 0.035 miles East of WV 230 Mile Post 0.035

in Jefferson County, for the purposes hereinafter set forth and in accordance with the

plans and specifications which are attached hereto and made a part hereof: Construct and maintain

120' Commercial entrance with 12" HMA over 6" Class 7 Stone to serve church

(add remaining wording)

APPLICANT further agrees to accept the conditions hereinafter set forth:

1. APPLICANT shall deposit with DIVISION the sum of \$ \_\_\_\_\_ in the form of an official, certified or cashier's check, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the granting of this permit, including any expense incurred in restoring said highway to its original condition or the proper repair of any and all damages that may result within one (1) year from the date of the completion of said work.
2. APPLICANT agrees to reimburse DIVISION for inspection costs as follows:
  - A. For any inspection costs incurred under this permit.
  - B. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of water line installed under this permit
  - C. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of sewer line installed under this permit
3. APPLICANT shall notify DIVISION at least 48 hours in advance of the date the work will begin. Failure to comply will be cause for cancellation of this permit.
4. APPLICANT agrees to protect its employees, equipment and users of the highway at all times in accordance with the current Division of Highways manual "Traffic Control For Street and Highway Construction and Maintenance Operations".
5. APPLICANT agrees to comply with all applicable state and federal laws in the performance of work under this permit.
6. Supplementary conditions cited on the reverse side of this permit are understood and agreed to be a part hereof.
7. The work authorized under this permit shall be completed on or before (Date): 2/12

Applicant's signature on this permit affirms that all text herein is a verbatim reproduction of The West Virginia Division of Highways Encroachment Permit Form MM-109, revision date May 19, 2005. All attachments are inclusive to this permit.

RECOMMENDED:

\_\_\_\_\_  
Title \_\_\_\_\_

Signature and Title of Applicant

BOND REQUIREMENT:

APPROVED:

BOND NO. \_\_\_\_\_ DATE \_\_\_\_\_

Attached  On File

INSPECTION: Owner/Consultant

Title \_\_\_\_\_

Full Time  Part Time

West Virginia Division of Highways

Periodic  Reimbursable  No Cost

AUTHORIZATION NO: \_\_\_\_\_

PERMIT NO: \_\_\_\_\_

PERMIT NO. \_\_\_\_\_

PERMIT TO ENTER UPON, UNDER, OVER OR ACROSS THE STATE ROADS OF THE STATE OF WEST VIRGINIA, AS PROVIDED FOR IN SECTION 6, ARTICLE 16, CHAPTER 17; SECTION 9, ARTICLE 16, CHAPTER 17; SECTION 8, ARTICLE 4, CHAPTER 17, WEST VIRGINIA CODE, 1931, AS AMENDED.

THIS PERMIT, Made this 13 day of JAN 20 12, between the WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation hereinafter called DIVISION and ST. JAMES LUTHERAN CHURCH  
Address: 4328 SHEPHERDSTOWN RD (RT 230) Phone No 304-876-6771  
hereinafter called APPLICANT. UVILLA, WV

WITNESSETH

In consideration of the hereinafter set out covenants and in accordance with Section 6, Article 16, Chapter 17; or Section 9, Article 16, Chapter 17; or Section 8, Article 4, Chapter 17, of the Official Code of West Virginia, 1931, as amended, and the rules and regulations promulgated thereunder, APPLICANT does hereby apply to enter

Route Type & No. COUNTY RT 33 DOH Project No. U319-230-4-34 (if applicable);  
at RT 33 APPROX 100' OFF RT 230 INTERSECTION Mile Post N/A  
in JEFFERSON County, for the purposes hereinafter set forth and in accordance with the plans and specifications which are attached hereto and made a part hereof: WV DOT DEPT. OF HIGHWAYS PLANS OF WVRT 230, UVILLA, SHEPHERDSTOWN RD. PROJECT # U319-230-4-34 DWG SHEET #5, #6

APPLICANT further agrees to accept the conditions hereinafter set forth:

1. APPLICANT shall deposit with DIVISION the sum of \$ \_\_\_\_\_ in the form of an official, certified or cashier's check, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the granting of this permit, including any expense incurred in restoring said highway to its original condition or the proper repair of any and all damages that may result within one (1) year from the date of the completion of said work.
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  - C. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of sewer line installed under this permit
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4. APPLICANT agrees to protect its employees, equipment and users of the highway at all times in accordance with the current Division of Highways manual "Traffic Control For Street and Highway Construction and Maintenance Operations".
5. APPLICANT agrees to comply with all applicable state and federal laws in the performance of work under this permit.
6. Supplementary conditions cited on the reverse side of this permit are understood and agreed to be a part hereof.
7. The work authorized under this permit shall be completed on or before (Date): \_\_\_\_\_

Applicant's signature on this permit affirms that all text herein is a verbatim reproduction of The West Virginia Division of Highways Encroachment Permit Form MM-109, revision date May 19, 2005. All attachments are inclusive to this permit.

RECOMMENDED:

EDWIN FITZPATRICK

Title \_\_\_\_\_

Edwin Fitzpatrick ST. JAMES LUTHERAN CHURCH, LRPC CENTER  
Signature and Title of Applicant

BOND REQUIREMENT:

APPROVED: \_\_\_\_\_

BOND NO. \_\_\_\_\_ DATE \_\_\_\_\_

Attached  On File

INSPECTION: Owner/Consultant

Title \_\_\_\_\_

Full Time  Part Time

West Virginia Division of Highways

Periodic  Reimbursable  No Cost

AUTHORIZATION NO: \_\_\_\_\_

PERMIT NO: \_\_\_\_\_

6/3/14  
Larry Alt

St James Lutheran Church

DOT permit is expired

DOT will require minimum 20' entrance  
with 10' radii:

6" HMA      4 1/2" Base  
                  1 1/2" Wearing

Stormwater      25yr Storm

\$ 25,000.00 Bond will be required



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: BC

Sketch Received:

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: St. James Lutheran Church of Uvilla
Mailing Address: Post Office Box 2008
City: Shepherdstown State: WV Zip Code: 25443
Phone Number: 304-867-6771 Email:

Applicant Contact Information

Name: Kimberly J. Shrader, P.E.
Mailing Address: 13633 Dry Run Road
City: Clear Spring State: MD Zip Code: 21722
Phone Number: 240-527-7530 Email: kimberlyshrader@yahoo.com

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

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

Physical Property Details

Physical Address 4328 Shepherdstown Pike
City: Shenandoah Junction State: WV Zip Code: 25442
Tax District: Shepherdstown (9) Map No: 20 Parcel No: 16
Parcel Size: 2.36 Acres Deed Book: 109 Page No: 44

Zoning District (please check one)

Rural (R-A) Residential Growth (R-G) Industrial Commercial (I-C) Residential-Light Industrial-Commercial (R-L-C) Village (V)
[Checked box] [ ] [ ] [ ] [ ]

RECEIVED

MAY 20 2014

**What Section of the Ordinance are you Requesting to Waive?**

Appendix B Division 2.3.B.3 Entrance Widths

**Briefly Describe the Nature of Your Waiver Request:**

Requesting a waiver from the 24' minimum two way entrance width to 18'.

**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.**

The church is located in the rural-agricultural zoning district ;therefore, lessening the entrance width will encourage and support commercial activities while maintaining land use order and compatibility. The reduced width will result in less land disturbance and impervious area. It will promote development that are both economically and environmentally sound.

**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.**

The existing entrance width is 10'. The church has been using the current entrance for over 10 years. The church members are the only users of the entrance. The plan proposes to widen the entrance to 18' which will improve the safety of the entrance. Granting of the waiver will not adversely affect the public safety.

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

The purpose of the subdivision and land development regulations is to promote efficient and attractive development in a manner that reduces offsite impacts. By reducing the requirement of the entrance width from 24' to 18' more green space will be maintained resulting in a more attractive site for the church.

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

By allowing the 18' entrance width, the rural character of the site shall be maintained and will encourage an improved appearance of the property with relationship to the use and development of the land and structures.

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

 5-20-14

Signature of Property Owner

Date

Signature of Property Owner

Date

**To Be Completed By Office**

\_\_\_\_\_ Date of Public Meeting/Public Hearing

\_\_\_\_\_ Date Property to be Posted By

\_\_\_\_\_ Official/Administrative Body

\_\_\_\_\_ Date Adjoiner Letters to be Mailed

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

Approved  Denied



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

PC11014-03

Staff Initials: CJC
Sketch Received: [check]
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: St. James Lutheran Church of Uvilla
Mailing Address: Post Office Box 2008
City: Shepherdstown State: WV Zip Code: 25443
Phone Number: 304-867-6771 Email:

Applicant Contact Information

Name: Kimberly J. Shrader, P.E.
Mailing Address: 13633 Dry Run Road
City: Clear Spring State: MD Zip Code: 21722
Phone Number: 240-527-7530 Email: kimberlyshrader@yahoo.com

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

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

Physical Property Details

Physical Address 4328 Shepherdstown Pike
City: Shenandoah Junction State: WV Zip Code: 25442
Tax District: Shepherdstown (9) Map No: 20 Parcel No: 16
Parcel Size: 2.36 Acres Deed Book: 109 Page No: 44

Zoning District (please check one)

Table with 5 columns: Rural (R-A), Residential Growth (R-G), Industrial Commercial (I-C), Residential-Light Industrial-Commercial (R-L-C), Village (V). Includes checkboxes.

RECEIVED

MAY 20 2014

JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING

**What Section of the Ordinance are you Requesting to Waive?**

Appendix B Division 2.0 Sec.2.3.6

**Briefly Describe the Nature of Your Waiver Request:**

Requesting a waiver from the concrete entrance apron and will provide an entrance meeting the requirements of Division 9.0 Section 9.5.

**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.**

The church is located in the rural-agricultural zoning district ;therefore, allowing for a paved asphalt entrance will encourage and support church activities while maintaining land use order and compatibility. A paved asphalt entrance will promote development that is economically sound.

**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.**

The existing entrance is gravel and has been used for over 10 years. The church members are the only users of the entrance. The plan proposes to pave and widen the entrance to 18' which will improve the safety of the entrance. Granting of the waiver will not adversely affect the public safety.

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

The purpose of the subdivision and land development regulations is to promote efficient and attractive development in a manner that reduces offsite impacts. By allowing a paved asphalt entrance instead of the required concrete apron, the result will be less of an aesthetic impact and a more attractive site for the church.

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

The project proposes no heavy commercial traffic that would warrant the required concrete paved apron specified in Appendix B. The paving section proposed will meet the County Ordinance as required by Appendix B, Section 9.5. If granted the character of the site shall be maintained and will encourage an improved appearance of the property with relationship to the use and development of the land and structures.

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

*Coleen Lusk President 5-2014*

Signature of Property Owner

Date

Signature of Property Owner

Date

**To Be Completed By Office**

\_\_\_\_\_ Date of Public Meeting/Public Hearing

\_\_\_\_\_ Date Property to be Posted By

\_\_\_\_\_ Official/Administrative Body

\_\_\_\_\_ Date Adjoiner Letters to be Mailed

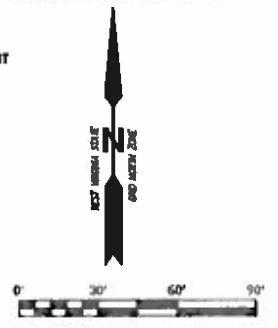
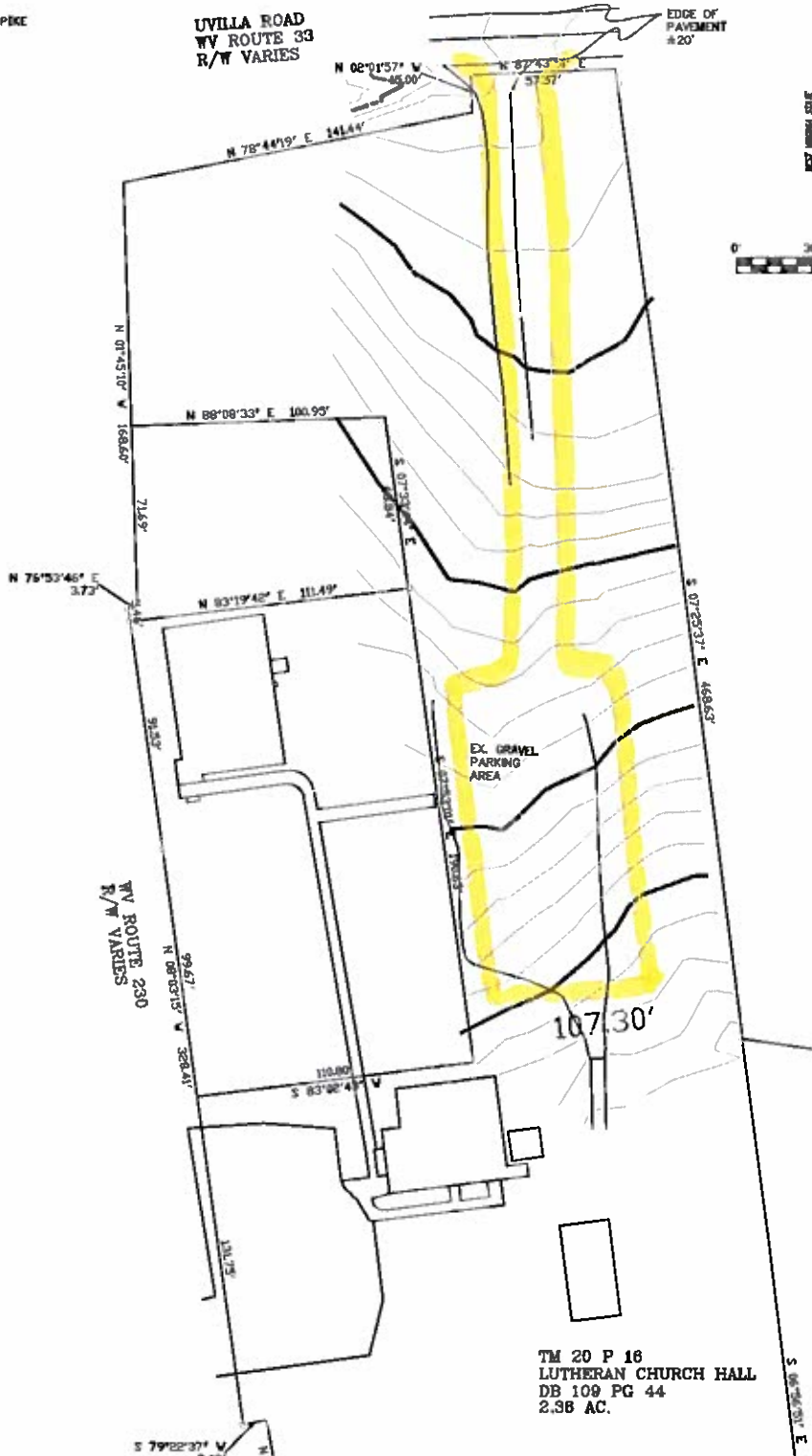
Approved/Denied by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against this \_\_\_\_\_ day of \_\_\_\_\_,

Approved  Denied

SYMBOL KEY:  
 ▲ FOUND RAILROAD SPIKE  
 ○ FOUND #5 REBAR  
 ◆ POWER POLE  
 ⊕ LIGHT  
 ⊕ SIGN

UVILLA ROAD  
 WY ROUTE 33  
 R/W VARIES

EDGE OF PAVEMENT  
 ±20'



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**RECEIVED**  
 MAY 20 2014  
 JEFFERSON COUNTY  
 PLANNING, ZONING AND ENGINEERING

<p>JEFFERSON COUNTY, WEST VIRGINIA</p> <p><input type="checkbox"/> PRELIMINARY PLAN APPROVAL</p> <p><input type="checkbox"/> SITE DEVELOPMENT PLAN APPROVAL</p> <p>BY _____ DATE _____</p> <p>COUNTY ENGINEER</p> <p>BY _____ DATE _____</p> <p>COUNTY PLANNER</p>	<p>I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF WEST VIRGINIA.</p> <p>LICENSE NO. 017258        EXPIRATION DATE - JUNE 30, 2014</p>	<p>SURVEYOR'S CERTIFICATE:        I, EDWARD L. JOHNSON JR., DO HEREBY CERTIFY THAT THE PROPERTY DELINEATED BY THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT REPRESENTS A SURVEY MADE IN THE FIELD WITH A RELATIVE ERROR OF CLOSURE EXCEEDING 1/7,500 AND THAT #5 REBAR WILL BE SET AS SHOWN.</p> <p>EDWARD L. JOHNSON JR.        PROFESSIONAL SURVEYOR #0666        POST OFFICE BOX 1277        CHARLES TOWN, WEST VIRGINIA 25414        304.725.6060</p>	<p>OWNER/DEVELOPER CERTIFICATE        THE OWNER/DEVELOPER, IN SIGNATURE BY ALL CONDITIONS, TERMS AND</p> <p>ST. JAMES LUTHERAN CHURCH        4328 SHEPHERDSTOWN PIKE        SHEPHERDSTOWN JUNCTION, WV 26151        304.671.5278</p>
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*PCW14-02*

**From:** [Kimberly Shrader](#)  
**To:** [Planning Department](#)  
**Subject:** Re: St. James Luther Church of Uvilla Waiver Requests  
**Date:** Thursday, May 29, 2014 9:46:46 AM

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Ms. Beaulieu,

Yes, that is fine.

Thank You,

**Kimberly J. Shrader, P.E.**  
**240-527-7530**

On Wednesday, May 28, 2014 3:43 PM, Planning Department  
<planningdepartment@jeffersoncountywv.org> wrote:

Good afternoon,

I am writing to let you know that after speaking with our Engineering Department, we determined that the Section from which you would need to request the waiver regarding two-way entrance and drive aisle width is Appendix B, Section 9.4.E.3. This determination is based on the sketch submitted with the application.

The application you submitted requests a waiver from Appendix B, Section 2.3.B.3, which only addresses the entrance width. If you are ok with the recommendation change, please confirm via email so we may attach to the file. The request is still scheduled to go before the Planning Commission on June 10.

Thank you,  
Alex

Alexandra Beaulieu  
Project Manager  
304-728-3228

This information is  
Tab #7 in your binder.





# Jefferson County, West Virginia

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

### MEMORANDUM

**TO: Planning Commission and County Commission**  
**FROM: Envision Jefferson 2035 Steering Committee**  
**DATE: June 10, 2014**  
**RE: Envision Jefferson 2035 Plan (2014 Comprehensive Plan) Transmittal Memo**

\*\*\*\*\*

In the fall of 2012, the Jefferson County Commission appointed a 13 (later expanded to 15) member Steering Committee, consisting of three at-large representatives and two representatives from each magisterial district to work with County staff and the public in the creation of the 2014 Comprehensive Plan Update, more commonly known as Envision Jefferson 2035.

Over the last 18 months, the Steering Committee has worked closely with County Staff in the creation of the Envision Jefferson 2035 Comprehensive Plan. There was an extensive public outreach process, consisting of three rounds of public workshops and two separate rounds of open houses held throughout the County. In addition, the public was invited to provide their input related to potential goals, objectives, and plan recommendations via two online surveys and through a survey distributed to county residents attending the 2013 Jefferson County Fair.

Based on this input and working closely with staff, the Steering Committee, through a consensus process that took into account a multitude of viewpoints, created a series of goals, objectives, and recommendations that would help guide planning and development decisions in Jefferson County over the next 20 years. In addition, the Envision Jefferson 2035 planning process resulted in the County's first Future Land Use Map that provides a visual depiction of areas where future development should be focused on over the next two decades. More specifically, the Envision Jefferson 2035 Comprehensive Plan calls for focusing development and community investment within the existing municipalities, villages, and Urban Growth Boundaries, as well as within several identified Preferred Growth Areas. The Plan also identifies a variety of recommendations to improve the County's rural economy, the overall economic development of the County, transportation network, and parks and recreational facilities.

This memo is the transmittal of the Envision Jefferson 2035 Comprehensive Plan to the Planning Commission and the County Commission for your information and review. With this memo, both the Planning Commission and County Commission are receiving the draft as prepared and recommended by the Steering Committee (to be distributed to the Planning Commission on 06/10/14 and to the County Commission on 06/11/14). In accordance with West Virginia State Code Chapter 8A, Article 3, the Planning Commission is required to hold a Public Hearing to allow citizen input (requiring 30 days' notice) and then vote to make a

recommendation to the County Commission regarding the draft Plan. The Planning Commission's recommendation, based on public input received at the Public Hearing, will be forwarded to the County Commission as a red-lined version of this draft.

The Planning Commission intends to forward their recommendation to the County Commission in early September. Per State Code, the County Commission is required to hold a workshop with the Planning Commission to review the recommendations at the first meeting after the Plan is received (tentatively set for 09/25/14). The County Commission is also required to hold a Public Hearing (requiring 15 days' notice) to receive additional public input (tentatively set for 10/23/14). The County Commission is required to take action to either, adopt, reject or amend the Comprehensive Plan within 90 days of receiving the Plan. Rejection or amendment requires referring the Plan back to the Planning Commission with a written statement of the reasons for the action. As the last Plan was adopted in 2004, the goal is to approve this Plan in 2014 to meet the required state law time frame.

We look forward to assisting you in the review and recommendation process, particularly at the workshop that will be held on June 24 to fully brief the Planning Commission on the recommendations of the Plan. Members of the Steering Committee are also available to answer any questions that you may have about the creation of the Envision Jefferson 2035 Comprehensive Plan and any of the recommendations contained within the document. Thank you for allowing us the opportunity to envision a better Jefferson County.

Sincerely,

The Envision Jefferson 2035 Steering Committee

### **Envision Jefferson 2035 Steering Committee Members**

<b>Name</b>	<b>Magisterial District</b>
Suzanne Malesic	Charles Town
Mark Dyck (at-large)	Charles Town
Dave Mills	Charles Town
James Gibson (at-large)	Harpers Ferry
Ellen May	Harpers Ferry
Barbara Humes	Harpers Ferry
Warren Mickey	Kabletown
Peter Fricke	Middleway
Pam Parziale	Middleway
Janis Schiltz (at-large)	Shepherdstown
William McLeod	Shepherdstown
Wade D. Louthan	Kabletown

#### **Non-participating Appointments:**

Russell Roper	Kabletown
Daniel Hayes	Shepherdstown
Kathy Knight	Harpers Ferry

# ENVISION JEFFERSON 2035 RECOMMENDATIONS TIMELINE

Tentative Dates	Tasks	Responsibility
<b>June 2014 – December 2014</b>	<b>Phase 6: 2014 Plan Workshops and Public Hearings by PC and CC and Adoption</b>	<b>PC/CC/ Staff/legal</b>
06/10/14	Draft delivered to PC at their regular meeting – <u>20 minute overview presentation</u> and scheduling request for workshop to be held 06/24/14 with Steering Committee and Public Hearing to be held on 07/22/14 (30 days' notice in local paper required?)	Staff and PC
06/24/14 (special PC mtg)	PC Workshop – walk through of Envision Jefferson 2035 Plan recommendations – Steering Committee may attend to answer PC question and hear discussion	Staff and PC, Steering Committee
07/22/14 (special PC mtg)	PC Public Hearing (open for written comments through 08/01/12)	Staff and PC
08/12/14	PC review of comments received	
08/26/14 (tentative) (special PC mtg)	PC Vote/Recommendation	
09/04/14 or 09/11/14	Recommendation forwarded to CC for scheduling of Workshop and Public Hearing (requires 15 days' notice)	
09/25/14	County Commission Workshop	
10/23/14	County Commission Public Hearing	
11/13/14	County Commission review of public comments received and final input	
<b>12/11/14</b>	<b>CC Vote on 2014 Comprehensive Plan</b>	<b>CC</b>



This information is  
Tab #8 in your binder.





**Jefferson County, West Virginia**  
**Departments of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

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**MEMORANDUM**

**TO: Planning Commission**  
**FROM: Jennifer M. Brockman, AICP,**  
**Director, Planning and Zoning/Acting Zoning Administrator**  
**DATE: June 10, 2014**  
**RE: Mass Event Ordinance Follow Up and Discussion**

\*\*\*\*\*

In 2013, the County received a request for the approval of a “mass event” music festival. As there was no clear process for the approval of such an event, it was processed utilizing a little used Seasonal Use provision in Section 9.8 of the Jefferson County Zoning Ordinance. The Board of Zoning Appeals did approve the proposed music festival in 2013. Due to unrelated issues, this event did not move forward. In 2014, the County Commission requested that the Planning Commission develop a provision for inclusion in the Zoning Ordinance regarding proposed “mass events” to provide a consistent and fair process which protects the community and ensures potential negative impacts are minimized. In March 2014, the Planning Commission requested that various local organizations that currently host large public events be invited to provide input so that the Planning Commission could discuss with them issues that they have identified and how they are addressed for potential inclusion in the ordinance. This workshop was held on May 6, 2014 and specifically invited organizations provided input into such topic areas as applicability, proposed process, concept plan requirements, additional standards, site preparedness, and bonding and liability requirements. Attached is a draft version of the proposed ordinance based on Planning Commission input and direction to staff. The next step is to schedule a Public Hearing at the July Planning Commission meeting to receive public input before the Planning Commission finalizes and edits this draft ordinance and forwards it to the County Commission for their approval.

It should also be noted that the Zoning Ordinance provides that all activities and uses that legally exist before a provision of the Zoning Ordinance is approved which impacts its legality are considered “Nonconforming Uses” and are permitted to continue operation within the parameters of the Ordinance. Further, the Commission may want to include language that states that any event that is considered non-conforming shall be permitted to expand its activities and number of participants.

Additionally, this provision is not intended to apply if the event occurs in a permanent structure with an approved site plan, which was developed for the purpose of hosting such an event; nor does it apply to events proposed on land owned by a local government or the state or federal government.



**PROPOSED AMENDMENTS TO THE ZONING ORDINANCE  
RELATED TO MASS EVENTS (ZTA 14-02)**

**DELETE THE FOLLOWING SECTIONS:**

**Section 2.2 Terms Defined**

~~Seasonal Use — A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.~~

~~**Section 9.8 Seasonal Uses<sup>5,7</sup>**~~

~~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.<sup>17, 21,</sup>~~

**ADD THE FOLLOWING SECTIONS:**

**Section 2.2 Terms Defined**

**Mass Event** Any outdoor gathering of more than 1000 people on any parcel; regardless of the length of time or type of activity. A Mass Event may be permitted to occur in the Rural Zoning District or any commercial zoning district and is prohibited on a property in any residential zoning district.

**Section 8.16 Mass Event Regulations**

A Mass Event is any outdoor gathering of more than 1000 people on any parcel; regardless of the length of time or type of activity. Such event shall be permitted to occur in the Rural Zoning District or any Commercial Zoning District, provided that it processes according to the following requirements:

- A. Approval of all Mass Events shall require the submission of an application and Public Hearing before the Board of Zoning Appeals, in accordance with the following criteria:
  - 1. Each Mass Event must be the subject of separate application and Public Hearing.
  - 2. 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.
  - 3. Each Mass Event application shall require a Public Hearing before the Board of Zoning Appeals at least 180 days in advance of the planned event. The application fee for said hearing shall be based on the projected number of attendees and whether participants may spend the night at the event:
    - a. 1,000 – 2,000 attendees \$200
    - b. 2,000 – 5,000 attendees \$300
    - c. 5,000 – 10,000 attendees \$400
    - d. Over 10,000 attendees \$500
    - e. If participants may spend the night at the event the fees above are doubled
    - f. If alcohol is to be sold for consumption or is allowed to be consumed the fees above are doubled.
    - g. If both “e” and “f” above apply then the rates are quadrupled

4. In addition to the application fee for the Board of Zoning Appeals hearing, any Mass Event must pay an additional Event Fee to offset application, management and public safety impact of the event based on the sliding scale below. Said Event Fee must be paid after approval by the Board of Zoning Appeals, but in advance of the event, and a bond in the amount of ten times the pre-paid Event 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 Event Fee and bond shall be submitted as an additional condition of the issuance of a zoning certificate. The Event Fee for said approved “Mass Event” shall be based on the projected number of attendees, number of days, and whether participants may spend the night at the event:

- a. 1,000 – 2,000 attendees/day                      \$2,000/day
- b. 2,000 – 5,000 attendees/day                     \$5,000/day
- c. 5,000 – 10,000 attendees/day                  \$10,000/day
- d. Over 10,000 attendees/day                     \$20,000/day
- e. If participants may spend the night at the event, the rate noted above is doubled
- f. If alcohol is sold for consumption or allowed to be consumed at the event, the rates per day noted above are doubled.
- g. If both “e” and “f” above apply then the rates are quadrupled.

Note: If the applicant can provide copies of contracts with public safety agencies determined to cover some of the anticipated management and public safety impact costs, the additional Event Fee may be reduced by the amount of the contract.

5. The Public Hearing must comply with notice requirements of the Zoning Ordinance. In addition, the applicant must send written notice and a 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 access route.
6. The following supplemental site preparedness information shall be addressed and shall accompany the application prior to the Board of Zoning Appeals Public Hearing:
  - a. Applicant for Mass Event must consult with local law enforcement, EMS, Fire, 911 agencies, and a licensed garbage removal company and develop a written agreement with said agencies which satisfies their public safety concerns or a letter from each agency stating that the agency’s concerns have been addressed. Such written proof of said agreement shall be submitted with the application for consideration at the Public Hearing required herein and, again, prior to issuance of Zoning Certificate if the hearing is greater than 270 days prior to the event.
  - b. Applicant for the Mass Event must have and submit with the application written approval from the County Health Department for the provision of adequate potable water and proper sanitation facilities for the event. Applicant shall submit written proof of said approval with the application for consideration at the Public Hearing required herein and, again, prior to issuance of Zoning Certificate if the hearing is greater than 270 days prior to the event.
  - c. 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). If the event allows participants to stay overnight or if

alcohol is sold for consumption at the event or if the event permits the consumption of alcohol, the amount of insurance required is \$5,000,000. If the number of attendees exceeds 10,000, the above amounts of required insurance are increased by 25% for each 10,000 attendees increment, or fraction thereof, above 10,000. (i.e. 55,000 attendees would have an insurance requirement increase of 125% base plus 5 10,000 attendee increments)

7. The Board of Zoning Appeals may take into consideration any past Mass Event on the same parcel by the same applicant in considering whether to grant the application and/or additional conditions or restrictions placed upon the event.
  8. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant must also submit a Concept Plan in accordance with the requirements found below, which shall be administratively reviewed and approved.
  9. During the event, any violation of the requirements of this section of the Ordinance and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee equal to the additional Event Fee for every hour in which a violation occurs for each restriction that is violated. In addition, the County may seek other legal and equitable relief.
  10. The applicant and the land owner shall be responsible for any jail-fees or jail costs incurred by Jefferson County for any person arrested at the event for any crime which is alleged to occur at the event. Such costs shall be chargeable against the bond required to be posted herein.
- B. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant shall submit a Concept Plan, in accordance with the Minor Site Plan Process, for administrative review and approval, and in accordance with the requirements found below:
1. The Concept Plan shall be to scale; on a 24"x36" sheet; showing appropriate areas for parking, performance areas, bathrooms, food, concessions, public entrance, separate emergency entrance, garbage collection area, garbage removal service contract, 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.
  2. Staff will review the application and Concept Plan for completeness within 10 days of receipt.
  3. There will be a 30 day period for staff to review of the application and of the Concept Plan once the application is deemed complete. Staff shall approve any application and Concept 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.
  4. A Mass Event shall meet the following site requirements and such requirements will be depicted on the Concept Plan:
    - a. A set back of 500 feet from the property line is required for any performance area;
    - b. A set back of 250 feet from the property line is required for any area in which camping is permitted;

- c. A set back of 250 feet from the property line is required for all dumpsters and trash collection areas;
  - d. A set back of 250 feet from the property line is required for all parking areas; and
  - e. A set back of 250 feet from the property line is required for any alcohol, food, or other sales or concessions.
5. A Mass Event is subject to the following conditions and restrictions and such notes shall be placed on the Concept Plan:
- a. No outdoor amplified performances after 12 a.m. or before 10 a.m. (amplified announcements are permitted).
  - b. No outdoor performance lighting after 12 a.m. or before 10 a.m.
  - c. No sale of Alcohol after 12 a.m. nor before 10 a.m., or as further established by the ABC.
  - d. No Mass Event may last more than three days, provided that participants may arrive on the afternoon prior to the first day of the event and may stay until the morning following the third day, allowing for set up and taking down of the event activities. Only one Mass Event may occur per year on any given parcel or a portion of any given parcel.
  - e. All lighting and all sound shall be aligned so as to minimize impact on nearby residents.
  - f. Mass Event site shall provide ample potable water supply and proper sanitation facilities.
  - g. All trash shall be removed daily.

DRAFT

This information is  
Tab #10 in your  
binder.





# Jefferson County, West Virginia

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

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## Director's Report Planning Commission Meeting June 10, 2014

### 1) Planning Commission Training

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

### 2) Envision Jefferson 2035 Update

- Special Workshop needs to be called for 06/24/14 to review entire draft with Steering Committee Reps (no public comment)
- Public Hearing needs to be scheduled for 07/22/14

### 3) 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 (*Approved 05/01/14; effective 06/01/14*)
- 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 (*Approved 05/15/14*)
- c) Public Hearing for the Corporation of Shepherdstown's proposed Growth Management Boundary under WV Code Section 8-6-4a (*Approved 05/01/14*)

### 4) Upcoming PC meetings

- a) Next meeting date: **June 24, 2014 -- Special Workshop** to review *Envision Jefferson 2035 Draft* (PC members, staff, and Steering Committee members discussion; no public comment)
- b) July 8, 2014 – Regular Meeting
- c) July 22, 2014 – Envision Jefferson 2035 Comprehensive Plan Public Hearing



This information is  
Tab #13 in your  
binder.





**Jefferson County, West Virginia**  
**Departments of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

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

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

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**MEMORANDUM**

**TO: Planning Commission**  
**FROM: Jennifer M. Brockman, AICP,**  
**Director, Planning and Zoning/Acting Zoning Administrator**  
**DATE: June 10, 2014**  
**RE: "SB 595" Vested Development Time Extensions Follow Up and Discussion**

\*\*\*\*\*

This memo has been prepared for the Planning Commission based on discussion by Planning Commission members at the May 6, 2014 Planning Commission meeting regarding the vested development rights of developments that have not yet finished.

In 2010, when the impacts of the economic downturn were impacting developments that had begun to process in communities throughout the state, the State Legislature amended the "Vested Rights" provisions of state law to automatically extend development projects that met certain criteria to July 1, 2012. Those provisions of state law, referred to in this memo as the 2010 SB 595 provisions, read as follows:

§8A-5-12 Vested property right, subsection (f) of the state law provides the following:

(f) Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid until July 1, 2012, or such later date provided for by the terms of the planning commission or county commission's local ordinance or for a longer period as agreed to by the planning commission or county commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period: Provided, That the land development plan or plat has received at least preliminary approval by the planning commission or county commission by March 1, 2010.

§8A-4-2. Contents of subdivision and land development ordinance, subsection (c) provides the following:

(c) All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to this section that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2010, shall be extended until July 1, 2012, or longer as agreed to by the municipality, county commission or planning commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other agreement or zoning action be terminated or ended by a certain date or within a certain number of years.

As a result of this change in state law, the Section 20.105 of the Jefferson County Subdivision and Land Development Regulations were amended to read as follows:

**D. Automatic Extension.** 1. All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to WV Code Section 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2010, shall be extended until July 1, 2012, or longer as agreed to by the municipality, county commission or planning commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other agreement or zoning action be terminated or ended by a certain date or within a certain number of years.

2. Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid until July 1, 2012, or such later date provided for by the terms of the Planning Commission or County Commission's local ordinance or for a longer period as agreed to by the Planning Commission or County Commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period. *Provided, that* the land development plan or plat has received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.

In the spring of 2012, Jefferson County Citizen's for Economic Preservation (JCCEP) requested that the County Commission amend the Vested Rights section of the Subdivision Regulations to allow for the extension of time for any development to which the 2010 SB 595 provisions applied as permitted in §8A-5-12 and §8A-4-2, which provided "or such later date provided for by the terms of the planning commission or county commission's local ordinance." It was determined that this allowed such an extension to occur by ordinance outside of amending the Subdivision Regulations. As a result, the County Commission approved the attached motion on June 21, 2012, further extending vested properties which had been impacted by the 2012 change in state law to July 1, 2015, provided that the developments conform to the newest stormwater regulations.

Most of the projects impacted by this change have multiple steps to accomplish prior to the July 1, 2015 deadline and would need to start making progress in the summer and fall of 2014 in order to meet this required deadline. It has been suggested by the Planning Commission that they may want to recommend to the County Commission that the County Commission consider further extending this time frame via a public hearing process. To that end, a very draft copy of a letter to the County Commission from the Planning Commission is attached for your review and consideration.

Attachments:

- June 21, 2012 Motion to Approve a Policy Related to Vested Property Rights in Jefferson County, WV
- Draft letter from PC to CC re: Vested Property rights

**A Motion to Approve  
A Policy Related to Vested Property Rights in Jefferson County WV**

**June 21, 2012**

**Whereas, The Jefferson County Citizen for Economic Preservation have requested that the County Commission approve a policy or ordinance amendment extending relevant time frames relating to plans and plats vested under the provision of SB 595 in 2010 to July 1, 2015; and**

**Whereas, The Planning Commission discussed this request at their May 15, 2012 meeting and recommended approval to the County Commission; and**

**Whereas, the County Commission reviewed the draft proposal on May 3, 2012 and conducted a public hearing on the draft proposal on May 31, 2012;**

**Now therefore be it moved, that the Jefferson County Commission approves the following policy:**

1. The validity of any subdivision plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2012 until July 1, 2015. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period.
2. The requirements for the vesting of property rights contained in an ordinance enacted pursuant to 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2012 until July 1, 2015. This provision would apply to all special and conditional use permits or any other agreement or zoning action.
3. Any plat or plan affected by this extension shall conform with the Stormwater Requirements of the most current regulations in effect at the time when the plat or plan is submitted for approval.

Recommended by the Jefferson County Commission this 21<sup>st</sup> day of June, 2012

By a vote of \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

*Patsy Hays*

Patsy Hays, President  
Jefferson County Commission

JEFFERSON COUNTY COMMISSION

Jennifer S Hagan  
JEFFERSON County 11:05:27 AM  
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Date Recorded 07/05/2012  
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# Jefferson County, West Virginia

## Departments of Planning and Zoning

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Charles Town, WV 25414

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June 10, 2014

Walt Pellish, President  
Jefferson County Commission  
124 E. Washington Street  
Charles Town, WV 25414

RE: "SB 595" Vested Development Time Extensions Follow Up and Discussion

Dear County Commissioners:

As most of you are aware, in 2010, when the impacts of the economic downturn were impacting developments that had begun to process in communities throughout the state, the State Legislature amended the "Vested Rights" provisions of state law to automatically extend development projects that met certain criteria to July 1, 2012. On June 21, 2012, upon the request of the Jefferson County Citizen's for Economic Preservation (JCCEP) the County Commission, and after receipt of public comment following the public hearing, the County Commission approved a Policy Related to Vested Property Rights in Jefferson County, WV further extending the vested development rights to July 1, 2015.

Most of the projects impacted by these policy changes have multiple steps to accomplish prior to the July 1, 2015 deadline and would need to start making progress in the summer and fall of 2014 in order to meet this required deadline. Because the economy has not yet fully recovered in a manner to make substantial investments prudent at this time, the Planning Commission is recommending that the County Commission consider holding a public hearing to further extend the vested rights dates to assist in this economic recovery.

The proposed language that the Planning Commission recommends be considered is as follows:

1. The validity of any subdivision plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2015 until July 1, [REDACTED]. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period.
2. The requirements for the vesting of property rights contained in an ordinance enacted pursuant to 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2015 until

July 1,       . This provision would apply to all special and conditional use permits or any other agreement or zoning action.

3. Any plat or plan affected by this extension shall conform with the Stormwater Requirements of the most current regulations in effect at the time when the plat or plan is submitted for approval.

By vote of the Jefferson County Planning Commission \_\_\_\_ for and \_\_\_\_ against, June 10, 2014.

Sincerely,

Stephen Stolipher, President  
Jefferson County Planning Commission

DRAFT

This information is  
Tab #14 in your  
binder.



**From:** [Darlene Truman](#)  
**To:** [Alex Beaulieu](#)  
**Subject:** PC resignation  
**Date:** Wednesday, May 14, 2014 8:16:58 PM

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May 14, 2014,

To Whom It May Concern:

I am resigning from the Planning Commission effective immediately.

Thank you for the opportunity to serve.

DarleneTruman